



CITY OF BLACK DIAMOND
August 18, 2016 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

EXECUTIVE SESSION: Executive session as authorized by RCW 42.30.140(4) to discuss collective bargaining

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

- 1) Claim Checks** – August 8, 2016 - No. 43800 through No.43849 and EFTs in the amount of \$122,146.23
- 2) Payroll** – July 31, 2016 – No. 19175 through No. 19193 (voids, 18773, 18795, 18829, 19183, 19188) and EFTs in the amount of \$268,305.28
- 3) Minutes** – Council Meeting of July 21, 2016 and Council Meeting of August 7, 2016

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

NEW BUSINESS:

- 4) AB16-046** – Resolution Regarding Voluntary Traffic Mitigation Agreement with Enumclaw School District

Mr. Boettcher

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORT:

- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

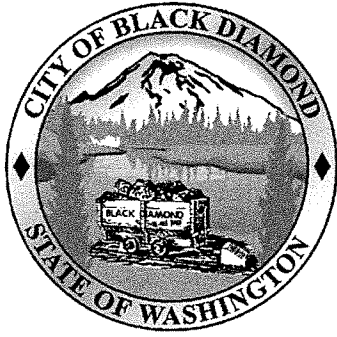
ATTORNEY REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:

Items on the Table

- *DKS Claim Voucher*



CERTIFICATION

Date: August 19, 2016

Check No.'s/EFT	Batch Name	Check/EFT Date	Amount
EFT's, VOID	July EFT 4th Batch	7/15/2016 7/20/2016 7/27/2016	\$ 305.61
EFT's	August EFT 2nd Batch	8/2/2016 8/3/2016 8/20/2016	\$ 4,273.39
43800-43849	August 2nd Batch	8/19/2016	\$ 117,567.23
		TOTAL	\$122,146.23

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER THE PENALTY OF PERJURY, THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED AND OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF BLACK DIAMOND, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

MAY MILLER, FINANCE DIRECTOR / CAROL BENSON, MAYOR

DATE

DATE

COUNCILMEMBERS

DATE



Register

Fiscal: 2016

Deposit Period: 2016 - August, 2016 - July

Check Period: 2016 - August - Pre-Council Aug EFT 2nd Council, 2016 - August - August 2nd Council,

Check	Name	Print Date	Amount
Columbia Bank			
Check			
<u>43800</u>	ADT Security Services (PA)	8/19/2016	\$49.58
<u>43801</u>	AHBL, Inc.	8/19/2016	\$6,700.00
<u>43802</u>	Alliance 2020. Inc	8/19/2016	\$30.00
<u>43803</u>	Alpine Products Inc.	8/19/2016	\$627.00
<u>43804</u>	American Promotional Events	8/19/2016	\$750.00
<u>43805</u>	Beatriz Jordan	8/19/2016	\$279.92
<u>43806</u>	Blumenthal Uniforms & Equipment	8/19/2016	\$148.81
<u>43807</u>	CHS/Cenex	8/19/2016	\$1,658.15
<u>43808</u>	City of Black Diamond	8/19/2016	\$1,355.79
<u>43809</u>	City of Enumclaw	8/19/2016	\$300.00
<u>43810</u>	City of Milton	8/19/2016	\$4,185.11
<u>43811</u>	Comcast (34744)	8/19/2016	\$237.72
<u>43812</u>	Comcast (PA)	8/19/2016	\$395.22
<u>43813</u>	Dept of Ecology	8/19/2016	\$2,722.51
<u>43814</u>	Forrest Wright	8/19/2016	\$12.98
<u>43815</u>	Foster Pepper PLLC	8/19/2016	\$175.00
<u>43816</u>	Granite Telecommunications	8/19/2016	\$44.75
<u>43817</u>	Honey Bucket/Northwest Cascade Inc.	8/19/2016	\$87.00
<u>43818</u>	International Code Council, Inc.	8/19/2016	\$135.00
<u>43819</u>	Johnsons Home & Garden	8/19/2016	\$284.70
<u>43820</u>	Kenyon Disend, PLLC	8/19/2016	\$15,126.54
<u>43821</u>	King Co Radio Comm Services	8/19/2016	\$1,326.01
<u>43822</u>	KING COUNTY FINANCE	8/19/2016	\$44,131.50
<u>43823</u>	King County Prosecuting Attorney	8/19/2016	\$113.33
<u>43824</u>	Meri Jane Bohn	8/19/2016	\$270.70
<u>43825</u>	Modular Space Corp	8/19/2016	\$5,412.63
<u>43826</u>	NetMotion Wireless	8/19/2016	\$841.65
<u>43827</u>	Northstar Chemical Inc.	8/19/2016	\$2,572.08
<u>43828</u>	Northwest Parking Equipment Co.	8/19/2016	\$59.73
<u>43829</u>	O'Brien, Barton, & Hopkins, PLLP	8/19/2016	\$2,500.00
<u>43830</u>	Office Products Nationwide	8/19/2016	\$548.33
<u>43831</u>	Parametrix, Inc.	8/19/2016	\$930.50
<u>43832</u>	Puget Sound Energy	8/19/2016	\$7,583.32
<u>43833</u>	Regional Animal Services of King County	8/19/2016	\$45.00

<u>43834</u>	Republic Services, Inc. #176	8/19/2016	\$667.23
<u>43835</u>	RH2 Engineering Inc.	8/19/2016	\$3,167.34
<u>43836</u>	Scott Hanis	8/19/2016	\$8.15
<u>43837</u>	Secure Pacific Corporation	8/19/2016	\$182.55
<u>43838</u>	Severson's Building Maint	8/19/2016	\$1,550.00
<u>43839</u>	Shred-It USA	8/19/2016	\$44.23
<u>43840</u>	South Correctional Entity	8/19/2016	\$314.00
<u>43841</u>	Utilities Underground	8/19/2016	\$58.52
<u>43842</u>	Valley Communications	8/19/2016	\$574.01
<u>43843</u>	Vision Municipal Solutions, LLC	8/19/2016	\$375.00
<u>43844</u>	Wa State Criminal Justice	8/19/2016	\$95.00
<u>43845</u>	Washington State Patrol	8/19/2016	\$12.00
<u>43846</u>	Washington State Treasurer	8/19/2016	\$8,306.28
<u>43847</u>	Water Management Laboratories, Inc.	8/19/2016	\$50.00
<u>43848</u>	Work-Sports & Outdoors	8/19/2016	\$130.43
<u>43849</u>	Zero Waste USA, Inc.	8/19/2016	\$391.93
<u>EFT Payment</u>	Columbia Bank ACH Debits	7/15/2016	\$910.39
<u>EFT Payment</u>	US Bank Equipment Finance	7/20/2016	\$878.59
<u>EFT Payment</u>	US Bank Equipment Finance	7/21/2016	(\$1,501.37)
<u>EFT Payment</u>	Dept of Licensing-Firearms Online	7/27/2016	\$18.00
<u>EFT Payment</u>	Merchant Card Services	8/1/2016	\$494.55
<u>EFT Payment</u>	First Bankcard	8/12/2016	\$3,031.41
<u>EFT Payment</u>	Dept of Licensing-Firearms Online	8/2/2016	\$57.00
<u>EFT Payment</u>	U.S. Postal Service (Black Diamond)	8/3/2016	\$571.33
<u>EFT Payment</u>	Invoice Cloud	8/8/2016	\$119.10

Total	\$122,146.23
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Voucher Directory

Execution Time: 2 minute(s), 7 second(s)

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Vendor	Message	Reference	Account Number	Description	Amount
			001-000-254-518-20-45-04	Facilities Copier Maint Lease	(\$1,111.01)
			Total EFT Payment 7/21/20161		(\$1,501.37)
			Total Voids EFT 7/20/20161		(\$1,501.37)
			Total US Bank Equipment Finance		(\$622.78)
Grand Total		Vendor Count	3		\$305.61



Voucher Directory

Execution Time: 16 second(s)

