

CITY OF BLACK DIAMOND
January 4, 2018 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

- 1) **AB18-001** – Council Confirmation of Mayor’s Reappointment of Pam McCain to Planning Commission
Position #4 Mayor Benson
- 2) **AB18-002** – Council Confirmation of Mayor’s Reappointment of Dave Ambur to Planning Commission
Position #6 Mayor Benson
- 3) **AB18-003** – Council Confirmation of Mayor’s Appointment of Jason Seth to Planning Commission
Position #3 Mayor Benson
- 4) **AB18-004** – Council Confirmation of Mayor’s Appointment of John Olson to Planning Commission
Position #7 Mayor Benson
- 5) **AB18-005** – Council Confirmation of Mayor’s Appointment of Judy Watson to Civil Service
Commission Position #3 Mayor Benson
- 6) **AB18-006** – Council Confirmation of Mayor’s Appointments to Council Standing Committees Mayor Benson

CONSENT AGENDA:

- 7) **Claim Checks** – December 21, 2017 – Check No. 45611 through 45670 in the amount of \$161,120.15
- 8) **Claim Checks** – January 4, 2018 – Check No. 45671 through 45719 and EFTs in the amount of \$235,274.60
- 9) **Payroll** – December 31, 2017 - Check No. 19461 through 19479 and ACHs in the amount of \$334,683.76
- 10) **Minutes** – Council Special Meeting of December 4, 2017 at 6:00 p.m.
- 11) **Minutes** – Council Special Meeting of December 4, 2017 at 7:00 p.m.
- 12) **Minutes** – Council Meeting of December 7, 2017
- 13) **AB18-007** – Resolution Authorizing Agreement with AHBL for On-Call Planning Services - MDRT Mr. Williamson
- 14) **AB18-008** – Resolution Authorizing Agreement with HWA for Geotech Services – MDRT Mr. Williamson
- 15) **AB18-009** – Resolution authorizing Agreement with Parametrix for Surveying Services – MDRT Mr. Williamson
- 16) **AB18-010** – Resolution Authorizing Agreement with Parametrix for Traffic Services - MDRT Mr. Williamson
- 17) **AB18-011** – Resolution Authorizing Agreement with Perteet for Environmental Services - MDRT Mr. Williamson
- 18) **AB18-012** – Resolution Authorizing Agreement with RH2 for Civil Engineering Services – MDRT Mr. Williamson
- 19) **AB18-013** – Resolution Authorizing Agreement with AHBL for On-Call Planning Services – CD Mr. Williamson
- 20) **AB18-014** – Resolution Authorizing Agreement with BHC Consultants for Building Services - MDRT Mr. Williamson

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: None

NEW BUSINESS:

- | | |
|---|-------------------|
| 21) AB18-015 – Resolution Reverting to 2015 Council Rules adopted by Resolution No. 15-1009, | Councilor Edelman |
| 22) AB18-016 – Council Selection of Mayor Pro-Tempore | |
| 23) AB18-017 – Resolution Approving Agreement with Kenyon Disend PLLC for Attorney Services | Mayor Benson |
| 24) AB18-018 – Resolution Approving Agreement with City of Enumclaw Regarding Jail Services | Chief Kiblinger |
| 25) AB18-019 – Resolution Authorizing Fuel Tax Agreement with TIB for Chip Seal Project | Mr. Boettcher |
| 26) AB18-020 – Resolution Regarding Final Acceptance of Roberts Drive Roadway Improvements | Mr. Boettcher |
| 27) AB18-021 – Resolution Approving Pulled, Denied, or Tabled Vouchers and \$15,000 Contract | Councilor Deady |
| 28) AB18-022 – Resolution Repudiating Lawsuit and Discharging Anne Bremner | Councilor Edelman |
| 29) AB18-023 – Resolution Repudiating Invalid Contracts with Attorneys Koler and Glenn | Councilor Deady |
| 30) AB18-024 – Resolution Rescinding Resolution 17-1201 and Denying Payment of Legal Costs for Morgan, Weber and Pepper in Connection with Bremner Lawsuit and Related Third Party Claims | Councilor Edelman |
| 31) AB18-025 – Resolution Rescinding Resolution No. 17-1196 and Denying Request of Councilmember Pepper for Defense and Indemnification Costs Associated with the Recall Petition | Councilor Deady |

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

January 4, 2018

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the regular meeting to order at 7:15:57 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Oglesbee, Edelman, Stout and Pepper.

ABSENT:

Staff present were: Jamey Kiblinger, Police Chief; May Miller, Finance Director; Seth Boettcher, Public Works Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director, and Brenda L. Martinez, City Clerk.

