

**CITY OF BLACK DIAMOND**  
**February 1, 2018 Regular Business Meeting Agenda – REVISED –**  
**01/29/18\_Adopted 02/01/18**  
25510 Lawson St., Black Diamond, Washington

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

**EXECUTIVE SESSION:** To discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i)

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:**

**Presentation** – Cedarbrook Mobile Home Park – Jeremy Millard

**CONSENT AGENDA:**

- 1) **Claim Checks** – February 1, 2018 – Check No. 45789 through 45827 in the amount of \$105,402.01
- 2) **Minutes** – Council Work Session of January 11, 2018
- 3) **Minutes** – Council Meeting of January 18, 2018
- 4) ~~Minutes~~ – Council Work Session of August 11, 2016
- 6) **Minutes** – Council/PC Joint Meeting of August 23, 2016
- 7) **Minutes** – Council Special Meeting of August 25, 2016
- 8) **AB18-029** – Resolution No. 18-1224 Approving Purchase of Vehicle for the MDRT Department

**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:**

- 9) **AB18-026A** - Ordinance No. 18-1098 Adopting Updated Illicit Discharge Requirements and Amending Chapter 14.04 of the Black Diamond Municipal Code Mr. Boettcher
- 10) **AB18-027A** – Resolution No. 18-1225 Approving 2018 Stormwater Management Program (SWMP) Plan Mr. Boettcher
- 11) **AB16-064B** – Ordinance No. 18-1099 Relating to Astound Broadband Franchise Mr. Williamson

**NEW BUSINESS:**

- 12) **AB18-030** – Resolution No. 18-1226 Approving Professional Services Agreement with Parametrix, Inc.  
to Provide On-Call Civil Engineering Services Mr. Boettcher
- 13) **AB18-031** – Resolution No. 18-1227 Approving Professional Services Agreement with RH2 Engineering.  
to Provide On-Call Civil Engineering Services Mr. Boettcher
- 14) **AB18-032** – Resolution No. 18-1228 Approving Professional Services Agreement with RH2 Engineering.  
for Design Engineering of the Springs Rehabilitation Project Mr. Boettcher
- 5) **Minutes** – Council Meeting of August 18, 2016

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

- Councilmember Deady
- Councilmember Oglesbee
- Councilmember Edelman
- Councilmember Stout
- Councilmember Pepper

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

## BLACK DIAMOND CITY COUNCIL MINUTES

February 1, 2018

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, Oglesbee, Edelman, Stout and Pepper.

**ABSENT:** None

Staff present: Seth Boettcher, Public Works Director; Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Kevin Esping, Facilities Coordinator; Larry Colagiovanni Police Commander; Shannon Ragonesi, Attorney for OPMA Lawsuit; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

### EXECUTIVE SESSION:

At 7:01 p.m. Mayor Benson announced that the Council would be going into executive session to discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i). The executive session was anticipated to last 20 minutes with possible action to follow. It was noted that Councilmember Pepper recused herself from the executive session.

At 7:23 p.m. Mayor Benson called the meeting back to order.

Councilmember Edelman discussed the topic for the executive session which was the OPMA lawsuit.

Councilmember Edelman **moved** to adopt the settlement agreement and release of claims on the OPMA lawsuit; **second** Councilmember Deady.

Councilmember Edelman read excerpts from the agreement followed by Council discussion.

**Vote:** Motion **passed** 4-0-1 (Pepper abstaining per Council Rule 8.3.1)

### APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

## **Presentation – Cedarbrook Mobile Home Park – Jeremy Millard**

Mr. Millard presented to Council regarding Cedarbrook Mobile Home Park and noted being the buyers for this property. He shared with Council a PowerPoint presentation. In the presentation he touched on affordable housing and utility billing options and asked that the options he proposed go to a committee to brainstorm so affordable housing can be kept in Black Diamond.

## **CONSENT AGENDA:**

Councilmember Pepper asked to pull item #5 Council minutes of August 18, 2016 for further review and asked why item #8 isn't under new business.

Councilmember Edelman clarified that when an item is pulled from the consent agenda it is then placed under new business to be discussed and action taken.

Councilmember Deady discussed the August 11, 2016 minutes were already voted on by Council.

Councilmember Deady **moved** to remove the August 11, 2016 minutes from the consent agenda; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

Councilmember Edelman **moved** to adopt the consent agenda as amended; **second** Councilmember Deady. Motion **passed** 5-0. The consent agenda was approved as follows:

- 1) **Claim Checks** – February 1, 2018 – Check No. 45789 through 45827 in the amount of \$105,402.01
- 2) **Minutes** – Council Work Session of January 11, 2018
- 3) **Minutes** – Council Meeting of January 18, 2018
- 4) ~~**Minutes** – Council Work Session of August 11, 2016~~
- 6) **Minutes** – Council/PC Joint Meeting of August 23, 2016
- 7) **Minutes** – Council Special Meeting of August 25, 2016
- 8) **AB18-029** – Resolution No. 18-1224 Approving Purchase of Vehicle for the MDRT Department

## **PUBLIC COMMENTS:**

Erika Morgan, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

James Stout, Black Diamond spoke to Council.