Voucher Number	Reference	Account Number	Description	Amount
			410-000-000-531-10-31-00 Office Supplies	\$18.18
			Costco-Office Supplies for PV	
			510-000-200-594-48-64-09 4-Wheel Drive Truck	(\$307.45)
			Wayfair-Return of a Flush Mount Truck Box for PV	
Total 1117 Esping 71916				\$378.73
4013 Metcalf 71916				
July Purchases				
			001-000-120-512-50-42-00 Telephone/DSL	\$14.64
			Accessline Phone Svc-Court Conference Calls	
			001-000-120-512-50-42-00 Telephone/DSL	\$6.97
			Accessline Phone Svc-Court Conference Calls	
Total 4013 Metcalf 71916				\$21.61
4138 Lynch 71916				
July Purchases				
			001-000-210-521-10-31-00 Operating Supplies	\$60.80
			Cellular Connection-Police Cell Phone Charger	
			001-000-210-521-10-48-01 Vehicle Maintenance & Repair	\$21.48
			Safeway-Police-Candy for Boat Parade	
			001-000-215-521-14-31-00 2016 Marine Grt-Supplies	\$6.34
			Auto Zone-Police-Light Bulbs	
Total 4138 Lynch 71916				\$88.62
4360 Martinez, Brenda 71916				
July Purchases				
			001-000-110-511-60-43-00 Lodging, Meals and Mileage	\$90.00
			PayPal-SCA-SCA Networking Dinner-Council Members Deady and Edelman	
			001-000-130-513-10-43-00 Lodging, Meals & Mileage	\$45.00
			PayPal-SCA-SCA Networking Dinner, Mayor Benson	
Total 4360 Martinez, Brenda 71916				\$135.00
5176 Benson 71916				
July Purchases				
			001-000-110-511-60-43-00 Lodging, Meals and Mileage	\$14.14
			The Sisters-AWC Conference-Meal for Council Member Deady	
			001-000-110-511-60-43-00 Lodging, Meals and Mileage	\$24.12
			Scuttlebutt Brewing Co-AWC Conference-Meal for Council Member Deady	
			001-000-110-511-60-43-00 Lodging, Meals and Mileage	\$189.99
			Best Western Cascadia, Everett-Lodging at AWC Conference, Council Member Deady	
			001-000-130-513-10-43-00 Lodging, Meals & Mileage	\$14.14
			The Sisters-AWC Conference-Meal for Mayor Benson	
			001-000-130-513-10-43-00 Lodging, Meals & Mileage	\$24.12
			Scuttlebutt Brewing Co-AWC Conference-Meal for Mayor Benson	
			001-000-130-513-10-43-00 Lodging, Meals & Mileage	\$189.99
			Best Western Cascadia, Everett-Lodging at AWC Conference, Mayor Benson	
			001-000-130-513-10-43-00 Lodging, Meals & Mileage	\$21.88

Voucher	Municipal	Reference	Account Number	Description	Amount
Black Diamond Bakery-Donuts for South County Area Transportation Board Meeting					
Total 5176 Benson	71916				\$478.38
5176 Redd	71916				
	July Purchase				
	001-000-246-558-70-43-00			Lodging, Meals & Mileage	\$14.04
				Chucks Doughnut-MDRT Meeting with Oakpoint	
Total 5176 Redd	71916				\$14.04
7567 McDonald	71916				
	July Purchase				
	001-000-210-521-10-35-00			Firearms Program	\$144.00
				Amazon Marketplace--Police PACT Club Shot Timer	
Total 7567 McDonald	71916				\$144.00
8227 Tapecc	71916				
	July Purchase				
	001-000-210-521-10-31-04			Uniforms	\$264.97
				Kohl's--Police	
	001-000-215-521-14-43-00			Marine Grt-Travel, Meals, Miles	\$115.40
				Ameristay Inn & Suites-Police Marine Training in Moses Lake	
Total 8227 Tapecc	71916				\$380.37
8513 Williamson	71916				
	July Purchases				
	001-000-246-558-70-43-00			Lodging, Meals & Mileage	\$35.00
				Teri Fresh MV-Luncheon Meeting with MDRT Andy W & CD Director Barbara K	
	001-000-246-558-70-48-00			Vehicle Repair & Maintenance	\$1,306.32
				Fugate Ford-Repairs to MDRT Vehicle-Coolant Leak, Replace Condenser	
Total 8513 Williamson	71916				\$1,341.32
9074 McGraw	71916				
	July Purchases				
	001-000-214-521-20-42-03			Police Postage	\$23.25
				USPS-Police Postage	
	001-000-214-521-20-42-03			Police Postage	\$8.09
				USPS-Police Postage	
Total 9074 McGraw	71916				\$31.34
9902 Ross	71916				
	July Purchase				
	001-000-216-521-10-43-00			Lodging, Meals & Mileage	\$18.00
				Goat Hill Garage-Police Parking in Seattle	
Total 9902 Ross	71916				\$18.00
Total EFT Payment 8/12/20161					\$3,031.41
Total First Bankcard					\$3,031.41

Execution Time: 16 second(s)

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Voucher Directory

Invoice Cloud

EFT Payment 8/8/20161
774-2016-7

2016 - August - Pre-Council Aug EFT 2nd Council

July Credit Card Service Fees		
401-000-000-534-80-49-50	Merchant Card Service Fees	\$59.54
407-000-000-535-80-49-50	Water	
	Merchant Card Service Fees	\$29.78
410-000-000-531-10-49-50	Sewer	
	Merchant Card, CC, Lien Fees	\$29.78
	Storm	

Total 774-2016-7

Total EFT Payment 8/8/20161
Total Invoice Cloud

Merchant Card Services

EFT Payment 8/1/20161
073116 MCS

2016 - August - Pre-Council Aug EFT 2nd Council

July Merchant Card Service Fees		
001-000-180-518-90-49-03	Merchant Card Service Fees	\$90.12
	City Hall 633	
001-000-210-521-10-49-04	Merchant Card Service Fees	\$147.21
	Police 375	
001-000-240-558-51-49-05	Merchant Card Service Fees	\$160.08
	Permitting 658	
001-000-270-576-80-49-01	Merchant Card Service Fees	\$97.14
	Parks 758	

Total 073116 MCS

Total EFT Payment 8/1/20161

Total Merchant Card Services
U.S. Postal Service (Black Diamond)

EFT Payment 8/3/20161

2016 - August - Pre-Council Aug EFT 2nd Council

July Utility Bills Bulk Postage		
401-000-000-534-80-42-01	Postage	\$142.83
407-000-000-535-80-42-01	Postage	\$142.83
410-000-000-531-10-42-01	Postage	\$285.67

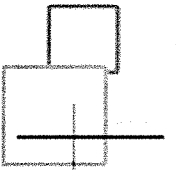
Total 073116 USPS BD

Total EFT Payment 8/3/20161

Total U.S. Postal Service (Black Diamond)
Grand Total

Vendor Count 5

\$571.33
\$571.33
\$571.33
\$4,273.39



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
ADT Security Services (PA)					
	43800	595240576	2016 - August - August 2nd Council		
		August 12-September 11, 2016 Services			
		001-000-248-518-20-49-02	MDRT Bldg Security Costs		\$19.83
		001-000-254-518-20-49-00	Facilities Security		\$29.75
		Total 595240576			\$49.58
Total ADT Security Services (PA)					
AHBL, Inc.	43801	98959	2016 - August - August 2nd Council		
		May and June Services			
		001-000-240-558-51-41-06	Plans Examiner Costs		\$6,500.00
		Total 98959			\$6,500.00
Total 43801					
		May and June Services			
		001-000-246-558-70-41-00	MDRT Planning Prof. Services		\$200.00
		Land Use Planning			
		Total 98960			\$200.00
Total AHBL, Inc.					
Alliance 2020, Inc	43802	549557	2016 - August - August 2nd Council		
		001-000-180-518-90-49-00			
		Miscellaneous			
		New Hire Credit Report			
		Total 549557			\$30.00
Total 43802					
Total Alliance 2020, Inc					\$30.00
Alpine Products Inc.	43803	TM-160179	2016 - August - August 2nd Council		
		July Purchase			
		320-000-002-595-64-63-05	Street Striping		\$627.00

Voucher	Number	Reference	Account Number	Description	Amount
				Capital Facilities Project	
		Total TM-160179			\$627.00
Total Alpine Products Inc.	Total 43803				\$627.00
American Promotional Events	43804			2016 - August - August 2nd Council	\$627.00
		FIR16-0002			
			001-000-240-345-89-99-22	Fire Works Bonds	\$750.00
			FIR16-002 Fire Works Stand Deposit Refund		
		Total FIR16-0002			\$750.00
Total American Promotional Events	Total 43804				\$750.00
Beatriz Jordan	43805			2016 - August - August 2nd Council	\$750.00
		1239			
			June and July Services		
			001-000-120-512-50-41-04	Court Interpreter	\$279.92
		Total 1239			\$279.92
Total Beatriz Jordan	Total 43805				\$279.92
Blumenthal Uniforms & Equipment	43806			2016 - August - August 2nd Council	\$279.92
		5683155			
			July Purchase		
			001-000-210-521-10-31-04	Uniforms	\$71.12
			Police		
		Total 5683155			\$71.12
		5691069			
			July Purchase		
			001-000-210-521-10-31-04	Uniforms	\$77.69
			Police		
		Total 5691069			\$77.69
Total Blumenthal Uniforms & Equipment	Total 43806				\$77.69
CHS/Cenex	43807			2016 - August - August 2nd Council	\$148.81
		073116 CENEX			\$148.81
			July Fuel		
			001-000-180-518-50-32-01	Fuel-Central Services	\$394.01
			001-000-246-558-70-32-00	Fuel	\$168.90
			001-000-270-576-80-32-00	Fuel	\$41.89