APPROVAL OF THE AGENDA:

Councilmember Edelman **moved** to adopt the agenda as shown; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS:

- 1) **AB18-001** – Council Confirmation of Mayor’s Reappointment of Pam McCain to Planning Commission Position #4

Councilmember Edelman **moved** to confirm the Mayor’s reappointment of Pam McCain to Position #4 of the Black Diamond Planning Commission; said term to expire on December 31, 2021; **second** Councilmember Deady. Motion **passed** 4-1 (Pepper).

- 2) **AB18-002** – Council Confirmation of Mayor’s Reappointment of Dave Ambur to Planning Commission Position #6

Councilmember Deady **moved** to confirm the Mayor’s reappointment of Dave Ambur to Position #6 of the Black Diamond Planning Commission; said term to expire on December 31, 2021; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

- 3) **AB18-003** – Council Confirmation of Mayor’s Appointment of Jason Seth to Planning Commission Position #3

Councilmember Edelman **moved** to confirm the Mayor's appointment of Jason Seth to Position #3 of the Black Diamond Planning Commission; unexpired term ending on December 31, 2020; **second** Councilmember Deady. Motion **passed** 4-1 (Pepper).

- 4) **AB18-004** – Council Confirmation of Mayor's Appointment of John Olson to Planning Commission Position #7

Councilmember Deady **moved** to confirm the Mayor's appointment of John Olson to Position #7 of the Black Diamond Planning Commission; term ending on December 31, 2021; **second** Councilmember Edelman. Motion **passed** 4-1 (Pepper).

- 5) **AB18-005** – Council Confirmation of Mayor's Appointment of Judy Watson to Civil Service Commission Position #3

Councilmember Edelman **moved** to confirm the Mayor's appointment of Judy Watson to Position #3 of the Black Diamond Civil Service Commission; term ending December 31, 2020; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

- 6) **AB18-006** – Council Confirmation of Mayor's Appointments to Council Standing Committees

Councilmember Edelman **moved** to confirm the Mayor's appointments to the 2018 Council Standing Committees; **second** Councilmember Deady.

There was Council discussion.

Vote: Motion **passed** 4-1 (Pepper).

CONSENT AGENDA:

Councilmember Pepper spoke about the MDRT contracts on the consent agenda and gave her recommendation.

Councilmember Edelman **moved** to adopt the consent agenda; **second** Councilmember Deady. Motion **passed** 4-1 (Pepper). The consent agenda was approved as follows:

- 7) **Claim Checks** – December 21, 2017 – Check No. 45611 through 45670 in the amount of \$161,120.15
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- 14) **AB18-008** – Resolution Authorizing Agreement with HWA for Geotech Services – MDRT
- 15) **AB18-009** – Resolution authorizing Agreement with Parametrix for Surveying Services – MDRT
- 16) **AB18-010** – Resolution Authorizing Agreement with Parametrix for Traffic Services - MDRT
- 17) **AB18-011** – Resolution Authorizing Agreement with Perteet for Environmental Services – MDRT
- 18) **AB18-012** – Resolution Authorizing Agreement with RH2 for Civil Engineering Services – MDRT
- 19) **AB18-013** – Resolution Authorizing Agreement with AHBL for On-Call Planning Services – CD
- 20) **AB18-014** – Resolution Authorizing Agreement with BHC Consultants for Building Services - MDRT

PUBLIC COMMENTS:

Patrick Nelson, Black Diamond spoke to Council.
Krissy Hanson, Black Diamond spoke to Council.
Jennifer Lathum, Black Diamond spoke to Council.
Julie Yust, Teamsters 117 spoke to Council.
Gary Davis, Black Diamond spoke to Council.
Dorothy Botts, Black Diamond spoke to Council.
Johna Thomson, Black Diamond spoke to Council.
Erika Morgan, Black Diamond spoke to Council.
Ron Taylor, Black Diamond spoke to Council.
Robbin Taylor, Black Diamond spoke to Council.
Kristen Bryant, Bellevue spoke to Council.
Mark Taeschner, Black Diamond spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

21) AB18-015 – Resolution Reverting to 2015 Council Rules adopted by Resolution No. 15-1009

Councilmember Edelman spoke to this item.

Councilmember Edelman **moved** to adopt Resolution No. 18-1213, rescinding all 2016 and 2017 changes to the City Council Rules of Procedure and reverting to the 2015 Council Rules; **second** Councilmember Deady.

There was Council discussion.

Vote: Motion **passed** 4-1 (Pepper).