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:**

**9) AB18-026A** - Ordinance No. 18-1098 Adopting Updated Illicit Discharge Requirements and Amending Chapter 14.04 of the Black Diamond Municipal Code

Public Works Director Boettcher reported to Council on this item.

Councilmember Edelman **moved** to adopt Ordinance No. 18-1098, adopting illicit discharge regulations to meet NPDES Permit requirements and amending Chapter 14.04 of the Black Diamond Municipal Code; **second** Councilmember Pepper. Motion **passed** with all voting in favor (5-0).

**10) AB18-027A** – Resolution No. 18-1225 Approving 2018 Stormwater Management Program (SWMP) Plan

Public Works Director Boettcher addressed this item.

Councilmember Deady **moved** to adopt Resolution No. 18-1225, adopting the Stormwater Management Program (SWMP) 2018 update; **second** Councilmember Stout. Motion **passed** with all voting in favor (5-0).

**11) AB16-064B** – Ordinance No. 18-1099 Relating to Astound Broadband Franchise

MDRT/Ec Dev/Interim Community Development Director Williamson reported on this item.

Councilmember Edelman **moved** to adopt Ordinance No. 18-1099, authorizing the Mayor to execute an agreement with Astound Broadband, LLC, d/b/a “Wave”, granting a non-exclusive franchise to use and occupy certain public right of ways; **second** Councilmember Deady.

There was Council discussion and Fred Miller from Wave spoke with Council regarding this franchise and what it will offer.

**Vote:** Motion **passed** with all voting in favor (5-0).

**NEW BUSINESS:**

**12) AB18-030** – Resolution No. 18-1226 Approving Professional Services Agreement with Parametrix, Inc. to Provide On-Call Civil Engineering Services

Public Works Director Boettcher addressed this item.

Councilmember Edelman **moved** to adopt Resolution No. 18-1226, authorizing the Mayor to execute a professional services agreement with Parametrix, Inc. to provide on-call civil

engineering services to the City; **second** Councilmember Oglesbee. Motion **passed** with all voting in favor (5-0).

**13) AB18-031** – Resolution No. 18-1227 Approving Professional Services Agreement with RH2 Engineering to Provide On-Call Civil Engineering Services

Public Works Director Boettcher reported to Council on this item.

Councilmember Deady **moved** to adopt Resolution No. 18-1227, authorizing the Mayor to execute a professional services agreement with RH2 Engineering, Inc. to provide on-call civil engineering services to the City; **second** Councilmember Edelman.

There was Council discussion.

**Vote:** Motion **passed** with all voting in favor (5-0).

**14) AB18-032** – Resolution No. 18-1228 Approving Professional Services Agreement with RH2 Engineering for Design Engineering of the Springs Rehabilitation Project

Public Works Director Boettcher discussed with Council the need for this item to be postponed and brought back to Council at a future meeting.

**5) Minutes** – Council Meeting of August 18, 2016

Councilmember Pepper addressed this item with Council and discussed verbiage she would like added to the minutes.

Councilmember Deady commented on listening to the audio and noted that the motion on page 4 where it says passed 4-1 (Morgan), it should say passed 4-1 (Pepper).

Councilmember Edelman **moved** to make the changes Councilmember Deady requested; **second** Councilmember Deady. Motion **passed** 4-1 (Pepper).

**DEPARTMENT REPORTS:** None

**MAYOR'S REPORT:**

Mayor Benson reported attending the Public Works Committee meeting; AWC Legislative City Action Days; mediation on the OPMA lawsuit; Finance Committee meeting; South King County reception hosted by King County Councilmember Pete von Reichbauer.

**COUNCIL REPORTS:**

Councilmember Deady reported attending the Public Safety Committee meeting; Finance Committee meeting; she asked Council to think about who they would like to see on the Fire Ad Hoc Committee and noted bringing this back up at the next Council meeting.

Councilmember Oglesbee reported attending the Parliamentary Procedure class in Olympia; Public Safety Committee meeting where they are looking at possible legislation regarding homelessness; volunteering at the Museum.

Councilmember Edelman reported attending the Public Works Committee meeting; AWC Legislative City Action Days; Lake Sawyer Community Club annual meeting; South King County reception hosted by King County Councilmember Pete von Reichbauer; suggested having the Fire Ad Hoc Committee meetings on the City's calendar.

Councilmember Stout reported attending the Public Works Committee meeting; AWC Legislative City Action Days; Finance Committee meeting; meeting with Mr. Williamson concerning the Wave franchise agreement; South King County reception hosted by King County Councilmember Pete von Reichbauer.

Councilmember Pepper reported attending the OPMA lawsuit mediation; discussed Senate Bill 6499 and AWC legislative priorities; supports having a City Administrator who is under the direction of the Mayor and would like to see the director positions that are vacant filled; discussed the Consumer Price Index (CPI) and how it is used; discussed employee recognition and incentive programs and noted examples being on the MRSC website and noted this might be something worth discussing at the retreat.

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

Daryl Buss, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

James Stout, Black Diamond spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.


**EXECUTIVE SESSION:**

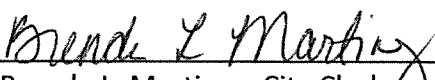
**ADJOURNMENT:**

Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

The meeting ended at 9:16 p.m.

ATTEST:

  
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Carol Benson, Mayor

  
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Brenda L. Martinez, City Clerk