Voucher Number	Reference	Account Number	Description	Amount
Total 43807				
Total CHS/Cenex				
City of Black Diamond				
43808				
Total 073116 CENEX				
		001-000-280-536-20-32-00	Fuel	\$21.94
		101-000-000-543-50-32-00	Fuel	\$241.39
		401-000-000-534-80-32-00	Fuel	\$263.34
		407-000-000-535-80-32-00	Fuel	\$263.34
		410-000-000-531-10-32-00	Fuel	\$263.34
				\$1,658.15
				\$1,658.15
				\$1,658.15

072716 COBD				
July Water, Sewer, Storm				
		001-000-212-521-50-47-01	Water	\$63.87
		001-000-212-521-50-47-02	Sewer	\$62.26
		001-000-212-521-50-47-03	Stormwater	\$80.00
		001-000-248-518-20-47-01	MDRT BD Wtr, Swr, Storm	\$48.32
		001-000-254-518-20-47-00	Facilities-Utilities	\$72.47
		001-000-270-575-30-47-01	Museum Water/Sewer/Storm	\$32.00
		001-000-270-575-30-47-01	Museum Water/Sewer/Storm	\$128.75
		001-000-270-575-51-47-01	Gym-Stormwater	\$32.00
		001-000-270-575-51-47-02	Gym-Sewer	\$62.26
		001-000-270-575-51-47-03	Gym-Water	\$46.35
		001-000-270-576-80-47-01	Water	\$3.57
		001-000-270-576-80-47-01	Water	\$35.63
		001-000-270-576-80-47-01	Water	\$35.63
		001-000-270-576-80-47-02	Sewer	\$4.98
		001-000-270-576-80-47-03	Stormwater	\$96.00
		001-000-270-576-80-47-03	Stormwater	\$11.52
		001-000-280-536-20-47-01	Water	\$35.77
		001-000-280-536-20-47-01	Water	\$0.86
		001-000-280-536-20-47-02	Sewer	\$1.25
		001-000-280-536-20-47-02	Stormwater	\$2.88
		001-000-280-536-20-47-03	Water	\$39.74
		001-000-530-522-10-47-01	Sewer	\$62.26
		001-000-530-522-10-47-02	Stormwater	\$40.00
		001-000-530-522-10-47-03	Water	\$6.69
		101-000-000-543-31-47-01	Water	\$35.63
		101-000-000-543-31-47-02	Sewer	\$9.34
		101-000-000-543-31-47-03	Stormwater	\$21.60
		401-000-000-534-80-47-01	Water	\$11.15
		401-000-000-534-80-47-02	Sewer	\$15.57
		401-000-000-534-80-47-03	Stormwater	\$36.00
		407-000-000-535-80-47-01	Water	\$11.15
		407-000-000-535-80-47-02	Sewer	\$15.57

Vendor Number	Reference	Account Number	Description	Amount
Total 43808 Total City of Black Diamond City of Enumclaw 43809	Total 072716 COBD	407-000-000-535-80-47-03	Stormwater	\$36.00
		407-000-000-535-80-47-03	Stormwater	\$96.00
		410-000-000-531-10-47-01	Water	\$11.15
		410-000-000-531-10-47-02	Sewer	\$15.57
		410-000-000-531-10-47-03	Stormwater	\$36.00
				\$1,355.79
				\$1,355.79
				\$1,355.79
Total 43809 Total City of Enumclaw City of Milton 43810	Total 047869	2016 - August - August 2nd Council		
		June Jail Services		
		001-000-211-523-60-49-00	Jail Costs	\$300.00
		5 Jail Beds @ \$60.00 Per Day		
				\$300.00
				\$300.00
				\$300.00
Total 43810 Total City of Milton Comcast (34744) 43811	Total 909	2016 - August - August 2nd Council		
		July Services		
		001-000-145-518-80-41-01	Inf. Tec. Svs. - Milton	\$2,301.82
		001-000-248-518-20-49-12	Technology Costs	\$544.06
		101-000-000-543-30-49-12	Technology-Sys, Sec. Email, SW, Etc	\$83.70
		401-000-000-534-80-49-12	Tech-Sys, Sec. Email, SW, Etc	\$418.51
		407-000-000-535-80-49-12	Tech-Sys, Sec. Email, SW, etc.	\$418.51
		410-000-000-531-10-49-12	Tech-Sys, Sec. Email, SW, Etc.	\$418.51
				\$4,185.11
				\$4,185.11
				\$4,185.11
				\$4,185.11
				\$4,185.11
				\$4,185.11
				\$4,185.11
Total 43811 Total City of Milton Comcast (34744) 43811	Total 71816 COMCAST	2016 - August - August 2nd Council		
		July 17 to August 16, 2016		
		001-000-214-521-20-42-00	Police Telephone/DSL/Air Cards	\$6.58
		001-000-248-518-20-42-00	Police Cable TV Act 8498 34 014 0106172	\$92.46
		MDRT Internet Act 8498 34 014 0125628	MDRT Telephone, Fax, Internet costs	\$138.68
		001-000-254-518-20-42-00	Facilities-Communication	
		City Hall Internet Act 8498 34 014 0125628		
				\$237.72
				\$237.72
				\$237.72

Voucher Number	Reference	Account Number	Description	Amount
Comcast (PA)				
43812	44701989		2016 - August - August 2nd Council	
		August Services		
		001-000-248-518-20-42-00	MDRT Telephone, Fax, Internet costs	\$55.33
		001-000-254-518-20-42-00	Facilities-Communication	\$237.13
		101-000-000-542-90-42-01	Telephone/DSL/Radios	\$25.69
		401-000-000-534-80-42-00	Telephone/DSL/Radios	\$25.69
		407-000-000-535-80-42-00	Telephone/DSL/Radios	\$25.69
		410-000-000-531-10-42-00	Telephone/DSL/Radios	\$25.69
Total 44701989				\$395.22
Total Comcast (PA)				\$395.22
Dept of Ecology				\$395.22
43813	2017-WAR045505		2016 - August - August 2nd Council	
		Annual Fee		
		410-000-000-531-10-41-04	Dept of Ecology - Stormwater Permit	\$2,722.51
Total 2017-WAR045505				\$2,722.51
Total Dept of Ecology				\$2,722.51
Forrest Wright				\$2,722.51
43814	072916 FW		2016 - August - August 2nd Council	
		Homesale-Utility Overpayment Refund		
		410-000-000-343-83-00-00	Stormwater Charges	\$12.98
Total 072916 FW				\$12.98
Total Forrest Wright				\$12.98
Foster Pepper PLLC				\$12.98
43815	080516 FP		2016 - August - August 2nd Council	
		001-000-213-521-10-49-00	Civil Service Training	\$175.00
		2016 Civil Service Conference		\$175.00
Total 080516 FP				\$175.00
Total Foster Pepper PLLC				\$175.00
Granite Telecommunications				\$175.00
43816	369369814		2016 - August - August 2nd Council	
		July Services		
		001-000-248-518-20-42-00	MDRT Telephone, Fax, Internet costs	\$11.18

Voucher	Amount	Reference	Account Number	Description	Amount
			001-000-254-518-20-42-00	Facilities-Communication	\$33.57
Total 43816	Total 369369814				\$44.75
Total Granite Telecommunications					\$44.75
Honey Bucket/Northwest Cascade Inc.					\$44.75
43817	145291		2016 - August - August 2nd Council		
			July 7 to August 3, 2016 Services		\$87.00
			001-000-270-576-80-31-00	Portable Restroom Facility	
			Parks-Boat Launch Rental		\$87.00
Total 43817	Total 145291				\$87.00
Total Honey Bucket/Northwest Cascade Inc.					\$87.00
International Code Council, Inc.					\$87.00
43818	3101450		2016 - August - August 2nd Council		
			Annual ICC Membership Dues		\$135.00
			001-000-240-558-60-49-02	Membership	
			Community Development Department		\$135.00
Total 43818	Total 3101450				\$135.00
Total International Code Council, Inc.					\$135.00
Johnson's Home & Garden					\$135.00
43819	407331		2016 - August - August 2nd Council		
			July Purchase		\$68.30
			001-000-270-576-80-48-02	Parks Maintenance Repairs	
			Parks-Painters Tape, Rollers		\$68.30
Total 407331	Total 407348				\$68.30
Total 407331					\$68.30
July Purchase					
			001-000-270-576-80-48-02	Parks Maintenance Repairs	\$85.84
			Parks-Deck Stain, Painters Tape, Mini Rollers		\$85.84
Total 407348	Total 407402				\$85.84
Total 407348					\$85.84
August Purchase					
			001-000-270-576-80-31-03	Operating Supplies	\$88.38
			Parks-Painters Tape, Masking Tape, Blu Chalk, Drive Socket		\$88.38
Total 407402	Total 407402				\$88.38
Total 407402					\$88.38

Voucher	Amount	Reference	Account Number	Description	Amount
		407420			
			August Purchase		
			001-000-270-576-80-48-02	Parks Maintenance Repairs	\$42.18
			Deck Stain		
Total 43819		Total 407420			\$42.18
Total Johnsons Home & Garden					\$284.70
Kenyon Disend, PLLC					\$284.70
43820					
		184376			
			2016 - August - August 2nd Council		
			July Services		
			001-000-150-515-30-41-01	Legal Services-General Govt	\$5,510.97
			001-000-150-515-30-41-17	Legal Costs-Public Disclosure	\$1,692.00
			001-000-240-558-51-41-07	Enunclaw School Prj-Leg. Adv, Staff Costs	\$1,188.00
			101-000-000-543-30-41-05	Legal Costs	\$1,224.65
			401-000-000-534-80-41-04	Legal Svcs	\$1,836.96
			407-000-000-535-80-41-09	Legal Costs	\$1,836.98
			410-000-000-531-10-41-01	Legal Costs	\$1,836.98
Total 43820		Total 184376			\$15,126.54
Total Kenyon Disend, PLLC					\$15,126.54
King Co Radio Comm Services					\$15,126.54
43821					
		11242			
			2016 - August - August 2nd Council		
			July Services		
			001-000-214-521-20-41-03	K/C 800 Mhz Radio Costs	\$1,326.01
Total 43821		Total 11242			\$1,326.01
Total King Co Radio Comm Services					\$1,326.01
KING COUNTY FINANCE					\$1,326.01
43822					
		30014412			
			2016 - August - August 2nd Council		
			August Services		
			407-000-000-535-80-41-04	Metro Sewer Charges	\$44,131.50
Total 43822		Total 30014412			\$44,131.50
Total KING COUNTY FINANCE					\$44,131.50

Vendor	Invoice	Reference	Account Number	Description	Amount
King County Prosecuting Attorney					
43823				2016 - August - August 2nd Council	
	073116 KCP		July Crime Victims		
			633-000-000-586-00-00-01	Treasurers Trust Court	\$113.33
	Total 073116 KCP				\$113.33
Total 43823					
Total King County Prosecuting Attorney					
Meri Jane Bohn					
43824				2016 - August - August 2nd Council	
	073116 MJB		001-000-137-514-21-26-00	Medical, Life & Dental Insurance	\$270.70
				Refund of Medical Copay in April for May 2016	
	Total 073116 MJB				\$270.70
Total 43824					
Total Meri Jane Bohn					
Modular Space Corp					
43825				2016 - August - August 2nd Council	
	501686827		August Rental		
			001-000-248-518-20-45-01	MDRT-Bldg Rental-Modspace	\$1,958.06
	Total 501686827				\$1,958.06
	501686837		August Rental		
			001-000-254-518-20-45-01	Facilities-Bldg Rental/Modspace	\$3,454.57
	Total 501686837				\$3,454.57
Total 43825					
Total Modular Space Corp					
NetMotion Wireless					
43826				2016 - August - August 2nd Council	
	104951-1		Annual Maintenance Fee		
			001-000-214-521-20-48-04	NetMotion Maintenance Mobile Units	\$841.65
				Police-25 Devices with Mobility	
	Total 104951-1				\$841.65
Total 43826					
Total NetMotion Wireless					
Northstar Chemical Inc.					
43827				2016 - August - August 2nd Council	
	89331		July Purchase		
			401-000-000-534-80-31-03	Caustic	\$2,572.08

			Sodium Hydroxide-25%	
Total 43827	Total 89331			\$2,572.08
Total Northstar Chemical Inc.				\$2,572.08
Northwest Parking Equipment Co.				\$2,572.08
43828				
	080216 NPEC	2016 - August - August 2nd Council		
		001-000-270-576-80-31-03	Operating Supplies	\$59.73
			Parks-Pay Station Roll Tickets	
Total 43828	Total 080216 NPEC			\$59.73
Total Northwest Parking Equipment Co.				\$59.73
O'Brien, Barton, & Hopkins, PLLP				
43829		2016 - August - August 2nd Council		
	51598			
		July Services		
		001-000-151-515-91-41-00	Court Legal-Public Defender	\$2,500.00
Total 43829	Total 51598			\$2,500.00
Total O'Brien, Barton, & Hopkins, PLLP				\$2,500.00
Office Products Nationwide				\$2,500.00
43830		2016 - August - August 2nd Council		
	855847-0			
		July Purchase		
		001-000-180-518-90-31-00	Office Supplies City Hall	\$343.72
			Copy Paper	
Total 855847-0				\$343.72
857405-0				
		July Purchase		
		001-000-180-518-90-31-00	Office Supplies City Hall	\$118.22
Total 857405-0				\$118.22
857406-0				
		July Purchase		
		001-000-254-518-20-31-00	Facilities Operating Supplies	\$86.39
Total 857406-0				\$86.39
Total 43830	Total 857406-0			\$548.33
Total Office Products Nationwide				\$548.33

Republic Services, Inc. #176
43834

0176-004776615

2016 - August - August 2nd Council

July Services		
001-000-248-518-20-47-03	MDRT-Waste Disposal Costs	\$81.07
001-000-254-518-20-47-01	Facilities-Waste Disposal	\$121.61
Total 0176-004776615		\$202.68

0176-004776959

July Services

001-000-270-576-80-47-04	Waste Disposal	\$10.32
PW-Parks		
001-000-280-536-20-47-04	Waste Disposal	\$5.16
PW-Cemetery		
101-000-000-543-31-47-04	Waste Disposal	\$56.75
PW-Street		
401-000-000-534-80-47-04	Waste Disposal	\$61.91
PW-Water		
407-000-000-535-80-47-04	Waste Disposal	\$61.91
PW-Sewer		
410-000-000-531-10-47-04	Waste Disposal	\$61.91
PW-Drainage		

Total 0176-004776959
0176-004777121

July Services

001-000-212-521-50-47-04	Waste Disposal	\$206.59
Police		

Total 0176-004777121

Total 43834
Republic Services, Inc. #176
RH2 Engineering Inc.
43835

2016 - August - August 2nd Council

65670

July Services

401-000-000-534-80-41-10	Professional Services	\$1,006.64
On Call Services		

Total 65670
65671

July Services

404-000-011-534-80-41-00	Water Comp Plan	\$2,160.70
Comp Water Plan System		

Total 65671

Total 43835
Republic Services, Inc. #176
RH2 Engineering Inc.

\$2,160.70
\$3,167.34
\$3,167.34

Vendor	Account Number	Reference	Account Number	Description	Amount
South Correctional Entity					
43840		2012		2016 - August - August 2nd Council	
				June Inmate Services	
			001-000-211-523-60-49-00	Jail Costs	\$314.00
				2 Jail Days at \$157.00 Per Day	
		Total 2012			\$314.00
Total 43840					\$314.00
Total South Correctional Entity					
Utilities Underground					\$314.00
43841		6070107		2016 - August - August 2nd Council	
				July Services	
			401-000-000-534-80-41-08	Locating Service	\$58.52
		Total 6070107			\$58.52
Total 43841					\$58.52
Total Utilities Underground					
Valley Communications					\$58.52
43842		0016811		2016 - August - August 2nd Council	
				July Services	
			001-000-214-521-20-41-00	Valley Comm - Dispatch Service	\$574.01
			WSP Access		
		Total 0016811			\$574.01
Total 43842					\$574.01
Total Valley Communications					
Vision Municipal Solutions, LLC					\$574.01
43843		09-4695		2016 - August - August 2nd Council	
				001-000-145-518-80-41-02	
				Inf. Tech. Svs.-Vision	\$375.00
				Finance-Modification of State Annau Report 01 Report	
		Total 09-4695			\$375.00
Total 43843					\$375.00
Total Vision Municipal Solutions, LLC					
Wa State Criminal Justice					\$375.00
43844		201126661		2016 - August - August 2nd Council	
				001-000-210-521-10-49-01	
				Training	\$95.00
				Police-Training for Tapecc, June 27-July 1, 2016	
		Total 201126661			\$95.00
Total 43844					\$95.00
Total Wa State Criminal Justice					
					\$95.00

Vendor Number	Reference	Account Number	Description	Amount
Washington State Patrol				
43845	117000524		2016 - August - August 2nd Council	
		633-000-000-586-00-00-06	Due to WSP-FBI Fingerprinting-Background	\$12.00
			New Hire Background Check	
Total 43845	Total 117000524			\$12.00
Total Washington State Patrol				
Washington State Treasurer				
43846	073116 WST		2016 - August - August 2nd Council	
		July Court Remittance		
		633-000-000-586-00-00-01	Treasurers Trust Court	\$8,306.28
Total 43846	Total 073116 WST			\$8,306.28
Total Washington State Treasurer				
Water Management Laboratories, Inc.				
43847	151385		2016 - August - August 2nd Council	
		July Services		
		401-000-000-534-80-41-02	Water Testing and Sampling	\$21.00
Total 43847	Total 151385			\$21.00
Total Washington State Treasurer				
Water Management Laboratories, Inc.				
43848	151653		2016 - August - August 2nd Council	
		July Services		
		401-000-000-534-80-41-02	Water Testing and Sampling	\$29.00
Total 43848	Total 151653			\$29.00
Total Washington State Treasurer				
Work-Sports & Outdoors				
43848	1-1623902		2016 - August - August 2nd Council	
		001-000-270-576-80-31-03	Operating Supplies	\$5.23
			PW-Work Boots	
		001-000-280-536-20-31-00	Cemetery Office Supplies	\$2.61
			PW-Work Boots	
		101-000-000-542-90-31-01	Operating Supplies	\$28.69
			PW-Work Boots	
		401-000-000-534-80-31-01	Operating Supplies	\$31.30
			PW-Work Boots	
		407-000-000-535-80-31-01	Operating Supplies	\$31.30
			PW-Work Boots	
		410-000-000-531-10-31-00	Office Supplies	\$31.30

Vendor	Number	Reference	Account Number	Description	Amount
				PW-Work Boots	
	Total 43848	Total 1-1623902			\$130.43
Total Work-Sports & Outdoors					\$130.43
Zero Waste USA, Inc.	43849			2016 - August - August 2nd Council	\$130.43
		113513			
			July Services		
			410-000-000-531-10-31-01		
			Supplies	Stormwater Operating Supplies	\$391.93
	Total 43849	Total 113513			\$391.93
Total Zero Waste USA, Inc.					\$391.93
Grand Total		Vendor Count	50		\$117,567.23

City of Black Diamond

Payroll Register

July 2016

Number	Name	Fiscal Description	Amount
18773	Void		
18795	Void		
18829	Void		
19183	Void		
19188	Void		
<u>19175</u>	Paper Paycheck	2016 - July - Month End	\$692.00
<u>19179</u>	Paper Paycheck	2016 - July - Month End	\$437.90
<u>19180</u>	Paper Paycheck	2016 - July - Month End	\$5,250.33
<u>19181</u>	Paper Paycheck	2016 - July - Month End	\$931.11
<u>19182</u>	Paper Paycheck	2016 - July - Month End	\$3,569.84
<u>19184</u>	AWC Sup Life	2016 - July - Month End	\$16.00
<u>19185</u>	BD Police Officers Association	2016 - July - Month End	\$720.00
<u>19186</u>	City of Black Diamond Flex	2016 - July - Month End	\$80.00
<u>19187</u>	Joseph Kaufman (Leoff 1)	2016 - July - Month End	\$115.40
<u>19189</u>	Bain, Robert S.	2016 - July - Month End	\$395.73
<u>19190</u>	Dept of Retirement Systems	2016 - July - Month End	\$28,332.57
<u>19191</u>	Teamsters Local 117	2016 - July - Month End	\$982.27
<u>19192</u>	Trusteed Plans Service CP LTD	2016 - July - Month End	\$720.51
<u>19193</u>	Washington State Treasurer	2016 - July - Month End	\$3,725.00
<u>ACH AWC July</u>	AWC Employee Benefit Trust	2016 - July - Month End	\$36,235.13
<u>ACH July 16</u>	Aflac	2016 - July - Month End	\$128.44
<u>ACH July 2016</u>	City of Black Diamond Taxes	2016 - July - Month End	\$55,334.78
<u>Brian Martinez Correction</u>	Martinez, Brian A - (Def Comp Adj.)	2016 - July - Month End	\$300.00
<u>July 2016 ACH</u>	AWC Employee Benefit Trust	2016 - July - Month End	\$3,039.63
<u>July 2016 Draw</u>	Direct Deposit	2016 - July - Month End	\$33,900.00
<u>July 2016 Payroll</u>	Direct Deposit	2016 - July - Month End	\$91,569.77
<u>Kincaid Payout</u>	Kincaid, Barbara	2016 - July - Month End	\$1,828.87
			\$268,305.28

BLACK DIAMOND CITY COUNCIL MINUTES

July 21, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper.

ABSENT: None

Staff present: Seth Boettcher, Public Works Director; Mayene Miller, Finance Director; Kevin Esping, Facilities Coordinator; Megan Ross, Police Officer; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson announced attending the Black Diamond/Maple Valley Chamber Wacky and Wild Golf Tournament along with Councilmember Deady and her husband. She reported they won first place for having the best decorated golf cart and were awarded a trophy. She also gave credit to Councilmember Deady's family for their help on the design.

Councilmember Pepper asked for the floor. A point of order was called and Mayor Benson ruled out of order. Councilmember Pepper appealed the decision asked the Chair what was the decision. Mayor Benson again called her out of order. Councilmember Pepper asked to please state the point of order and appealed the decision of the Chair. Councilmember Morgan seconded the appeal and Mayor Benson ruled out of order.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve the Consent Agenda.

A **motion** was made by Councilmember Morgan to not approve the Consent Agenda as we need to hear from the public first. Motion **died** due to lack of second.

Motion **passed** 3-2 (Morgan, Weber). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – July 21, 2016 - No. 43712 through No.43759 and EFTs in the amount of \$161,913.56
- 2) **Minutes** – Tri-City Council Meeting of May 4, 2016

A **motion** was made by Councilmember Pepper to amend the motion to not approve the consent agenda until we have a substitute agenda as the agenda she distributed to the Council which was created in accordance with the Council rules and the Clerk and Mayor were notified of the needed changes and was emailed to the Council on Tuesday. Mayor Benson called her out of order. Motion **died** due to lack of second.

Mayor Benson noted the agenda is illegal and Council can add or remove items from the agenda, but not substitute an agenda.

Councilmember Pepper appealed the decision of the chair.

PUBLIC COMMENTS:

Ginger Passerelli, Black Diamond commented on the Soup Ladies representing Black Diamond in Dallas where the five police officers were killed in the line of duty. She noted they served close to 3,000 meals during the nine days they were there. While there she asked for a list of fire departments who responded to the tragedy. She noted the City's Fire Department District 44 overnighted a t-shirt and badges from their department and when she arrived at the first fire station she realized it was Station 44 and presented these to that department. She also commented that while she loves to represent this wonderful community the behavior at this meeting breaks her heart.

Councilmember Edelman thanked Mrs. Passerelli for all she is doing.

Angelina Taylor, Port Orchard discussed the pulling of the DKS and Yvonne Ward vouchers on both agendas. She noted these are services that have already been rendered. She also discussed the Talmadge bill.

Colin Lund, OakPointe briefed Council on the progress of the MPDs and where they are at. He noted Goodfellow Brothers is the primary contractor and they are doing a great job. He highlighted the projects that are currently being worked on and added they have a refreshed website www.inblackdiamond.com and on it is a place to sign up to receive their newsletter. He also added that if anyone has any issues or concerns to please give him a call and if any Councilmember would like a one on one tour he'd be happy to set one up.

Robbin Taylor, Black Diamond commented on the use of committees. She noted there being committee meetings on July 20 and wondered how those meeting were noticed. She stressed that no one knew there were committee meetings on the 20th where three councilmembers were present.

Brock Deady, Black Diamond commented on appreciating the update from OakPointe and as a citizen would like to hear more updates. He agreed with Robbin Taylor's comments and would have like to have been invited to the committee meetings on the 20th.

Darrell Bryant, Black Diamond urged Council to consider approving the Labor Days Special Event Permit tonight. He noted this event has been here for over 100 years and it would be a shame to have it go committee.

Judith Carrier, Auburn commented on what is happening in our country and what is happening in the Council Chambers and discussed certain items on the voucher registers.

Melissa Oglsbee, Black Diamond encouraged Council to keep the Labor Day celebration on the agenda as it is a timely matter. She noted the 12 committee members have worked really hard on this event for the last nine months. It takes approximately \$15,000 to run this event and so far they have raised \$9,000 in donations. They have spent \$2,500 on insurance for the parade which is non-refundable and again she encouraged Council to keep this item on the agenda and let the community come together and enjoy each other and have fun.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

DKS Claim Voucher

Councilmember Pepper asked for the floor and called Point of Order. Mayor Benson called her out of order as she has not been recognized to speak. Councilmember Pepper appealed the decision of the Chair. Mayor Benson again ruled her out of order. Councilmember Morgan seconded Councilmember Pepper's appeal. Mayor Benson ruled her out of order. Point of Order was called for by Councilmember Edelman. Mayor Benson continued to call Councilmember Pepper out of order.

Mayor Benson called a five minute recess at 7:28 p.m. The meeting was called back to order at 7:34 p.m. and noted the next item on the agenda is the DKS Claim Voucher.

Councilmember Weber commented that this item was voted down at another meeting and doesn't understand why it is back on the agenda. He noted there not being a contract with DKS and would like to table this item.

Discussion began between Councilmembers on this item and Councilmember Weber noted being concerned that the city did not have a direct contract with DKS as the contract was with BergerABAM and the responsibility lies with BergerABAM.

City Attorney Linehan was asked if the City had a contract with BergerABAM would that constitute a contract with DKS who was a subconsultant. He stated he would need to review the contract with BergerABAM and did say that typically once the city has received the benefit of services provided, whether there is or is not an expressed contract, there is an unjust enrichment claim that can be made against the City for unjustly being enriched by being the recipient of services for which it has not paid.

Councilmember Weber asked Attorney Linehan how that works as far as the municipal code. Does one override the other? Attorney Linehan stated what's in the municipal code is an entirely separate matter from whether or not there is a liability to a third party resulting from the City's receipt of services without paying for them.

Discussion continued amongst Councilmembers on this item regarding postponing, contract with BergerABAM, supporting documentation and the work product the city received.

Councilmember Pepper read Council Rule 7.2.8 regarding tabling of an item.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone this item to the August 4th regular Council meeting.

Discussion continued with the focus being on why this item needs to be postponed.

Vote: Motion **passed** 3-2 (Edelman, Deady).

Yvonne Ward Claim Voucher

Councilmember Weber discussed asking for some information from the City on this matter. He noted he did get most of the information he requested. He also noted his request for all correspondence with Ms. Ward was turned into a PDR which will take 20 or more business days for a response. He stated he would like to go through the invoice in detail to see if the City got what we paid for.

Council discussion continued on this item.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone this item to the August 4th regular Council meeting. Motion **passed** 3-2 (Edelman, Deady).

Resolution adopting the 2017-2022 Six Year Transportation Improvement Plan (TIP) for the City

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the resolution adopting the Six Year Transportation Improvement Plan (TIP).

There was Council discussion regarding not having specifics to the proposed projects and no connectors. Councilmember Weber noted there are still some questions out there that he has.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

Community Development Director Kincaid cautioned Council not to confuse the maps from the incomplete work from DKS as the TIP is using current information from the current comprehensive plan and that is why you update the TIP and Comprehensive Plan yearly so they are consistent.

Resolution authorizing a contract with DKS Associates

Community Director Kincaid thanked Council for reconsidering this contract. She noted this resolution authorized the Mayor to enter into a not to exceed contract with DKS for the transportation element of the Comprehensive Plan. She highlighted the seven tasks associated with this contract and recommended that Council not spend the money on the last task regarding attendance at hearings.

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the resolution authorizing the Mayor to execute a contract with DKS for the transportation element of the Comprehensive Plan and deleting task 7 from the scope of work as recommended by Ms. Kincaid.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

NEW BUSINESS:

Resolution authorizing a services contract with Kenyon Disend, PLLC

Mayor Benson stated that by law the City is required to have a City Attorney. She added this item was voted down before, however the City needs to have an attorney and that attorney needs to be confirmed by the Council.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the resolution authorizing the Mayor to execute a services agreement with Kenyon Disend, PLLC.

There was discussion between Councilmembers on this item and an inquiry was made on where the legal services budget is at currently for 2016.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

Resolution approving the Labor Days Special Event Permit

Community Development Director Kincaid reported Black Diamond Municipal Code states that a special event application for a multiple day event must be approved by Council. She noted this is a city sponsored event. The Labor Days committee has fulfilled all the responsibilities as provided for in code and the event will take place in the same area as in

the previous years. She invited Melissa Oglisbee to talk about this year's event and asked Council to support staff's recommendation of approval.

Ms. Oglisbee discussed the lineup for this year's event and urged Council to consider approving the permit tonight.

Discussion ensued between Councilmembers on the paperwork for this year's permit.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve the Labor Days special event permit.

Discussion continued between Councilmembers on why there is a need to wait to approve this item.

Point of order was called for and Mayor Benson ruled Councilmember Morgan out of order.

Mayor Benson called a five minute recess at 8:48 p.m. The meeting was called back to order at 8:53 p.m.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

EXECUTIVE SESSION:

At 9:00 p.m. Mayor Benson announced a fifteen minute executive session to discuss with legal counsel eminent domain litigation as allowed under RCW 42.30.110(1)(c) and (1)(i) with no action to follow. Mayor Benson announced a five minute extension.

The meeting was called back to order at 9:20 p.m.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson announced that she and Councilmember Deady attended the AWC Conference in Everett; attended SCA networking dinner, Chief for a Day fundraiser, Chamber's Wild and Wacky golf tournament; met with Les Burberry (new Maple Valley Councilmember) and he is looking into the future on SR169 projects and funding for these with King County.

COUNCIL REPORTS:

Councilmember Deady discussed the AWC Conference she and the Mayor attended; reported receiving her Certificate for Municipal Leadership Training Program; attended SCATBd meeting; met with Finance Director Miller on vouchers; attended Public Safety

meeting, Miners Day festival, and Chief for a Day fundraiser; noted running the free kids booth station at the Farmer's Market every Friday; served soup at Joint Base Lewis McCord as a Soup Lady.

Councilmember Morgan – no report.

Councilmember Edelman discussed the Chief for a Day fundraiser and noted that over \$1,800 was raised. She discussed the AWC Conference and the Councilmembers having a training budget and this budget was used for the Mayor's and Councilmember's Deady attendance.

Councilmember Weber commented on the Soup Ladies being an awesome group and appreciated that they are from Black Diamond; inquired about the new location of the Farmer's Market and wondered how it is working out.

Councilmember Pepper noted she would like to see a sign for the gym so people are aware the City has one and its location. She also noted participating in the 5K run on Miners Day.

ATTORNEY REPORT:

City Attorney Linehan reported working hard with the Public Works and Community Development departments on projects. He also reported working with the Police and Administration on public record requests. He discussed it being very helpful for Council to think about the kinds of legal issues that might come up on an item on the agenda and to ask the attorney prior to the meeting. He noted this helps legal counsel do a thorough analysis so he can give good legal advice rather than off the cuff at the meeting which will be vague. He also added he can respond with that communication having attorney-client privilege.

PUBLIC COMMENTS:

Angelina Taylor handed a public records request to the Clerk. She personally apologized to all the police and first responders in regards to a speaker comparing events here tonight with those happening in Texas and Baton Rouge. She discussed the Labor Days event not costing the city a dime; she questioned the hiring of an attorney from Bainbridge Island; she also noted the three councilmembers could be sued for voting the voucher items down.

Leslie Coulee, Black Diamond stated that she is on the Labor Days Committee and being here tonight regarding the special event permit. She also commented on how the room emptied after the action of Council voting that item down.

Robbin Taylor, Black Diamond commented on the insurance for the Labor Days parade being non-refundable and the city not paying anything for this event. She discussed the dismissal of the Edelman lawsuit, the firing of Carol Morris and the Talmadge contract being signed before there was Council action on it.

ADJOURNMENT:

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Weber to adjourn the meeting. Motion **passed** with all voting in favor (5-0). Meeting ended at 9:49 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

BLACK DIAMOND CITY COUNCIL MINUTES

August 4, 2016

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Weber and Pepper.

ABSENT: None

Staff present: Seth Boettcher, Public Works Director; Andy Williamson, Interim Community Development Director/MDRT/Ec Dev Director; Kathy Allen, Deputy City Clerk; Jamey Kiblinger, Police Chief; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson introduced and welcomed the City's new Deputy City Clerk Kathy Allen. She also discussed that three attorney have said the Council Rules are illegal as well as the committee meetings. She noted sending out an official memo regarding not using the City Seal or Letterhead for illegal committee meetings.

CONSENT AGENDA:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve the Consent Agenda.

Councilmember Morgan stated she can't vote for the consent agenda until after hearing from the citizens. She also discussed attending a Budget Workshop and noted reimbursing the City for the \$200 cost.

Councilmember Pepper stated she would like to move the consent agenda to after public comment on the agenda. Mayor Benson replied there is already a motion and a second on the floor.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper). The Consent Agenda as follows was not approved:

1) Claim Checks – July 21, 2016 - No. 43712 through No.43759 and EFTs in the

amount of \$161,913.56

2) Minutes – Tri-City Council Meeting of May 4, 2016

PUBLIC COMMENTS:

Edward Bergman, Black Diamond commented on moving to Black Diamond 19 years ago to be in a rural area. He stated he knows he cannot stop growth, but we can certainly limit it and slow it down. He further commented on attending City Council meetings in Redmond and SeaTac and as individuals being boisterous he has never seen a City Council act towards each other as he sees it here. He also discussed an article in the Voice of the Valley on the Black Diamond Labor Days permit.

Carol Lynn Harp, Black Diamond asked about the process for paying vouchers. Mayor Benson explained that checks are entered into the system and some checks may have early release so no penalties are assessed and the remainder are then released after the Council meeting.

Bill McDermand, Black Diamond noted supporting the Council and the tone at the meetings is the same as in the past. He stated the Mayor should not be interrupting the meeting and if this would stop work would get done and order would be restored.

Dwayne, Black Diamond commented that he voted for all the Councilmembers and the Mayor. He commended them for their hard work and service. He noted expecting all elected officials to have a basic understanding of the different branches of government and how they work. He reminded Council that if that understanding is broken then this is all a waste of time. He further commented on Council forgetting the elementary basics of how to conduct work in this chamber.

Robbin Taylor, Black Diamond read an excerpt from the AWC Mayor Councilmember handbook Chapter 10 where it says the duties of the Mayor at a meeting is to protect the Council from frivolous or delaying motions by refusing to recognize them. She commented on an article in the paper where Councilmember Morgan stated the Labor Days permit was sprung on them. She discussed the committee meeting she attended where it was recommended to bring the Labor Day permit to the floor tonight to approve even though they have already been issued.. She noted everyone being at fault on the Labor Days permit and referred to Black Diamond Municipal Code 2.59.020(B)(1) where it says sponsored events of the City do not require a special event permit. She noted this being a failing of all involved and encouraged all to become better acquainted with code.

Kristine Hanson, Black Diamond discussed the consent agenda and being approved before public comments and wondered why it is hard for Council to adopt as staff is available before the meetings to answer any questions Council may have. She encouraged Council to listen to the people in the room tonight and get some work done. She further commented that if the three Councilmembers can't do the job they were elected to do then to step down and let someone else do the job.

Bob Edelman, Black Diamond discussed the normal procedure used for the consent agenda. He noted this being the first time when an entire consent agenda has been turned down without any discussion on the items. He noted he may be wrong, but he believes that all those items have been turned down and will not appear on the regular agenda.

Angelina Taylor, Port Orchard, spoke in regards to the consent agenda and asked how those items can get back on the agenda tonight.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

DKS Claim Voucher

Councilmember Weber stated he would heed his time to Councilmember Pepper as she is waiting to be noticed.

Councilmember Pepper stated that under unfinished business she would like to have an item for reconsideration. She **moved** to reconsider the resolution on the Labor Days event permits. Mayor Benson called her out of order as those permits were already approved. Councilmember Pepper appealed the decision of the chair. Mayor Benson again called her out of order as the permit has been approved.

Mayor Benson called for a recess of the meeting at 7:18 p.m. The meeting was called back to order at 7:27 p.m. and Mayor Benson noted moving on to the DKS Claim Check.

Mayor Benson noted reconsideration cannot be done on an item that is already decided. Councilmember Pepper appealed the decision of the Chair. Again, Mayor Benson noted you cannot appeal the decision when we already have a permit. Councilmember Pepper asked in what way a rule is being violated.

Councilmember Pepper requested information on the part of the parliamentary procedure. Mayor Benson asked City Attorney Linehan that if something has already been considered and the permits have already been issued is there any reason to be reconsidering it.

City Attorney Linehan responded as a parliamentary matter he is here to provide advice as it is the chair's decision to make. He noted it would be out of order for a Councilmember to appeal the decision of a chair when the decision of the chair is based on a matter of decorum or a ruling of decorum. Also if the motion is presented it is his opinion and is the Chair's decision that an illegal motion would be out of order and that decision is not appealable.

Mayor Benson called the motion illegal and out of order because the permits have already passed. Councilmember Pepper again appealed the decision of the Chair. Mayor Benson ruled her out of order.

Councilmember Morgan stated that as a person who voted on the prevailing side she needs to bring this item back for reconsideration to get certain information that was discovered in the record. Mayor Benson called her out of order as this item is already passed.

City Attorney Linehan noted that only comments germane to the pending issue are in order, which is the DKS Claim Voucher. He added that his advice is other permit issues are not germane, however it is the Chair's decision.

Councilmember Weber commented on item #3 the DKS voucher being voted down and does not understand why it keeps coming back on the agenda. He noted there being no contract with DKS.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to remove this item from the agenda.

Council discussion continued on this item.

Vote: Motion **passed** 3-2 (Deady, Edelman).

Yvonne Ward Claim Voucher

Councilmember Weber commented on having some legal questions that need to be answered by an independent legal source. He added Kenyon Disend has a conflict of interest in answering the questions because their contract is similar to the Ward contract. He noted requesting documents from the City that have not been received. He further noted it being odd to him that if he as a Councilmember requests documents it becomes a public disclosure request.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to hire an independent attorney to advise the Council on attorney payments and that the Council shall select the attorney.

Discussion ensued between Councilmembers on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to table this item until there is independent legal review on it.

Mayor Benson noted the Council having no hiring or firing authority. There was a question as to whether or not it could be tabled or did it need to be postponed.

City Attorney Linehan commented that in Robert's Rules of Order a motion to lay on the table is not debatable, is not amendable, must be moved and seconded, and requires a majority vote. Once an item is laid on the table it stays on the table until a motion to take from the table is in order, which can occur at any future meeting.

Vote: Motion **passed** 3-2 (Deady, Edelman).

NEW BUSINESS:

Resolution authorizing the hiring of a Professional Parliamentarian for Council meetings

Mayor Benson stated this item is on the agenda as it was timely received. She also stated this resolution is illegal as Council has no authority to hire someone and asked that Council remove it from the agenda.

Councilmember Morgan began to read the resolution. Mayor Benson called her out of order.

Mayor Benson called for a five minute recess at 7:53 p.m. The meeting was called back to order at 7:59 p.m.

There was discussion between Councilmembers on this item with the focus being on the process, is there a need for this service and how the Council would pay for it.

Councilmember Edelman asked for the record to reflect that Councilmember Morgan's husband flipped them off when leaving the room.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Pepper to send Agenda Bill No. 16-045 regarding hiring of a professional parliamentarian to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to reconsider and bring back the Consent Agenda for a vote. Motion **passed** with all voting in favor (5-0). The consent agenda was approved as follows:

- 1) **Claim Checks** – July 21, 2016 - No. 43712 through No.43759 and EFTs in the amount of \$161,913.56
- 2) **Minutes** – Tri-City Council Meeting of May 4, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to reconsider the resolution on the Labor Days permit. Mayor Benson called her out of order as the permits were already issued.

DEPARTMENT REPORTS:

Community Development – Interim Community Development Director Williamson discussed with Council the DKS claim voucher and noted staff being locked in a no work scenario because of this. He asked Councilmembers to provide him with input on what type of documentation was needed to get this item approved.

Councilmember Morgan stated she would like to see something on the invoice that states “paid in full” for services up to a certain date. She noted this will prevent DKS from coming back and asking for more money.

Mr. Williamson thanked Council for their help on this issue and will be working with DKS to provide the requested documentation to bring back before Council at the August 18, 2016 Council meeting.

MAYOR’S REPORT:

Mayor Benson reported on the nine items that have been taken off Council agendas and wondered if Council would like to add back any of these items on to tonight’s agenda.

COUNCIL REPORTS:

Councilmember Deady reported attending the finance meeting, the Hometown Christmas garage sale and went on a tour of The Villages site and encouraged other Councilmembers to schedule one with Mr. Williamson. She also commented on the process for Councilmember statements.

Councilmember Morgan read a prepared statement into the record which is attached and incorporated into the minutes.

Councilmember Edelman noted she too went on a tour of the construction site at The Villages MPD with Mr. Williamson. She noted meeting with the Finance Director and the Mayor to go over the claim vouchers, attended the Hometown Christmas garage sale and National Night Out.

Councilmember Weber thanked everyone in attendance for coming out. He noted that whether they are for or against he appreciated them for taking the time out of their schedule to attend the meetings.

Councilmember Pepper discussed supporting the Labor Days event and the common form of government the City has (executive, legislative and judicial branches). She read from the Talmadge letter regarding the agenda, presiding officer, Council action and referred to the Katherine George memo. She reported attending the AWC Budget Workshop Conference and commented on the sessions she and Councilmember Morgan attended.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Angelina Taylor, Port Orchard discussed the Attorney’s advice from the last meeting regarding the DKS contract. She also discussed the Ward claim voucher and noted the services were received and performed.

Kristine Hanson, Black Diamond inquired as to how many weeks the DKS claim voucher has been on the agenda. Councilmember Morgan replied it was presented to Council in February. Ms. Hanson discussed informing every citizen of a need for a recall of the three Councilmembers so the City can move forward.

Pam McCain, Black Diamond voiced her personal frustration with the lack of any decision making coming out of the meetings. She discussed the decorum at the joint Council/Planning Commission meetings where there is respect and work actually being done.

Bill McDermand, Black Diamond commented he had hoped he would see change tonight, but didn't. He stated he hopes the dang gavel busts soon. He referred to a conversation he had with former Mayor Dave Gordon. He asked for respect and the need to get their act together.