22) AB18-016 – Council Selection of Mayor Pro-Tempore

Councilmember Pepper **nominated** Councilmember Oglesbee for Mayor Pro-Tempore.

Councilmember Oglesbee **amended** to nominate Councilmember Janie Edelman as Mayor Tempore; **second** Councilmember Deady.

There was Council discussion.

Vote: Motion **passed** 4-1 (Pepper).

23) AB18-017 – Resolution Approving Agreement with Kenyon Disend PLLC for Attorney Services

Mayor Benson reported on this item.

Councilmember Deady **moved** to adopt Resolution No. 18-1214, authorizing execution of a City Attorney contract for 2018, and ratifying 2016 and 2017 City Attorney contracts, with Kenyon Disend, PLLC; **second** Councilmember Edelman.

There was Council discussion.

Vote: Motion passed 4-1 (Pepper).

24) AB18-018 – Resolution Approving Agreement with City of Enumclaw Regarding Jail Services

Chief Kiblinger addressed this item with Council.

There was Council discussion.

Councilmember Edelman **moved** to adopt Resolution No. 18-1215, authorizing the Mayor to execute an interlocal agreement with the City of Enumclaw, Washington for inmate

housing in the Enumclaw jail; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

25) AB18-019 – Resolution Authorizing Fuel Tax Agreement with TIB for Chip Seal Project

Public Work Director Boettcher discussed this item.

Councilmember Deady **moved** to adopt Resolution No. 18-1216, authorizing the Mayor to execute a fuel tax agreement for the 224th Ave. SE/228th Ave. SE Chip Seal project, TIB #2-P-800(007)-1; **second** Councilmember Oglesbee. Motion **passed** with all voting in favor (5-0).

26) AB18-020 – Resolution Regarding Final Acceptance of Roberts Drive Roadway Improvements

Public Work Director Boettcher addressed Council on this item.

Councilmember Deady **moved** to adopt Resolution No. 18-1217, accepting the Roberts Drive Roadway Improvements project by J.R. Hayes & Sons, Inc. according to the contract documents; **second** Councilmember Oglesbee. Motion **passed** with all voting in favor (5-0).

27) AB18-021 – Resolution Approving Pulled, Denied, or Tabled Vouchers and \$15,000 Contracts

Councilmember Pepper spoke against adoption of this item.

Councilmember Deady reported on this item.

There was Council discussion.

Councilmember Oglesbee **moved** to postpone to the next Council meeting.

Councilmember Edelman **amended** the motion to adopt Resolution No. 18-1218, ratifying consultants contracts not previously approved or recognized as approved by the City Council, and authorizing payment of vouchers previously withheld, pulled, denied, or tabled by the City Council, in 2016 and 2017; **second** Councilmember Deady.

There was continued Council discussion.

Vote: Motion **passed** 4-1 (Pepper).

28) AB18-022 – Resolution Repudiating Lawsuit and Discharging Anne Bremner

Councilmember Edelman briefed Council on this agenda item.

There was Council discussion.

Councilmember Edelman **moved** to adopt Resolution No. 18-1219, repudiating the lawsuit filed by Attorney Anne Bremner against Mayor Benson and demanding her immediate withdrawal as counsel; **second** Councilmember Deady.

There was discussion.

Vote: Motion passed 4-1 (Pepper).

29) AB18-023 – Resolution Repudiating Invalid Contracts with Attorneys Koler and Glenn

Councilmember Deady reported on this item.

There was Council discussion.

Councilmember Deady **moved** to adopt Resolution No. 18-1220, repudiating invalid contracts with Attorneys Koler and Glenn, denying payment, and requiring copies of public records; **second** Councilmember Oglesbee. Motion **passed** 4-1 (Pepper).

30) AB18-024 – Resolution Rescinding Resolution 17-1201 and Denying Payment of Legal Costs for Morgan, Weber and Pepper in Connection with Bremner Lawsuit and Related Third Party Claims

Councilmember Edelman spoke on this item.

Councilmember Edelman **moved** to adopt Resolution No. 18-1221, rescinding Resolution No. 17-1201 and denying payment of legal expenses and indemnification of Erika Morgan, Brian Weber, and Pat Pepper in connection with the Bremner lawsuit and related third party claims; **second** Councilmember Stout.

There was Council discussion.

Vote: Motion passed 4-1 (Pepper).

31) AB18-025 – Resolution Rescinding Resolution No. 17-1196 and Denying Request of Councilmember Pepper for Defense and Indemnification Costs Associated with the Recall Petition

Councilmember Deady reported on this item.

There was Council discussion.