Brock Deady, Black Diamond commented on seeing a breakthrough tonight with a staff member begging Council for information on what is needed to get the DKS claim voucher passed. He noted attending meetings in the past where staff has asked Council what was needed to get this past and Council giving no information. He hopes the information Councilmember Morgan gave Mr. Williamson will be ok and the DKS claim voucher will be passed soon.

Robbin Taylor, Black Diamond stated she bets the DKS claim voucher will be probably be voted down even with the paid in full status. She discussed document needing to take in account the Comprehensive Plan. She commented on a statement made at a committee meeting and noted she is never out of control – she is uncompromising when it comes to good government. She also reminded Council the budget is the citizen's money and the citizens not being happy with what they are doing with it.

Councilmember Weber commented on being a taxpayer in Black Diamond too and it making no sense for him to do bad things with the budget.

ADJOURNMENT:

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0). The meeting ended at 8:50 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Resolution Regarding Traffic Mitigation Agreement with Enumclaw School District	Agenda Date: August 18, 2016 AB16-046	
	Mayor Carol Benson	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res – Barbara Kincaid	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	X
Cost Impact - 74,055 revenue for specific traffic projects	Police – Chief Kiblinger	
Fund Source: -- Enumclaw School Dist	Public Works – Seth Boettcher	X
Timeline: immediately	Court – Stephanie Metcalf	
Agenda Placement: <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
Attachments: Resolution xxx; Traffic mitigation agreement		
SUMMARY STATEMENT: <p>Councilmembers Edelman and Deady requested this item to be placed on the agenda.</p> <p>In the review of the new larger Black Diamond Elementary School, traffic impacts were identified at three intersections in addition to safety issues at another intersection. The City's concurrency ordinance requires, if a project affects an intersection that does not have adequate capacity, either the failing intersection needs to be fixed, the project is put on hold or a fair and equitable strategy to fix the intersection within 6 years is in place.</p> <p>The School District's Mitigated Declaration of Non Significance proposed a traffic mitigation fee of \$54,055 for the intersections noted in the agreement. Additionally the City and District agreed to an additional voluntary mitigation payment to deal with the safety issues at Parks Street and SR 169 as the District's proportionate share.</p> <p>FISCAL NOTE The \$74,055 will be held in a separate reserve account only to fund the capital improvement agreed upon in the agreement. The City will need to use the funds within 5 years or return the funds that have not been used.</p>		
COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 16-xxx (Clerk to assign number after adoption), authorizing the Mayor to execute an agreement with the Enumclaw School District for contribution to improvements at 4 intersections impacted by the new Black Diamond Elementary School project.		

RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
August 18, 2016		

RESOLUTION NO. 16-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, AND THE ENUMCLAW SCHOOL
DISTRICT, KING COUNTY, WASHINGTON FOR TRAFFIC
MITIGATION CONTRIBUTION FOR IMPROVEMENTS AT 4
INTERSECTIONS**

WHEREAS, the Enumclaw School District is in the process of designing, permitting and constructing a new larger elementary school in Black Diamond to replace the existing elementary school, and

WHEREAS, the larger volumes of traffic from the new larger Black Diamond Elementary School will impact three intersections in addition to safety issues at another intersection.

WHEREAS, the City's concurrency ordinance requires, if a project affects an intersection that does not have adequate capacity, either the failing intersection must be fixed, the project is put on hold or a fair and equitable strategy to fix the intersection within 6 years is in place.

WHEREAS, the School District's Mitigated Declaration of Non Significance proposed a traffic mitigation fee of \$54,055 for the intersection noted in the agreement.

WHEREAS, additionally the City and District agreed to an additional voluntary \$20,000 mitigation payment to deal with the safety issues at Parks Street and SR 169 as the District's proportionate share;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. The Mayor is hereby authorized to execute an agreement between the Enumclaw School District and the City of Black Diamond for contribution to improvements at 4 intersections impacted by the new Black Diamond Elementary School project substantially in the form attached hereto as Exhibit A.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS ____ DAY OF ____,
2016.**

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

MEMORANDUM AGREEMENT REGARDING TRAFFIC MITIGATION

CITY OF BLACK DIAMOND

and

ENUMCLAW SCHOOL DISTRICT

This MEMORANDUM OF AGREEMENT REGARDING TRAFFIC MITIGATION (“the Memorandum”) is entered into by and between the City of Black Diamond, a municipal corporation created and existing under the laws of the State of Washington, hereinafter referred to as “the City,” and the Enumclaw School District #216, a political subdivision of the State of Washington, hereinafter referred to as “the District,” as of _____, 2016.

RECITALS

- A. The District is requesting a building permit from the City to construct a replacement elementary school located at 25324 Baker Street, Black Diamond, WA 98010 (the “Project”). The building permit application for the Project is filed under the City’s permit number BLD16-0014.
- B. The District, acting as Lead Agency under SEPA (State Environmental Policy Act), issued a Mitigated Determination of Non-Significance (MDNS) on March 23, 2016, with the environmental checklist for the Project identifying transportation impacts at the intersections of SR 169/3rd Ave and Baker St, SR 169/3rd Ave and Roberts Dr, and SR 169/3rd Ave and Black Diamond-Ravensdale Rd related to network capacity due to increased trips to and from the school.
- C. The City requires a traffic concurrency evaluation according to Black Diamond Municipal Code chapter 11.11. In reviewing a proposed development, the Public Works Director must determine whether there is capacity available in the existing transportation system to accommodate the proposed development or whether the proposed development will cause the level of service (LOS) of a City-owned transportation facility to decline below City standards. Although the Roberts Drive and Ravensdale intersections are below the City of Black Diamond’s level of service, the City has improvements planned as part of Master Planned Development Projects in process and the District is willing to contribute a pro-rata share to the intersection improvements.

- D. The District's MDNS proposed a traffic mitigation fee totaling \$54,055.00, which represents its proportionate share of the capital costs to the system as a direct result of the Project as demonstrated by the District's Transportation Impact Assessment (TIA). The proportionate share calculations for the three affected intersections are, \$4,400 for 3rd Ave/Baker St, \$28,775 for 3rd Ave/Roberts Drive and \$20,880 for 3rd Ave/Black Diamond-Ravensdale Rd.
- E. Goal T-1 of the City's Comprehensive Plan is to, *"Establish an adequate and well-maintained transportation system that provides safe and cost-effective movement of people and goods."* Additionally, Policy T-14 in the Comprehensive Plan allows the City to require impact mitigation payments as a funding source to meet its goals.
- F. During its review of the building permit application and supporting documents, the City noted additional traffic concerns at the intersection of SR 169 and Park St. based upon the geometric constraints of the Park St. approach to 3rd Ave and its relationship to the Project.
- G. The City and District agreed to an additional voluntary mitigation payment to improve the intersection at SR 169 and Park St., in the amount of \$20,000 as the District's proportionate share.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants, and payments set forth herein, the CITY OF BLACK DIAMOND AND THE ENUMCLAW SCHOOL DISTRICT #216, wish to memorialize their Agreement as follows:

1. **PAYMENT.** The District agrees to pay the City traffic mitigation fees for the Project in the total amount of \$74,055. These fees are reasonably necessary to address the direct consequences of the Project. The City will include payment of the mitigation fees pursuant to this Agreement as a condition of building permit approval, and the District shall pay these fees when the building permit issues. The fee calculation is based on an individualized assessment of the Project's direct impacts on each improvement identified in Paragraphs F and G above and represents the total amount due related to the Project. These fees are not duplicated under any other source of authority.
2. **RESERVE ACCOUNT.** The City will hold the traffic mitigation fees in a special reserve account to be expended only to fund the capital improvements agreed upon herein by the parties to mitigate the identified direct impacts of the Project. The fees shall be expended within five years of collections or, if not so expended, shall be refunded to the District with interest, calculated from the original date the deposit was received by the City.

3. **CONCURRENCY COMPLIANCE.** The City finds that by executing and complying with the terms of the Agreement, the District has satisfied the City's Concurrency requirements under Black Diamond Municipal Code Chapter 11.11.
4. **CITY OBLIGATIONS.** The City will utilize the funds received only toward engineering, right of way, permitting, contributions toward construction, inspection and/or project oversight cost of the system improvements identified herein.
5. **DEFAULT; SECURITY.** In the event the District fails to make the payments required under this Agreement, the City may withhold the issuance of any Building Permits or Certificates of Occupancy.
6. **AMENDMENTS.** No modification, amendment, or alteration of the terms or conditions of this Agreement are effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by parties hereto.

IN WITNESS WHEREOF, this Memorandum of Agreement was executed by the parties on dates hereinafter indication.

CITY OF BLACK DIAMOND

By: _____
Mayor Carol Benson

Dated: _____

Attest: _____
Brenda Martinez, City Clerk

Approved as to form by:

David Linehan, City Attorney

ENUMCLAW SCHOOL DISTRICT #216

By: _____
(Signature)

Dated: _____

Print Name: _____

Title: _____

Address: _____