Councilmember Deady **moved** to adopt Resolution No. 18-1222, rescinding Resolution No. 17-1196 and denying the request of Councilmember Pepper to have the City pay the legal defense costs she incurred in connection with the recall effort; **second** Councilmember Edelman.

There was continued Council discussion with Councilmember Edelman asking that Councilmember Pepper recuse herself from the vote.

Vote: Motion passed 4-1 (Pepper).

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director welcomed the newly appointed Planning Commission members and also welcomed the new Councilmembers. He briefed Council on items staff is currently working on such as the traffic element of the comprehensive plan and it is the intent to have a joint meeting with Council and Planning Commission on the Comprehensive Plan update in February. He also discussed the upcoming update of the Shoreline Management Program and the process. He reported on items the MDRT department is working on. He also responded to incorrect comments made by a citizen during the public comment period.

Finance Director Miller thanked Council for passing the resolution to pay the outstanding vouchers and contracts.

MAYOR'S REPORT:

Mayor Benson reported going out with the Fire Department to seven neighborhoods to collect canned food; she attended Hometown Christmas, staff appreciation event; SCATBd and was reelected as Chair; Chamber luncheon; Judge swearing in; ribbon cutting at Black Gold Coffee Company; and attended the Polar Bear plunge at Lake Sawyer.

COUNCIL REPORTS:

Councilmember Deady reported attending Shop with a Cop; Wreaths Across America at the Tahoma National Cemetery; Hometown Christmas; Community Center Tree Lighting; Judge swearing in; ribbon cutting at Black Gold Coffee Company; welcomed the new Councilmembers, Planning Commission members, and Civil Service Commission member and spoke about each member that was confirmed tonight.

Councilmember Olgesbee reported attending the AWC elected officials essential workshop; meeting with staff members on agenda items; Hometown Christmas and was head of the wreath making event; Enumclaw School District Luncheon; Black Diamond Community Center Tree Lighting event, and volunteered at the Museum.

Councilmember Edelman reported collecting food with the Mayor and Fire Department; attended Shop with a Cop; Hometown Christmas; Black Diamond Tree Lighting event; distribution of gifts at the Black Diamond Community Center and noted continuing to serve lunch on Tuesdays and Thursdays; PIC meeting; Finance meeting; separate meetings with Erin Stout and Melissa Oglesbee, Chamber Luncheon; Judge swearing in; Black Gold Coffee Company ribbon cutting; suggested Councilmembers attend the SCA networking dinners.

Councilmember Stout thanked the community for the support she has had over the past few months and what she has really learned about this community is that people turn out and how hard this community works. She reported attending the SCA Networking dinner; Enumclaw School District Luncheon; AWC newly elected official essentials workshop; Leslie Cooley memorial; meetings with staff members; meeting with Councilmember Edelman; she commented on appreciating the openness of staff and their willingness to answer questions and to teach.

Councilmember Pepper reported attending the Judge swearing in; she discussed the King County car seat inspections and having handouts on the table; major public labor law regarding negotiating effective contracts; the vote on the John Henry Mine and Puget Soundkeeper's reaching out and wondered if this could be discussed at the next meeting.

Councilmember Deady thanked John Olson for volunteering to be on the Planning Commission and discussed the garage fire at a citizen's residence.

ATTORNEY REPORT:

City Attorney Linehan thanked Council for approving their contract to be the City Attorney in 2018 and noted looking forward to working with all the Councilmembers and Mayor. He welcomed the new Councilmembers and commented that his door is always open, his phone is always on and his email works day and night. He noted he is not sheltered or prohibited from talking to Council and frequently reaches out and works with Councilmembers directly and hopes to continue to do that. He congratulated the new members for investing the time to get up to speed to get work done and noted there will be more coming forward. He stated the City is blessed with an extraordinarily competent, dedicated, diligent, knowledgeable, and conscientious staff and Councilmembers are going to be privileged to work them while serving as Councilmembers.

PUBLIC COMMENTS:

Joe Androsko, Black Diamond spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Terri Yankovich, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

During Mrs. Taylor's comments Councilmember Pepper appealed the decision of the chair for the citizen to speak to a Councilmember in a negative way. She again appealed the decision of the chair.

Daryl Buss, Black Diamond spoke to Council.

Gomer Evan, Black Diamond spoke to Council.

Krissy Hanson, Black Diamond spoke to Council.

Chris Wisnowski, Black Diamond spoke to Council.
Keith Watson, Black Diamond spoke to Council.


EXECUTIVE SESSION: None

ADJOURNMENT:


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

The meeting ended at 9:50:02 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk