



**CITY OF BLACK DIAMOND**  
**May 17, 2018 Regular Business Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

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

**AGENDA REVIEW AND APPROVAL:**

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

**Presentation – State of the City Address – Mayor Benson**

**CONSENT AGENDA:**

- 1) Claim Checks** – May 17, 2018 – Check No. 46191 through 46241 and EFTs in the amount of \$545,223.57
- 2) Payroll** – April 30, 2018 – Check No. 19535 through 19555 (void 19545) in the amount of \$315,578.27
- 3) Minutes** – March 10, 2016, October 6, 2016, October 20, 2016, November 3, 2016, November 10, 2016, November 17, 2016, November 29, 2017, December 1, 2016, December 6, 2016, December 22, 2016, January 5, 2017, January 19, 2017, January 24, 2017, February 2, 2017, February 9, 2017, February 16, 2017, March 16, 2017, April 6, 2017, April 20, 2017, May 24, 2017, June 8, 2017, June 15, 2017
- 4) Minutes** – Council Meeting of May 3, 2018

**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:**

- |   |               |
|---|---------------|
| <b>5) AB18-057</b> – Ordinance Regarding Re-establishing a Non-exclusive, Ten-Year Franchise with PSE | Mr. Boettcher |
| <b>6) AB18-058</b> – Re-establishing Goals for Water Use Efficiency                                   | Mr. Boettcher |
| <b>7) AB18-059</b> – Proposed 2019-2024 Six Year Transportation Improvement Program                   | Mr. Boettcher |

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- |   |               |
|---|---------------|
| <b>8) AB18-060</b> – Resolution No. 18-1248 Accepting the 2018 Patching Project | Mr. Boettcher |
|---|---------------|

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

- Councilmember Deady -
- Councilmember Oglesbee
- Councilmember Edelman
- Councilmember Stout
- Councilmember Wisnoski

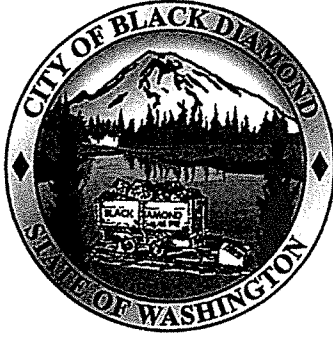
**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

**CLOSED SESSION:** To discuss with Labor Attorney collective bargaining pursuant to RCW 42.30.140(4)



### CERTIFICATION

Date: May 17<sup>th</sup>, 2018 Council Meeting

Check No.'s/EFT	Batch Name	Check/EFT Date	Amount
EFT	April – Apr EFT Batch for 05/17 Council	04/01/2018-04/30/2018	\$ 17,989.41
46191 - 46241	May - 2 <sup>nd</sup> May Batch for 05/17 Council	05/18/2018	\$ 527,234.16
		TOTAL	\$ 545,223.57

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*

MAY MILLER, FINANCE DIRECTOR

CAROL BENSON, MAYOR

*5-10-2018*

DATE

DATE

COUNCILMEMBERS

DATE

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# Register

Fiscal: 2018

Deposit Period: 2018 - May, 2018 - April

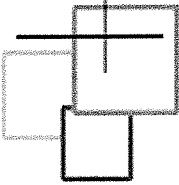
Check Period: 2018 - May - 2nd May Batch for 05/17 Council, 2018 - April - April EFT Batch for 05/17 Council

Number	Name	Print Date	Amount
<b>Check</b>			
<u>46191</u>	ADT Security Services (PA)	5/18/2018	\$48.64
<u>46192</u>	Alliance 2020. Inc	5/18/2018	\$40.00
<u>46193</u>	Axon Enterprise, Inc.	5/18/2018	\$2,173.08
<u>46194</u>	Big Mountain Electric, Inc	5/18/2018	\$749.34
<u>46195</u>	Bill's Locksmith Service Inc.	5/18/2018	\$66.53
<u>46196</u>	Bitco Software LLC	5/18/2018	\$7,927.80
<u>46197</u>	Black Diamond Auto Parts	5/18/2018	\$208.42
<u>46198</u>	Black Diamond Royal Towing	5/18/2018	\$401.82
<u>46199</u>	City of Auburn	5/18/2018	\$1,000.00
<u>46200</u>	City of Black Diamond	5/18/2018	\$1,359.38
<u>46201</u>	Comcast (34744)	5/18/2018	\$231.14
<u>46202</u>	Comcast (PA)	5/18/2018	\$394.60
<u>46203</u>	Criminal Justice Training Commission	5/18/2018	\$750.00
<u>46204</u>	Department of Commerce	5/18/2018	\$317,361.83
<u>46205</u>	Dicks Heating & A/C Inc	5/18/2018	\$380.10
<u>46206</u>	DKS Associates	5/18/2018	\$28,902.15
<u>46207</u>	Enumclaw School District	5/18/2018	\$70,047.00
<u>46208</u>	Federal Eastern International	5/18/2018	\$306.88
<u>46209</u>	Fugate Ford	5/18/2018	\$60.09
<u>46210</u>	Granite Telecommunications	5/18/2018	\$47.43
<u>46211</u>	Home Depot Credit Service	5/18/2018	\$1,091.78
<u>46212</u>	Hydraulic Installation & Repair, Inc.	5/18/2018	\$42.15
<u>46213</u>	Johnsons Home & Garden	5/18/2018	\$94.28
<u>46214</u>	Kenyon Disend, PLLC	5/18/2018	\$15,995.10
<u>46215</u>	Kevin Esping	5/18/2018	\$7.90
<u>46216</u>	King County Finance - Wastewater Treat Div.	5/18/2018	\$47,050.08
<u>46217</u>	King County Prosecuting Attorney	5/18/2018	\$162.22
<u>46218</u>	King County Radio Comm Services	5/18/2018	\$1,609.45
<u>46219</u>	L.N. Curtis & Sons	5/18/2018	\$197.43
<u>46220</u>	Lakeside Industries	5/18/2018	\$215.27
<u>46221</u>	Modular Space Corporation	5/18/2018	\$5,412.63
<u>46222</u>	North West Instrument Services	5/18/2018	\$249.78
<u>46223</u>	O'Brien, Barton, & Hopkins, PLLP	5/18/2018	\$3,750.00
<u>46224</u>	Office Products Nationwide	5/18/2018	\$123.95
<u>46225</u>	Orkin Commercial Services	5/18/2018	\$119.31
<u>46226</u>	Petty Cash Custodian	5/18/2018	\$75.83
<u>46227</u>	Regional Animal Services of King County	5/18/2018	\$90.00
<u>46228</u>	Secure Pacific Corporation	5/18/2018	\$182.55
<u>46229</u>	Severson's Building Maint	5/18/2018	\$1,550.00
<u>46230</u>	SHI International Corp.	5/18/2018	\$3,155.91



<u>46231</u>	Shred-It USA	5/18/2018	\$53.52
<u>46232</u>	State Auditor's Office	5/18/2018	\$760.80
<u>46233</u>	Tracey Redd	5/18/2018	\$44.36
<u>46234</u>	TRM Wood Products Co. Inc.	5/18/2018	\$55.78
<u>46235</u>	Utilities Underground	5/18/2018	\$83.16
<u>46236</u>	VenTek International	5/18/2018	\$90.00
<u>46237</u>	Washington State Treasurer	5/18/2018	\$11,941.52
<u>46238</u>	Washington Workwear Stores, Inc.	5/18/2018	\$78.17
<u>46239</u>	William and/or Lucy Vanruff	5/18/2018	\$125.00
<u>46240</u>	WPTA	5/18/2018	\$120.00
<u>46241</u>	WPTA 2018 Conference	5/18/2018	\$250.00
<u>EFT Payment 04/02/2018 1:50:02 PM - 1</u>	U.S. Postal Service (Black Diamond)	4/2/2018	\$302.28
<u>EFT Payment 04/02/2018 1:50:02 PM - 2</u>	Vantive Holding, LLC / Merchant Card Services	4/2/2018	\$110.32
<u>EFT Payment 04/02/2018 1:50:02 PM - 3</u>	Washington State Department of Revenue	4/2/2018	\$3,765.47
<u>EFT Payment 04/05/2018 1:51:15 PM - 1</u>	Invoice Cloud	4/5/2018	\$134.00
<u>EFT Payment 04/06/2018 1:51:33 PM - 1</u>	Dept of Licensing-Firearms Online	4/6/2018	\$54.00
<u>EFT Payment 04/10/2018 1:53:09 PM - 1</u>	Vantive Holding, LLC / Merchant Card Services	4/10/2018	\$32.49
<u>EFT Payment 04/10/2018 4:00:53 PM - 1</u>	First Bankcard	4/10/2018	\$6,203.90
<u>EFT Payment 04/11/2018 2:13:10 PM - 1</u>	Vantive Holding, LLC / Merchant Card Services	4/11/2018	\$185.91
<u>EFT Payment 04/16/2018 2:13:45 PM - 1</u>	Columbia Bank	4/16/2018	\$1,044.63
<u>EFT Payment 04/18/2018 2:13:59 PM - 1</u>	Dept of Licensing-Firearms Online	4/18/2018	\$18.00
<u>EFT Payment 04/20/2018 2:14:19 PM - 1</u>	US Bank Equipment Finance	4/20/2018	\$1,471.37
<u>EFT Payment 04/23/2018 2:14:33 PM - 1</u>	U.S. Postal Service (CMRS-FP)	4/23/2018	\$400.00
<u>EFT Payment 04/24/2018 2:18:23 PM - 1</u>	Dept of Licensing-Firearms Online	4/24/2018	\$132.00
<u>EFT Payment 04/27/2018 2:18:37 PM - 1</u>	Washington State Department of Revenue	4/27/2018	\$4,135.04
	<b>Total</b>		<b>\$545,223.57</b>

# Voucher Directory with Transaction Date



Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
Columbia Bank	EFT Payment 04/16/2018 2:13:45 PM - 1	4/16/2018	2018 - April - April EFT Batch for 05/17 Council	
	041618 CB COBD			
	Jan - Mar 2018 City Bank Analysis Fees			
	001-000-180-518-50-49-05		City- Bank Analysis Fees	\$377.19
	101-000-000-542-90-49-50		Credit Card/Bank Charges	\$94.30
	401-000-000-534-80-49-50		Bank Analysis Fees/Merch CC/ Lien Fees	\$188.60
	407-000-000-535-80-49-50		Bank Analysis Fees/Merch CC/ Lien Fees	\$188.60
	410-000-000-531-10-49-50		Bank Analysis Fees/Merch CC/ Lien Fees	\$94.30
	Total 041618 CB COBD			\$942.99
	EFT Payment 04/16/2018 2:13:45 PM - 1	4/16/2018	2018 - April - April EFT Batch for 05/17 Council	
	041618 CB Crt			
	Jan - Mar 2018 Court Bank Analysis Fees			
	001-000-120-512-50-49-11		Court- Bank Analysis Fees	\$101.64
	Total 041618 CB Crt			\$101.64
	Total EFT Payment 04/16/2018 2:13:45 PM - 1			\$1,044.63
Total Columbia Bank				\$1,044.63
Dept of Licensing-Firearms Online	EFT Payment 04/06/2018 1:51:33 PM - 1	4/6/2018	2018 - April - April EFT Batch for 05/17 Council	
	040618 DOLF			
	Apr 3rd Charges			
	633-000-000-589-90-00-11		DOL- Firearms EFT Payments	\$54.00
	Concealed Pistol License			
	Total 040618 DOLF			\$54.00
	Total EFT Payment 04/06/2018 1:51:33 PM - 1			\$54.00
	EFT Payment 04/18/2018 2:13:59 PM - 1	4/18/2018	2018 - April - April EFT Batch for 05/17 Council	
	041818 DOLF			
	Apr 13th Charges			
	633-000-000-589-90-00-11		DOL- Firearms EFT Payments	\$18.00

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount
	Total 041818 DOLF			Concealed Pistol License	
	Total EFT Payment 04/18/2018 2:13:59 PM - 1				\$18.00
	EFT Payment 04/24/2018 2:18:23				\$18.00
	PM - 1				
	042418 DOLF		4/24/2018	2018 - April - April EFT Batch for 05/17 Council	
			Apr 19th Charges		
			633-000-000-589-90-00-11	DOL- Firearms EFT Payments	\$132.00
				Concealed Pistol License	
	Total 042418 DOLF				\$132.00
	Total EFT Payment 04/24/2018 2:18:23 PM - 1				\$132.00
	Total Dept of Licensing-Firearms Online				\$204.00
	First Bankcard				
	EFT Payment 04/10/2018 4:00:53		4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	PM - 1				
	Colagiovanni 8699 041018				
				PD	
			001-000-210-521-10-31-00	Operating Supplies	\$25.38
			001-000-210-521-10-35-00	Operating Supplies	
			001-000-210-521-10-35-00	Firearms Program	\$31.05
			001-000-210-521-10-49-04	Firearms	\$39.00
			001-000-210-521-10-49-04	Overlimit Fee	
			001-000-214-521-20-48-04	NetMotion Maintenance Mobile Units	\$60.00
			001-000-216-521-10-43-00	Monthly 2 Factor Authentication	
			001-000-216-521-10-43-00	Lodging, Meals & Mileage	\$456.60
			001-000-216-521-10-43-00	Lodging, Northwest Leadership Seminar	\$14.00
			001-000-216-521-10-43-00	Lodging, Meals & Mileage	\$10.35
			001-000-216-521-10-43-00	Meals, Northwest Leadership Seminar	
			001-000-216-521-10-43-00	Lodging, Meals & Mileage	\$636.38
	Total Colagiovanni 8699 041018				
	EFT Payment 04/10/2018 4:00:53		4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	PM - 1				
	Dal Santo 9871 041018				
				PW	
			401-000-000-534-80-48-02	Water System Rep & Mtc-Ext/Int	\$1,136.15
				Analyzer Supplies	
	Total Dal Santo 9871 041018				\$1,136.15

Vendor	Transaction Number	Invoice Date	Fiscal Description	Void
	Transaction Reference	Account Number	Name	Amount

EFT Payment 04/10/2018 4:00:53  
PM - 1

Esping 1117 041018  
PW

4/10/2018 2018 - April - April EFT Batch for 05/17 Council

001-000-180-594-18-64-00	License Fees/Suburu	Replacement-City- Pool Vehicle	\$47.75
001-000-180-594-18-64-00	License Fees/Suburu	Replacement-City- Pool Vehicle	\$2.00
001-000-181-518-30-48-00	Car Wash	Facility-Vehicle Mtc. & Repair	\$7.00
001-000-181-518-30-48-00	Dashboard Knobs	Facility-Vehicle Mtc. & Repair	\$39.16
001-000-210-521-10-31-00	PD Defib Batteries	Operating Supplies	\$251.79
001-000-210-521-10-31-00	PD Defib Pads	Operating Supplies	\$343.87
001-000-215-521-10-48-00	Marine Boat Winterization	Repairs and Maintenance VRF	\$529.63
001-000-215-521-14-31-00	Marine Battery	Marine Grt-Supplies	\$92.30
001-000-270-575-51-31-00	Sport Equipment for Gym	Gym -Operating Supplies	\$134.27
001-000-270-576-80-31-03	PW Office Supplies	Operating Supplies	\$6.05
001-000-270-576-80-31-03	PW Batteries	Operating Supplies	\$1.35
001-000-280-536-20-31-02	PW Batteries	Cemetery Operating Supplies	\$0.68
001-000-280-536-20-31-02	PW Office Supplies	Cemetery Operating Supplies	\$3.02
101-000-000-542-90-31-01	PW Batteries	Operating Supplies	\$7.40
101-000-000-542-90-31-01	PW Office Supplies	Operating Supplies	\$33.28
101-000-000-544-90-31-00	Flash Drives	PW Clearing Acct-Supplies	\$53.20
401-000-000-534-80-31-01	PW Batteries	Wtr. Operating Supplies	\$8.07
401-000-000-534-80-31-01	PW Office Supplies	Wtr. Operating Supplies	\$36.31
407-000-000-535-80-31-01	PW Office Supplies	Swr. Operating Supplies	\$36.31

Vendor	Transaction Number Transaction Reference	Invoice Date	Fiscal Description Name	Void Amount
	Account Number		Title	
	407-000-000-535-80-31-01		PW Batteries	
	410-000-000-531-10-31-01		Swr. Operating Supplies	\$8.07
	410-000-000-531-10-31-01		PW Batteries	
	410-000-000-531-10-31-01		Stormwater Operating Supplies	\$8.07
	510-000-300-594-21-31-00		Stormwater Operating Supplies	\$36.31
	510-000-300-594-21-31-00		PW Office Supplies	
	510-000-300-594-21-31-00		Surplus Costs Police	\$24.00
	510-000-300-594-21-31-00		License Fees/Surplus	
	510-000-300-594-21-31-00		Surplus Costs Police	\$2.00
	510-000-300-594-21-31-00		License Fees/Surplus	
				\$1,711.89
	Total Esping 1117 041018			
	EFT Payment 04/10/2018 4:00:53			
	PM - 1			
	Girias 2336 041018	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	PD			
	001-000-240-558-51-32-00		Fuel	\$22.54
				\$22.54
	Total Girias 2336 041018			
	EFT Payment 04/10/2018 4:00:53			
	PM - 1			
	Hannis 7970 041018	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	PW			
	101-000-000-542-90-31-04		Uniforms for Field Work	
	101-000-000-542-90-43-00		Uniforms & Safety Supplies	\$12.21
	401-000-000-534-80-31-05		Lodging, Meals & Mileage	\$16.70
	401-000-000-534-80-43-00		Meals, Flagger Recertification w. Ken & Kevin	
	401-000-000-534-80-31-04		Uniforms	\$12.21
	407-000-000-535-80-31-04		Meals, Flagger Recertification w. Ken & Kevin	\$16.70
	407-000-000-535-80-31-04		Uniform Allowance	\$12.22
	407-000-000-535-80-43-00		Lodging, Meals & Mileage	\$16.70
	410-000-000-531-10-31-04		Meals, Flagger Recertification w. Ken & Kevin	\$12.22
	410-000-000-531-10-43-00		Uniforms and Safety Supplies	\$16.70
	410-000-000-531-10-43-00		Lodging, Meals & Mileage	\$175.00
	410-000-000-531-10-49-02		Meals, Flagger Recertification w. Ken & Kevin	
	410-000-000-531-10-49-02		Training	
	410-000-000-531-10-49-02		Training, Stormwater Recertification	\$290.66
	Total Hannis 7970 041018			

Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Henrich 2417 041018 PD	001-000-210-521-10-48-01	Headlight Bulb	\$19.54
	Total Henrich 2417 041018		Vehicle Maintenance & Repair	\$19.54
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Hershaw 1210 041018 PD	001-000-210-521-10-35-00	Equipment for Training	\$39.93
	Total Hershaw 1210 041018		Firearms Program	\$39.93
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Keller 1441 041018 PD	001-000-210-521-10-43-00	Parking for Training	\$12.00
	Total Keller 1441 041018		Lodging, Meals & Mileage	\$12.00
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Kiblinger 4329 041018 PD	001-000-216-521-10-43-00	Lodging, Meals & Mileage	\$211.60
	Total Kiblinger 4329 041018		Travel, Civilian Response to Active Shooter: LC	\$211.60
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Martinez 4360 041018 Cik	001-000-216-521-10-43-00	Travel, Civilian Response to Active Shooter: JK	\$27.60
	Total Kiblinger 4329 041018		Lodging, Meals & Mileage	\$450.80
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Martinez 4360 041018 Cik	001-000-110-511-60-43-00	Lodging, Meals and Mileage	\$50.00
	Total Kiblinger 4329 041018		SCA Networking Dinner: E. Stout	\$13.64
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Martinez 4360 041018 Cik	001-000-130-513-10-43-00	Lodging, Meals & Mileage	\$11.00
	Total Kiblinger 4329 041018		Meal, Tri City Agenda Setting Meeting: C. Benson	
	EFT Payment 04/10/2018 4:00:53 PM - 1	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Martinez 4360 041018 Cik	001-000-137-514-21-43-00	Lodging, Meals & Mileage	
	Total Kiblinger 4329 041018		Fuel, WMCA Conference: B. Martinez	

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
				Name	Amount
		Account Number		Title	
		001-000-137-514-21-43-00		Lodging, Meals & Mileage	\$17.47
				Meal, WMCA Conference: B. Martinez	
		001-000-137-514-21-43-00		Lodging, Meals & Mileage	\$13.65
				Meal, Tri City Agenda Setting Meeting: B. Martinez	
		001-000-180-518-50-49-16		Retreat-Travel & Training	\$106.52
				Council Retreat Supplies	
		001-000-180-518-50-49-16		Retreat-Travel & Training	\$249.80
				Council Retreat Supplies	
		001-000-180-518-50-49-23		City Wellness Program	\$60.56
				Wellness Luncheon Supplies	
		<b>Total Martinez 4360 041018</b>			<b>\$522.64</b>
	<b>EFT Payment 04/10/2018 4:00:53</b>				
	<b>PM - 1</b>		<b>4/10/2018</b>	<b>2018 - April - April EFT Batch for 05/17 Council</b>	
		<b>McGraw 9074 041018</b>			
		<b>PD</b>			
		001-000-210-521-10-31-00		Operating Supplies	\$80.45
				Evidence: Drug Testing	
		001-000-214-521-20-42-03		Police Postage	\$11.35
				Certified Mail: Evidence	
	<b>Total McGraw 9074 041018</b>				<b>\$91.80</b>
	<b>EFT Payment 04/10/2018 4:00:53</b>				
	<b>PM - 1</b>		<b>4/10/2018</b>	<b>2018 - April - April EFT Batch for 05/17 Council</b>	
		<b>Metcalf 4013 041018</b>			
		<b>Crt</b>			
		001-000-120-512-50-31-00		Operating Supplies	\$89.74
				Emergency Supplies & Chair Mat	
		001-000-120-512-50-31-00		Operating Supplies	\$50.87
				Emergency Supplies	
		001-000-120-512-50-31-00		Operating Supplies	(\$26.05)
				Emergency Supplies (return of first aid kit)	
		001-000-120-512-50-31-00		Operating Supplies	\$11.15
				Emergency Supplies	
		001-000-120-512-50-43-01		Lodging, Meals & Mileage	\$116.35
				Lodging, Institute for Court Management	
		001-000-120-512-50-43-01		Lodging, Meals & Mileage	\$19.39
				Meal, Institute for Court Management	
		001-000-120-512-50-43-01		Lodging, Meals & Mileage	\$15.01
				Meal, Institute for Court Management	
		001-000-120-512-50-43-01		Lodging, Meals & Mileage	\$17.61
				Meal, Institute for Court Management	
		001-000-120-512-50-43-01		Lodging, Meals & Mileage	\$25.40

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
	Total Metcalf 4013 041018			Meal, Institute for Court Management	
	EFT Payment 04/10/2018 4:00:53				
	PM - 1		4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Pittam 4402 041018				
	MDRT				
		001-000-246-558-70-31-00		Office Supplies	\$52.74
		001-000-246-558-70-32-00		Fuel	\$75.34
					\$128.08
	Total Pittam 4402 041018				
	EFT Payment 04/10/2018 4:00:53				
	PM - 1		4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Reed 3197 041018				
	IT				
		310-000-011-594-18-64-00		General Government Technology	\$50.55
		310-000-011-594-18-64-00		Video Card for Council PC	\$29.22
		310-000-011-594-18-64-00		General Government Technology	
		310-000-011-594-18-64-00		3 Mic Stands for Council Chamber	\$145.18
		310-000-011-594-21-64-03		General Government Technology	
				Wireless Mics for Council Chamber	\$175.96
				Police Technology & Other	
				Monitor for PD	\$400.91
	Total Reed 3197 041018				
	EFT Payment 04/10/2018 4:00:53				
	PM - 1		4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
	Williamson 7508 041018				
	MDRT				
		001-000-246-558-70-32-00		Fuel	\$44.71
		001-000-246-558-70-32-00		Fuel	\$10.00
		001-000-246-558-70-49-00		Miscellaneous	\$62.55
		001-000-246-558-70-49-00		Working Lunch	\$52.00
		001-000-246-558-70-49-00		Miscellaneous	\$41.00
		001-000-246-558-70-49-00		Working Lunch	
		001-000-246-558-70-49-01		Working Lunch	\$80.57
				Employee Training	
				Training & Workshops	\$290.83
	Total Williamson 7508 041018				



Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount

EFT Payment 04/10/2018 4:00:53 PM - 1	Wright 3149 041018	CD	001-000-240-558-51-31-00	2018 - April - April EFT Batch for 05/17 Council	
			Plan Review Supplies	Office & Operating Supplies	\$130.28
Total Wright 3149 041018					\$130.28
Total EFT Payment 04/10/2018 4:00:53 PM - 1					\$6,203.90
Total First Bankcard					\$6,203.90
Invoice Cloud					
EFT Payment 04/05/2018 1:51:15 PM - 1	040518 IC		4/5/2018	2018 - April - April EFT Batch for 05/17 Council	
	Mar 2018 Charges				
	401-000-000-534-80-49-50	Water		Bank Analysis Fees/Merch CC/ Lien Fees	\$61.64
	407-000-000-535-80-49-50	Sewer		Bank Analysis Fees/Merch CC/ Lien Fees	\$61.64
	410-000-000-531-10-49-50	Storm		Bank Analysis Fees/Merch CC/ Lien Fees	\$10.72
Total 040518 IC					\$134.00
Total EFT Payment 04/05/2018 1:51:15 PM - 1					\$134.00
Total Invoice Cloud					\$134.00
U.S. Postal Service (Black Diamond)					
EFT Payment 04/02/2018 1:50:02 PM - 1	040218 USPS BD		4/2/2018	2018 - April - April EFT Batch for 05/17 Council	
	1st Qtr Newsletter Postage				
	001-000-180-518-50-42-01			Postage-News letter-L/S	\$302.28
				For Stormwater Only Customers	\$302.28
Total 040218 USPS BD					\$302.28
Total EFT Payment 04/02/2018 1:50:02 PM - 1					\$302.28
Total U.S. Postal Service (Black Diamond)					\$302.28

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount
U.S. Postal Service (CMRS-FP)	EFT Payment 04/23/2018 2:14:33			2018 - April - April EFT Batch for 05/17 Council	
	PM - 1				
	042318 USPS CMRS	4/23/2018			
	Postage Refill				
	001-000-180-518-50-42-00			Postage	\$400.00
	Total 042318 USPS CMRS				\$400.00
	Total EFT Payment 04/23/2018 2:14:33 PM - 1				\$400.00
	Total U.S. Postal Service (CMRS-FP)				\$400.00
US Bank Equipment Finance	EFT Payment 04/20/2018 2:14:19			2018 - April - April EFT Batch for 05/17 Council	
	PM - 1				
	352435275	4/20/2018			
	03/20-04/20 Copier Rental				
	001-000-210-521-10-45-00			Lease Payments - US Bank/Copier	\$193.03
	Pool 2 - PD				
	001-000-248-518-20-45-03			MDRT-Copier Costs	\$193.03
	Pool 2 - MDRT				
	001-000-254-518-20-45-04			Facilities Copier Maint Lease	\$8.00
	Supply Freight				
Total US Bank Equipment Finance	EFT Payment 04/02/2018 1:50:02			2018 - April - April EFT Batch for 05/17 Council	
	PM - 2				
	040218 CH CC	4/2/2018			
	Apr 2018 CH Monthly Fees				
	001-000-180-518-50-49-03			Bank Merch CC Fees	\$20.28
	City Hall 3633				
	Total 040218 CH CC				\$20.28
	Total EFT Payment 04/20/2018 2:14:19 PM - 1				
	Total US Bank Equipment Finance				
Vantive Holding, LLC / Merchant Card Services	EFT Payment 04/02/2018 1:50:02			2018 - April - April EFT Batch for 05/17 Council	
	PM - 2				
	040218 CH CC	4/2/2018			
	Apr 2018 CH Monthly Fees				
	001-000-180-518-50-49-03			Bank Merch CC Fees	\$20.28
	City Hall 3633				
	Total 040218 CH CC				\$20.28
	Total EFT Payment 04/20/2018 2:14:19 PM - 1				
	Total US Bank Equipment Finance				

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
	EFT Payment 04/02/2018 1:50:02 PM - 2	040218 LS CC	4/2/2018	2018 - April - April EFT Batch for 05/17 Council	
		Apr 2018 LS Monthly Fees			
		001-000-270-576-80-49-01		Bank Analysis Fees/Merch CC Fees	\$13.57
				Lake Sawyer Parking 2758	\$13.57
	Total 040218 LS CC				
	EFT Payment 04/02/2018 1:50:02 PM - 2	040218 PD CC	4/2/2018	2018 - April - April EFT Batch for 05/17 Council	
		Apr 2018 PD Monthly Fees			
		001-000-210-521-10-49-04		Bank Analysis Fees/Merch CC Fees	\$76.47
				Police 4375	\$76.47
	Total 040218 PD CC				\$110.32
	Total EFT Payment 04/02/2018 1:50:02 PM - 2				
	EFT Payment 04/10/2018 1:53:09 PM - 1	041018 LS CC	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
		Apr 2018 LS Monthly Fees			
		001-000-270-576-80-49-01		Bank Analysis Fees/Merch CC Fees	\$32.49
				Lake Sawyer Parking 2758	\$32.49
	Total 041018 LS CC				
	Total EFT Payment 04/10/2018 1:53:09 PM - 1				
	EFT Payment 04/11/2018 2:13:10 PM - 1	041118 CH CC	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
		Mar 2018 CH Trans Fees			
		001-000-180-518-50-49-03		Bank Merch CC Fees	\$62.29
				City Hall 3633	\$62.29
	Total 041118 CH CC				
	EFT Payment 04/11/2018 2:13:10 PM - 1	041118 LS CC	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
		Mar 2018 LS Trans Fees			
		001-000-270-576-80-49-01		Bank Analysis Fees/Merch CC Fees	\$30.94
				Lake Sawyer Parking 2758	\$30.94
	Total 041118 LS CC				
	EFT Payment 04/11/2018 2:13:10 PM - 1	041118 PD CC	4/10/2018	2018 - April - April EFT Batch for 05/17 Council	
		Mar 2018 PD Trans Fees			
		001-000-210-521-10-49-04		Bank Analysis Fees/Merch CC Fees	\$92.68

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name	Amount

Police 4375

Total 041118 PD CC  
 Total EFT Payment 04/11/2018 2:13:10 PM - 1  
 Total Vantive Holding, LLC / Merchant Card Services

Washington State Department of Revenue  
 EFT Payment 04/02/2018 1:50:02 PM - 3

2018 - April - April EFT Batch for 05/17 Council

040218 DOR	4/2/2018	Feb 2018 Excise Tax Return	State of WA Utility Excise Tax	\$42.29
		401-000-000-534-80-44-01	State of WA Utility Excise Tax	\$2,660.23
		401-000-000-534-80-44-01	State of WA Excise Tax	\$4.14
		407-000-000-535-80-44-01	State of WA Excise Tax	\$920.52
		407-000-000-535-80-44-01	State of WA Excise Tax	\$138.29
		410-000-000-531-10-44-01	State of Wa Excise Tax	\$3,765.47
Total 040218 DOR				\$3,765.47

Total EFT Payment 04/02/2018 1:50:02 PM - 3  
 EFT Payment 04/27/2018 2:18:37 PM - 1

2018 - April - April EFT Batch for 05/17 Council

042718 DOR	4/27/2018	Mar 2018 Excise Tax Return	Cemetery Sales Excise Tax	\$9.75
		001-000-280-536-20-54-00	State of WA Utility Excise Tax	\$40.03
		401-000-000-534-80-44-01	State of WA Utility Excise Tax	\$2,768.05
		401-000-000-534-80-44-01	State of WA Excise Tax	\$1,077.66
		407-000-000-535-80-44-01	State of Wa Excise Tax	\$239.55
		410-000-000-531-10-44-01	State of Wa Excise Tax	\$4,135.04
Total 042718 DOR				\$4,135.04

Total EFT Payment 04/27/2018 2:18:37 PM - 1  
 Total Washington State Department of Revenue

Vendor Count 9      Grand Total \$17,989.41

Printed by COBD\soneill on 5/10/2018 1:44:11 PM

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount

46193	Q165513	5/3/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PD				
	001-000-210-521-10-35-00		Firearms Program		\$1,570.35
Total 46193	Total Q165513				\$1,570.35
Total Axon Enterprise, Inc.					\$2,173.08
Big Mountain Electric, Inc					\$2,173.08
46194	3385	4/25/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Electrical Work for IT Room				
	310-000-011-594-18-64-00		General Government Technology		\$749.34
Total 46194	Total 3385				\$749.34
Total Big Mountain Electric, Inc					\$749.34
Bill's Locksmith Service Inc.					\$749.34
46195	116920	4/10/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PD Boat				
	001-000-215-521-10-31-00		Marine Operating Supplies VRF		\$66.53
Total 46195	Total 116920				\$66.53
Total Bill's Locksmith Service Inc.					\$66.53
Bitco Software LLC					\$66.53
46196	804	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
	2018 Annual Maintenance				
	001-000-240-558-51-41-05		Permit Software Maintenance		\$7,927.80
Total 46196	Total 804				\$7,927.80
Total Bitco Software LLC					\$7,927.80

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name Title	Amount
<b>Black Diamond Auto Parts</b>					
46197	428772		4/16/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PW Veh Maint			
		101-000-000-544-90-48-02		PW Clearing- Shared Veh/Equip Maint	\$39.00
	Total 428772				\$39.00
46197	428824		4/18/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PW Veh Maint			
		101-000-000-544-90-48-02		PW Clearing- Shared Veh/Equip Maint	\$169.42
	Total 428824				\$169.42
	Total 46197				\$208.42
<b>Total Black Diamond Auto Parts</b>					
<b>Black Diamond Royal Towing</b>					
46198	28169		4/22/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PD Towing			
		001-000-210-521-10-49-06		Towing Services	\$401.82
	Total 28169				\$401.82
	Total 46198				\$401.82
<b>Total Black Diamond Royal Towing</b>					
<b>City of Auburn</b>					
46199	18-031900		4/26/2018	2018 - May - 2nd May Batch for 05/17 Council	
		2018 WSP Access per Agreement			
		001-000-214-521-20-41-05		Auburn WSP Access	\$1,000.00
	Total 18-031900				\$1,000.00
	Total 46199				\$1,000.00
<b>Total City of Auburn</b>					
<b>City of Black Diamond</b>					
46200	042718 COBD		4/27/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Apr 2018 Utility Bills			
		001-000-212-521-50-47-01		Water	\$50.16
		2470.0 Police Water			

Vendor	Transaction Number Transaction Reference	Invoice Date	Fiscal Description Name	Title	Void Amount
	001-000-212-521-50-47-02	2470.0 Police Sewer		Sewer	\$65.24
	001-000-212-521-50-47-03	2470.0 Police Storm		Stormwater	\$80.00
	001-000-248-518-20-47-01	2498.0 City Hall-MDRT (40%)	MDRT BD Wtr, Swr, Storm		\$54.58
	001-000-254-518-20-47-00	2498.0 City Hall (60%)	Facilities-Utilities		\$81.86
	001-000-270-575-30-47-01	1399.5 Museum-Storm	Museum Water/Sewer/Storm		\$32.00
	001-000-270-575-30-47-01	2070.0 Museum-Water/Sewer	Museum Water/Sewer/Storm		\$101.97
	001-000-270-575-51-47-01	1399.1 Gym-Stormwater	Gym-Stormwater		\$32.00
	001-000-270-575-51-47-02	1399.0 Gym-Sewer	Gym-Sewer		\$65.24
	001-000-270-575-51-47-03	1399.0 Gym-Water	Gym-Water		\$67.71
	001-000-270-576-80-47-01	2306.0 Coal Car-Water	Water		\$35.63
	001-000-270-576-80-47-01	1045.0 PW Shops-Water	Water		\$3.37
	001-000-270-576-80-47-01	1582.0 Eagle Creek-Water	Water		\$35.63
	001-000-270-576-80-47-02	1045.0 PW Shops-Sewer	Sewer		\$5.22
	001-000-270-576-80-47-03	1399.2 Boat Launch-Storm	Stormwater		\$96.00
	001-000-270-576-80-47-03	1045.0 PW Shops-Storm	Stormwater		\$11.52
	001-000-280-536-20-47-01	1045.0 PW Shops-Water	Water		\$0.85
	001-000-280-536-20-47-01	1457.0 Cemetery-Water	Water		\$35.71
	001-000-280-536-20-47-02	1045.0 PW Shops-Sewer	Sewer		\$1.30
	001-000-280-536-20-47-03	1045.0 PW Shops-Storm	Stormwater		\$2.88
	001-000-530-522-10-47-01	2200.0 Fire Dept-Water	Water		\$37.23
	001-000-530-522-10-47-02	2200.0 Fire Dept-Sewer	Sewer		\$65.24



Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name Title	Amount
		001-000-530-522-10-47-03		Stormwater	\$40.00
		1399.4 Fire Dept.-Storm			
		101-000-000-543-31-47-01		Water	\$35.63
		2983.0 Railroad Ave Irrig.			
		101-000-000-543-31-47-01		Water	\$6.35
		1045.0 PW Shops-Water			
		101-000-000-543-31-47-02		Sewer	\$9.79
		1045.0 PW Shops-Sewer			
		101-000-000-543-31-47-03		Stormwater	\$21.60
		1045.0 PW Shops-Storm			
		401-000-000-534-80-47-01		Water	\$10.58
		1045.0 PW Shops-Water			
		401-000-000-534-80-47-02		Sewer	\$16.31
		1045.0 PW Shops-Sewer			
		401-000-000-534-80-47-03		Stormwater	\$36.00
		1045.0 PW Shops-Storm			
		407-000-000-535-80-47-01		Water	\$10.58
		1045.0 PW Shops-Water			
		407-000-000-535-80-47-02		Sewer	\$16.31
		1045.0 PW Shops-Sewer			
		407-000-000-535-80-47-03		Stormwater	\$96.00
		1399.3 Sewer Lagoon-Storm			
		407-000-000-535-80-47-03		Stormwater	\$36.00
		1045.0 PW Shops-Storm			
		410-000-000-531-10-47-01		Water	\$10.58
		1045.0 PW Shops-Water			
		410-000-000-531-10-47-02		Sewer	\$16.31
		1045.0 PW Shops-Sewer			
		410-000-000-531-10-47-03		Stormwater	\$36.00
		1045.0 PW Shops-Storm			
		Total 042718 COBD			\$1,359.38
		Total 46200			\$1,359.38
		Total City of Black Diamond			\$1,359.38
		Comcast (34744)			

46201 0125628 042618 4/26/2018 2018 - May - 2nd May Batch for 05/17 Council

May 2018 Services MDRT Telephone, Fax, Internet costs \$92.46

001-000-248-518-20-42-00 MDRT Internet Act 8498 34 014 0125628

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
		001-000-254-518-20-42-00	City Hall Internet Act 8498 34 014 0125628	Facilities-Communication	\$138.68
	Total 0125628 042618				
	Total 46201				
	Total Comcast (34744)				
	Comcast (PA)				
46202		5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
	64437102	May 2018 Services			
		001-000-248-518-20-42-00		MDRT Telephone, Fax, Internet costs	\$55.24
		001-000-254-518-20-42-00		Facilities-Communication	\$236.76
		101-000-000-542-90-42-01		Telephone/DSL/Radios	\$25.65
		401-000-000-534-80-42-00		Telephone/DSL/Radios	\$25.65
		407-000-000-535-80-42-00		Telephone/DSL/Radios	\$25.65
		410-000-000-531-10-42-00		Telephone/DSL/Radios	\$25.65
	Total 64437102				
	Total 46202				
	Total Comcast (PA)				
	Criminal Justice Training Commission				
46203		4/25/2018	2018 - May - 2nd May Batch for 05/17 Council		
	201130118	W. Riepl Training			
		001-000-210-521-10-49-01		Training	\$750.00
	Total 201130118				
	Total 46203				
	Total Criminal Justice Training Commission				
	Department of Commerce				
46204		4/27/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PWTF-256612	Contract # PW-02-691-005			
		401-000-000-591-34-72-03		Principal-PWTF 02 691 005	\$11,250.00
		401-000-000-592-34-83-03		Interest-PWTF 02 691 005	\$281.25
	Total PWTF-256612				
	\$11,531.25				
46204		4/27/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PWTF-258891	Contract # PW-04-691-006			
		401-000-000-591-34-72-00		Principal-PWTF 04 691 006	\$295,488.48

Vendor	Transaction Number Transaction Reference	Invoice Date Account Number	Fiscal Description Name Title	Void Amount
	Total PWTF-258891	401-000-000-592-34-83-00	Interest-PWTF 04 691 006	\$10,342.10
Total 46204				\$305,830.58
Total Department of Commerce				\$317,361.83
Dicks Heating & A/C Inc				\$317,361.83
46205	212226	4/20/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PD Bldg Maint		
		001-000-212-521-50-48-02	Police Bldg Repairs & Maintenance	\$380.10
Total 212226				\$380.10
Total 46205				\$380.10
Total Dicks Heating & A/C Inc				\$380.10
DKS Associates				\$380.10
46206	0065481	1/17/2018	2018 - May - 2nd May Batch for 05/17 Council	
		12/09-01/12 Services		
		310-000-025-558-60-41-00	Comp Plan Update-Prof Svs	\$8,000.00
		First time Finance has received invoice		
Total 0065481				\$8,000.00
46206	0065920	3/22/2018	2018 - May - 2nd May Batch for 05/17 Council	
		01/13-02/28 Services		
		310-000-025-558-60-41-00	Comp Plan Update-Prof Svs	\$14,184.25
		First time Finance has received invoice		
Total 0065920				\$14,184.25
46206	0066342	4/27/2018	2018 - May - 2nd May Batch for 05/17 Council	
		03/01-03/31 Services		
		310-000-025-558-60-41-00	Comp Plan Update-Prof Svs	\$6,717.90
Total 0066342				\$6,717.90
Total 46206				\$28,902.15
Total DKS Associates				\$28,902.15

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name Title	Amount

**Enumclaw School District**

46207	043018 ESD	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 School Mitigation Fees				
	637-000-000-589-30-00-00		School Mitigation Fee disbursement		\$70,047.00
	Total 043018 ESD				\$70,047.00
	Total 46207				\$70,047.00
	Total Enumclaw School District				
	Federal Eastern International				
46208	504519	4/16/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PD Uniforms				
	001-000-210-521-10-31-04		Uniforms		\$306.88
	Total 504519				\$306.88
	Total 46208				\$306.88
	Total Federal Eastern International				\$306.88
	Fugate Ford				
46209	420262	4/19/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PD Veh Maint				
	001-000-210-521-10-48-01		Vehicle Maintenance & Repair		\$60.09
	2017 Interceptor				
	Total 420262				\$60.09
	Total 46209				\$60.09
	Total Fugate Ford				\$60.09
	Granite Telecommunications				
46210	420284266	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
	May 2018 Services				
	001-000-248-518-20-42-00		MDRT Telephone, Fax, Internet costs		\$11.86
	001-000-254-518-20-42-00		Facilities-Communication		\$35.57
	Total 420284266				\$47.43
	Total 46210				\$47.43
	Total Granite Telecommunications				\$47.43

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	

## Home Depot Credit Service

46211	3594422	4/25/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Operating Supplies			
		001-000-270-576-80-31-03	Operating Supplies		\$4.44
		001-000-280-536-20-31-02	Cemetery Operating Supplies		\$2.22
		101-000-000-542-90-31-01	Operating Supplies		\$24.44
		401-000-000-534-80-31-01	Wtr. Operating Supplies		\$26.67
		407-000-000-535-80-31-01	Swr. Operating Supplies		\$26.67
		410-000-000-531-10-31-01	Stormwater Operating Supplies		\$111.11
	Total 3594422				
46211	4574392	5/4/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Equipment			
		001-000-270-576-80-35-00	Small Tools & Safety Equip		\$25.98
		001-000-280-536-20-35-00	Small Tools & Safety Equip		\$6.48
		101-000-000-543-50-35-00	Small Tools & Equipment		\$48.71
		401-000-000-534-80-35-00	Small Tools & Safety Equip		\$81.18
		407-000-000-535-80-35-00	Small Tools & Safety Equipment		\$81.18
		410-000-000-531-10-35-00	Small Tools and Safety Equipment		\$324.71
	Total 4574392				
46211	4574393	5/4/2018	2018 - May - 2nd May Batch for 05/17 Council		
		CD Operating Supplies			
		001-000-240-558-51-31-00	Office & Operating Supplies		\$35.77
	Total 4574393				\$35.77
46211	4574394	5/4/2018	2018 - May - 2nd May Batch for 05/17 Council		
		CH Bldg Maint			
		001-000-254-518-20-31-00	Facilities Operating Supplies		\$14.63
	Total 4574394				\$14.63
46211	5140377	4/23/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Water Operating Supplies			
		401-000-000-534-80-31-01	Wtr. Operating Supplies		\$433.64
	Total 5140377				\$433.64

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name Title	Amount

46211	7130516	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
		CD Bldg Maint			
		001-000-254-518-20-31-00		Facilities Operating Supplies	\$97.46
	Total 7130516				\$97.46
46211	7130517	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Operating Supplies			
		001-000-270-576-80-31-03		Operating Supplies	\$2.98
		001-000-280-536-20-31-02		Cemetery Operating Supplies	\$1.49
		101-000-000-542-90-31-01		Operating Supplies	\$16.38
		401-000-000-534-80-31-01		Wtr. Operating Supplies	\$17.87
		407-000-000-535-80-31-01		Swr. Operating Supplies	\$17.87
		410-000-000-531-10-31-01		Stormwater Operating Supplies	\$17.87
	Total 7130517				\$74.46
	Total 46211				\$1,091.78
Total Home Depot Credit Service					\$1,091.78
Hydraulic Installation & Repair, Inc.					
46212	76201	4/17/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Veh Maint			
		407-000-000-535-80-48-04		Vehicle Maintenance	\$42.15
	Total 76201				\$42.15
Total 46212					\$42.15
Total Hydraulic Installation & Repair, Inc.					\$42.15
Johnsons Home & Garden					
46213	425927	5/2/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PD/Shop IT Wireless			
		310-000-011-594-18-64-00		General Government Technology	\$54.33
	Total 425927				\$54.33
46213	425949	5/3/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PW Veh Maint			
		101-000-000-544-90-48-02		PW Clearing- Shared Veh/Equip Maint	\$36.27
	Total 425949				\$36.27

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
Total Johnsons Home & Garden Kenyon Disend, PLLC	46213	425950	5/3/2018	2018 - May - 2nd May Batch for 05/17 Council	
			CD Bldg Maint		
			001-000-180-518-50-48-02	CD/PW Bldg Maintenance & Repair	\$3.68
		Total 425950			\$3.68
					\$94.28
					\$94.28
	46214	181749	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
			Oakpoint		
			001-000-257-558-70-41-00	MDRT Legal Services	\$4,387.73
		Total 181749			\$4,387.73
Total 187046	46214	187046	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
			Capital Projects		
			001-000-150-515-30-41-32	Legal Svs-Franchise Cost PSE	\$609.00
			001-000-240-558-60-41-08	Prof Svs-Shoreline Mstr Prg	\$435.00
			101-000-000-543-30-41-05	Legal Costs	\$232.00
			402-000-000-594-34-63-11	WSFFA-Partner-Legal Costs	\$290.00
			408-000-003-535-80-41-00	Sewer Lagoon Preservation	\$2,204.00
			408-000-012-594-35-63-00	Facility and Fencing Imp.	\$58.00
			408-000-014-594-35-64-00	Sewer Telemetry	\$58.00
		Total 187046			\$3,886.00
Total 187047	46214	187047	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
			PDR Requests		
			001-000-150-515-30-41-17	Legal Costs-Public Disc/Oth	\$1,082.50
		Total 187047			\$1,082.50
Total 187048	46214	187048	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
			General City Attorney Services		
			001-000-150-515-30-41-01	Legal Services-General Govt	\$2,987.49
			101-000-000-543-30-41-05	Legal Costs	\$663.89
			401-000-000-534-80-41-04	Legal Svcs	\$995.83
			407-000-000-535-80-41-09	Legal Costs	\$995.83

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number		Name	
		410-000-000-531-10-41-01		Title	
				Legal Costs	
	Total 187048				\$995.83
	Total 46214				\$6,638.87
Total Kenyon Disend, PLLC					\$15,995.10
Kevin Esping					\$15,995.10
	46215	050718 KE	5/7/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Employee Reimbursement			
		001-000-270-576-80-31-03		Operating Supplies	\$0.32
		001-000-280-536-20-31-02		Cemetery Operating Supplies	\$0.14
		101-000-000-542-90-31-01		Operating Supplies	\$1.74
		401-000-000-534-80-31-01		Wtr. Operating Supplies	\$1.90
		407-000-000-535-80-31-01		Swr. Operating Supplies	\$1.90
		410-000-000-531-10-31-01		Stormwater Operating Supplies	\$1.90
	Total 050718 KE				\$7.90
Total Kevin Esping	Total 46215				\$7.90
King County Finance - Wastewater Treat Div.					
	46216	30023437	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council	
		May 2018 Services			
		407-000-000-535-80-41-04		Metro Sewer Charges	
	Total 30023437				
Total 46216					
Total King County Finance - Wastewater Treat Div.					
					\$47,050.08
					\$47,050.08
					\$47,050.08
					\$47,050.08



Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	

### King County Prosecuting Attorney

46217	043018 KCPA	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 Remittance				
	633-000-000-589-90-00-05		Due to Agency-Treasurers Trust Court		\$162.22
	Crime Victims				
	Total 043018 KCPA				\$162.22

### Total King County Prosecuting Attorney

### King County Radio Comm Services

46218	13357	4/21/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 Services				
	001-000-214-521-20-41-03		K/C 800 Mhz Radio Costs		\$1,609.45
	Total 13357				\$1,609.45
	Total 46218				\$1,609.45

### Total King County Radio Comm Services

### L.N. Curtis & Sons

46219	INV177171	4/19/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PD Uniforms				
	001-000-210-521-10-31-04		Uniforms		\$197.43
	Total INV177171				\$197.43
	Total 46219				\$197.43

### Total L.N. Curtis & Sons

### Lakeside Industries

46220	47244	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Asphalt				
	320-000-002-595-30-63-01		Chip Seal & Pot Hole Repair		\$215.27
	Total 47244				\$215.27
	Total 46220				\$215.27

### Total Lakeside Industries

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount
<b>Modular Space Corporation</b>					
46221	502421655	4/26/2018	2018 - May - 2nd May Batch for 05/17 Council		
		May 2018 MDRT Rental			
		001-000-248-518-20-45-01	MDRT-Bldg Rental-Modspace		\$1,958.06
	Total 502421655				\$1,958.06
46221	502421664	4/26/2018	2018 - May - 2nd May Batch for 05/17 Council		
		May 2018 CD/PW Rental			
		001-000-254-518-20-45-01	Facilities-Bldg Rental/Modspace		\$3,454.57
	Total 502421664				\$3,454.57
	Total 46221				\$5,412.63
<b>Total Modular Space Corporation</b>					
<b>North West Instrument Services</b>					
46222	13629	5/2/2018	2018 - May - 2nd May Batch for 05/17 Council		
		PD Supplies			
		001-000-210-521-10-31-00	Operating Supplies		\$249.78
	Total 13629				\$249.78
	Total 46222				\$249.78
<b>Total North West Instrument Services</b>					
<b>O'Brien, Barton, &amp; Hopkins, PLLP</b>					
46223	58324	5/2/2018	2018 - May - 2nd May Batch for 05/17 Council		
		Apr 2018 Services			
		001-000-151-515-91-41-00	Court Legal-Public Defender		\$3,750.00
	Total 58324				\$3,750.00
	Total 46223				\$3,750.00
<b>Total O'Brien, Barton, &amp; Hopkins, PLLP</b>					
<b>Office Products Nationwide</b>					
46224	973831-0	5/7/2018	2018 - May - 2nd May Batch for 05/17 Council		
		Office Supplies			
		001-000-180-518-50-31-00	Office Supplies City Hall		\$48.04
		CH Office Supplies			

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name	Amount
		001-000-254-518-20-31-00		Facilities Operating Supplies	\$75.91
		Bldg Maint Supplies			
	Total 973831-0				
	Total 46224				\$123.95
	Total Office Products Nationwide				\$123.95
	Orkin Commercial Services				\$123.95
	46225	169710507	5/7/2018	2018 - May - 2nd May Batch for 05/17 Council	
		May 2018 Pest Control			
		001-000-248-518-20-49-01		MDRT Bldg Custodial Costs	\$31.02
		001-000-254-518-20-49-01		Facilities Bldg Custodial & Maint.	\$88.29
	Total 169710507				\$119.31
	Total 46225				\$119.31
	Total Orkin Commercial Services				\$119.31
	Petty Cash Custodian				
	46226	010918 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PD: Postage			
		001-000-214-521-20-42-03		Police Postage	\$1.14
	Total 010918 PC				\$1.14
	46226	020218 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Meal: Directors Lunch			
		001-000-140-514-23-43-00		Lodging, Meals & Mileage	\$25.21
	Total 020218 PC				\$25.21
	46226	020818 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Dues: KC Police Chiefs Assoc			
		001-000-210-521-10-49-02		Memberships	\$20.00
	Total 020818 PC				\$20.00
	46226	021518 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Meal: PSFOA Meeting			
		001-000-140-514-23-43-00		Lodging, Meals & Mileage	\$25.00
	Total 021518 PC				\$25.00

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name	Amount
				Title	

46226	041618 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Supplies: Comp Plan Open House				
	310-000-025-558-60-41-00			Comp Plan Update-Prof Svs	\$24.98
	Total 041618 PC				\$24.98
46226	051018 PC	5/10/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Over/Short from Various Departments				
	001-000-000-369-81-00-00			Cash Over/Short	(\$20.50)
	Total 051018 PC				(\$20.50)
	Total Petty Cash Custodian				\$75.83
					\$75.83
	Regional Animal Services of King County				
46227	043018 RAS	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	04/30 Animal Licenses				
	633-000-000-589-90-00-01			King County Animal License	\$90.00
	Total 043018 RAS				\$90.00
	Total 46227				\$90.00
	Total Regional Animal Services of King County				\$90.00
	Secure Pacific Corporation				
46228	172005	5/1/2018	2018 - May - 2nd May Batch for 05/17 Council		
	05/01-07/31 Security Services				
	001-000-120-512-50-49-05			Security	\$60.85
	Court Security				
	001-000-212-521-50-49-05			Security	\$121.70
	Police Security				
	Total 172005				\$182.55
	Total 46228				\$182.55
	Total Secure Pacific Corporation				\$182.55

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number	Name	Title	Amount

**Severson's Building Maint**

46229	732017	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 Services				
	001-000-248-518-20-49-01		MDRT Bldg Custodial Costs		\$360.00
	001-000-254-518-20-49-01		MDRT Janitorial Services		\$540.00
			Facilities Bldg Custodial & Maint.		\$900.00
			City Hall/Com Dev Janitorial Services		
	Total 732017				
46229	732018	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 Services				
	001-000-212-521-50-41-03		Police Custodial Cost		\$500.00
			Police/Court Janitorial Services		\$500.00
	Total 732018				
46229	732019	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council		
	Apr 2018 Services				
	001-000-270-575-51-48-00		Gym Facility Repair & Maintenance		\$150.00
			Gym Janitorial Services		\$150.00
					\$1,550.00
	Total 732019				
	Total 46229				
	Total Severson's Building Maint				
	SHI International Corp.				
46230	B08126071	4/24/2018	2018 - May - 2nd May Batch for 05/17 Council		
	CD Equipment				
	310-000-011-594-18-64-00		General Government Technology		\$1,815.79
			PC for B. Kincaid		\$1,815.79
	Total B08126071				
46230	B08126257	4/24/2018	2018 - May - 2nd May Batch for 05/17 Council		
	PW Shop Wireless Setup				
	101-000-000-544-90-48-01		PW Clearing-shared Shop Cost		\$54.30
	Total B08126257				\$54.30

Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void Amount
		Account Number	Name	Title	
46230	B08201125		5/9/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Backup Software			
		001-000-145-518-80-48-00		Repairs & Maintenance	\$1,285.82
		Total B08201125			\$1,285.82
Total 46230					\$3,155.91
Total SHI International Corp.					\$3,155.91
Shred-It USA					
46231	8124587527		4/22/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Apr 2018 Services			
		001-000-120-512-50-49-04		Shredding Services	\$17.84
		001-000-180-518-50-49-04		Shredding Services	\$17.84
		001-000-210-521-10-49-05		Shredding Services	\$17.84
		Total 8124587527			\$53.52
Total 46231					\$53.52
Total Shred-It USA					\$53.52
State Auditor's Office					
46232	L124740		4/10/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Citizen Referrals			
		001-000-140-514-23-41-01		State Auditor Services	\$190.20
		101-000-000-543-30-41-02		State Auditor Services	\$45.65
		401-000-000-534-80-41-03		State Auditor Services	\$174.98
		407-000-000-535-80-41-07		State Auditor Services	\$174.98
		410-000-000-531-10-41-02		State Auditor Services	\$174.99
		Total L124740			\$760.80
Total 46232					\$760.80
Total State Auditor's Office					\$760.80
Tracey Redd					
46233	040418 TR		4/4/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Employee Reimbursement			
		001-000-246-558-70-49-00		Miscellaneous	\$44.36



Vendor	Transaction Number	Transaction Reference	Invoice Date	Fiscal Description	Void
		Account Number		Name Title	Amount
<b>Washington State Treasurer</b>					
	46237	043018 WST	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Apr 2018 Remittance			
		633-000-000-589-90-00-05		Due to Agency-Treasurers Trust Court	\$11,941.52
	Total 46237	Total 043018 WST			\$11,941.52
<b>Total Washington State Treasurer</b>					
<b>Washington Workwear Stores, Inc.</b>					
	46238	3491	4/30/2018	2018 - May - 2nd May Batch for 05/17 Council	
		PW Uniform			
		001-000-270-576-80-31-07		Uniforms	\$3.13
		001-000-280-536-20-31-04		Uniforms	\$1.56
		101-000-000-542-90-31-04		Uniforms & Safety Supplies	\$17.20
		401-000-000-534-80-31-05		Uniforms	\$18.76
		407-000-000-535-80-31-04		Uniform Allowance	\$18.76
		410-000-000-531-10-31-04		Uniforms and Safety Supplies	\$18.76
	Total 3491				\$78.17
	Total 46238				\$78.17
<b>Total Washington Workwear Stores, Inc.</b>					
<b>William and/or Lucy Vanruff</b>					
	46239	050918 WLV	5/9/2018	2018 - May - 2nd May Batch for 05/17 Council	
		Water Refund, acct. 3544.0			
		401-000-000-343-40-00-01		Water Charges	\$125.00
		New Owner Effective 04/03/18			
	Total 050918 WLV				\$125.00
	Total 46239				\$125.00
<b>Total William and/or Lucy Vanruff</b>					





# City of Black Diamond

## Payroll Register April 2018

Number	Name	Fiscal Description	Amount
19545	VOID		
19535	Paper Paycheck	2018 - April - Month End	\$692.00
19536	Paper Paycheck	2018 - April - Month End	\$1,500.00
19537	Paper Paycheck	2018 - April - Month End	\$3,640.00
19538	Paper Paycheck	2018 - April - Month End	\$5,326.20
19539	Paper Paycheck	2018 - April - Month End	\$141.41
19540	Paper Paycheck	2018 - April - Month End	\$1,273.05
19541	Paper Paycheck	2018 - April - Month End	\$6,016.26
19542	Paper Paycheck	2018 - April - Month End	\$5,264.20
19543	Paper Paycheck	2018 - April - Month End	\$6,118.35
19544	Paper Paycheck	2018 - April - Month End	\$66.56
19546	Paper Paycheck	2018 - April - Month End	\$73.29
19547	AWC Sup Life	2018 - April - Month End	\$21.40
19548	BD Police Officers Association	2018 - April - Month End	\$840.00
19549	City of Black Diamond Flex	2018 - April - Month End	\$260.00
19550	Dept of Labor and Industries	2018 - April - Month End	\$3,138.97
19551	Employment Security Dept	2018 - April - Month End	\$459.66
19552	Joseph Kaufman Leoff1	2018 - April - Month End	\$115.40
19553	Minnesota Child Support Payment Ctr	2018 - April - Month End	\$425.00
554	Teamsters Local 117	2018 - April - Month End	\$1,777.27
19555	Trusted Plans Service CP LTD	2018 - April - Month End	\$1,035.63
ACH-Apr 18 Aflac	Aflac	2018 - April - Month End	\$214.64
ACH-Apr 18 Def Comp	DOR - Deferred Comp	2018 - April - Month End	\$3,675.00
ACH-Apr 18 Fed Taxes	City of Black Diamond Taxes	2018 - April - Month End	\$57,835.29
ACH-Apr 18 Med Ins	AWC Employee Benefit Trust	2018 - April - Month End	\$46,200.20
ACH-Apr 18 Retirement	Dept of Retirement Systems	2018 - April - Month End	\$38,045.12
April 2018 Draw	Payroll Vendor	2018 - April - Month End	\$34,575.00
April 2018 Payroll	Payroll Vendor	2018 - April - Month End	\$96,848.37
			<b>\$315,578.27</b>

I hereby certify that payroll and benefits have been processed and delivered as required under contract or legal obligation.

Finance  
Director

*Maya Miller*

Date 5-1-2018

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**Town Hall Meeting of March 10, 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 lead us all in the Flag Salute.

**ROLL CALL:**

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

**ABSENT:** None.

Staff present: Barbara Kincaid, Community Development Director and Brenda L. Martinez, City Clerk/HR Manager.

**COMPREHENSIVE PLAN UPDATE:**

Dave Ambur, Black Diamond - noted his comp plan comments have been submitted, however he would like to hear specifics from people tonight of what they would like to see in the Comp Plan.

Director Barbara Kincaid introduced herself and noted tonight's format will be an exchange of what is a comp plan, know how to stay informed and who to contact, get ideas and specifics from people tonight.

**What is a comp plan?** – A Land use plan, a policy and basically a road map. It takes in to account the whole picture of a city or county. State law requires Black Diamond to have a comp plan which needs to be living and breathing documents that need to be amended and updated. Currently we are in the process of an update. The purpose of doing this update is to get us to see what may have changed since the last adoption in 2009 and make changes accordingly.

**What is in a comp plan?** – Director Kincaid outlined the chapters that are contained in the comp plan. As the draft amended plan is rolled out you will see the introduction and vision statement for the city. The vision is ideal about what the city would like to see itself as in 20 years. This big idea is what builds broad and overarching goals in the comp plan. Each chapter has a topical of goals and policies that are specific to each area and they all have to fit together. They need to fit together and be consistent with the state and growth management laws and a regional body Puget Sound Regional Council (PSRC)

so we are regionally responsible. King County Planning Wide Policies is another piece to look at for consistency.

**Process for doing the comp plan** – City staff looks at the things the state, county and Puget Sound Regional Council (PSRC) said have changed and things we need to change to bring us current with laws. Currently staff is holding joint workshops and working on completing a new draft. Once all the feedback has been received it will go to the Planning Commission to hold public hearings. The Planning Commission will then make a recommendation to the City Council who will also hold public hearings. The plan needed to be adopted last June; however the City is behind track. Director Kincaid noted having three workshops and they are halfway through the working chapters with the goal of having the first public hearing in June.

Director Kincaid said she has flyers that tell folks how to access the calendar, Planning Commission member emails, and also her contact information as well. She noted building a contact email list or mailing address so people can be noticed when things are coming up. The public participation plan is also available which talks about what she has said.

## **PUBLIC COMMENTS:**

Bill Bryant, Black Diamond – Are the people going to have any input on this plan and how much say will they have? Director Kincaid said yes the state tells us certain things we have to have in the Comprehensive Plan.

Councilmember Weber asked if there is a schedule that shows when things will happen on the comp plan. Director Kincaid noted yes, however it is very very loose.

Director Kincaid commented on the sheet of questions that tries to define what is in the introduction and vision statement. She invited folks to answer the questions if you feel comfortable. It can be done on the microphone tonight, on a sheet of paper or if you want to think about it you can email her.

George McPherson, Black Diamond – One of the things is acronyms, referring to BDUGGA (Black Diamond Urban Growth Agreement) and he is not sure if everyone understands what that means. He wondered how the Comp Plan coincides with the BDUGGA. Director Kincaid noted the Planning Annexation Area (PAA) and BDUGGA relate back to the county framework.

Bill Bryant, Black Diamond – Wondered what will happen to his taxes. Councilmember Edelman commented there are only 800 to 850 water hookups that support his system and as the city grows that will be spread out. Bill Bryant then wondered if the stormwater bill would go down. Mayor Benson commented that the stormwater would probably not go down as more infrastructure will be built and need maintenance done as well. Bill Bryant commented on the sewer bill and noted it seems to be high.

Councilmember Edelman responded to sewer issue noting this is a pass through fee from Metro out of King County.

Judy Goodwin, Black Diamond – she said demographically her generation is the big flip on the demographic scale as they are retiring and needing services and gave examples of transportation, medical and intervention. She believes the city already has a huge senior population and this needs to be considered, not only for the younger population.

Robbin Taylor, Black Diamond – Stated the city would do well to consider a modified fee for elderly on fixed incomes to make upgrades to their homes for wheel chair access, walkers or scooters.

Director Kincaid commented on considering walkability.

Mira Hoke, Black Diamond – commented on building codes as citizen's age and with the historical age of the homes it is really hard to make upgrades and deal with these regulations.

Brock Deady, Black Diamond – would like to see something for kids and the homeless. Director Kincaid noted about having affordable housing.

Dave Ambur, Black Diamond – Discussed other areas that have their own city buses at no charge and believes this is a great feature.

Bill Bryant, Black Diamond – Stated the city probably has no control over this but he thinks the city should have a tax credit for senior citizens.

Kristen Bryant – commented on stormwater and one of the reasons for the mandate is because past development was unregulated and now we are getting more and more flooding moving forward. We now know a lot more about stormwater and would like to see the comp plan go above and beyond in this area. Eventually to have rates be lowered we need to do development right going forward.

Director Kincaid asked for input about small town character – what does that mean and what are people trying to tell us when they say they want to retain our small town character? We want to do that, but we need to know more on what everyone wants and what exactly that looks like.

Dwayne Garcia, Black Diamond – small town character is not having big box stores and that is not the reflection our vision statement says, he doesn't see corporate stuff here.

Councilmember Deady – noted having walkability, being able to move around and getting to know your neighbors, connectivity through sidewalks is her definition of small town character.

Carolynn Harp, Black Diamond – having an old fashioned atmosphere with unique architecture. You need structure you don't see everywhere else.

Director Kincaid noted this can be done through design standards and this may need to be looked at closer.

Dwayne Garcia, Black Diamond – We are a bedroom community with biking and hiking trails, and does not want to see us as an extension of Maple Valley or Covington – we will be urban sprawl. He noted the vision is great; however the rest of the plan does not reflect or match the vision.

Bob Edelman, Black Diamond - commented on maintaining 50% open space needing to be where people can hike and enjoy the area.

Dwayne Garcia, Black Diamond – stated these chain stores can be hidden and noted seeing this in other areas.

Bill Bryant, Black Diamond – noted we need to start by supporting our local businesses.

Kristen Bryant – Rural character is quite a lack of traffic

Bob Edelman, Black Diamond - wants to know if people have examples of other towns or cities of what Black Diamond would like to be.

Carolynn Harp gave examples of Winthrop and Leavenworth. Director Kincaid noted this goes into branding.

Dave Ambur gave examples of Langley and the town along Hwy 7 and North Bend. Noted rather not seeing traffic lights or traffic circles and trees planted along the highway.

Judy Goodwin added the city of Sumner which is a destination place for antique stores, a nursery and a tea house. She noted the natural resources in Black Diamond which could be used to sell Black Diamond. The need for a really nice senior and community center.

Mira Hoke also added the City of Port Townsend and noted they have retained a lot of their old charm and character. Marketing on our artistic theme and what the city has and does offer.

Councilmember Edelman discussed what people do for fun. She also said being close to the Cascade Mountains, Lake Sawyer, the eagle watching. She noted in order to make us a destination we need a small hotel.

Brian Derdowski commented on Port Townsend regarding chain stores.

Councilmember Deady said it sounds like folks want us to be a destination city, and she discussed the stores the city used to have (grocery, butcher shop, pharmacy).

Bill Bryant said we need to have an incentive and it needs to be in dollars.

Mayor Benson discussed the city doing away with the B&O tax as it was hurting small businesses.

Mira Hoke said the city has a fragmented business core and you have to work hard to do business here. She commented that 75% of the customers from the Bakery are from out of town.

Brian Derdowski noted being involved with small towns all over the state. He gave examples of Federal Way, Maple Valley, Covington and Woodinville. He noted it all depends on design codes. And also beware of the towns vision, it can turn on you.

Dave Ambur noted the Community Center could desperately need any help we could give them.

Carolynn Harp said small town feel is all the trees, vegetation, animals and the many lakes.

Gary Davis, Black Diamond stated that more economical development would seem reasonable for this area. He also noted that Black Diamond is super naturally wet and there are just some areas that we shouldn't do anything.

Councilmember Dedy announced there will be a meeting on March 14<sup>th</sup> at Black Diamond Elementary School Library on what the new school will look like.

#### **ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Dedy to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 6, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

### **CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

### **ROLL CALL:**

**PRESENT:** Councilmembers Deady, Morgan, Edelman, Weber, Pepper

**ABSENT:** None

Staff present were: Andrew Williamson, MDRT/Economic Development; Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

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

#### **1) Presentation-Fire Department**

Councilmember Pepper requested the floor.

Mayor Benson stated we have a presentation.

Councilmember Morgan called point of order to Mayor Benson.

Mayor Benson called Councilmember Pepper out of order.

Councilmember Pepper called point of order.

Councilmember Morgan called point of order to the Mayor.

Councilmember Pepper stated the Chair is not being recognized.

Mayor Benson called Councilmember Pepper out of order.

Mayor Benson again stated we have a presentation.

Councilmember Pepper appealed the decision of the chair.

Mayor Benson called Councilmember Pepper out of order several times as Councilmember Pepper continued to state the Chair is not being recognized.



Mayor Benson called a five -minute recess at 7:01 p.m.

Councilmember Morgan called Mayor Benson out of order as she stated there should be a vote to call a recess.

Mayor Benson called the meeting back to order at 7:06 p.m. and stated we are having a presentation by Mountain View Fire & Rescue.

Councilmember Pepper requested the floor, as Mayor Benson was calling the meeting back to order.

Mayor Benson called Councilmember Pepper out of order again as Councilmember Pepper continued talking.

Councilmember Morgan appealed the decision of the chair and stated this is the Council's meeting, not the Mayors.

Mayor Benson called Councilmember Morgan out of order several times and stated she has no appeal power.

Mayor Benson restated we have a presentation from Mountain View Fire & Rescue.

There was Council discussion.

Mayor Benson called Councilmember Morgan out of order several times as she continued to talk.

Mayor Benson called Councilmember Pepper out of order as Councilmember Pepper continued to state she appeals the decision of the chair several times; and noted that Councilmember Pepper is not the presiding officer.

Councilmember Weber called point of order.

Councilmember Pepper appealed the decision of the chair, to which the Mayor stated she cannot appeal the Presiding Officer.

Again, Mayor Benson called Councilmember Pepper out of order several times as she continued to talk; and noted to Councilmember Pepper that she is not the presiding officer.

Councilmember Pepper stated please let the record show that the Council has approved its own agenda.

Mayor Benson called Councilmember Pepper out of order.

There was Council discussion.

Clerk noted to Councilmember Pepper there was no second to her motion.

Councilmember Pepper **motioned** to approve a valid agenda. **Second** Councilmember Morgan.

Mayor Benson stated Councilmember Pepper has no authority and she's out of order, as Councilmember Pepper continued to talk.

Mayor Benson stated she needs to call another five-minute recess.

Councilmember Morgan stated that only the Council has the authority to declare a recess.

Mayor Benson called for recess at 7:09 p.m.

Meeting called back to order at 7:15 p.m.

Councilmember Pepper asked for the floor.

Councilmember Pepper stated there is a process for the presentation and **moved** for the Council to accept and look forward to the presentation from the Fire Chief this evening. **Second** Councilmember Morgan.

There was Council discussion around Council rules and presentation guidelines.

Chief Smith excused himself with the Mayor and stated he needs to cancel his presentation tonight and reschedule another night.

Mayor Benson thanked Chief Smith for coming tonight.

Councilmember Morgan asked for the floor and addressed time constraints and the agenda and her email to Chief Smith regarding the presentation.

Mayor Benson asked the Attorney for his opinion on how we should proceed with this meeting.

Attorney Bob Noe introduced himself and is standing in for Attorney Linehan of Kenyon Disend Law firm. He discussed the usual-typical way the Agenda is put together by the

Mayor's office. He went on to talk about the agenda and the processes of motions and meetings to run smoothly to get the work of the City completed.

There was Council discussion around agendas and Council rules.

Attorney Noe spoke about law requirements and the agenda notice process.

There was continued Council discussion.

Councilmember Edelman expressed her concern about the lack of working with the staff and using illegal and invalid rules.

Councilmember Morgan called point of order to Councilmember Edelman, stating that she is impugning a fellow Councilmember.

Mayor Benson expressed her concern about illegal items being placed on the agenda.

#### **CONSENT AGENDA:**

- 2) **Claim Checks** – October 6, 2016 - No. 43927 through No. 43991 and EFTs in the amount of \$297,565.40
- 3) **Payroll** – August 31, 2016 – No. 19178, No. 19194 through No. 19206 (voids, 18829) and EFTs in the amount of \$292,470.16
- 4) **Minutes** – Council/Planning Commission Joint Meeting of July 12, 2016, and Council Special Meeting of September 8, 2016

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

There was Council discussion.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to adopt an amended motion as he read into the record from a prepared statement.

Councilmember Edelman called point of order to Councilmember Weber. She stated to Councilmember Weber there is already a motion on the floor.

Councilmember Weber stated he just made an amended motion.

There was Council discussion.

Councilmember Weber restated his motion; I amend the current motion that I have a motion that I will distribute and I ask for a courtesy second.

Mayor Benson stated you cannot interrupt the motion on the floor, you need to finish the consent agenda.

There was Council discussion.

Councilmember Weber called a point of order.

Clerk called point of order to Councilmember Weber and let him know that he does need to read the motion into the record.

There was Council discussion.

Councilmember Weber clarified his motion as follows: I move to adopt an amended motion that I will now distribute, may I have a courtesy second.

There was Council discussion.

Clerk noted to Councilmember Weber he does not need a courtesy second, he can read it right into the record.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone all the minutes until the next regularly scheduled Council meeting on October 20 at 7 pm. Second, the claim checks and payroll are approved except the voucher number 43953 for Kenyon Disend which is disapproved because the City Council does not consider their contract to be valid.

Councilmember Weber spoke to his motion.

There was Council discussion.

Councilmember Weber called point of order to the Mayor.

Councilmember Pepper called point of order to the Mayor.

Councilmember Morgan called point of order to the Mayor.

Councilmember Morgan spoke to the motion as she seconded.

There was continued Council discussion.

Councilmember Edelman stated for the record that when this all hits the fan, this is not the right thing to do. She further stated she does not stand-by postponing these meeting minutes just because they don't like the Mayor.

There was continued Council discussion.

Mayor Benson asked for an opinion from the Attorney.

Attorney Noe commented that the motion to amend to approve the consent agenda by Councilmember Weber is two amendments. One, he wants to take out the minutes; and then he wants to take out the Kenyon Disend voucher. He further stated these two items are under the consent agenda/claim checks, and that it is a proper amendment.

Councilmember Weber noted that is why it is written that way. The consent agenda is voted in as one item, even though there are three separate items under the consent agenda, but voted as one item.

**AMENDED MOTION VOTE:** Motion passed 3-2 (Deady, Edelman).

An amended **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to pass the consent agenda as amended. Motion **passed** 5-0.

### **PUBLIC COMMENTS:**

Colin Lund, CCD Black Diamond gave a summary of the proposed amendments to the MDRT contracts. He submitted a letter from the Attorney which he would like submitted into the record.

Bob Edelman, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

### **PUBLIC HEARINGS:**

**5) AB16-058** – Proposed Ordinance Adopting 2012 Stormwater Manual for Western Washington

Public Works Director Boettcher gave a brief overview on this item and noted received comments from the public.

Mayor Benson asked Mr. Boettcher if he received anything from Kristen Bryant and her mother and noted that they are encouraging the City to accept the Stormwater Manual.

Mayor Benson noted that the amended Stormwater manual acceptance was reviewed by the Attorney and he noted there are things in it that you cannot do. His recommendation was to use the one that the City presented that was reviewed by the Attorney to accept the Stormwater manual, if you choose to do that tonight.

There was Council discussion.

Judy Carrier, Auburn noted being confused about what is being approved tonight. She encouraged Council to approve the 2012 Stormwater manual and the 2014 amendment updates. She brought some maps with her and gave to the clerk to distribute to Council members. She noted this is a map that was zoomed in on the Black Diamond area; and critical recharge areas that most of Black Diamond area lies over. She noted that people are concerned about what happens here as far as their water sources, wells, streams and springs. She encouraged the Council to approve 2012 and the 2014 Stormwater manual update.

Robbin Taylor, Black Diamond spoke to Council and noted receiving a copy of the amended ordinance when she went to the Growth Committee meeting. The City's ordinance that was approved by the Attorney does say as amended in December 2014. She feels that no ordinance will be passed tonight. She also voiced concern that the Stormwater manual will, again, go on no longer being adopted and there goes our Stormwater grant. She supports the adoption of the Stormwater manual with its 2014 amendments.

Councilmember Pepper asked Mayor Benson about the letters from Kristen Bryant and her mother and Ms. Wheeler being part of a record. Mayor Benson stated they are included as part of the record. They are written statements that are included in the record.

Councilmember Edelman called a point of order to Councilmember Pepper as the Public Hearing has not been closed.

There was continued Council discussion around two versions of the Stormwater manual and which version is being supported.

Mr. Boettcher said there is no debate about the manual we are adopting as amended in December 2014. This manual includes the amendments and he feels people are just referring to it as the 2014 Stormwater management manual. He feels the confusion comes from competing ordinances.

Bob Edelman stated this is extremely confusing. What are we discussing? A proposed amendment to the ordinance? He stated the ordinance hasn't even passed yet, and people are discussing amendments to it.

Councilmember Edelman gave a suggestion/ proposal to pass the Stormwater manual that was in the packet, if the majority would like to amend the ordinance after this passed, then let's bring this back later for a discussion and maybe there will be more changes because there's some legal questions in here. She further suggested that we not even discuss the packet that was put on their desk tonight.

Kristine Hanson, Black Diamond spoke to Council about the Stormwater packet manual being very important as it goes through so many processes for the safety of our water, of the lake, all these things. You need to pass the manual first, and then if you have

amendments that you want to bring forward, you do that afterwards. You have to let everybody see those amendments. If you don't pass this, we are in violation. Pass the packet, pass the Stormwater and then if you have an amendment, bring it back and let everybody see it.

Mayor Benson closed the public hearing at 8:30 p.m.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt ordinance with Clerk to assign a number after adoption adopting the new Stormwater management regulations and amending chapter 14.04 of the Black Diamond Municipal Code.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to pass the amended ordinance of the City Council of the City of Black Diamond, King County Washington adopting the new Stormwater Manual regulations and amending chapter 14.04 of the Black Diamond Municipal code. She spoke to her motion.

There was Council discussion.

A **motion** was made by Councilmember Pepper to amend the motion that is on the floor to pass the amended Stormwater ordinance. **Second** Councilmember Morgan.

There was continued Council discussion.

Councilmembers Deady & Edelman noted they cannot support this due to legal concerns.

Point of order was called by Councilmember Edelman to Councilmember Pepper.

Councilmember Pepper restated to the City Clerk her above motion.

Councilmember Edelman went on record to state that she does not support this amendment.

Councilmember Deady also stated she does not support this amendment.

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

Mayor Benson stated she vetoes this ordinance.

Mayor Benson stated we can now go back to the main motion for a vote. This is in the packet section five, that was vetted by the attorney.

Mayor Benson noted that a veto means you need a super majority vote.

Councilmember Edelman called the question.

Councilmember Edelman called for roll call vote.

**ROLL CALL VOTE:**

Councilmember Dedy- Yes; Councilmember Morgan-No; Councilmember Edelman-Yes; Councilmember Pepper-No; Councilmember Weber-No. Motion **Failed** 2-3 (*Morgan, Weber, Pepper*) on the main motion.

Councilmember Pepper made an amended motion to pass the amended Stormwater management regulations and chapter 14.04 of the Black Diamond Municipal Code.

Mayor Benson noted to Councilmember Pepper that since she vetoed it, she will need four votes.

Attorney noted that the revote would be at the next scheduled council meeting.

**UNFINISHED BUSINESS:**

**7) AB16-049A** – Resolution Authorizing an Agreement with Parametrix, Inc. -Surveying Svc. – MDRT

There was Council discussion. Mayor noted you cannot adopt and replace an entire agenda. She stated this is not legal.

There was continued Council discussion.

Councilmember Pepper called a point of order.

Councilmember Pepper appealed the decision of the Chair who is not accepting the Councils approved agenda.

Mayor Benson called Councilmember Pepper out of order. She stated to Councilmember Pepper that she has no authority.

Councilmember Edelman called point of order to Mayor that we need some order.

There was continued Council discussion.

A **motion** was made by Councilmember Pepper on number five on the approved agenda as the amended resolution authorizing an amended agreement with Parametrix. There was no second. (*Motion died due to lack of second*).

Mayor Benson noted that Councilmember Pepper needs to make a motion to put that on the agenda.

There was continued Council discussion.

Councilmember Weber called a point of order. Mayor Benson called an out of order.



Councilmember Pepper called a point of order for interrupting a Councilmember who has the floor. She continued to speak to this item.

There was Council discussion.

Councilmembers Edelman and Deady noted their concern of the agenda bills being modified. Councilmember Edelman noted that on October 1 she sent an email to Councilmember Pepper and asked her to remove her name as she did not support these amendments. For the record, I do not want to see my name on any resolution that the majority puts forth.

There was Council discussion.

A **motion** was made by Councilmember Pepper that we accept the amended resolution for a thirty -day contract authorizing agreement with Parametrix Inc. Surveying Services MDRT. **Second** Councilmember Weber. Motion ***passed*** 3-2 (*Edelman, Deady*)  
*Mayor Benson stated she will deny this.*

**8) AB16-050A – Resolution Authorizing an Agreement with Parametrix, Inc. -Traffic Eng. Svc. - MDRT**

A **motion** was made by Councilmember Pepper that we accept the amended resolution for a thirty -day contract authorizing agreement with Parametrix, Inc. Traffic Engineer Service MDRT. **Second** Councilmember Weber. Motion ***passed*** 3-2 (*Edelman, Deady*)

**9) AB16-051A – Resolution Authorizing an Agreement with RH2 - Civil – MDRT**

A **motion** was made by Councilmember Pepper that we accept the amended resolution for a thirty -day contract resolution authorizing agreement with RH2 - Civil – MDRT. **Second** Councilmember Weber. Motion ***passed*** 3-2 (*Edelman, Deady*)  
*Mayor Benson stated this also will be denied like the last two.*

**10) AB16-052A – Resolution Authorizing an Agreement with Perteet –Environment- MDRT**

A **motion** was made by Councilmember Pepper that we accept the amended resolution for a thirty -day contract authorizing agreement with Perteet-Environment MDRT. **Second** Councilmember Weber. Motion ***passed*** 3-2 (*Edelman, Deady*)  
*Mayor Benson stated this also will be denied.*

**11) AB16-053A – Resolution Authorizing an Agreement with HWA Geosciences – MDRT**

A **motion** was made by Councilmember Pepper that we accept the amended resolution for a thirty -day contract authorizing agreement with HWA Geosciences – MDRT. **Second** Councilmember Weber. Motion *passed 3-2 (Edelman, Deady)*  
*Mayor Benson stated this will be denied.*

**12) AB16-057A – Resolution Regarding Enumclaw School District Mitigation Plan**

Mayor Benson stated this has already been approved and already in motion.

There was Council discussion.

Councilmember Edelman stated that this needs to be withdrawn.

Councilmember Pepper read the entire resolution into record.

A **motion** was made by Councilmember Pepper that we accept the resolution of the Enumclaw School District Traffic Mitigation Plan. **Second** Councilmember Weber.

There was Council discussion.

**VOTE:** Motion *passed 3-2 (Edelman, Deady)*  
*Mayor Benson stated this resolution will be denied.*

**NEW BUSINESS:**

**13) AB16-059 – Resolution Adopting the 2017-2022 Capital Improvement Plan**

**14) AB16-060 – Resolution Authorizing an Agreement with RH2 for On-Call Services**

A **motion** was made by Councilmember Weber to remove the CIP from the agenda this evening. **Second** Councilmember Pepper. (Withdrawn)

There was Council discussion.

Public Works Director Boettcher spoke about this project and the process of this plan.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the Council decline these two items. *(This motion was restated below).*

Clerk clarified there is already a motion that needs to be voted on.

Councilmember Weber withdrew his motion.

Councilmember Pepper then **motioned** to remove resolution number adopting the 2017-2022 Capital Improvement Plan and resolution authorizing an agreement with RH-2 for on call services; these were not on our agenda; and the Council declines to take them up this evening. **Second** Councilmember Weber. Motion **passed** 3-2 (*Edelman, Deady*) to remove items 13 and 14 from agenda.

Councilmember Morgan noted she would like to add something under New Business mostly about our agendas in the future. She spoke to her three items of New Business.

There was Council discussion.

A **motion** was made by Councilmember Morgan that they will no longer be attending the Planning Commission meetings beginning with the meeting of Tuesday, October 11. No second. (*Motion died for lack of second*).

Councilmember Morgan spoke to her motion.

Mayor Benson asked for clarification from the Attorney regarding these meetings.

The Attorney commented that the process for comprehensive planning is set well in advance, so those items were already scheduled and they should not be altered at this time.

There was continued Council discussion.

Mayor Benson recommended that we do not want to reschedule these meetings.

Councilmember Weber called the Mayor out of order.

There was continued Council discussion around the Planning Commission.

#### **DEPARTMENT REPORTS: None**

#### **MAYOR'S REPORT:**

Mayor Benson reported on attending a SCATBd meeting and a meeting at (PSRC) Puget Sound Regional Council who made a presentation; their ORCA data, which is their transit and the light rail; they have discovered that when they went to employ the matched subsidies it increased transit usage so they think that the ORCA data is giving a lot of information to them that is being studied through the University of Washington. She shared that it was a very interesting meeting.

#### **COUNCIL REPORTS:**

Councilmember Deady shared about the purple bows and purple lights around town in recognition of Domestic Violence Awareness month for October; reported meeting with the Finance Director. Make a Difference Day will be October 22 and she reported on attending the Community Center Harvest Moon auction. Net proceeds for this year was \$46,940.00. She thanked everyone who was able to come and support this event. She asked the Council to keep in mind during budgeting, the Community Center could utilize \$5,000 to help with insurance. She stated that in regards to contracts and committees and full votes she wants to go on record to state that she does not recognize those committees and noted that she does not attend, recommend or do anything out of those Committees.

Councilmember Morgan reported attending the Puget Sound Pollutant Loading Action Committee meeting in Tukwila, she also reported they are getting ready to model surface and ground water flows. She noted they are looking for carbon from the coal and arsenic from the surface; and looking for PCB's. She talked about the job of an elected official and the important role of the Committees.

Councilmember Edelman reported that she attended the Emergency Preparedness event at Rock Creek Elementary School. She met with Finance Director to talk about vouchers. She helped stuff utility bills at the City Hall and attended the Community Center's auction. She also reported that she helps to feed the elderly on Tuesday and Thursday each week. She shared that two weeks ago, she handed out from the Sound Cities Association a low - income housing tax credit document and that next Wednesday at the PIC meeting there will be a vote and she needs to know which way the Council is leaning so she can vote appropriately. Council supports a yes vote. She reported on the upcoming SCA 2017 state legislative agenda, this agenda will include adjusting the property tax cap. Council supports this. She printed an agenda from the PIC meeting that is coming up, low income tax credit is coming up, there is a SCA (Sound Cities Association) state legislative agenda and she talked about the assessed fees. Legislature wants to address the housing and homelessness and underlying issues of homelessness.

Councilmember Weber reported that he attended work session and committee meetings, he touched briefly on the water ordinance amendments and how they make sense. He discussed contracts, it's not his position to change any funding agreements, development agreements, items come to Council and we are here for input. He noted he is not trying to run any one out of town, all he's looking for is information to make decisions, he wants to be more informed not only as a Councilmember but as a citizen of Black Diamond.

Councilmember Pepper reported on her follow up with Department of Ecology regarding our Stormwater capacity grant; she spoke with the finance person at DOE and she was hoping to get the Stormwater ordinance passed this evening, she asked the Mayor if she could revisit that veto; Mayor Benson said no and talked about bundling future Stormwater issues into one that has a cut-off date. Mayor Benson noted the Attorney had sent this information on to you as well. Councilmember Pepper had hoped to get this grant put before the Council by the 20<sup>th</sup> of October, the Stormwater ordinance passed first. She noted the City was never in jeopardy of losing the grant. She felt that information was misrepresented at the September 15 meeting and would really like to see the amended

Stormwater grant passed. She addressed comments regarding OPMA violations. She spoke to false accusations and messages without evidence. She discussed the need of independent Attorney review. She thanked everyone for coming out tonight.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Leslie Cooley, Black Diamond spoke to Council.  
Brock Deady, Black Diamond spoke to Council.  
Pam McCain, Black Diamond spoke to Council.  
Judy Goodwin, Black Diamond spoke to Council.  
Chief Smith, Black Diamond spoke to Council.  
Cole Oglesbee, Black Diamond spoke to Council.  
Judy Carrier, Auburn spoke to Council.  
Bob Edelman, Black Diamond spoke to Council.  
Melissa Oglesbee, Black Diamond spoke to Council.  
Kristine Hanson, Black Diamond spoke to Council.  
Judy Baxley, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.

**EXECUTIVE SESSION: None**

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 was adjourned at 10:36 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 20, 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 were: Andy Williamson, Utility Superintendent; Scott Hanis, Capital Project Manager; Kevin Esping, Facilities Coordinator; Peter Altman, City Attorney; David Linehan, City Attorney; Jamey Kiblinger, Police Chief and Brenda L. Martinez, City Clerk.

### **NEW BUSINESS:**

**7) AB16-062-Resolution Authorizing Collective Bargaining Agreement with the Black Diamond Police Officers Association.**

**CLOSED SESSION:** As authorized by RCW 42.30.140(4) to discuss collective bargaining

Mayor Benson announced this will be a closed session as authorized by RCW. 42.30.140(4) to discuss collective bargaining. She stated this will take about fifteen minutes.

Councilmember Pepper stated point of order, and asked for the floor several times while the Mayor was making her statement regarding closed session.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to appeal the decision of the chair. She stated "those persons not to recognize a Councilmember when they are wishing to be recognized on the floor." Councilmember Pepper stated "the Agenda on the City's website was, once again, not the proper agenda".

Mayor Benson repeated several times as Councilmember Pepper was appealing the chair, that she announced this is a closed session.

Mayor Benson called for a recess at 7:01 p.m. to go into executive session for fifteen minutes, as Councilmember Pepper continued to appeal the decision of the chair.

At 7:03 p.m. the Council went into closed session for fifteen minutes. A ten-minute extension was announced.

The meeting was called back to order at 7:30 p.m.

Councilmember Pepper stated continually she appeals the decision of the chair.

Mayor Benson called Councilmember Pepper out of order.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to move the Collective Bargaining Agreement so that we can vote on it now.

Councilmember Pepper continued to state there is a motion on the floor.

Mayor Benson called Councilmember Pepper out of order.

Councilmember Pepper restated her motion.

There was Council discussion.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt resolution number sixteen, Clerk will assign a number at adoption authorizing the Mayor to sign a Collective Bargaining Agreement and Memorandum of Understanding between the City of Black Diamond and the Black Diamond Police Officers Association.

Councilmember Pepper continued to state "no", you have a person who is not being recognized as Councilmember Deady read her motion in.

Mayor Benson called Councilmember Pepper out of order.

Councilmember Pepper appealed the decision of the chair.

Mayor Benson asked all those in favor.

Councilmember Deady and Edelman voted Aye, with no vote being finished.

There was Council discussion and Councilmember Morgan stated that as is the practice they would like to send this contract for first reading to Government Operations Committee.

There was continued Council discussion around the contract and sending it to Committee.

Councilmember Weber called point of order to a comment made from the audience.

Councilmember Edelman stated we have a vote and a motion for a vote.

Councilmember Pepper asked if could refresh ourselves where we are at.  
Mayor Benson stated we have a **motion** and a **second** to pass this contract tonight.

Councilmember Pepper moved to postpone this until the next meeting.

Councilmember Edelman called point of order, and stated there was a vote with “two ayes and then you guys stopped, so we need to continue on with that vote and close this out before you do whatever it is you want to do”.

There was Council discussion around this.

Councilmember Edelman called for the question.

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

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to bring this item back for reconsideration at the next regular scheduled City Council meeting on November 3. Motion **passed** with all voting in favor (5-0).

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

##### **Domestic Violence Proclamation**

Mayor Benson read the Domestic Violence Proclamation for the month of October in support of National Domestic Violence Awareness Month. She urged citizens to participate in the Purple Night Lights by installing a purple light in the front porchlight fixture to honor the victims and give hope to those still living with abuse.

Councilmember Deady shared that she was on the Domestic Violence Task Force and shared some statistics. She hopes that next year there will be more participation.

##### **1) Presentation-Fire Department**

Tim Percival, Fire & Life Safety Educator; announced they have a search team out as they are missing one of their firefighters. He gave an update around the state agencies involved and the search that is in progress and passed out flyers.

Mr. Percival talked about (CERT) Community Emergency Response Team. The free training will be at the gym in Black Diamond. He noted that CERT teaches you how to protect yourself, your family and your community as aid may not be able to get there quickly.

#### **PUBLIC COMMENTS:**

Brock Deady, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Leslie Coolie, Black Diamond spoke to Council.



Mitch Neary, Black Diamond spoke to Council.

Judy Watson, Black Diamond spoke to Council.

#### **CONSENT AGENDA:**

**2) Claim Checks** – October 21, 2016 - No. 43992 through No. 44040 and EFTs in the amount of \$138,655.52

**3) Payroll** – September 30, 2016 – No. 19207 through No. 19221 and EFTs in the amount of \$275,418.20

**4) Minutes-Council Special Meeting of September 29, 2016**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to accept the consent agenda.

Councilmember Morgan wants to pull voucher number 44016, the Kenyon Disend voucher to be discussed under New Business.

Mayor Benson asked Councilmember Morgan if she wants to make an amended motion. It was noted that the person who made the motion needs to make the amended motion.

Under protest, an **amended motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to pull out voucher number 44016, the Kenyon Disend voucher to be discussed later in this meeting.

**VOTE:** Amended motion **passed** 3-2 (Deady, Edelman)

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to pass the rest of the voucher consent agenda. Motion **passed** with all voting in favor (5-0).

**PUBLIC HEARING:** Mayor Benson opened the public hearing at 8:16 p.m.

**5) AB16-061 – Proposed Resolution Regarding 2017 Stormwater Management Program**

Mr. Williamson, Interim Community Development Director gave a report on this item. He addressed updates and highlighted the changes and accomplishments. He talked about best management practices and compliance. He answered questions from Councilmembers.

There was Council discussion.

Mayor Benson opened the public hearing.

No one testified at this public hearing.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that the public hearing remain open until the November third Council meeting for this item.

There was Council discussion.

Councilmember Edelman called a point of order to Councilmember Pepper.

There was continued Council discussion.

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

**UNFINISHED BUSINESS:**

**6) Postponed Minutes** – Council/Planning Commission Joint Meeting of July 12, 2016, Council meetings of July 21, 2016 and August 18, 2016, Council/Planning Commission Joint Meeting of August 23, 2016, Special Meeting of August 25, 2016, Council Meeting of September 1, 2016, and Special Meeting of September 8, 2016.

Councilmember Pepper addressed the Joint Meeting of July 12. She noted she would like to change the minutes to say 'no discussion' where it says 'okay as written'. She stated she would also like to change the minutes to preface each wording change with discussion/comment. She stated she can email these recommendations to the clerk. She moved to postpone the July 12 minutes until the next regular Council meeting to allow these changes to be drafted and viewed by the Council.

Mayor Benson asked the Attorney how should the Council minutes be done for the meetings.

Attorney Linehan stated that Council rules say action minutes are kept, meaning that the clerk records what happened, not who said what, when. Action minutes would reflect a motion that was made as the result of a vote, whether there was any discussion, not the contents of the discussion and the order of presentations that were made. Anyone who spoke during the meeting would be recorded. Their identities, but not the content of their comments.

There was Council discussion.

Councilmember Morgan stated she has the floor.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone July 12 meeting minutes until the next regular meeting to allow these changes to be drafted and reviewed by the Council.

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

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Edelman to approve the special meeting minutes of September 8.

There was Council discussion.

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

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the rest of the meeting minutes as written.

There was Council discussion with Councilmember Edelman calling the question.

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

Mayor Benson asked Councilmember Pepper if she had a date that these would be postponed to. We need to have a date certain to approve the minutes.

There was Council discussion.

It was clarified by Councilmember Pepper that they can try to be brought back on November third.

Mayor Benson acknowledged she will add them to the agenda.

There was continued Council discussion.

#### **8) Kenyon Disend Voucher**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to not approve this voucher for payment.

Mayor Benson stated that the Council has no authority to hire an attorney, and she is required by law to have an attorney for the City to protect the City and is required by law to pay him.

There was Council discussion.

Mayor Benson requested an opinion by the Attorney.

Attorney Linehan stated that the Council has had the benefit of many attorneys opinions on this matter and anything he says at this meeting will not change anyone's mind.

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

Mayor Benson stated she will deny this as she needs to pay the attorney.

#### **DEPARTMENT REPORTS:**

Mr. Williamson reported to Council that Mr. Boettcher brought forward a contract for on-call contracting for engineer sources for water and sewer with RH-2. He reported for the record that currently on city staff, we have no professional engineers. He discussed the legal obligations that he is required to uphold for taking in applications. He is asking if the City Council could move forward with the on-call contract in a timely manner. He noted that we need those engineers. He voiced his concern for the legal liability of not having those services available. He thanked Kevin Esping for his help in coordinating and team effort as a community.

Mayor Benson asked if anyone would like to make a motion to bring this forth at the next meeting.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to bring this contract forth to the next meeting on November 3.

There was Council discussion.

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

There was continued Council discussion around contracts.

Attorney Linehan offered to answer any question regarding the terms of the contract with anyone who may have questions.

#### **MAYOR'S REPORT:**

Mayor Benson sent kudos out to Kevin Esping, they did the statewide earthquake drill today and it went well. She reported that she attended the Vine Maple Place breakfast on Saturday. She attended the STEM luncheon in Enumclaw.

## **COUNCIL REPORTS:**

Councilmember Deady reported that today is her twenty sixth wedding anniversary. She attended the PIC meeting and the STEM luncheon and participated in the great shake-out.

Councilmember Morgan reported that the Council's new agenda process allows for a more thorough public review and she spoke on the state law processes. She read a summary of nine points on Council rules. She discussed the budget committee meetings. She has reviewed the vouchers with the staff.

Councilmember Weber called point of order to Councilmember Edelman.

Councilmember Weber called point of order to Mayor Benson.

Councilmember Edelman discussed both versions of the Council rules state that items to be on the agenda are to be to the City Clerk by Tuesday 10 a.m. the week before the Thursday meeting. She went on record to state they are not following their own rules regarding the agenda process. She reported attending the budget work study, the Chamber of Commerce luncheon and attended the STEM luncheon.

Councilmember Weber stated due to his schedule, he was not able to attend the STEM luncheon. He mentioned the budget and finance committee meetings meet the Monday before the Council meeting. If you have any questions as to where is the meeting, you can contact him at his city email address.

Councilmember Pepper stated she's been to the meetings, Town Hall, budget and stated thanks for the check in opportunity today. She talked about the Shadow Lake Nature Preserve on 184<sup>th</sup> street past Peter Grubb Road. She talked about the topic of a book called "Who's meeting is it anyway" and discussed the logistics of the role of the Mayor and the Councilmembers.

Councilmember Edelman called point of order to Councilmember Pepper.

## **ATTORNEY REPORT:**

Attorney Linehan reported the Bonneville Power Administration needs to acquire certain property to expand and needs to acquire land where the City has a conservation easement. He noted there is an offer on the table from the BPA based on an appraisal that they obtained for the valuation of the conservation easement. He brought that offer previously and has since requested the BPA to pay the city to obtain its own independent appraisal, however the BPA declined.

He reported that he and the Mayor will need direction from the Council to accept, reject or counter offer on this acquisition. He stated we could have an executive session now or he

can send a confidential memorandum to the rest of the Council and solicit feedback. He noted the BPA has some level of urgency to complete this acquisition.

Mayor Benson noted that Councilmember Morgan left the room due to conflict of interest the last time we talked about this.

Councilmember Deady suggested to go into executive session tonight.

There was Council discussion.

Attorney Linehan noted that no action is necessary tonight but by the next Council meeting would be a good goal.

The other item Attorney Linehan reported on was the company Astound Broadband aka WAVE wants to install fiber optic cable network in the City's right of way to connect wireless towers in the area. This will make wireless and cell phone data faster and more reliable. They have requested a franchise agreement to make use right away. If anyone has questions about this, he's been working with Mr. Boettcher to finalize a draft franchise agreement. He reported they are very close to completing a draft agreement with potential franchisee. Once he gets feedback from them, and what they will agree to, then it can be presented to Council at an upcoming meeting. They would be happy to come in and present and answer questions. This can hopefully be brought for first reading.

There was Council discussion.

Mayor Benson suggested to Mr. Linehan to submit a memo and don't include Councilmember Morgan due to conflict of interest. Then the four Councilmembers can get back to the Mayor with a yea or nay. This would eliminate the need for executive session.

#### **PUBLIC COMMENTS:**

Judy Goodwin, Black Diamond spoke to Council.

Mitch Neary, Black Diamond spoke to Council.

Andy Williamson, Black Diamond spoke on behalf of Teamsters

Bob Edelman, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Councilmember Edelman stated for the record she had fifteen less votes than the other two that were elected at the same election and that this is not a mandate, in response to Judy Carrier's comments. Twenty four percent of the registered voters voted them in.

**EXECUTIVE SESSION:** None

**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 adjourned at 9:49 p.m.

**ITEMS REMOVED FROM PRIOR AGENDAS:**

**AB16-059** – Resolution Adopting the 2017-2022 Capital Improvement Plan

**AB16-060** – Resolution Authorizing an Agreement with RH2 for On-Call Services

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**November 3, 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: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Scott Hanis, Capital Project/Program Manager; Kevin Esping, Facilities Equipment Coordinator; Brian Lynch, Sergeant; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director, and Brenda L. Martinez, City Clerk.

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

Mayor Benson announced that Cheryl Hanson from the Black Diamond Community Center is here tonight to do a presentation on the Center.

Black Diamond Community Center Director Cheryl Hanson discussed with Council the funding the Community Center is losing and the effect this would have on the programs the Center runs. She asked them to consider being a partner and set aside \$10,000 in the City's 2017 Budget to help with the purchase of an insurance policy for the Center.

Mayor Benson commented that the work session next week is on the budget and Council can have a discussion at that time on this funding request.

### **PUBLIC COMMENTS:**

Mitch Neary, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

### **CONSENT AGENDA:**

**1) Claim Checks** – November 3, 2016 - No. 44041 through No. 44092 (Voids, 43927, 43928, 44012) and EFTs in the amount of \$227,491.74



A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as presented.

## **PUBLIC HEARINGS:**

### **2) AB16-061A – Continuation - Proposed Resolution Regarding 2017 Stormwater Management Program**

Councilmember Pepper spoke on this item and noted the committee assignment by Councilmember Morgan is to the Council Growth Management Committee.

Mayor Benson opened the public hearing at 7:25 p.m.

MDRT/Ec Dev/Interim Community Development Director Williamson noted that no public comments have been received and no comments have been received from Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to keep the public hearing open until the Growth Management Committee has had an opportunity to discuss this. Following discussion Councilmember Morgan **withdrew** her motion.

There were no public comments heard and Mayor Benson closed the public hearing at 7:33 p.m.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to refer this item to the Growth Management Committee for further discussion.

There was discussion between Councilmembers.

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

## **UNFINISHED BUSINESS:**

### **3) Postponed Minutes – Council/Planning Commission Joint Meeting of July 12, 2016, Council meetings of July 21, 2016 and August 18, 2016, Council/Planning Commission Joint Meeting of August 23, 2016, Special Meeting of August 25, 2016, and Council meeting of September 1, 2016**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve the amended July 12 joint meeting minutes as presented in the packet.

There was discussion between Councilmembers.

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

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone the other remaining minutes to the next regular Council meeting. Motion **passed** 3-2 (Deady, Edelman).

**4) AB16-062A – Resolution Authorizing a Collective Bargaining Agreement with the Black Diamond Police Officers Association**

Councilmember Morgan presented this item and there was discussion on it between Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute the Black Diamond Police Officers Association Collective Bargaining Agreement.

Council discussion continued on this item.

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

**NEW BUSINESS:**

**5) AB16-060A – First Reading - Resolution Authorizing a PSA with RH2 to serve as Civil Engineering Consultant to Water and Sewer Utilities**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to suspend the rules to vote on this item tonight.

There was Council discussion and staff clarification on this item.

**Roll call vote:** Councilmember Deady responded aye, Councilmember Morgan responded no, Councilmember Edelman responded aye, Councilmember Weber responded no, Councilmember Pepper responded no. Motion **failed** 2-3 (Morgan, Weber, Pepper).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer this item to the Government Operations Committee.

Discussion between Councilmembers continued on this item.

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

**6) AB16-063 – First Reading - Ordinance Granting Franchise Agreement with CCD Black Diamond Partners, LLC**

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it.

There was Council discussion and staff clarification on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to postpone this item to the next regular meeting on November 17<sup>th</sup>.

**Roll call vote:** Councilmember Deady responded aye, Councilmember Morgan responded aye, Councilmember Edelman responded aye, Councilmember Weber responded aye, Councilmember Pepper responded aye. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-063 the ordinance granting a franchise agreement with CCD Black Diamond Partners, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

**7) AB16-064 – First Reading - Ordinance Granting Franchise Agreement with Astound Broadband, LLC**

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it. Fred Miller from WAVE addressed Council questions.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to postpone this item to the next regular meeting on November 17<sup>th</sup>. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-064 an ordinance granting a franchise agreement with Astound Broadband, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

**8) AB16-065 – First Reading – Resolution Authorizing Interlocal Agreement with AWC RMSA**

Mayor Benson presented this item to Council and recommended approval.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer this item to the Government Operations Committee.

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the motion to suspend the rules to vote on this item tonight. Following discussion Councilmember Edelman **rescinded** the amended motion.

Discussion continued on this item.

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

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone this item AB16-065 a resolution authorizing an Interlocal Agreement with AWC RMSA to the November 17<sup>th</sup> meeting. Motion **passed** with all voting in favor (5-0).

**9) AB16-066 – First Reading – Resolution Regarding Contracting Policies**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that this item be referred to the Budget Committee.

There was Council discussion on this item.

Motion **passed** 4-1 (Deady).

A **motion** was made by Councilmember Weber which is attached and incorporated into the minutes. Following discussion Councilmember Weber **withdrew** his motion.

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Benson reported attending the Lake Sawyer Regional Park clean up; visited Mr. Boettcher and noted he is expected to be back at work part time December 1; attended Ken Ward memorial service, Mayor's luncheon with the cities of Maple Valley and Covington; made a statement on why she accepted their agenda and stressed she does not believe in the rules or committees and stated the proper process for committee assignment.

**COUNCIL REPORTS:**

Councilmember Deady reported attending Ken Ward's memorial service; CERT class update; attended Halloween Party at Community Center and Make a Difference Day.

Councilmember Morgan commented on the disagreement about committees and legal rulings by a judge. She also commented on the items that were sent to the Government Ops Committee tonight and is proposing holding a meeting of that committee on Monday of next week November 7<sup>th</sup>.

Councilmember Edelman reported attending Make a Difference Day, Black Diamond Historical Society meeting, public safety issues meeting, Ken Ward memorial service and thanked Ginger Passerelli for her participation, and attended the CERT class. Discussed email sent by Deputy City Clerk regarding a citizen phone message where they were expressing their displeasure about the Council; referred to excerpts in the Talmadge opinion.

Councilmember Weber reported attending committee meetings and gave a shout out to the Enumclaw Hornets varsity football team for their victory and wished them good luck at their first playoff game.

Councilmember Pepper reported attending the Government Ops Committee meeting and noted what was discussed; a special meeting on October 27 and on October 29<sup>th</sup> attended a Washington State Parliamentarian meeting. She also added attending the CERT class and noted the topics and schedule.

#### **ATTORNEY REPORT:**

City Attorney Linehan recommended having an executive session regarding the Bonneville Power Administration's offer to acquire certain city property.

#### **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond commented.

Brock Deady, Black Diamond commented.

Pam McCain, Black Diamond commented.

Leslie Cooley, Black Diamond commented.

Robbin Taylor, Black Diamond commented.

#### **EXECUTIVE SESSION:**

At 9:23 p.m. Mayor Benson announced an executive session as authorized under RCW 42.30.110(c) regarding offers for acquisition of real estate. The executive session is anticipated to last for 10 minutes with no action to follow. Councilmember Morgan recused herself from the executive session due to a conflict of interest.

Before going into executive session a five minute break was added.

Mayor Benson called the meeting back to order at 9:37 p.m.

#### **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 9:38:08 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL  
WORK SESSION MINUTES**

**November 10, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular work session meeting to order at 6:00 p.m. and led us all in the Flag Salute.

**ROLL CALL:**

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

**ABSENT:** None

Staff present: Jana King, Deputy Finance Director; Kevin Esping, Facilities Equipment Coordinator, and Brenda L. Martinez, City Clerk.

**WORK SESSION:**

Mayor Benson announced the items on tonight's agenda are the 2017 preliminary budget, property tax ordinances and the Black Diamond Community Center budget request of \$10,000. She read from Ms. Miller's letter regarding the changes that were made since Council last saw the 2017 preliminary budget document.

**Points of Discussion for 2017 preliminary budget:**

- Where funding for the Black Diamond Community Center request of \$10,000 would come from – ending fund balance
- How to go about getting an Arts Commission – next year discussion
- Organizational Chart
- City debt being only the water debt
- Changes to page 19 – need to show four school districts
- Adding a line item for the Community Center funding
- Social Services
- Court interest
- Passport fees
- Funding Agreement revenue
- Discussion of how revenue projections are calculated – based on trend, per capita, and department requests
- How many building permits issued this year
- Water utility tax from Covington Water District
- Legislative budget
- IT increase due to having them onsite 2 days per week

- Spring permits being 100 % developer funded
- Pass-through sewer rate increase – Metro
- Rate study presentation
- Page 54 of document – what is miscellaneous revenue – believes it is connection charges
- Reserves of operating funds – Capital funds on pages 61, 62, and 63
- Page 55 item 4 – why is budget change 650% - believes this is due to growth
- Page 63 item 5 – what is this – it is for internal projects. Also noted the budget only includes the 2017 projects from the Capital Improvement Plan
- 10% goal of expenditures
- Page 67 – suggestion to add a note saying when the last rate study was done. Another suggestion was to add it to the water and sewer pages
- Utility operating policies – what is the standard for self-sufficiency. Every year we look at where we were and where we are at and that decides when the utility studies need to be done
- Utility funds vs. general fund
- Operating period being Jan 1 – Dec 31

#### **Property Tax Ordinances**

Mayor Benson discussed the two property tax ordinance and noted one ordinance is setting the property tax value and the other is setting the property tax dollar amount that is required by the state to adopt. She further noted the ordinances needing to be adopted by November 30<sup>th</sup> and the importance of the November 17<sup>th</sup> meeting as the continued public hearing and Council action of the two ordinances is on that meeting agenda.

Council discussion began on the November 17<sup>th</sup> meeting and attendance at that meeting.

#### **ADJOURNMENT:**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adjourn the meeting.

Councilmember Weber asked if there was going to be any more discussion on the two property tax ordinances. Discussion continued and Councilmember Weber called for the question.

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

Meeting ended at 7:32 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**November 17, 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 and Edelman. **(No quorum present)**

**ABSENT:** Councilmembers Morgan, Weber and Pepper.

Staff present: Brian Lynch, Police Sergeant; Kevin Esping, Facilities Equipment Coordinator; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director, May Miller, Finance Director, and Brenda L. Martinez, City Clerk.

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

Mayor Benson discussed the absences of Councilmembers Morgan, Weber and Pepper. She noted having excuses for Councilmembers Morgan and Weber. She then discussed Councilmember Pepper's reason as noted at the November 10 Work Session and stated she is not excused.

She announced Black Diamond will be receiving \$27, 500 from King County; \$5,000 to Parks and Recreation, \$5,000 to the Black Diamond Community Center, \$2,500 to the Black Diamond Historical Society, and \$15,000 to the Ginder Creek Trail. She also reported the City has a problem with a fire engine and it needs to be replaced. This engine was scheduled to be replaced in 2018, however since there is an issue the City will need to replace it sooner than expected and find the additional funding for this expenditure.

Councilmember Edelman thanked everyone for coming to the meeting. She discussed Councilmember attendance, her attendance at meetings and doing her job. She then discussed the business on the agenda that will not be addressed as no action can be taken at tonight's meeting.

Councilmember Deady noted agreeing with Councilmember Edelman's comments. She discussed an email she sent to Councilmember Pepper begging her to come to the meeting tonight for the public hearing portion only as it is for the residents and noted not receiving any response.

Mayor Benson also reported that the unfinished business on the agenda was put there by those majority Councilmembers not in attendance.



## **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond commented.

Mitch Neary, Black Diamond commented.

Robbin Taylor, Black Diamond commented.

Brock Deady, Black Diamond commented.

Judy Goodwin, Black Diamond commented.

Leslie Cooley, Black Diamond commented.

Judy Carrier, Auburn commented.

Mayor Benson discussed an email sent to Councilmember Pepper regarding the meeting schedule and Councilmember Pepper's response back.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn to a time and place certain in accordance with RCW 42.30.090 to 7:00 p.m. Tuesday, November 29, 2016 at Council Chambers. This will be a continuation of tonight's regular Council meeting. She also stated what that means is this will be the agenda that will be used for that meeting. Councilmembers in attendance agreed.

Mayor Benson adjourned the meeting and noted it will be continued to November 29, 2016 at 7:00 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**Continuation of November 17 Regular Meeting**  
**to November 29, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular meeting continued from November 17, 2016 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: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Kevin Esping, Facilities Equipment Coordinator; Brian Lynch, Sergeant; May Miller, Finance Director; and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the agenda.

Mayor Benson called Councilmember Pepper out of order.

Councilmember Pepper **appealed** the decision of the Chair.

In unison both Councilmember Pepper and Councilmember Morgan **appealed** the decision of the Chair.

Mayor Benson again called Councilmember Pepper out of order.

Councilmember Morgan stated the Mayor was out of order and has a duty to call the vote on the appeal.

Mayor Benson called a five minute recess at 7:00:48 p.m.

Councilmember Morgan and Councilmember Pepper both explained the Mayor does not have the ability to call a recess without a motion and a vote of the Council body.

The meeting was called back to order at 7:07 p.m.

Councilmember Pepper continued stating there is a motion and a second on the floor to amend the agenda and that business needs to be taken care of.

Mayor Benson commented she didn't recognize Councilmember Pepper and further stated that as the presiding officer she has a statement to make.

Point of order was called by Councilmember Morgan that Councilmember Pepper has the floor.

There continued to be back and forth on this between Councilmembers Pepper, Morgan, and Mayor Benson regarding the motion on the floor, the appeal on the floor, and being called out of order.

Councilmember Pepper appealed the decision of the chair, again.

Councilmember Morgan called the Mayor out of order and stated she (Mayor) has a duty to call a vote on the appeal and read in part RCW 35A.12.120 regarding voting.

Mayor Benson called Councilmember Morgan out of order.

Councilmember Morgan stated the Chair is out of order as she is not performing her duty as the presiding officer to call for the vote on the motion on the floor.

Councilmember Pepper called for a roll call vote.

Mayor Benson stated she has a duty to explain what this meeting is and you cannot change this meeting. She explained this meeting is a continuation of the November 17 regular business meeting which was adjourned to tonight's date due to a lack of a quorum. She further stated would like them to understand that the agenda stands. The agenda can't be changed and no adjustments can be made as no adjustments were made before the meeting on the 17<sup>th</sup>. She commented that between the 10<sup>th</sup> and the 17<sup>th</sup> there were no communications from any of the three Councilmembers at all on this meeting.

Councilmember Edelman read a **motion** regarding a censure on Councilmember Pepper. This censure is attached and incorporated into the minutes.

Councilmember Morgan called a point of order as this item is not on the agenda.

Both Councilmembers Pepper and Morgan appealed the decision of the Chair and noted this is not on the agenda.

Councilmember Morgan stated there is a motion on the floor and Councilmember Edelman is out of order as this is not on the agenda.

Councilmember Edelman continued to read the censure and at the same time Councilmember Pepper continued to call point of order as this is not on the agenda.

Councilmember Deady **seconded** the motion.

Point of order was called by Councilmember Morgan as this item is not on the agenda for tonight.

Discussion continued around this item not being on the agenda and a vote not being allowed. Councilmember Pepper noted the amended agenda was brought forward and also discussed the motion and second to amend the agenda. Mayor Benson noted the agenda cannot be replaced as this is a continued meeting.

Point of order was called by Councilmember Morgan.

Councilmember Pepper called for the question.

**Vote:** 2-3 (Weber, Morgan, Pepper) Following the vote there was discussion that Councilmember Pepper was not allowed to vote on her own censure making it a tie vote of 2-2 (Weber, Morgan). Mayor Benson broke the tie with an affirmative vote. Motion **passed** 3-2 (Weber, Morgan).

There was continued discussion about whether Councilmember Pepper is allowed to vote. Councilmember Morgan and Pepper stated this is procedural matter and she (Pepper) is allowed to vote. Mayor Benson stated Councilmember Pepper cannot vote on her own censure.

Councilmember Pepper noted there is a motion on the floor to amend the agenda. Mayor Benson stated the motion was called out of order. Councilmember Pepper stated she appealed the decision of the chair and Mayor Benson noted that appeal was called out of order. There continued to be discussion between Councilmembers Pepper, Morgan, and Mayor Benson regarding the presiding officer's duty to call for the vote. Councilmember Morgan and Pepper continued that as the presiding officer she (Mayor) is out of order as she (Mayor) is not performing her duty to call for the vote.

Councilmember Morgan called for the vote. Mayor Benson noted she (Morgan) is not the presiding officer and then called Councilmember Pepper out of order as the agenda cannot be substituted. Mayor Benson continued to call Councilmember Pepper out of order.

Mayor Benson called a five minute recess at 7:13 p.m.

The meeting was called back to order at 7:21 p.m.

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

Mayor Benson announced the City has a problem with a fire engine and it needs to be replaced. This engine was scheduled to be replaced in 2018, however since there is an issue the City will need to replace it sooner than expected and find the additional funding for this expenditure. She also reported that Black Diamond will be receiving \$27, 500 from King County; \$5,000 to Parks and Recreation, \$5,000 to the Black Diamond Community

Center, \$2,500 to the Black Diamond Historical Society, and \$15,000 to the Ginder Creek Trail. In addition, the City has received a Transportation Improvement Board grant in the amount \$63,236 for street overlays in multiple locations within the City. Lastly, she announced the invited everyone to attend the Community Tree Lighting Ceremony at the Black Diamond Community Center on December 2, 2016 at 6:00 p.m.

### **PUBLIC COMMENTS:**

Mira Hoke, Black Diamond spoke to Council.

Mitch Neary, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

### **CONSENT AGENDA:**

- 1) **Claim Checks** – November 17, 2016 - No. 44093 through No. 44125 and EFTs in the amount of \$83,444.74
- 2) **Payroll** – October 31, 2016 No. 19222 – No. 19240 (voids 19223, 19227) and EFTs in the amount of \$260,775.35
- 3) **Minutes** – Special Meeting of October 18, 2016, Special Meeting of October 27, 2016 and Council meeting of November 3, 2016

Councilmember Morgan requested all items on the above consent agenda be moved under new business.

### **PUBLIC HEARINGS:**

- 4) **AB16-073** – Continuation - Proposed Ordinances Regarding Property Tax Increases

Finance Director Miller reported to Council on this item and noted 100% of the increase and property taxes go to fund public safety. Ms. Miller also noted receiving a written comment against adoption of these ordinances which is attached and incorporated into the minutes.

Mayor Benson opened the public hearing at 7:31 p.m.

Leslie Cooley, Black Diamond spoke in favor of adoption of these ordinances.

Mitch Neary, Black Diamond spoke in favor of adoption of these ordinances.

Mayor Benson closed the public hearing at 7:32 p.m.

- 5) **AB16-067** – Proposed 2017 Preliminary Budget

Finance Director Miller briefed Council on this item.

Mayor Benson opened the public hearing at 7:34:18 p.m. There were no public comments received or heard and the public hearing was closed at 7:34:39 p.m.

### **UNFINISHED BUSINESS:**

**6) Postponed Minutes** – Council meetings of July 21, 2016 and August 18, 2016, Council/Planning Commission Joint Meeting of August 23, 2016, Special Meeting of August 25, 2016, and Council Meeting of September 1, 2016

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt these meeting minutes.

There was discussion between Councilmembers.

Point of order was called by Councilmember Weber stating Councilmember Pepper has the floor.

Point of order was called by Councilmember Edelman.

Councilmember Edelman called the question.

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

Following the vote there was continued discussion this item.

Point of order was called by Councilmember Morgan that Councilmember Deady is impugning other Councilmembers.

**7) AB16-063A** – Ordinance Granting Franchise Agreement with CCD Black Diamond Partners, LLC

Councilmember Pepper stated this item is assigned to the Government Operations Committee.

Point of order was called by Councilmember Edelman regarding on November 3<sup>rd</sup> this item was already assigned to that committee.

There was Council discussion on this item with the focus on attorney review and the need to review the Development Agreement 7.1.7.

Point of order was called by Councilmember Pepper regarding Councilmember Edelman impugning another Councilmember.

Point of order was called by Councilmember Pepper that Councilmember Edelman's remarks are off topic.

Point of order was called by Councilmember Pepper regarding Councilmember Edelman remarks violating Council rule 6.3 because they are discourteous or impugn members of the Council.

Point of order was called by Councilmember Pepper.

City Attorney Linehan stressed that these franchise agreements (#7 & #8) are time sensitive.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to table this item.

Point of order was called by Councilmembers Pepper and Morgan.

Point of order was called by Councilmember Pepper stating Councilmember Deady's remarks violate Council rule 6.3.

Point of order was called by Councilmember Pepper.

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

**8) AB16-064A – Ordinance Granting Franchise Agreement with Astound Broadband, LLC**

Councilmember Pepper stated this item has the Council committee assignment of Government Operations.

There was discussion on when the committee meeting will be held.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to table this item indefinitely. Motion **passed** 3-2 (Edelman, Deady).

**9) AB16-065A – Resolution Authorizing Interlocal Agreement with AWC RMSA**

Councilmember Pepper stated this item has been assigned to the Government Operations committee.

Councilmember Pepper moved that the Council Government Operations committee recommends additional review for any potential adjustments prior to adoption.

There was discussion on this item.

Point of order was called by Councilmember Pepper.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt a resolution regarding membership in the Association of Washington Cities Risk Management Service Agency.

There was Council debate on this item and committee meetings

Point of order was called by Councilmember Pepper stating the committees are not illegal.

Councilmember Pepper called a point of order that Councilmember Deady is violating Council rule 6.3.

Discussion continued.

Councilmember Edelman called for the question.

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

A **motion** was made by Councilmember Pepper and seconded by Councilmember Morgan to move this item to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

### **NEW BUSINESS:**

Clerk note: The two property tax ordinances were approved out of order.

#### **10) AB16-068 – Ordinance Setting the Property Tax Dollar Amount for 2017**

Finance Director Miller reported to Council on this item.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Pepper to postpone this item to the December 1<sup>st</sup> meeting at 7:00 p.m.

There was Council discussion on this item.

Point of order was called by Councilmember Pepper regarding Councilmember Deady's language.

Point of order was called by Councilmember Pepper regarding Councilmember Deady impugning another Councilmember.

Discussion continued.

A point of order was called by Councilmember Pepper regarding Councilmember Edelman violating Council rule 6.3.



Another point of order was called by Councilmember Pepper.

Following discussion between Council, Attorney, and staff Councilmember Weber **withdrew** his motion.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt an ordinance setting the property tax dollar amount to be used for public safety, including, police, fire and emergency services. Motion **passed** 4-1 (Pepper).

**11) AB16-069 – Ordinance Setting the Property Tax Percentage Increase and Dollar Amount**

Finance Director briefed Council on this proposed ordinance.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to adopt an ordinance setting the property tax percentage increase and dollar amount as calculated by King County for 2017 property taxes to be used for public safety, including fire police, fire, and emergency services. Motion **passed** 4-1 (Pepper).

**12) AB16-070 – Ordinance Amending the 2016 Budget**

Councilmember Pepper stated she would like to amend this for first reading and Council Committee assignment is Budget and Finance Committee.

Finance Director Miller reported to Council on the proposed 2016 budget amendment ordinance.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt an ordinance adopting the 2016 budget amendment. Motion **failed** 2-3 (Morgan, Weber, Pepper)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to move this to the Budget and Finance Committee as it is for first reading. (**No vote was taken on this motion**).

There was Council discussion on this item and Councilmember Weber announced the Budget and Finance Committee meeting will be December 12 at 6 p.m. at the Black Diamond Library unless that meeting room is not available and then it would be at the Black Diamond Bakery. He also asked that the Mayor notice this meeting and open the Council Chambers as was done earlier in the year.

Point of order was called by Councilmember Pepper.

Discussion continued on committee meetings.

**13) AB16-071 – Ordinance Approving an Interfund Loan from the Sewer Capital and Reserve Fund to the Equipment Replacement for Replacement of Four Police Vehicles in 2017**

Finance Director Miller reviewed with Council the proposed interfund loan ordinance and purpose.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt an ordinance approving an interfund loan from the sewer capital and reserve fund to the equipment replacement fund for the replacement of four police vehicles in 2017.

There was Council discussion and following discussion Councilmember Edelman **withdrew** her motion.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to move this item to the Budget and Finance Committee meeting at 6:00 p.m. on December 12th. Motion **passed** 3-2 (Deady, Edelman).

Councilmember Weber stated it is his intention to bring this back at the December 15<sup>th</sup> meeting.

**14) AB16-072 – Resolution Adopting the 2017-2022 Capital Improvement Plan**

Finance Director Miller reported on this proposed resolution.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to not have this resolution voted on this evening and would like to amend the agenda to not have the Council take this up at this time.

There was Council discussion.

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

Below are the consent agenda items Councilmember Morgan at the beginning of the meeting placed under new business.

**1) Claim Checks – November 17, 2016 - No. 44093 through No. 44125 and EFTs in the amount of \$83,444.74**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to postpone all the claim checks to the December 15th Council meeting. Motion **passed** 3-2 (Edelman, Deady).

There was Council discussion.

Point of order was called by Councilmember Pepper.

Point of order was called by Councilmember Morgan stating Councilmember Deady is impugning her and violating Council ruled 6.3.

- 2) Payroll** – October 31, 2016 - No. 19222 through No. 19240 (voids 19223, 19227) and EFTs in the amount of \$260,755.35

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to accept the payroll of October 31, 2016. Motion **passed** with all Council voting in favor (5-0).

- 3) Minutes** – Special Meeting of October 18, 2016, Special Meeting of October 27, 2016, and Council Meeting of November 3, 2016.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to postpone the minutes indefinitely.

Council discussion continued on this.

Point of order was called by Councilmember Pepper regarding Councilmember Edelman violating Council rule 6.3.

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

## **DEPARTMENT REPORTS:**

### **Clerk Department**

City Clerk Martinez reported on the status of past due meeting minutes.

Councilmember Morgan expressed appreciating the Clerks work and would like to see the point of orders and appeal the decisions of the chair in the minutes.

## **MAYOR'S REPORT:**

Mayor Benson reported attending the SCATBd meeting. She also discussed the Black Diamond Community Center request of \$10,000 for liability insurance and noted the Clerk would be sending the information out early so it can be placed on the December 15<sup>th</sup> agenda and asked that it be acted upon that night.

## **COUNCIL REPORTS:**

Councilmember Deady reported attending a finance committee meeting, SCATBd meeting, the Thanksgiving luncheon at the Black Diamond Community Center, a roundtable meeting on transportation, fire ad hoc committee meeting, and a public safety meeting.

Councilmember Morgan reported on the King Conservation District meeting on the 19<sup>th</sup>.

Councilmember Edelman reported attending the Public Issues Committee meeting, meeting with Finance Director Miller to review vouchers, Council work session, Marie Freeman memorial, fire ad hoc committee meeting, chamber luncheon, CERT class, November 17 Council meeting, Kiwanis Thanksgiving dinner, and the Regional Transportation Summit.

Councilmember Weber apologized for not being at the November 17<sup>th</sup> meeting as he was out of town for work. He noted he is working on the budget, discussed event being on the community events calendar, and reminded everyone there will be a Budget and Finance meeting at 6:00 p.m. at the Black Diamond Library.

Councilmember Pepper reported attending the Council work session, CERT training and commented she is learning a lot; attended a day long conference on December 8 on Taking Government from Good to Great.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Mitch Neary, Black Diamond commented.

Bob Edelman, Black Diamond commented.

Gary Davis, Black Diamond commented.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 9:52:36 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**December 1, 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 were: Jamey Kiblinger, Police Chief; May Miller, Finance Director; Kevin Esping, Facilities Coordinator; Scott Hanis, Capital Projects Program Manager; Sergeant Brian Lynch; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

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

Mayor Benson shared that she received a letter from AWC RMSA (Risk Management Association) regarding concern that the interlocal agreement has not be signed or agreed upon for the year.

### **PUBLIC COMMENTS:**

Leslie Cooley, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Judy Carrier, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

### **CONSENT AGENDA:**

- 1) **Claim Checks** – December 1, 2016 - No. 441426 through No. 44175 and EFTs in the amount of \$393,922.99

**2) Minutes – Council Work Session of November 10, 2016 and Council Meeting of November 17, 2016**

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

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to postpone the whole consent agenda, to include minutes and all claim checks to date uncertain.

There was Council discussion.

Councilmember Edelman stated she has the floor to the audience.

There was continued Council discussion.

**VOTE:** Motion **failed** 2-3 (Pepper, Morgan, Weber) -to adopt the consent agenda.

**VOTE:** Motion **passed** 3-2 (Deady, Edelman) -to postpone the consent agenda to date uncertain.

Councilmember Pepper asked for clarification of what was voted on as she did not vote.

Councilmember Morgan called a point of order.

Councilmember Pepper called a point of order.

Mayor Benson restated the motion that was made by Councilmember Morgan to postpone the consent agenda to an uncertain date.

Councilmembers Pepper, Morgan and Weber voted 'AYE' on favor; Councilmember Deady and Edelman opposed voted 'NO'.

**PUBLIC HEARING:**

**3) AB16-074 – Ordinance Regarding 2017 Pass-Through Sewer Rate Increase**

May Miller, Finance Director reported on this. She stated every two years King County Metro Council adjusts its rates. The rate came in lower than what they had projected last time. The rate increase they are proposing is \$2.19 a month. The next rate increase will be slightly less than this. She reported on Lifeline rates.

There was Council discussion.

Leslie Cooley, Black Diamond spoke in favor.

Bob Edelman, Black Diamond spoke in opposition.

Kristine Hanson, Black Diamond wanted to know about the committee assignment this would be under.

Closed public hearing at 7:39 p.m.

**PUBLIC HEARING:**

**4) AB16-075 – 2017 Final Budget**

May Miller, Finance Director spoke on this. Our budget session is defined by the state and RCW's and we adhere to them. We want to be transparent. People can come to meetings and make comments.

There was Council discussion.

Bob Edelman, Black Diamond discussed the responsibility of the Mayor bringing forward a balanced budget and the Council having an obligation to let the public know of what they would like to do.

Kristine Hanson, Black Diamond spoke in favor of passing the budget.

Kristen Bryant, Bellevue discussed wasted money by the mayor and encouraged changes in the budget and to look hard to stop the waste.

Judy Baxley, Black Diamond spoke on the budget taking time and effort so it is handled properly and noted needing to be accountable for what is going on and don't put down the hard working Council people who are working hard.

Leslie Cooley, Black Diamond commented on the calendar showing the schedule and noted large corporations getting budgets passed in timely fashion.

Brock Deady, Black Diamond noted the questions and discussions appear to come out at the end of the process and gave a time management suggestion was to look at the calendar and be better prepared.

Pam McCain, Black Diamond discussed vouchers not being paid, and late fees accrued and the reputation of the city not being good. If you do business in town you might not get paid.

Gary Davis, Black Diamond commented on the budget and the pass throughs.

Tina McGann, Black Diamond spoke to Council.

Mayor Benson closed the public hearing 8:04 p.m.

There was Council and Mayor discussion regarding the budget.

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**5) AB16-076 – Ordinance Adopting 2017 Budget**

Ms. Miller reported on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve this ordinance adopting the 2017 budget.

There was Council discussion.

Councilmember Morgan called point of order to Councilmember Edelman.

Councilmember Morgan called another point of order.

Councilmember Edelman continued and there was more Council discussion.

A **motion** was made by Councilmember Pepper to table the 2017 budget. There was no second.

Councilmember Edelman noted to Councilmember Pepper that there is already a motion on the floor.

Councilmember Edelman called the question.

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

Councilmember Pepper moved that we table the 2017 budget assigned to the Council budget finance committee. No second.

There was Council discussion.

Councilmember Pepper called point of order to Councilmember Deady.

There was continued Council discussion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to table the 2017 budget. Motion **passed** 3-2 (Deady, Edelman).

**6) AB16-077 – Resolution Confirming Mayor's Re-appointment to Planning Commission Position #3.**



A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that AB16-077 be assigned to Growth Management Committee for first reading.

There was Council discussion.

Councilmember Pepper called point of order to Councilmember Deady.

Councilmember Pepper called another point of order to Councilmember Deady.

Councilmember Morgan called point of order.

There was continued Council discussion.

Councilmember Pepper called point of order to Councilmember Deady.

There was continued Council discussion.

Councilmember Pepper read section 6.3 of Council rules regarding courtesy.

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

**7) AB16-078 – Resolution Confirming Mayor’s Re-appointment to Planning Commission Pos. #5**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that AB16-078 be assigned to Growth Management Committee for first reading. Motion **passed** 3-2 (Deady, Edelman)

Mayor Benson shared there is some concern from our Insurance Carrier that we haven’t approved their interlocal agreement. She asked the Council if they would reconsider this item tonight and put it on the agenda. She shared that the Attorney said this is a non-negotiable contract. Mayor Benson asked if everybody had a chance to read the letter from AWC RMSA.

Councilmember Weber noted his opinion on the letter and it was sent to committee and he doesn’t see that one and half weeks will make much difference. He is not in favor of bringing this back tonight. **Seconded** by Councilmember Morgan as she noted that the Government Operations Committee has not had a chance to talk about it.

There was continued Council discussion.

#### **DEPARTMENT REPORTS:**

May Miller, Finance Department reported on what is not getting approved on vouchers. Some of the vouchers are public safety vouchers. Some are contracts and grants that are not being approved. She noted having to pay these bills out of emergency authority as Council will not give authorization to pay the bills. She noted \$477,000.00 of bills not getting paid.

#### **MAYOR’S REPORT:**

Mayor Benson reported attending last night the SCA (Sound Cities Association) annual meeting. They are voting on the budget. There are 37 members of the SCA. She shared that almost all of these cities have passed their budget, and we are still arguing over the budget that was presented in August.

#### **COUNCIL REPORTS:**

Councilmember Deady reported she met with May Miller this afternoon to go over vouchers.

Councilmember Morgan read a note about the candidates and giving them thanks.

Councilmember Weber called point of order to Mayor Benson.

Councilmember Edelman reported she attended the SCA dinner last night. She talked about transportation issues and required networking.

Councilmember Weber reported on being fully on board with the state for paying for the roads.

Councilmember Pepper reported on taking CERT classes. She shared there will be a tree lighting here in December.

**ATTORNEY REPORT:** None

#### **PUBLIC COMMENTS:**

Brian Ross, OakPointe spoke to Council.

Bill McDermand, Black Diamond spoke to Council.

Councilmember Deady called point of order to Mr. McDermand.

Mr. McDermand stated he has the floor.

Leslie Cooley, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

**EXECUTIVE SESSION:** None

#### **ADJOURNMENT:**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Morgan to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 9:15 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

DRAFT

**BLACK DIAMOND SPECIAL JOINT  
CITY COUNCIL/PLANNING COMMISSION MEETING MINUTES  
December 6, 2016  
Council Chamber, 25510 Lawson Street, Black Diamond, Washington**

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the special joint meeting of the Council and Planning Commission meeting to order at 6:10 p.m. and lead us all in the Flag Salute.

**ROLL CALL:**

**PRESENT:** Councilmembers Deady, Morgan, Edelman, Pepper.  
Planning Commissioners LaConte, Ammons, McCain and Ekberg.

**ABSENT:** Councilmember Weber absent (excused), Planning Commissioners Senecal (excused) and Ambur absent.

Staff present: Jamey Kiblinger, Police Chief; Barbara Kincaid, BHC Consultatnt and Brenda L. Martinez, City Clerk.

**WORK SESSION:**

**City's Comprehensive Plan Update**

**a. Review of Draft Capital Facilities and Utilities Element**

Ms. Kincaid noted that the packet material is incomplete and we will be reviewing the document up to the Police section.

Mayor Benson noted that we currently are not doing anything with the transportation element. We can turn in the Comp Plan information without the transportation element and turn that in later.

Ms. Kincaid shared that next month's meeting will be to finish this element and then a compilation with all chapters along with the changes will be sent out to you along with PSRC and Department of Commerce. After that this group will reconvene to go over that document and hold a public open house. This document will continue to evolve as we go through the public process.

There was Council discussion.

**INTRODUCTION**

Ms. Kincaid discussed the policy piece and technical appendices. Tonight, the focus will be the policies; some are from existing plan and some are new. We need to look at these policies and ask do they still make sense or is something missing?

### **Purpose of the Capital Facilities and Utilities Element**

There discussion between Councilmember and Commissioners.

Ms. Kincaid discussed the need to understand the requirements of the growth management act and capital facilities are those things that are not just city owned in the plan, but also require that you list any of the essential public services that are required for people that may be outside of city owned or operations.

We have a whole community with levels of services and those things that the city provides with its residents is the nature that you know what you have now, what kind of condition it's in, what's based on your growth and future land use. What you will need to expand or improve upon and how are you going to pay for it. She noted it's very much like the transportation element.

The end of page one is the purpose statement. Ms. Kincaid noted the last sentence is very important as we need to make sure that we define capital facility in such a way that allows the city to be able to go out for grants or loans on equipment.

Page two talks about this being a policy to guide the City's decision making, we are still keeping that vision in our heads about what we want Black Diamond to look like. This is the road map of how we are going to keep the vision going. We discuss level of services being adopted for certain things and as we grow, we make sure the level of service is not decreased for the people.

Councilmember Morgan asked about the purpose statement, first sentence, can it say "surrounding areas". She brought up the park and rides. Ms. Kincaid noted we can expand this to have a discussion about those County park and ride facilities by recognizing that it's an important service.

### **Level of Service (LOS) and Phasing**

Ms. Kincaid shared that this is a narrative of why we establish LOS and what the state law requires. She noted the law allows six years for concurrency on transportation. The concurrency is not about the City doing studies and identifying its own deficiencies in the system, it's addressing development. They would have to do a traffic impact assessment as part of their application for consideration.

Mayor Benson discussed the concurrency ordinance and how the funding portion of the ordinance works.

There was discussion over verbiage on paragraph following bullet points on page one. Consensus to strike ~~at the time such development occurs.~~

### **Fiscal Considerations**

Ms. Kincaid discussed the importance that developers need to pay for their portion based on the increased demand their development is placing on the City's system. Committing to sustainable City infrastructure is general goal.

### **Environmental Considerations**

Ms. Kincaid discussed minimizing environmental impacts and highlighted the theme and best practices.

### **Capital Facility and Utility Goals**

**G-1-** Ensure that public facilities and services are available to support future development consistent with the land use element. Ms. Kincaid suggested a broader goal statement.

### **General Capital Facility and Utility Policies**

**Policy GCFU-1**-no comment

**Policy GCFU-2**-no comment

#### **Policy GCFU-3**

Facilitate the development of all utilities at the appropriate level of service to accommodate growth that is anticipated to occur in the City. (There was discussion that policy three needs to be rewritten and Ms. Kincaid will work on this.)

#### **Policy GCFU-4**

Facilitate the provision of utilities ~~and~~ that ensure environmentally sensitive areas are protected; ~~sensitive, safe and reliable service and that provide safe and reliable service-is~~ and that are aesthetically compatible with the surrounding land uses while maintaining ~~and results in-~~ a reasonable economic cost.

**Policy GCFU-5**-no comment

**Policy GCFU-6**-no comment

**Policy GCFU-7**-Council and Commissioner discussion with Ms. Kincaid looking into this.

**Policy GCFU-8-** Require architectural screening for above-ground utility structures such as transformers and vaults.

Commissioner McCain noted that she does not want this as an overburden for a property owner. Ms. Kincaid noted the type of architectural screening will be defined in the standards.

**Policy GCFU-9**-Create and maintain adequate reserve funds to pay for replacement of existing facilities and equipment.

Councilmember Morgan suggested language of “develop budgeting practices for prudent saving as well as for grant applications.” Ms. Kincaid noted the CIP is the budget practice that Councilmember Morgan is referring to. Commissioner McCain noted it being hard to define ‘prudent’.

## **Utilities**

Ms. Kincaid noted that this utility section talks about the Puget Sound Regional Council (PSRC) King County planning policies and highlighted areas of the section.

Commissioner Ekberg suggested a verbiage change to paragraph three to read as follows: Black Diamond must ensure the phasing of its utility system improvements to meet the growing or changing needs of the community.

## **General Utility Policies**

**Policy U-1**- Consider utility permits simultaneously with development proposals. ~~and ensure all utilities necessary to support development are adequate and available prior to approving development.~~

**Policy U-2**- Track water and sewer hook-ups and stormwater provisions to monitor available capacity in the City’s utility systems.

**Policy U-3**-change to “prioritize upgrading existing system deficiencies as funds come available.”

**Policy U-4** -change ‘rules’ to ‘requirements’

**Policy U-5**- no comment

**Policy U-6**- no comment

**Policy U-7**- no comment

**Policy U-8**- no comment

## **Potable Water Policies**

**Policy U-9**-add ‘inter-tie’ before agreement

**Policy U-10**-Encourage water reuse and reclamation. ~~Especially for high volume non - potable water users such as parks, schools, and golf courses.~~

**Policy U-11**-Identify and develop additional water supply sources if needed to meet long-term water consideration consistent with WRIA. ~~with consideration of climate impacts and fisheries protection.~~

**Policy U-12-** Encourage the reduction of water consumption through education for conservation, efficiency, reclamation and reuse.

**Policy U-13-**~~Initiate~~ ensure the protection of water supplies for potable water needs and environmental goals.

#### **Sanitary Sewer Policies**

**Policy U-14-** no comment

**Policy U-15-** no comment

**Policy U-16-**Require public sewer connections for all new residential development or redevelopment on existing lots of record where sewer is available within 300 feet. New residential or substantial construction or redevelopment on existing lots of record will be allowed where sewer is not within 300 feet if, (1) King County Wastewater Disposal Regulation are met and (2) the property owner signs and records a no protest covenant for the potential formation of a local improvement district and agrees to negotiate frontage and connection fee costs.

**Policy U-17-** no comment

**Policy U-18-** no comment

**Policy U-19-** no comment

**Policy U-20-** no comment

**Policy U-21-** no comment

#### **Stormwater Policies**

**Policy U-22-** no comment

**Policy U-23-** no comment

**Policy U-24-**Design storm drain lines or pathways to minimize potential erosion and sedimentation, discourage ~~significant~~ native vegetation clearing, and preserve the natural drainage systems such as rivers, streams, lakes and wetlands.

**Policy U-25-** no comment

**Policy U-25-**(DUPLICATE NUMBER)

**Policy U-26-** no comment

**Policy U-27-** no comment



Councilmember Morgan wondered if the rules for rain gardens would be in the stormwater section so that the water that goes in there is properly filtered. Ms. Kincaid said she would come up with something that would target that design and issue.

Next month they will meet with the Mayor and Police Chief to review the police section, fire/emergency services, public schools. The next meeting is January 10.

Councilmember Morgan talked briefly about school boundaries and the Auburn School District.

### **ADJOURNMENT:**

A **motion** was made by Councilmember Deady and **seconded** by Commissioner McCain to adjourn the meeting. Motion **passed** with all voting in favor.

Meeting ended at 7: 56 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY SPECIAL COUNCIL MINUTES**

**December 22, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

### **CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the special 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 were: Andrew Williamson, MDRT/Economic Development Director; Judge Dane, Kevin Esping, Capital Facilities Coordinator; Scot Hanis, Capital Projects; Dan Dal Santo, Utility Superintendent; Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Kathy Allen, Deputy City Clerk; Debbie McGraw, Records Management; Stephanie Metcalf, Court Administrator; Tracy Redd, MDRT Senior Accountant; Bryan Lynch, Police Sergeant; Brian Martinez, Police Commander

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

Mayor Benson stated there will be some rules to keep the meeting in order. Please approach the Dias, signal to me and I will allow you to come up. If you have notes, please pass those to the City Clerk. If you are out of order, you could be expelled from the meeting.

### **PUBLIC COMMENTS:**

Kevin Esping, Representing Teamsters spoke to the Council.

Pat Nelson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Howard Botts, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council and requested that the email be included in the minutes that she sent to the Mayor and Clerk.

Nancy Rogers, OakPointe Attorney spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.

Brian Derdowski, Bellevue spoke to Council.

Tina McGann, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

Kayla Solter, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Craig Goodwin, Black Diamond spoke to Council.

Bill Roth, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Bill McDermond, Black Diamond spoke to Council.

Councilmember Weber called point of order.

Councilmember Deady called point of order as speaker wasn't addressing the Council.

Councilmember Weber called point of order as Mayor told speaker he needed to address the Council.

Kristine Hanson, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

**1) AB16-088A-Ordinance Adopting 2017 Budget**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to the first item of business, the ordinance adopting the 2017 budget, I move that this item is not

properly before the Council, it is removed from the agenda and we should immediately address item number two, the substitute 2017 budget ordinance.

There was council discussion on this item with the focus on staff being allowed to discuss item number one.

Councilmember Weber asked Councilmember Pepper that he would like to clarify if we are talking about item number two, correct?

Councilmember Pepper stated no, that item number one is on the floor with a motion and a second.

Councilmember Weber stated that then there would need to be an amended motion for the substitute, correct?

Mayor Benson stated that May just presented a comparison between the two budgets so that you can see that you have calculation errors on your budget and you cannot adopt an unbalanced budget.

Councilmember Edelman stated she would like Councilmember Pepper to rescind her motion and let us vote on the Mayor's budget and then we can move on to the substitute budget.

Councilmember Pepper stated the motion stands, second stands and she would like to take the vote.

Councilmember Edelman stated she would like the motion read again.

Councilmember Pepper restated her motion as follows: to move AB16-088A ordinance adopting the 2017 budget. She moved that this item is not properly before the Council and is removed from the agenda and we should immediately address item two, Substitute 2017 Budget Ordinance and she had a second by Councilmember Weber.

**VOTE; Motion passed 3-2 (Edelman, Deady)**

Mayor Benson stated motion carries, but because you did not adopt our budget and removed it from the agenda, you do not have a budget, because you incorporated your budget into my budget by reference. Mayor Benson stated, "You have nothing to discuss without approving my budget."

There was continued Council discussion around the Mayor's budget and substitute budget.

## **2) AB16-091-Substitute 2017 Budget Ordinance**

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to adopt Ordinance AB16-091 (Substitute 2017 Budget Ordinance).

Councilmember Deady **moved** to amend the motion. She further stated that she and Councilmember Edelman have fifteen amendments.

There was council discussion regarding the fifteen amendments being read and voted on as separate items.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman "I move to amend the motion to strike the second and third recital clauses because they are inaccurate. The recital clauses would be accurate with respect to the budget ordinance prepared by the Mayor and staff. But they are not accurate for the Substitute Budget. The City Council has never had public hearings on the Substitute Budget, which was not revealed to the public until the December 15th Council meeting. And a copy of the Substitute Budget was not "on file with the City Clerk for examination by the public until after all work studies and public hearings were closed. To be compliant with RCW 35A.12.130, replace the enacting clause to say "The city council of the City of Black Diamond **DO** ordain as follows:"

There was council discussion around this.

Councilmember Edelman called for the vote.

**VOTE; Amended motion failed 2-3 (Morgan, Pepper, Weber)**

### **SECTION THREE**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the motion to strike Section 3 because Exhibit A does not appear to balance, per calculation by May Miller. The budget must balance, per RCW 35A.33.075 ("Appropriations shall be limited to the total estimated revenues contained therein).

There was council discussion around this.

**VOTE; Amended motion carries 3-2 (Pepper, Weber) Morgan did not vote**

### **SECTION FIVE**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to strike Section 5 because Per RCW 35A.33.145: "Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law." It would be improper for the City to place state grant money (which is granted for restricted uses) into a contingency fund. The Substitute Budget shows 2017 grant money is being directed into the contingency fund, which would not be allowed.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

#### **SECTION SEVEN**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to strike Section 7, first two sentences because State law imposes tight time limits on certain planning functions, which could create liability for the City if staff capacity is compromised and a supplemental budget appropriation is delayed or refused. I also move to strike the last two sentences of Section 7 last two sentences because these provisions are inviting legal claims against the City for breach of contract, particularly from the MDRT master developer. The funds for MDRT consultants are provided 100% by the developer pursuant to a validly enacted development agreement, which carries the force of law. Telling these consultants that their contracts are terminated or that their funding may be withheld or refused is likely to provoke a lawsuit against the City. The Council also lacks authority to require the Mayor to "immediately notify all consultants that funding may no longer be available." The Mayor is the chief executive and is not required to take instructions from the Council as to how to perform her administrative duties. Additionally, it is also unclear what this section means when it refers to "restoring funds" from terminated contracts "to the applicable FTE and wages and benefits line items." The proposed ordinance language restricting the expenditure of budgeted funds until existing contracts are reviewed and reauthorized by Council also appears contrary to BDMC 2.52.010, which states: "The heads of the various executive departments of the city are authorized to expend such funds and in such amounts (within departmental budget limitations) as are deemed necessary by them for the proper operation and function of their various departments." The Substitute Ordinance does not call out that it is effectively repealing and replacing BDMC 2.52.010, nor does the title of the ordinance make that repeal clear, which is contrary to the single-subject and title rule.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

#### **SECTION ELEVEN**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to strike Section 11 because this provision effectively amends the procurement rules previously adopted in BDMC 2.90 without directly saying so. The language "Notwithstanding any provisions of BDMC 2.90," fails to give notice to the public that multiple portions of 2.90.010(B) would be effectively repealed by Section 11 of this Substitute Ordinance. This would likely violate the single-subject and title rule and the requirements of 35A.12.130 ("No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full

length.") Section 11 also appears to violate contractual obligations of the City to the master developer under the MPD Development Agreements. Under these prior agreements, the City Council has no authority to restrict funding to MDRT consultants, which are paid for entirely by the developer, with required staffing levels and consultants spelled out in the MPD documents

There was council discussion around this.

**VOTE; Motion passed 2-3 (Pepper, Weber)**

Councilmember Edelman stated to go ahead with roll call vote, but for the record wants it noted that Councilmember Morgan did originally vote yes.

Councilmember Pepper called for a Roll Call Vote

**ROLL CALL VOTE:** Councilmember Morgan called for a roll call vote on amendment of section eleven (Deady, yes; Edelman, yes; Morgan, no; Pepper, no; Weber, no)

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

## **SECTION TWELVE**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend to strike Section 12 because the intent of this section is unclear and confusing. It purports to condition the expenditure of funds budgeted "for the Finance Department," on conditions that apply generally to all City expenditures under BDMC 3.23.030.

Apparently, it is the Council majority's intent to require the withholding of paychecks (wages and benefits) for the Finance Department personnel if the Mayor does not provide the requested documentation to the Council majority's satisfaction. This kind of threat to dock staff pay is illegal.

There was council discussion around this.

Councilmember Edelman called for the vote.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

## **SECTION THIRTEEN**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to amend to strike Section 13 because like Section 11, Section 13 would effectively amend a part of BDMC 2.90.010(B) relating to the Mayor's spending authority, but without expressly stating so, and without providing any notice in the title of the ordinance and in violation of the single-subject rule. RCW 35A.12.130 states "No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.". Depending on the

length of time it takes to locate qualified legal counsel and negotiate a contract for legal services, the \$10,000 cap on legal expenditures may also violate the MPD Development Agreement by restricting the City's ability to hire and use legal counsel necessary to process MDRT permits in a timely fashion.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

Councilmember Edelman called the question.

#### **SECTION FOURTEEN**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend Section 14 to strike Section 14 because the Council has no authority to require the Mayor to hire a Community Development and Environmental Review Officer. State law gives the Mayor exclusive authority to hire and fire staff, per RCW 35A.12.090. The Council may create and eliminate positions (within lawful limits), but Council cannot force the Mayor to fill a position. Section 14 also purports to change the BDMC's existing designation of who serves as the SEPA Responsible Official, which again violates the single-subject rule and fails to give adequate notice to the public in the title of this ordinance that the Code is being amended. Under BDMC 19.04.050, the City's SEPA official is the Community Development Director or his/her designee. The Council can change this by ordinance, but not through adoption of the budget. RCW 35A.12.130 states "No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length."

There was council discussion around this.

**VOTE; Motion passed 3-2 (Pepper, Weber) (Morgan noted she did not vote)**

#### **SECTION FIFTEEN**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman moved to amend section 15 because the Council may allocate funds to a certain position, but the Council cannot compel the Mayor to fill the position.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

#### **SECTION SIXTEEN**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend to strike section 16 because the conditions on spending monies that are specifically



budgeted for the various funds violates BDMC 2.52.010 ("The heads of the various executive departments of the city are authorized to expend such funds and in such amounts (within departmental budget limitations) as are deemed necessary by them for the proper operation and function of their various departments."). Additionally, as written, the conditions of Section 16 may require withholding staff wages and benefits based on an ambiguous requirement to put forth policies concerning staff time and resources-subject to Council approval. Not only would this be an illegal conditioning of payment of staff salaries and benefits, but the Council has no authority to require the Mayor to submit administrative policies for Council approval. As the chief executive, the Mayor determines policies relating to use of staff time and resources. RCW 35A.12.100 ("The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees...and shall have general supervision of the administration of city government and all city interests."

There was council discussion around this and Councilmember Deady read letters from Judge Dane, Chief Smith, and Dan Dal Santo, Public Works Superintendent.

Mayor Benson noted there was one more letter today from the Union around budget proposals.

**VOTE;** Motion **passed** 3-2 (Pepper, Weber) Councilmember Morgan did not vote.

Councilmember Morgan noted she did not vote and stated, "The amendment carries".

Councilmember Deady called for roll call vote

**ROLL CALL VOTE:** Councilmember Deady, yes; Councilmember Morgan, yes; Councilmember Edelman, yes; Councilmember Weber, no; Councilmember Pepper, no  
Motion **passed** 3-2 (Pepper, Weber)

## **SECTION SEVENTEEN**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman moved to amend to Section 17 to strike because this section violates the express terms of the MPD Development Agreement and Funding Agreement and could therefore result in liability for the City if the developer were to sue for breach of contract.

There was council discussion around this.

**VOTE;** Motion **failed** 2-3 (Morgan, Pepper, Weber)

## **SECTION EIGHTEEN**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend to strike Section 18 because the Council may authorize or not authorize money for

uses but the Council does not have legal authority to appropriate funds for the Storm Water Fund but then tell the Mayor or department heads that they cannot spend the budgeted amount unless and until the Mayor completes specific assignments ordered by the Council. That would violate the Mayor's authority as chief executive.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

#### **SECTION NINETEEN**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to amend to strike Section 19 because the CIP is not a budget document. And providing for Council to have "design approval" of certain items on the CIP has nothing to do with adopting a budget. Including legislation relating to CIP projects and contract approvals is not consistent with the single-subject rule, and the title of the ordinance fails to give adequate notices to the public that such topics are included.

There was council discussion around this.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

#### **SECTION TWENTY-ONE**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the motion to strike section 21 because the salary structure was not included as Exhibit A. This ordinance shall include the 2017 salary schedule as shown in the attachments as exhibit A.

Councilmember Edelman stated that exhibit A is the adopted budget, not the salary structure, so it needs to go away.

There was council discussion regarding no packet material being included for exhibit D.

Councilmember Weber stated it should read exhibit D, which is the salary schedule.

Councilmember Edelman called for the vote.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

Councilmember Pepper stated that she would like to motion in section 21 that this ordinance shall include the 2017 salary schedule as shown in the attachment as exhibit D.

Councilmember Edelman stated this is not the place for this motion. The place for this motion is after we go through and do all the amendments to the motion. Otherwise, you are amending the

motion to amend the motion to amend the motion. She further stated it would be more logical to wait until they go through these fifteen items to make her motion.

## **SECTION TWENTY-TWO**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend to strike section 22 (after section 22) because the salary structure was not included as exhibit A. Substitute Ordinance states in the conclusion that it was "Introduced on the 1st day of December." This is not true. The correct date is December 15, 2016. It also states that it was passed at a "regular" meeting of the City Council. This is not true, either. I strike Exhibit C in its entirety because no budget has been adopted or published, the Substitute Budget is not balanced, the CIP has not been adopted, no ordinance has been adopted to create a Landmarks and Arts Commission, per the Council Rules, the City Attorney is the parliamentarian and moving funds from MDRT to reserves is breach of contract.

**VOTE; Motion failed 2-3 (Morgan, Pepper, Weber)**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that she would like to go back to section 21, and amend to read exhibit (A) be changed to read exhibit (D) in section 21 at the end of the salary schedule.

Mayor Benson asked her if she had an exhibit to pass out to go with this and noted it was not included in the packet.

Councilmember Pepper stated "no" and then asked if she had a second.

Mayor Benson told her she needs to have a document.

Councilmember Edelman stated that at least two of us have not seen this document that you want people to vote on. We do not know if you have made changes from May Miller's version.

Councilmember Pepper stated there is a Motion to adopt AB16-091-the substitute 2017 budget ordinance for the 2017 budget and that there was a second by Councilmember Weber.

Councilmember Deady asked for clarification that we have an amendment to replace the document that Councilmember Weber has.

Councilmember Pepper then stated we have a motion and it was seconded to change a letter in section twenty-one.

Councilmember Weber stated to Councilmember Pepper to withdraw her motion.

Councilmember Pepper stated “I **withdraw** my motion”.

Councilmember Weber then stated he will make sure everyone gets a copy of the same schedule that we looked at a few months now and that he will work with the City Clerk to get it posted to the website and that it gets clarified that it should read exhibit D.

Councilmember Pepper then stated that before her withdrawn motion there was a motion to adopt AB16-091- the Substitute Budget Ordinance for the 2017 budget and there was a second.

Councilmember Morgan called for the vote.

**VOTE; Motion passed 3-2 (Edelman, Deady)**

Mayor Benson stated she would veto the ordinance and suggested to revisit this issue on the 27<sup>th</sup>. She further stated she doesn't believe this document is legal or correct. She asked Attorney Linehan if we should have the meeting on the 27<sup>th</sup> so we make sure we have the document in its entirety.

Attorney Linehan said the Mayor has vetoed the ordinance, which means that the council can vote to try to override veto and that you would need at least four votes to override the veto. He thought it would make more sense to have a few more days to review, reflect and process the information. Then everyone has an informed vote, with all exhibits provided.

Councilmember Edelman asked for clarification that we are meeting on the 27<sup>th</sup> to which Councilmember Weber stated “correct”. She asked what is going to be on the agenda.

Mayor Benson stated that there are problems with your budget that it incorporates by reference my budget. She stated that if you cannot pass my budget, you can't keep going forward with this. You cannot incorporate my budget by reference.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to reconsider AB16-088A- the ordinance adopting the 2017 budget which is the Mayor's version and have that brought up on the 27<sup>th</sup> of December.

Councilmember Morgan asked “as amended”.

Councilmember Weber discussed his intent behind the motion was to add it to the agenda. He clarified he wants to get this on the next schedule.

There was council discussion around the verbiage of this motion and the intent of the word ‘reconsider’.

Councilmember Edelman asked Attorney Linehan what his thoughts were about this.

Attorney Linehan didn't know why you couldn't have reconsideration at a specific time.

**VOTE; Motion passed 4-1 (Pepper)**

**The following conversation refers to Items 4-6 on Agenda (4-Discussion and Possible Action Regarding Indemnification of Councilmember, 5-Discussion and Possible Action on Legal Services, 6-Discussion and Possible Action on Council Rules of Procedure Amendment).**

Councilmember Pepper stated she wants to make sure that the first three budget items are on the 27<sup>th</sup> of December council meeting. She also stated she would like to see items 4, 5 and 6 on the agenda discussed this evening.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to postpone this to sometime in January to discuss this because two of us, the minority on the Council did not see these resolutions until the beginning of this meeting. You are not giving the public the opportunity to review what you are doing and you are not being transparent. She stated that in addition to this, we have already had votes on indemnification on legal services. There is no reason to be bringing these items back. She asked do we need to read the disqualification motions again.

There was council discussion around these legal documents that a City Attorney has not reviewed.

**6)-Discussion and Possible Action on Council Rules of Procedure Amendment**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan with item number six, discussion and possible action on council rules and procedure amendment to move that we suspend the council rules and immediately adopt this resolution titled amending the city council rules of procedure, do I have a second.

Councilmember Pepper called the question.

Councilmember Edelman stated that she made a motion to postpone this to the second week of January and had a second.

Councilmember Edelman called the question.

**VOTE; Motion failed 2-3 (Weber, Pepper Morgan) regarding item six.**

Councilmember Pepper repeated her motion on item six, discussion and possible action on council rules and procedures.

Councilmember Pepper asked for the floor. She read the entire resolution of the City Council Amending the Rules of City Council Procedure.

Councilmember Edelman expressed her concern that there was no attachment (A) and there has been no discussion yet. She said last week there was a motion to disqualify you three from voting on the indemnification resolution because you have a vested interest. On the legal defense and the indemnification which the Mayor did not vote on because it included money that is outside her purview of breaking tie votes. That failed on a 2-2 tie. She further stated this was all done last week, and Councilmember Edelman further stated she does not understand why they are bringing this back up again. She further stated that by trying to change the Council rules it should not change the result of last week's meeting.

Mayor Benson stated the vote failed to indemnify you.

Councilmember Pepper stated there is a motion on the floor that has been seconded.

Attorney Linehan offered comments for consideration. He stated Section 1 purports to eliminate the Mayors authority to cast a tie vote, but that tie vote responsibility or authority is provided by RCW 35A.12.090, obviously, this Council resolution can't reverse state law. He also noted a reference that the Mayor may violate OPMA by meeting with two other Councilmembers but OPMA clearly does not apply to the Mayor. The OPMA applies to governing bodies. There is no possibility to applying the OPMA on what the Mayor does. Section 2 of the ordinance appears to have changed the rule of council rules require a vote of four and certainly the Council can modify its own rules, but 8.5.2 the extension and disqualification rules are clearly rooted in RCW42.23.030 which makes it impermissible for a Councilmember to vote on any matter in which the authorization approval ratification of a contract in which he/she is beneficially interested. He offered those comments for the potential invalidity of some of the intentions or provisions of this resolution.

Councilmember Pepper called for the vote.

**VOTE;** Motion **passed** 3-2 (Deady, Edelman) regarding new section amending Council rules.

Mayor Benson stated she will deny this motion because of the Attorneys message and she will write up her denial.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to call for a five-minute recess. Motion **passed** with all voting in favor (5-0).

Mayor Benson recess the meeting at 10:25 p.m.

Mayor Benson called the meeting back to order at 10:31 p.m.

#### **4) Discussion and Possible Action Regarding Indemnification of Councilmembers**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to speak on item number four-discussion and possible action regarding indemnification of Councilmembers. She moved that we suspend the City Council rules and immediately adopt this resolution titled Determining that the City of Black Diamond shall provide a defense for certain individually named Councilmembers in King County Superior Court cause number 16-2-29091-4 pursuant to Chapter 2.66 of the Black Diamond Municipal Code.

Mayor Benson stated we already did this last week and you cannot redo an indemnification, the City is not paying for this.

There was council discussion around this.

Councilmember Edelman asked Attorney Linehan about a motion from last week to disqualify that passed with a tie breaking vote from the Mayor with each individual Council members, I am glumping them together tonight for purposes of this discussion and we also had motions to provide legal defense and indemnification that failed on a 2-2 vote. The Mayor did not and cannot vote when it involves money. The question for the City Attorney is are these still valid from last week or do we need to go back and do them again?

Attorney Linehan stated your original motion procedure were done per the Council rules. This is a resolution; however, there is a previous ordinance of the City of Black Diamond ordinance 384, Section 4, adopted in 1988 now codified Black Diamond Municipal Code 2.66.040 that relates to this indemnification and representation issue. It states that the determination of whether an official or an Employee shall be afforded a defense for the City under the terms of this chapter shall be finally determined by the City Council and recommendation of the Mayor. The decision by the City Council shall be final as a legislative determination of the Council. The previous decision of the Council was to deny the representation under 2.66 according to 2.66.040 that decision of the City Council is final as a legislative determination of the Council.

Councilmember Pepper stated we have a motion on the floor and a second and would like to take a vote.

Councilmember Pepper called for a roll call vote.

Mayor Benson stated we have not voted yet, you cannot have a roll call without a vote.

There was council discussion around this and the fact that this has been already voted on and Councilmember Edelman stated this is a dead issue.

Councilmember Morgan called the question.

**VOTE; Motion passed 3-2 (Deady, Edelman) regarding indemnification of Council members.**

Mayor Benson stated resolution is denied.

Councilmember Pepper stated these are procedural votes and we have the right to vote.

Mayor Benson stated it is her recommendation that she will not indemnify for any reason.

#### **5) Discussion and Possible Action on Legal Services**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan discussion and possible action on legal services and would like at this time to suspend the Council rules immediately and adopt this resolution titled creating a Legal Services Steering Committee to act as the duly authorized constituents to interact with and provide direction to Defense Council on behalf of the Black Diamond City Council.

Mayor Benson stated you do not have an Attorney.

Councilmember Edelman asked Councilmember Pepper who signed the contract with Mr. Tarraday.

Councilmember Pepper stated she signed the contract.

Mayor Benson stated "you have no legal authority".

Councilmember Edelman expressed her concern around a Legal Services Steering Committee with members on it that are being sued by Oak Pointe. Under Section 2, committee powers, to preserve confidentiality of information defense Councils invoices shall be reviewed by Legal Services Steering Committee. The minority councilmembers will not have access to this information and the Mayor and the City Attorney and the Taxpayers. I do not support this. She stated they need to dig themselves out of this lawsuit and not on the backs of the Taxpayers.



Councilmember Deady asked Councilmember Pepper if you two are going to be Attorneys for the City. You are going to sit on a Legal Services Steering Committee and direct legal advice out of your Steering Committee. Councilmember Pepper and Councilmember Weber?

Councilmember Edelman called for the vote.

**VOTE; Motion passed 3-2 (Deady, Edelman)**

Mayor Benson stated she will deny this because we turned down the Attorney at the last meeting.

Mayor Benson stated we already talked about moving the budget items to the next meeting. It is time to move on to Public Comments.

### **PUBLIC COMMENTS:**

Leslie Cooley, Black Diamond spoke to the Council.

Bob Edelman, Black Diamond spoke to the Council.

Attorney Linehan in response to Mr. Edelman's concerns over the City's shutdown, stated the City can't spend money unless it has been properly allocated through an adopted ordinance. He said there is no exception in the statute for the Police Department, Fire, anything.

Councilmember Deady, Black Diamond spoke to the Council.

Pat Nelson, Black Diamond spoke to the Council.

Kristen Bryant, Bellevue spoke to the Council.

Suzie DalSanto, Black Diamond spoke to the Council.

Nancy Rogers, Attorney for OakPointe spoke to the Council.

Brian Derdowski, Bellevue spoke to the Council.

Brian Ross, Black Diamond spoke to the Council.

Robbin Taylor, Black Diamond spoke to the Council.

Kristine Hanson, Black Diamond spoke to the Council.

Daryl Buss, Black Diamond spoke to the Council.

Mayor Benson read a letter from AWC about the 2017 budget. The budget ordinance is a legal document. We, therefore, recommend that the City utilize their legal counsel for the proposed ordinance. Mayor Benson stated if we get sued, we will not have coverage from our insurance carrier.

## **ADJOURNMENT:**

Mayor Benson stated we do not have an executive session because the Attorney who wanted the executive session has not been hired. She said she would accept a motion to adjourn until the next meeting.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn the meeting.

**VOTE; Motion failed 2-3 (Weber, Morgan, Pepper)**

Councilmember Morgan stated they will have their own executive meeting.

Council meeting continued.

Councilmember Edelman stated if they want to meet with their Attorney outside and violate the OPMA, have at it. She further stated this Attorney has not been hired by the City of Black Diamond and we have a City Attorney who is on contract.

Jeff Taraday-Lighthouse Law Group gave a history of his firm. He further noted that he has never seen anything like tonight. We have courts for a reason. We go to court to dissolve our disputes. There is clearly a massive dispute here between the majority of the Council and the Mayor. He stated "you guys need a Court to solve that". He said he is quite confused as he doesn't know if he is being retained by the Council. He further stated we should have a roll call vote to establish this. He wanted to clarify the record from the last Council meeting. He felt even the City Attorney was unclear of what happened at the last Council meeting.

Councilmember Edelman explained to Mr. Taraday because we had motions to disqualify on each individual Councilmember, they were 2-2 votes on the disqualifications, and the Mayor broke the tie. On the resolution about hiring an Attorney, it was a 2-2 tie, it involves money, the affected person could not vote for that. The Mayor couldn't break that vote. She doesn't have the authority to do that because it involves money. Therefore, the motion died because it was a tie.

Jeff Taraday stated that he has observed is that you all are making legal rulings on the fly.

Councilmember Edelman stated we have a City Attorney that we take advice from.

Jeff Taraday stated he didn't know if the City has Counsel in this Legal lawsuit or the City Council.

Mayor Benson stated that Kenyon Disend will answer the lawsuit until we find another Attorney.

Councilmember Pepper stated she would have to disagree with the last meeting, she said we took two votes, one when the Mayor declared a recess, which she cannot do unless it is moved by the body and voted on. The meeting continued and we voted 3-0 to hire Lighthouse Law Group and when we came back we also again voted for Lighthouse Law Group 3-2.

Councilmember Edelman stated you were disqualified.

Jeff Taraday said there is no point arguing it here. It will not be decided here.

Councilmember Edelman stated to him "file a lawsuit against the City".

Jeff Taraday said that obviously has to happen. He further stated it's not out of ill will; he doesn't have anything against anyone and applauds everyone for volunteering their time to their community. He further stated rather than sitting here and tearing at each other, we will just put this in front of a court and let them figure it out. He further stated he is happy to not represent the City Council in the interim until we get verification from the Court and what that means. We will assert that we have been hired, our firm Lighthouse Law.

Attorney Linehan asked Mr. Taraday "do you have clarity of who are you representing?" "Are you going to file the lawsuit?"

Mr. Taraday stated he doesn't and when asked if he was filing the lawsuit, he stated " I assume somebody will be hiring me."

Attorney Linehan stated it sounds like you are already asserting legal position on behalf of someone. He further stated he is trying to make clarity as to who Mr. Taraday is representing.

Mr. Taraday stated that his position was based on the vote that was taken last week that can be argued in court to see what happens.

Attorney Linehan stated before you get to court you need to establish who your client is.

Mr. Taraday said clearly there is a dispute about who he is representing. He further stated if the individuals decide to retain me, then those will be my clients. He further stated he is not representing against the City or Council at this time when further questioned by Attorney Linehan.

Councilmember Edelman asked is it not true that Ms. Pepper signed a contract with you.

Mr. Taraday stated he believes she was authorized to, and we will argue that to the court.

Councilmember Edelman stated to Mr. Taraday that Councilmember Pepper has no authority to sign a contract.

Mr. Taraday stated let's agree to disagree on that.

**ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to adjourn the meeting.

**VOTE; Motion passed 5-0**

Meeting adjourned at 11:30 p.m.

ATTEST:

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Carol Benson, Mayor

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Kathy Allen, Deputy City Clerk

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**January 5, 2017 Regular Business Meeting**  
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: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Scott Hanis, Capital Project/Program Manager; Andrew Williamson, MDRT/Ec Dev Director; Dan Dal Santo, Utilities Superintendent; and Brenda L. Martinez, City Clerk.

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

Mayor Benson announced that Mr. Boettcher's first day back to work was today and he is excited to be back. She also mentioned the police officers in attendance are here on their own time as they are concerned about the budget and their jobs.

**PUBLIC COMMENTS:**

Robbin Taylor, Black Diamond spoke to Council.

Councilmember Morgan raised a point of order for the speaker to address the whole Council; not individuals.

Another point of order was raised by Councilmember Pepper for the Mayor to keep order in the room and for the speakers to address the Council as a whole; not individual persons.

Johna Thomson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Councilmember Pepper discussed receiving a letter from the Boundary Review Board regarding the Rainier Ridge Annexation and asked to make this an agenda item tonight.

A **motion** was made by Councilmember Pepper to add under new business the Washington State Boundary Review Board notification letter for File No. 2379 City of Maple Valley Rainier Ridge Annexation; **second** Councilmember Morgan.

There was Council discussion.

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

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Edelman to accept the consent agenda; **second** Councilmember Deady.

Councilmember Morgan **amended** the motion to separate the consent agenda out into separate parts (vouchers and each set of minutes separately). She discussed the Talmadge bill and the resolution authorizing this work.

There was Council discussion.

A **motion** was made by Councilmember Morgan to pay the Talmadge bill; **second** Councilmember Pepper.

There was Council discussion on the paying of the Talmadge bill.

Councilmember Pepper appealed the decision of the Chair and raised a point of order on the Chair for not keeping the room in order. She noted the appeal is for allowing this to keep happening.

There was discussion between the Council, Mayor and attorney regarding the lawsuit being voluntarily dismissed. Mayor Benson instructed the City Clerk to get a copy of the withdrawal to Council.

There was Council discussion regarding the vouchers and the supporting documents.

Councilmember Morgan called Councilmember Edelman out of order as she does not have the floor.

There continued to be Council discussion with the focus being moving the approval of the vouchers to the next meeting and the Talmadge bills.

Councilmember Weber asked for clarification on the renumbering of the agenda. Mayor Benson responded that the claim checks will be # 1, April 21 minutes will be #2, and the June 9 minutes will be #3 and so on down the agenda.

Councilmember Morgan called for the question on the Talmadge bill motion.

There was Council discussion regarding the conflict of interest for Councilmembers Morgan and Pepper. Councilmember Edelman suggested that a vote be taken and those with a financial interest be recused from voting as it's a conflict of interest and further suggested that Councilmembers Morgan and Pepper votes do not count as they have a financial interest.

**Vote:** 3-2 (Edelman, Deady). Mayor Benson announced the motion did not carry as the votes from Councilmembers Morgan and Pepper did not count as they should have recused themselves.

**1) Claim Checks – January 5, 2017 - No. 44228 through No. 44290 and EFTs in the amount of \$259,762.66**

A **motion** was made by Councilmember Weber to move all the above claims checks to the next regular scheduled meeting; **second** Councilmember Morgan. Motion **passed** 3-2 (Edelman, Deady).

**2) Minutes – April 21, 2016 Council Meeting**

A **motion** was made by Councilmember Pepper that the April 21 minutes be postponed until the comments surrounding these minutes are addressed; **second** Councilmember Morgan.

There was Council discussion.

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

**3) Minutes - June 9, 2016 Work Session**

A **motion** was made by Councilmember Morgan to hold them until the next meeting; **second** Councilmember Pepper.

City Attorney Linehan discussed the RCW regarding Council minutes.

There was discussion.

City Attorney Linehan also noted it is not unusual to adopt minutes and amend them at a later date.

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

**PUBLIC HEARINGS: None**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

#### **4) AB17-001 – Resolution Appointing Mayor Pro-Tem**

A **motion** was made by Councilmember Pepper to nominate Councilmember Morgan as Mayor Pro-Tem; **second** Councilmember Weber.

There was Council discussion.

A **motion** was made by Councilmember Deady to amend the motion to remove Councilmember Morgan as Mayor Pro-Tem and add Councilmember Edelman as Mayor Pro-Tem; **second** Councilmember Edelman.

Councilmember Morgan read a prepared statement.

Councilmember Weber raised a point of order regarding control of the audience.

Councilmember Morgan continued with her statement.

Councilmember Pepper appealed the decision of the chair to keep decorum.

Councilmember Morgan continued with her statement.

Councilmembers Weber and Morgan raised a point of order for meeting decorum.

Councilmember Morgan continued with her statement.

Councilmember Pepper asked for clarification on the motions on the floor.

Councilmember Pepper raised a point of order as there was already a motion and second on the floor.

**Amended Motion Vote:** Motion **failed** 2-3 (Morgan, Weber, Pepper) for Councilmember Edelman as Mayor Pro-Tem.

**Main Motion Vote:** Motion **passed** 3-2 (Edelman, Deady) for Councilmember Morgan as Mayor Pro-Tem.

Councilmember Weber commented on the Mayor keeping order or he will make a motion to adjourn the meeting.

#### **4.5) Council President**

A **motion** was made by Councilmember Morgan to name Councilmember Pepper as Council President again.

Councilmember Morgan spoke to her motion.

There was Council discussion.



Councilmember Weber **seconded** the motion.

**Vote:** Motion **passed** 3-2 (Edelman, Deady) to name Councilmember Pepper as Council President.

**5) AB17-002 – Resolution Confirming Council Standing Committee Appointments**

Mayor Benson announced she will not be noticing these meetings as they are not legal meetings and welcomed them to come in during the day or early evening to meet with staff.

There was Council discussion with Councilmembers Deady and Edelman noting they do not agree with these committees and will not be participating; Councilmember Deady also noted standing with the City Attorney's advice.

Councilmember Pepper stated the Chair needs to reign in the Councilmember speaking (Deady). Mayor Benson ruled Councilmember Pepper out of order.

Council discussion continued on this item with Councilmember Morgan discussing what happened at the January 2016 meeting regarding Council committees and Councilmember Pepper addressed Council committees and the three touch process.

Councilmember Deady requested that her name be removed from the Committees.

A **motion** was made by Councilmember Pepper to put AB17-002 a resolution confirming Council Standing Committee appointments as agreed by Mayor Pro- Tem for first reading and assignment to the Government Operations Committee; **second** Councilmember Morgan.

Councilmember Deady again requested that her name be removed from the Committees.

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

**6) AB17-003 – Ordinance Adopting 2012 Stormwater Manual for Western Washington**

Mayor Benson referred to an email from DOE and also discussed the email outlining the penalties that can be assessed if this is not passed.

MDRT/Ec Dev Director Williamson addressed Council on this item. He noted for the record this item was voted down at the October 6<sup>th</sup> meeting and another version of the ordinance was passed 16-073A and was then vetoed by the Mayor. This was then brought back to the City Council in its legal form on December 15<sup>th</sup> and was voted down. We are now here on January 5<sup>th</sup> with a legally approved by our City Attorney document for the Council to take action. The adoption of this manual is separate than the LID code updates. The City is currently out of compliance of its the NPDES permit as this was due by December 31, 2016. The Department of Ecology is aware the City is out of compliance and adoption of this

ordinance would bring the City back into compliance. He noted there is a whole list of RCWs, penalties, EPA penalties, third party lawsuits that can be levied against the City. There is up to \$37,500 per day of violations and legal costs and asked Council to keep this in mind – any new development that comes and puts an application in at Community Development and are deemed complete will vest to the 2005 Stormwater manual and will be built to those standards. He noted again for the record the public works department of the City of Black Diamond has delivered to you a legally adopted ordinance for your review three times and it has been voted down. So for the record the Black Diamond Public Works department now puts the responsibility of this and all the legal repercussions that come with it on the Black Diamond City Council.

There was Council discussion on this item.

A **motion** was made by Councilmember Deady to adopt a resolution adopting new stormwater management regulations and amending Chapter 14.04 of the Black Diamond Municipal Code; **second** Councilmember Edelman.

Councilmember Pepper read a prepared statement.

A **motion** was made by Councilmember Pepper to amend the motion to refer this to the Growth Management Committee; **second** Councilmember Morgan.

City Attorney Linehan clarified the email from Ecology was responding specifically to the version of the stormwater adoption ordinance that the Council has voted down twice and the version that the Council passed and the Mayor vetoed. DOEs for the same reason as outlined in her veto. He urged them to strongly listen to DOE and adopt the version as presented in the packet.

Councilmember Deady raised a point of order for audience decorum.

Councilmember Weber discussed why the City is continuing to run serial contracts and why no RFP has been sent out for legal services.

There was Council discussion on this.

Councilmember Deady raised a point of order for Councilmember Pepper being off topic.

Council discussion continued.

City Attorney Linehan noted the only substantive difference in the two versions of the ordinance is the language regarding the automatic adoption of subsequent updates.

There continued to be Council discussion.

Councilmember Pepper raised a point of order.

Council discussion continued.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to call a five minute recess. Motion **passed** 3-2 (Edelman, Deady).

At 9:09 p.m. Mayor Benson recessed the meeting for five minutes.

At 9:14 p.m. Mayor Benson called the meeting back to order.

Council discussion continued.

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

**Main Motion:** No action was taken on the main motion as the passing of the amended motion superseded.

**7) AB17-004 – Resolution Approving Grant Agreement with Transportation Improv. Board for Roberts Drive Maintenance Project**

MDRT/Ec Dev Director Williamson reported to Council on this item.  
There was Council discussion.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute a fuel tax agreement for the Roberts Drive Eastbound Maintenance Project, TIB #2-P-800(005)-1.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the motion to move for first reading to the Government Operations Committee, AB17-004, a resolution approving grant agreement with TIB for the Roberts Drive Maintenance Project.

There was Council and staff discussion on this item.

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

**Main Motion:** No action was taken on the main motion as the passing of the amended motion superseded.

**8) AB17-005 – Ordinance Amending 2017 Budget for Roberts Drive Maintenance Project**

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to refer AB17-005 – Ordinance amending 2017 budget for the Roberts Drive maintenance project to the Budget and Finance Committee.

There was discussion on when the committee meeting will be. Councilmember Weber noted being open to holding the meeting on January 17<sup>th</sup> at 6:30 p.m. as the 16<sup>th</sup> is a holiday. He also discussed the reason why he couldn't schedule a venue at this time.

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

## **DEPARTMENT REPORTS: None**

## **MAYOR'S REPORT:**

Mayor Benson discussed the need to set budget meeting dates tonight and suggested holding these work session on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays at 6:00 p.m. in the months of January, February, and March. There was Council consensus to do this. She also commented on a statement Councilmember Morgan made regarding the phosphorus going up on Lake Sawyer. She passed out a report showing the phosphorus level is actually going down in the lake.

Councilmember Pepper discussed the boundary review board item that was placed on the agenda earlier in the meeting. Mr. Williamson addressed this item with Council.

There was Council discussion on this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to move this item to the Growth Management Committee to discuss. Motion **passed** with 3-2 (Edelman, Deady).

## **COUNCIL REPORT:**

Councilmember Deady - no report

Councilmember Morgan discussed committee meeting dates. She noted on Monday's prior to Council meetings the Budget and Finance Committee meets at 6:30 p.m. followed by the Growth Management Committee at 7:30 p.m. The Government Operations Committee will meet at 5:30 p.m. on January 17<sup>th</sup>.

Councilmember Edelman reported on the CERT class she is attending.

Councilmember Weber reported attending the special meeting where the compromised budget was passed.

Councilmember Pepper reported attending a Performance Consortium for a day long workshop on 12/8 and on 1/4 she attended the Puget Sound Peacekeepers victory on clean water. She also gave an update on the CERT class she is attending.

## **ATTORNEY REPORT:**

City Attorney Linehan stated he is expecting to receive a counter revised offer from BPA and is optimistic it will be favorable for the City.

### **PUBLIC COMMENTS:**

Jennifer Latham, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Councilmember Pepper called a point of order for the public to speak to the group and not a specific Councilmember.

Pam McCain, Black Diamond spoke to Council.

James Stout, Black Diamond spoke to Council.

### **EXECUTIVE SESSION: None**

### **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).

The meeting ended at 10:44:13 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**January 19, 2017 Regular Business Meeting**  
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:** Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Kevin Esping, Facilities Equipment Coordinator; May Miller, Finance Director; Deanna Humphreys, Police Clerk; Andrew Williamson, MDRT/Ec Dev Director; Dan Dal Santo, Utilities Superintendent; and Brenda L. Martinez, City Clerk.

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

Councilmember Pepper asked the Chair to be recognized. Mayor Benson stated she has an agenda to follow.

Mayor Benson noted visiting with a sergeant from a neighboring jurisdiction and was encouraged to read a statement that related to her wanting to bring some order back to the meetings.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the agenda that was emailed to the Council on January 17, 2017.

Councilmember Pepper spoke to her motion and called for the question.

There was discussion between Council and the Mayor on this motion.

Councilmember Pepper called the question and stated she would like to take a vote.

Point of order was raised by Councilmember Deady regarding having the right to speak on this motion as allowed in Robert's Rules of Order.

There was continued Council discussion on this motion.

Mayor Benson called Councilmember Pepper out of order.

There continued to be discussion regarding the difference between the two agendas. Councilmember Pepper noted there is a **motion** and a **second** on the floor.

Councilmember Morgan called the question.

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

### **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the consent agenda.

Councilmember Pepper noted she would like to move consent agenda items 1, 4, 5, and 6 to new business. She also noted payroll items can be approved now.

There was Council discussion.

Councilmember Morgan noted she would also like to pull the vouchers.

Following discussion Councilmember Edelman **withdrew** her motion.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to approve items number 2 and 3 on the consent agenda. Motion **passed** with all voting in favor (5-0).

The Consent Agenda was approved as follows:

**2) Payroll** – September 2016 payroll correction for L&I Check No. 19223 in the amount of \$66.00

**3) Payroll** – December 30, 2016 No. 19256 – No. 19270 and EFTs in the amount of \$237,532.23

Councilmember Pepper commented that she would like to add an item to the agenda.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to suspend the rules and act immediately on the resolution rejecting a contract between the City of Black Diamond and Keating, Bucklin, & McCormack. This motion died due to lack of vote.

Councilmember Pepper spoke to her motion and asked the City Clerk to make sure there is a roll call vote.

There was Council discussion on this item.

Councilmember Pepper noted there is a motion on the floor and restated her motion and requested the City Clerk do a roll call vote.

Attorney Linehan asked for clarification, "are you voting on suspending the rules?"

City Clerk Martinez noted it should be two separate motions.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan as *motion number one* to suspend the rules and immediately adopt this resolution.

**Roll call vote:** Councilmember Deady, **No**; Councilmember Morgan, **Yes**; Councilmember Edelman, **No**; Councilmember Weber, **Yes**; Councilmember Pepper, **Yes**. Motion **passed** 3-2 (Edelman, Deady).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan as *motion number two* to adopt a resolution rejecting a contract between the City of Black Diamond and Keating, Bucklin, & McCormack. Councilmember Pepper requested a roll call vote.

**Roll call vote:** Councilmember Deady, **No**; Councilmember Morgan, **Yes**; Councilmember Edelman, **No**; Councilmember Weber, **Yes**; Councilmember Pepper, **Yes**. Motion **passed** 3-2 (Edelman, Deady).

Mayor Benson noted she would be denying this as she needs to confer with City Attorney Linehan.

There was Council discussion.

Councilmember Deady noted under unfinished business she would like to add back on the agenda item numbers AB16-006 and AB16-007, the two ordinances regarding franchise agreements. **Second** Councilmember Edelman.

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:**



**7) Claim Checks** – January 5, 2017 – No. 44228 through No. 44290 and EFTs in the amount of \$259,762.66

Councilmember Morgan noted she will be pulling Claim Checks numbers 44236, RH2; 44241, BHC; 44261, Kenyon Disend; 44269, Parametrix; 44270, Perteet; 44275, RH2. She discussed that these items, contracts, were not approved by Council.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to approve the rest of the January 5, 2017 vouchers (excluding the pulled ones) for payment. Motion **passed** with all voting in favor (5-0).

**8) Minutes** – June 9, 2016 Work Session

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to postpone indefinitely.

There was Council discussion on this item and the meaning of indefinitely.

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

Mayor Benson noted the following two items have been placed back on the agenda.

**9) AB16-006** – Ordinance Granting Franchise Agreement with CCD Black Diamond Partners, LLC

MDRT/Ec Dev Director Williamson reported to Council on this and discussed the history of this item at Council meetings.

There was Council discussion on this item and during discussion Councilmember Morgan commented about her wanting to cripple the staff.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt an ordinance authorizing the Mayor to execute an agreement with CCD Black Diamond Partners, LLC and Ten Trails Residential Owners Association, a Non-Exclusive Franchise to use and occupy certain public right of ways. Councilmember Deady requested a roll call vote.

There was continued Council discussion.

**Roll call vote:** Councilmember Deady, **Yes**; Councilmember Morgan, **No**; Councilmember Edelman, **Yes**; Councilmember Weber, **No**; Councilmember Pepper, **No**. Motion **failed** 2-3 (Morgan, Weber, Pepper).

**10) AB16-007** – Ordinance Granting Franchise Agreement with Astound Broadband, LLC

MDRT/Ec Dev Director Williamson briefed Council on this item.

There was Council discussion on this item with Councilmember Morgan noting the need for attorney review.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt an ordinance authorizing the Mayor to execute an agreement with Astound Broadband, LLC DBA as WAVE granting a non-exclusive franchise to use and occupy certain public right of ways.

**Roll call vote:** Councilmember Deady, **Yes**; Councilmember Morgan, **No**; Councilmember Edelman, **Yes**; Councilmember Weber, **No**; Councilmember Pepper, **No**. Motion failed 2-3 (Morgan, Weber, Pepper).

**10a) AB16-003A** – Ordinance Adopting 2012 Stormwater Manual for Western Washington as Amended January 17, 2017

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt an ordinance adopting the 2012 Stormwater manual for Western Washington as amended January 17, 2017.

Councilmember Pepper spoke to her motion.

There was Council discussion and during discussion Councilmember Edelman asked why “policies” was deleted and there was no response from Councilmember Pepper.

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

**10b) AB17-002A** – Resolution Approving the Membership and Chairs of Council Standing Committees

A **motion** was made by Councilmember Pepper to adopt a resolution approving membership and chairs to Council standing committees. (Motion died due to lack of second).

There was Council discussion and Councilmember Deady noted needing more time to look at what is being proposed and to formulate questions.

Councilmember Morgan suggested moving on to the next agenda item of Council Rules of Procedure.

## **15) Resolution Amending Council Rules of Procedure**

Councilmember Morgan proposed that we hold this item until the February 2, 2017 meeting and since the committee structure is part of the rules, then that would be a good time to take that piece of legislation up as well.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to postpone this item (Council Rules) to the February 2, 2017 Council meeting.

Councilmember Deady noted not being able to support this as it needs a work study.

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

## **NEW BUSINESS:**

**11) AB17-008** – Resolution Authorizing Yearly Addendum to Valley Communications Contract

Chief Kiblinger addressed Council on this item.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman. (No vote taken as amended motion below takes precedence).

Point of order was raised by Councilmember Pepper noting this is not allowed as they need to suspend the rules to act on it tonight.

There was Council discussion on this.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the motion to send this item to the Government Operations Committee for first reading and bring back to the February 2, 2017 Council meeting.

There was Council discussion on this.

Councilmember Pepper noted that a motion and an amendment are on the floor and would like to call for the question.

**Amended motion vote:** Amended motion **passed** 3-2 (Edelman, Deady).

**12) AB17-009** Resolution Approving Purchases of Police Vehicles

Chief Kiblinger reported to Council on the agenda item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to move this item to the Government Operations Committee for first reading and recognizing the money and bids are there and bringing back to the February 2, 2017 meeting.

There was Council discussion on this item.

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

**13) AB16-081 – Resolution Accepting Marine Grant for Police Department**

Chief Kiblinger explained this item to Council and noted the short time frame for approval.

There was Council discussion on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to hold a special meeting on January 26, 2017 and on the agenda will be the marine grant.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to recess the meeting for seven minutes. Motion **passed** 3-2 (Edelman, Deady).

At 9:14 p.m. Mayor Benson recessed the meeting for seven minutes.

At 9:22 p.m. Mayor Benson called the meeting back to order.

**Vote:** Motion to hold a special meeting on January 26, 2017 and on the agenda will be the marine grant **passed** with all voting in favor (5-0).

**14) AB17-011 – Resolution Approving Contract with Keating, Bucklin, & McCormack for Legal Services**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to remove this item AB17-011 from the agenda. Motion **passed** 3-2 (Edelman, Deady).

**15) Boundary Review Board Hearing – Rainier Ridge Annexation**

Councilmember Pepper discussed the letter Council received from the Boundary Review Board regarding the Rainier Ridge Annexation.

MDRT/Ec Dev Director Williamson addressed Council on the above issue.

There were questions and answers between Council and staff on this item.

Councilmember Pepper added the April 7 amended meeting minutes to the agenda.

**Minutes – April 7, 2017 Meeting Minutes**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the April 7 minutes as amended. Motion **passed** with all voting in favor (5-0).

**1) Claim Checks – January 19, 2017 - No. 44291 through No. 44351 and EFTs in the amount of \$204,737.50**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to pull Claim Check Numbers 44305, HWA Geosciences; 44308, Kenyon Disend; and 44321, RH2.

There was Council discussion.

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

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to adopt the remaining vouchers from the January 19, 2017 batch. Motion **passed** with all voting in favor (5-0).

4) **Minutes** – Council Meeting of June 16, 2016

5) **Minutes** – Council Meeting of July 7, 2016

6) **Minutes** – Council Meeting of November 29, 2016 Continued from November 17, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone items 4, 5, and 6 indefinitely. Motion **passed** 3-2 (Edelman, Deady).

## **DEPARTMENT REPORTS:**

### **MDRT/Ec Dev Director**

MDRT/Ec Dev Director Williamson reported to Council on various departments.

Councilmember Weber noted as the Budget Committee Chair he would support a short contract for the Arboretum.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to consent for the Mayor to assert her \$15,000 authority for the necessary contractors for the Arboretum. Motion **passed** 4-1 (Morgan).

Mr. Williamson proposed cleaning up the books for 2016 and paying the contractors for the MPD.

There was Council discussion on this proposed suggestion.

Point of order was called by Councilmember Weber as Councilmember Morgan has the floor.

MDRT/Ec Dev Director Williamson discussed being in breach of contract with OakPointe for not processing their work. Again, he proposed clearing up the books for 2016 to pay the

contractors and noted the guidance Council made for 2017 regarding contracts is very clear.

There was Council discussion with Councilmember Morgan stating she wants to shut the project down.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to allow the Mayor to pay bills for last year for the MDRT Consultants. Motion **failed** 2-3 (Morgan, Weber, Pepper).

**Roll call vote:** Councilmember Deady, **Yes**; Councilmember Morgan, **No**; Councilmember Edelman, **Yes**; Councilmember Weber, **No**; Councilmember Pepper, **No**. Motion **failed** 2-3 (Morgan, Weber, Pepper).

Councilmember Weber commented that if the department has a need for a Consultant then have the Mayor do the \$15,000 contract she is authorized to do.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to allow \$15,000 contracts for the necessary Consultants (2017 MDRT contracts) until Council sees the new contracts coming forward and if it goes over the \$15,000 to bring back to Council and to also approve payment.

**Roll call vote:** Councilmember Deady, **Yes**; Councilmember Morgan, **No**; Councilmember Edelman, **Yes**; Councilmember Weber, **Yes**; Councilmember Pepper, **No**. Motion **passed** 3-2 (Morgan, Pepper).

Finance Director Miller commented that one of the vouchers pulled tonight was for the Comprehensive Plan update and they will be back on the February 2<sup>nd</sup> agenda.

Mayor Benson invited Council to think about having committee meetings with the staff and then hold their second committee meetings.

## **MAYOR'S REPORT: NONE**

## **COUNCIL REPORTS: NONE**

## **PUBLIC COMMENTS:**

Gary Davis, Black Diamond spoke to Council.

Kevin Esping, representing Teamsters 117 spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Dennis Boxx, Black Diamond spoke to Council.

Councilmember Deady read a statement and made all aware that Brian Derdowski does not represent her, the Council, or the City of Black Diamond.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 11:09:17 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**BLACK DIAMOND SPECIAL JOINT  
CITY COUNCIL MINUTES/PLANNING COMMISSION MEETING  
MINUTES  
JANUARY 24, 2017**

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular meeting to order at 6:10 p.m. and led us all in the Flag Salute.

**ROLL CALL:** Planning Commissioners Ekberg, Ambur, Ammons, McCain,

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

**ABSENT:** Councilmember Deady; (absence excused) Commissioner LaConte

Staff present were: Andrew Williamson, Interim Community Development Director; Jamey Kiblinger, Police Chief; Barbara Kincaid, Community Development Director and Katherine Allen; Deputy City Clerk.

**WORK SESSION:**

1. City's Comprehensive Plan Update (Barbara Kincaid)
  - a. Continuation of Review on Draft Capital Facilities and Utilities Element

Mayor Benson stated everyone should have received a copy of a memo from Peter Rimbo; Leader, Citizens' Technical Action Team and a memo from Tom Ekberg, Planning Commissioner that we will be talking about tonight.

Barbara Kincaid stated she also had received comments from Harvey Senecal regarding the draft. She stated these are three things that we'll need to put in the Comp Plan Record for participation.

**POLICE (page 7) Cont'd. from last meeting**

Ms. Kincaid stated this is substantially different than what we have adopted in the Comp Plan. She stated we have consistently been removing a lot of narrative/discussion of how many police cars, how many fire cars in an appendix. What you are looking at in the body of the Comp Plan is a little bit of context, explanation and delves right into the policies themselves to streamline and make it more usable. You can always go back as things change and update the appendix. Gives more flexibility going into the future.



Ms. Kincaid said she worked with the Police Chief. You are now looking at a collaboration of the work we did together. We talk about levels of service that are currently adopted, but the City doesn't need that level of service. She further stated that utilizing the ratio of Officers for population may not be the best metric to be using; from the Police Chief and Academies point of view.

(Second paragraph) You need to look at the needs of the community. The focus of the police department is advanced training to provide services, neighborhood or community policing activities.

**PAGE 7: POLICE:** Last line reads:

In 2015, the City of Black Diamond was ranked #22 for safest cities.

**Changes made:** In 2016, the City of Black Diamond was ranked #9 for "safest cities" in the State of Washington.

#### **PAGE 8: FUTURE NEED**

The second sentence reads: The most pressing need outside of reinstating officer positions is the need for additional space to accommodate evidence processing, firearms cleaning/safety, interviews and interrogation, and secured parking. *and equipment*

**Changes made:** Add the words "and equipment" at the end of the sentence.

#### **POLICE POLICIES**

**Policy P-1-**No changes.

**Policy P-2:** Locate new police facilities "and equipment" within a 5-minute response time from facility.

**Changes made:** Add the words "and equipment" following facilities.

Should we add to policy specific language as to how much space is needed for each officer.

**Policy P-3-**Add the words "Develop a" range of service level indicators to determine sustainable levels of police staffing.

**Changes made:** Add the words "Develop a" at the start of the sentence.

**Policy P-4-**no changes. There was a show of hands, and the word "range" preceding 3.5 in the first sentence will stay.

There was discussion around level of service may need to be changed, but in a different process.

**Policy P-5** -no changes. There was some discussion around street numbering & standards.

Policy P-6- no changes.

Policy P-7-no changes. Councilmember Weber read a synopsis of the C.O.P.S. philosophy (Community Oriented Police Principles) to support Community partnerships.

Mayor Benson noted we're already a part of the C.O.P.S organization.

#### **PAGE 8-FIRE & EMERGENCY MEDICAL SERVICES**

Fire station numbers 98 & 99. This needs to be reworded as station 99 is not currently active serving the community. This building is being utilized for storage, not as a first responder. The wording should state "Station 99 is not currently active".

We will need to build two more fire stations. 98 is considered ½ of a station. The developer will need to provide one and the City will need to provide one.

Ms. Kincaid stated that the City is budgeting and planning for a new fire station.

Recommendation from the Ad Hoc Fire Committee report using the NFPA (National Fire Protection Association) that our current population would be defined by the NFPA as a suburban area which means that the benchmark that we are trying to meet of a minimum of 15 staff, which is an increase of what we have, which is six. This would be a policy change. Chief Smith recommends this.

The ALS (Advanced Life Support) Sub-Committee from King County Medic One, concluded they will be able to meet future demand for advance life support services.

Fire flow-the City has adopted standards for them.

On page 9-10-Councilmember Weber proposed to change the wording should be regularly reviewed to the words "shall be regularly" reviewed and revised when needed to continually ensure there is enough water for fire protection throughout the system.

**Changes made:** remove should and replace with "shall" (page 10).

#### **PAGE 10-FUTURE NEEDS**

Second paragraph around expected growth. This was out of the Ad Hoc report that the City will need a minimum of 1.8 fire stations. This is not consistent with the 2.3 that they had discussed. After discussion, the decision to strike the following sentence was made.

~~"Research conducted by the Ad Hoc Committee based on population growth indicates the City will need a minimum of 1.8 fire stations to support future residential growth. Using the metric of emergency calls per dwelling unit and per square foot of non-residential space, a projection of added call load due to the build out of the master planned development will require a total of 3.1 fire stations"~~

On page 9- add in language to the paragraph that states: Standard Cover for Suburban sets a benchmark for a minimum of 15 staff to respond. Add "which includes both paid staff and volunteers."

Councilmember Weber stated we should add language regarding anticipated "infill".

Based on the MPD growth add in "what we anticipate outside of the MPD growth". Would like to stay close to what the Ad Hoc Committee had done.

## **FIRE AND EMERGENCY MEDICAL SERVICES POLICIES**

Ms. Kincaid suggested we need to add under policy "maintain consistency as the population grows". We will recognize that we are urban not suburban.

There was discussion around level of service and annexation.

## **PUBLIC SCHOOLS**

### **Policy PS-1-PS-4**

~~Policy PS-4-Scratch this one out "Develop and implement an impact fee ordinance for the future development of schools within the City."~~

Renumber PS-5 to PS-4.

There was discussion around the policies.

## **ADMINISTRATIVE SERVICES**

Funding for City Administrative services should be sufficient to provide needed public service, and where possible, "economic of scale" should be realized. New growth, which necessitates or benefits from these services (residential, commercial, or industrial) shall pay its fair share of associated cost burden on the City.

### **Changes made**

Typo in second sentence change (were) to (where).

Third sentence down replace (should) with (shall).

Councilmember Edelman suggested to add as a policy about annual review of fee adjustments to make sure they are keeping up with costs.

## **ADMINISTRATIVE SERVICES POLICIES**

**Policy AS-1: no change**

~~Policy AS-2: Provide for the necessary additional services while recognizing appropriate economics of scale as growth occurs in the City.~~

**Policy AS-2- Add the word "and equipment" to the last sentence.**

Planning Commissioner Ekberg handed out a letter regarding his concerns on transportation concurrency and being stricter than what GMA requires. He would like to see 6 years changed to 3 years.

There was discussion around the six-year impact on citizens.

A question was asked about the TIP. Where are we at with this?

Mayor Benson shared that the Council has not yet approved the rest of the contracts, so we can't finish it.

Ms. Kincaid shared that in a few weeks you will each get a complete draft plan with all the corrections of all the changes made here; along with this, there will be a transportation chapter in it in its present form; which is not complete.

There was discussion around this.

Ms. Kincaid shared that this version of the draft from this Committee, Joint Committee, will go to the Planning Commission next and then the Planning Commission will hold their meetings and will hold formal public hearings and take testimony. Then the Planning Commission will make a recommendation to Council. Then it will be up to Council to accept or adopt the recommendation or Council can hold their own series of meetings for testimony.

**PUBLIC COMMENTS: None**

**ADJOURNMENT:**

A motion was made by Councilmember Pepper and seconded by Councilmember Morgan to adjourn the meeting. The meeting was adjourned at 8:02 p.m.

**ROLL CALL VOTE:** Councilmember Morgan, (said she is ready to adjourn) Commissioner McCain, no; Councilmember Weber, yes; Commissioner Ambur, no; Councilmember Edelman, no; Commissioner Ammons, no; Councilmember Pepper (said she is ready to adjourn) Commissioner Ekberg, yes. Vote; Tie vote 4-4

The meeting was adjourned at 8:02 p.m.

**ATTEST:**

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Carol Benson, Mayor

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Katherine L. Allen, Deputy City Clerk

DRAFT

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**February 2, 2017**

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

Staffs present were: Andrew Williamson, MDRT/Economic Development; Dan Dal Santo, Utility Superintendent; Jamey Kiblinger, Police Chief; Scott Hanis, Capital Projects Director/Program Manager; May Miller, Finance Director; Kevin Esping, Facility Equipment Kathy Allen, Deputy City Clerk

Councilmember Pepper requested the floor after public comments.

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:** None

### **PUBLIC COMMENTS:**

Kevin Esping, representing Teamsters spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Colin Lund, Representing CCD of Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Kelsie Brian, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the Agenda as approved by the Council President and the Mayor Pro Tem.

There was council discussion around items 4, 10 and 11 are still being in committee.

**ROLL CALL VOTE:** Deady, no; Morgan, yes; Weber, yes; Pepper, yes; Edelman, no. Motion passed 3-2 (Deady, Edelman).

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add on AB17-004A-Resolution Approving Grant Agreement with Transportation Improvement Board for Roberts Drive Maintenance Project.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add on number (10)-AB17-022-Resolution adopting 2017-2022 Transportation Improvement Plan.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman under new business she would like to add number (11)-AB17-023-Resolution authorizing Grant Agreement with Department of Ecology for 2015-17 Stormwater Capacity Grant.

Mayor Benson stated these are already being supported and they can't remove them, and thanked Councilmembers for doing this as it clarifies it.

Item numbers 4, 10 and 11 are being removed from the Mayor's agenda. Item 4- resolution authorizing contract with RH2.

There was council discussion around this.

#### **CONSENT AGENDA:**

- 1) **Claim Checks** – February 2, 2017 - No. 44352 through No. 44390 and EFTs in the amount of \$105,216.99

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber moved to postpone claim check number 44352 until I can figure it out better and to pull number 44353 and number 44357 and to approve the rest of the vouchers for payment.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the main motion to make it two motions. I would make a motion to pull the following vouchers, 44352, 44353, 44357 to some unknown date in the future.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to make an amendment to approve the rest of the consent agenda.

**Amended Motion Vote;** amended motion **passed** 3-2 (Deady, Edelman) to pull vouchers to some unknown date.

**Amended Motion Vote;** amended motion **passed** with all voting in favor (5-0) to approve the rest of the consent agenda.

**PUBLIC HEARINGS: None**

**UNFINISHED BUSINESS:**

**2) AB17-008A – Resolution Authorizing Yearly Addendum to Valley Communications Contract**

Chief Kiblinger presented about the contract and to answer any questions or concerns.

There was council discussion around this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Pepper to adopt a resolution authorizing the Mayor to execute the addendum contract to Valley Communications for dispatch services.

**VOTE;** motion **passed** with all voting in favor (5-0).

**3) AB17-009A – Resolution Approving Purchases of Police Vehicles Chief Kiblinger**

Chief Kiblinger presented about the contract and to answer any questions or concerns.

There was council discussion around this.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Pepper to adopt a resolution authorizing the purchase of the four new police vehicles through Systems for Public Safety Incorporated not to exceed \$180,000.

**VOTE;** motion **passed** with all voting in favor (5-0).

**4) AB17-004A – Resolution Approving Grant Agreement with Transportation Improvement Board for Roberts Drive Maintenance Project**

Mr. Williamson, Interim Community Development Director; reported to Council regarding the TIB Grant.



A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to table the TIB grant as it did not follow the processes required to receive agenda placement. It is still under review. Councilmember Pepper stated "Councilmember Morgan and I continue to research the item. I believe Councilmember Morgan requested more information. If the staff feels this is urgent, please send a message to the Council tomorrow; this is not for discussion tonight. In the interest of a more efficient Council meeting, I move that we go on to the next item and table any further discussion of the TIB grant".

There was council discussion around this.

Mayor Benson stated there is a motion on the floor and a second to move this back into Committee.

**ROLL CALL VOTE:** Weber, yes; Pepper, yes; Morgan, yes; Edelman, no; Deady, no. Motion **passed** 3-2 (Deady, Edelman).

There was continued council discussion around the TIB grant.

Attorney Linehan suggested that someone make a motion to suspend the rules to move things forward.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to suspend the rules so that we can pass this grant.

Councilmember Morgan stated this is still in Committee, it's not ready to go forward. We need to discuss it in Committee. We'll decide what we need to ask when we meet in Committee.

Councilmember Pepper **moved** to amend that motion and **seconded** by Councilmember Morgan that this is still in Committee.

Attorney Linehan stated that this is not a germane amendment to the motion to suspend the rules.

Councilmember Edelman called the question.

**VOTE;** Motion **failed** 2-3 (Weber, Morgan, Pepper) to suspend the rules.

#### **4-A) AB17-017A – Resolution authorizing contract RH2 Engineering for On-Call-Services**

Mr. Williamson, Interim Community Development Director; stated to the Mayor he never received a copy of this resolution, they never got to staff. He had no idea of what the amendments were for.

There was council discussion around this.

Councilmember Edelman stated “let the record show that Councilmember Morgan is shaking her head yes”, when she asked Councilmember Morgan if she has spoken to any of these contractors.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the Resolution which would be AB17-017A as amended for a forty-five-day contract for RH2 for Civil Engineering on water, sewer and stormwater.

**ROLL CALL VOTE:** Weber, yes; Pepper, yes; Morgan, yes; Edelman, no; Deady, no. Motion **passed** 3-2 (Deady, Edelman).

Mayor Benson stated she would deny this. She further stated she doesn’t believe it’s legal. She doesn’t believe it was contracted between the two parties.

**5) AB17-018 – Resolution Amending Council Rules of Procedure**

There was council discussion around this.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt this resolution amending Council Rules of Procedure.

Councilmember Weber called point of order.

Councilmember Pepper called point of order, to the Mayor for room control.

Councilmember Pepper called for the vote.

**ROLL CALL VOTE:** Weber, yes; Pepper, yes; Morgan, yes; Deady, no; Edelman, no. Motion **passed** 3-2 (Deady, Edelman).

Mayor Benson stated until she gets counsel from the Attorney, she is going to deny the rules.

**6) AB17-002B-Resolution Approving Membership and Chairs of Council Committees**

There was council discussion around this.

Councilmember Deady called point of order to Councilmember Pepper.

Councilmember Deady called the question.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt a resolution approving Membership and Chairs of the Council Committees.

**ROLL CALL VOTE:** Weber, yes; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion **passed** 3-2. (Deady, Edelman).

Mayor Benson stated she would deny this resolution until she can discuss this with the Attorney.

Mayor Benson suggested that we remove the next four items on the agenda, the MDRT Contracts. She further stated even if you vote on them, they are not legal. These contracts were not negotiated with the Consultants. Item numbers (6.13) AB17-013-Resolution Authorizing Contract with HWA Geosciences-MDRT; (6.14) AB17-014-Resolution Authorizing Contract with RH2 Engineering Inc.-MDRT; (6.15) AB17-015-Resolution Authorizing Contract with Parametrix, Inc. Surveying-MDRT; (6.16) AB 17-016-Resolution Authorizing Contract with Parametrix, In. Traffic-MDRT.

There was council discussion with Mr. Williamson seeking clarification regarding forty-five-day contracts and compliance concerns with the MDRT and the \$15, 000 CAP limitation criteria.

There was Council discussion around 90 days being more feasible to accomplish the selection and get through the Consultants, and the concern of stretching out \$15,000 for 90 days.

Councilmember Edelman stated we would like the record to show that Ms. Bryant is here shaking her head no in the back of the room, the handler is here so you guys need to be in lock step.

Councilmember Edelman called an audience member out of order.

Councilmember Pepper called point of order, room control.

There was further Council discussion around contracts and RFQs.

#### **6.13) Resolution Authorizing Contract with HWA GeoSciences-MDRT**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the amended Resolution authorizing a forty-five-day contract with HWA Geosciences for the MDRT.

**ROLL CALL VOTE:** Edelman, no; Morgan yes; Weber, no; Pepper, yes; Deady, no. Motion **failed** 2-3. (Edelman, Weber, Deady).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady that we authorize a contract with HWA Geosciences in its original content.

**ROLL CALL VOTE:** Weber, no; Pepper, no; Deady, yes; Edelman, yes; Morgan, no. Motion **failed** 2-3. (Weber, Pepper, Morgan).

#### **6.14) AB17-014-Resolution Authorizing Contract with RH2 Engineering, Inc. MDRT**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended Resolution Authorizing a forty-five-day contract with RH2 Engineering for the MDRT.

**ROLL CALL VOTE:** Weber, no; Pepper, yes; Edelman, no; Morgan, yes; Deady, no. Motion failed 2-3. (Weber, Edelman, Deady).

**6.15) AB17-015-** Resolution Authorizing Contract with Parametrix, Surveying Inc.-MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended resolution authorizing a forty-five-day contract with Parametrix for Surveying, MDRT.

**ROLL CALL VOTE:** Weber, no; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion failed 2-3. (Weber, Edelman, Deady).

**6.16) AB17-016-** Resolution Authorizing Contract with Parametrix, In. Traffic-MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that we adopt the amended resolution authorizing a forty-five-day contract with Parametrix for MDRT.

**ROLL CALL VOTE:** Weber, no; Pepper, yes; Edelman, no; Deady, no; Morgan, yes. Motion failed 2-3. (Weber, Edelman, Deady).

**NEW BUSINESS:**

**7) AB17-019 –** Resolution Authorizing Grant Agreement with King County Department of Public Health for 2017-2018 Recycling -Event

Mr. Williamson, Interim Community Development Director presented this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady that we suspend the rules so that we can take up AB17-019, AB17-020 and AB17-021 this evening. They are all tied together.

Councilmember Morgan stated she wants to take this to the Government Ops Committee.

There was Council discussion around this.

**VOTE;** motion failed 2-3 (Morgan, Pepper, Weber)

**8) AB17-020-**Resolution Authorizing Grant Agreement with King County Solid Waste Division for 2017-2018 Recycling Event

**9) AB17-021-**Resolution Authorizing Agreement with Olympic Environmental for 2017-2018 Recycling Event

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that items 7, 8 and 9 which are AB17-109, AB17-020 and AB17-021 be assigned to the Government Ops Committee and tabled pending review.

**VOTE;** motion passed 3-2 (Deady, Edelman)

**10) AB17-022-Resolution Adopting 2017-2022 Transportation Improvement Plan**

There was Council discussion around this being a TIP that is to be updated annually.

Councilmember Pepper stated this is still in the Government Ops Committee.

*The following items were not addressed as there was a motion to adjourn the meeting.*

**AB17-023-** Resolution Authorizing Grant Agreement with Department of Ecology for 2015-2017 Stormwater Capacity Grant.

**AB17-024-** Resolution Authorizing Contract with AHBL for Planning Services.

**DEPARTMENT REPORTS:** None

**MAYOR'S REPORT:** None

**COUNCIL REPORTS:** None

**ATTORNEY REPORT:** None

**PUBLIC COMMENTS:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adjourn the meeting.

**VOTE;** Motion passed 3-2. (Deady, Edelman)

The meeting ended at 10:09 p.m.

ATTEST:

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Carol Benson, Mayor

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Katherine Allen, Deputy City Clerk

**BLACK DIAMOND CITY COUNCIL  
WORK SESSION MINUTES**

**February 9, 2017**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular work session meeting to order at 6:00 p.m. and led us all in the Flag Salute.

**ROLL CALL:**

**PRESENT:** Councilmembers Deady, Morgan, Weber and Pepper. (Councilmember Morgan was not present during roll call and entered the meeting at 7:10 p.m.)

**ABSENT:** Edelman, excused

Staff present: May Miller, Finance Director, Andrew Williamson; MDRT/Ec Dev/Interim Community Development Director, and Brenda L. Martinez, City Clerk.

**WORK SESSION:**

**Discussion and Review of 2017 Budget**

Mayor Benson asked if Councilmember Weber would like to review the new documents he handed out tonight. Councilmember Weber noted the document is basically the same and uses clearer language to clarify sections in the goal and to make more sense. He noted that the Mayor has worked with Ms. Miller, Finance Director and stated if there is any discrepancy between the two, we will want to cover that.

Mayor Benson noted staff and herself reviewed the ordinance and made some comments that are in red (these are the city issued comments). She noted a new one came in today from Councilmember Weber that says *Black Diamond Council Finance Committee Proposed Budget-Description and Goals*, and noted not having time to vet it; she noted that we would be working off the previous document that Councilmember Weber submitted that's been out there since December.

She noted there are comments to be made about the budget which violates the single subject rule and the title does not reflect what is in the ordinance.

Mayor Benson stated that City Council held public meetings on November 17 and December 1, and Work Studies on September 29, October 13, October 18, October 27, and November 10. Council did hold public hearings on the Mayors proposed preliminary budget, not this substitute budget ordinance. Mayor Benson noted that a copy of the budget was on file with the City Clerk for examination by the public during the time it was

considered by City Council, the above whereas is not a true statement, the substitute budget ordinance was not on file with the City Clerk for examination by the public until after all the work sessions and public hearings were closed.

#### **Points of Discussion for Proposed 2017 Substitute Budget Ordinance:**

##### **BUDGET ORDINANCE**

**SECTION 1:** The annual budget of the City of Black Diamond for the 2017 calendar year, a copy of which is on file with the City Clerk, is hereby adopted by reference as the annual budget for the City of Black Diamond for calendar year 2017.

***Mayor noted section 1 is correct.***

**SECTION 2:** The budget and information contained herein remain provisional to the extent they are subject to mandatory bargaining with the City's collectively bargained employees as required by Washington law. Changes that are required by collective bargaining shall be subject to approval by the City Council as a Supplemental Budget Ordinance.

***Mayor Benson noted this is currently our standard procedure.***

**SECTION 3:** Estimated resources and fulltime employee equivalents (FTEs) for each separate fund, aggregate expenditures, and ending balances for all such funds, are set forth in summary form below. **Mayor Benson noted that according to our Finance Director, exhibit A is not in balance and the budget must balance per RCW 35A.33.7.**

**SECTION 4:** The line items shown in Exhibit B shall not be transferred or exceeded without approval of the City Council.

***Mayor stated this is not clear and this section needs to be removed from the ordinance.***

**SECTION 5:** A contingency fund is created to provide resources for unanticipated legal services, liabilities, and emergencies. No funds may be expended or otherwise encumbered from this fund without Council approval.

The fund shall be initially funded and maintained at the full limit authorized under RCW 35A.33.145 which at this time is \$266,112. The ending fund balance shall be reduced to initially fund this contingency fund.

- ***Mayor Benson noted that this state account and budget reporting systems bar manual suggests that these be set up as an account in the general fund. Mayor stated this can be done as long as the dollars placed in this account are not restricted. The Mayor pointed out that any amendments that are made to the budget, must have a vote for people, so these items at our next meeting will have to be voted on by the entire body of the Council. "We have five Council members, we need super majority (four votes) to amend the budget that you adopted under item number one by reference." She further noted as this is a work study meeting, we are not voting on anything tonight. She noted that Council will need to make notes tonight on what they want to vote on at the next meeting.***

**SECTION 6:** All increases in FTE levels shall be subject to approval of the City Council.

*Mayor Benson noted that had these been allowed budgeted positions, then yes, they would have been approved by budget process. We may need to seek clarification on this from Councilmember Weber, for example we combined two half time positions into one full time position. Would he want this to come back to Council for approval? His wording is not clear on the intent. Mayor Benson asked Councilmember Weber, will this have to come before Council, and what are his intentions.*

Councilmember Weber noted the intention for Section 6 was for any increases in FTEs so the example given on the document would not need to come back to Council for approval.

**SECTION 7:** Any funds appropriated for designated FTEs or wages and benefits shall not be appropriated to other FTEs, contracted out, or expended for any other purpose except as part of a Supplemental Budget Ordinance. This includes existing consultant contracts and applies to all Departments, Funds and the MDRT. The Mayor shall immediately notify all consultants that funding may no longer be available and submit for Council approval any contracts that the Mayor may wish to continue. All other contracts, or contracts that the Council does not approve, shall be terminated and the funds restored to the applicable FTE and wages and benefits line items.

*Mayor Benson stated this section needs to be removed. Line one would limit the City in providing a Consultant replacement for Public Works Director while on temporary leave, or filling of vacant positions until they are filled. She noted the last two lines related to prior year's budget can have nothing to do with the 2017 budget.*

**SECTION 8:** 2017 ending fund balances for all funds shall not to be reduced except by approval of the City Council.

*Mayor Benson noted this is already standard practice. Super majority vote needed to reduce fund balance.*

**SECTION 9:** Any additional Revenues that exceed projected levels should be placed in Unanticipated Revenue Funds applicable to the Revenue source. These funds shall not be expended or otherwise encumbered until appropriated by the City Council.

*Mayor Benson noted there is no fund for this description. Additional Revenues cannot be expended without a budget amendment. This is already standard practice and should be removed.*

**SECTION 10:** As authorized by RCW 35A.33.140, the Clerk shall submit quarterly reports to the City Council showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding reporting period and like information for the whole of the current fiscal year to the first day of the current reporting period together with the unexpended balance of each appropriation. The report shall also show the recipients from all sources.

*Mayor Benson noted staff currently does this now. She noted that in the future we may want to alert Council by email with a link where it is posted on the website. Mayor Benson noted that we do quarterly reports as is standard practice and they are posted to the website.*



**SECTION 11:** Notwithstanding any provision in BDMC 2.90, no funds in this budget, including the MDRT, may be expended or otherwise encumbered by contract without approval of the City Council.

***Mayor Benson noted this section is trying to amend our procurement rules adopted by Black Diamond Municipal Code 2.90 Ordinance 14-1035. Mayor Benson noted the meeting where several items were struck from the budget on December 22.***

**SECTION 12:** Of the appropriation for the Finance Department, \$106, 000 shall not be expended or encumbered until the Mayor has provided documentation that will allow the Council to verify that all three conditions of BDMC 3.23.030 have been met. Further, these funds shall not be expended or encumbered until the Mayor has submitted and the Council has approved contracting, hiring, purchasing and disbursing policies that implement effective internal controls.

***Mayor Benson noted these conditions have already been met. Violates Black Diamond Municipal Code 3.23.030 and this section needs to be removed. She noted that in the last year Council has been provided with this documentation numerous times.***

**SECTION 13:** Of the appropriation for legal services, \$100,000 shall not be expended or encumbered until the City Council has approved a contract or contracts for legal services.

***Mayor Benson noted this section, also, appears to amend Black Diamond Municipal Code 2.90 regarding procurement. She noted this section needs to be removed.***

**SECTION 14:** Of the appropriation for Community Development, \$240,000 shall not be expended or encumbered until the Mayor has appointed and the City Council has confirmed a Community Development and Environmental Review Officer in accordance with the provisions of RCW 35A.12.020. This appointed officer shall be the designated SEPA Responsible Official and shall have management authority over the Community Development Department and the MDRT. This position shall report directly to the Mayor or the City Administrator.

***Mayor Benson noted that the motion to strike was made and passed at a December 22 meeting, and this section needs to be removed.***

**SECTION 15:** Of the appropriation for the City Administrator, no funds shall be expended or otherwise encumbered until the Mayor has appointed and the Council has confirmed an appointed City Administrator. The funding level is based on this position being filled for the second half of the year.

***Mayor Benson noted that MDRT money cannot be used for this purpose.***

**SECTION 16:** Of each of the appropriations for the City Clerk, Finance, Police Department, Fire Department, MDRT, Community Development, and Street Fund 101, Water Operating Fund 401, and Sewer Operating Fund 407, \$50,000 shall not be expended or encumbered until the Mayor has submitted and the Council has approved a policy regarding staff support for the City Council's legislative work.

***Mayor Benson noted motion to strike was made and passed at the December 22, 2016 special meeting. This section needs to be removed.***

**SECTION 17:** Of the appropriation for the Master Development Review Team, \$100,000 shall not be expended or encumbered until the Mayor has provided documentation that the Annual Review items “a” through “h” and the Fiscal Analysis have been accomplished.  
***Mayor Benson noted the Council has no seat in the MDRT. This section needs to be removed.***

**SECTION 18:** Of the appropriation for Stormwater fund 410, \$90,000 of line item 10 shall not be expended or encumbered until the Mayor has submitted for Council approval a code revision ordinance to fully implement AKART, the most current stormwater management manual and regulations, and Low Impact Development standards.  
***Mayor Benson noted the 2012 manual was adopted and the LID updates is presently before the Planning Commission. There was discussion on the timeline for the LID updates to come before Council. This section needs to be removed.***

**SECTION 19:** All expenditures to implement or construct the following Capital Projects shall be subject to final decision approval and/or contract approval by the City Council: CIP G4, CIP P7, CIP G1, CIP G5, CIP L1, CIP T2, CIP T6, CIP T13, CIP T1, CIP W2, CIP S2, CIP S1, CIP S3, CIP D3, CIP D2, CIP D1.  
***Mayor Benson noted the CIP is not an adopted item. This section needs to be removed as it violates BDMC 2.90.***

**SECTION 20:** The 2017 Budget Document on file with the Clerk is hereby amended to include the changes listed in the attached Exhibit C. The Clerk is authorized to work with the Finance Director to revise totals to reflect these changes.  
***Mayor Benson stated, “refer to Exhibit C.”***

**SECTION 21:** This Ordinance shall include the 2017 Salary Schedule as shown in the attachment as Exhibit A.  
***Mayor Benson noted that Exhibit A to the ordinance is not regularly scheduled and you need to provide a new Exhibit D, the 2017 Salary Schedule. Mayor Benson noted the City never did get a copy of this from Council.***

**SECTION 22:** This Ordinance shall be in full force and in effect five days after its passage, approval, posting and publication in summary form as provided by law.  
***Mayor Benson stated this was not introduced on first day of December, it was introduced on December 15, not December 1.***

- Review of Exhibit C (attached)  
Mayor Benson noted this talks about where the money goes and is listed in other sections. She stated Exhibit C needs to be eliminated and discussed fund balance changes on page numbers 7, 11, 12, 14, 29, 37, 38, 64 and 68 line items.
- Mayor Benson noted we currently have a balanced budget and there are a lot of negative things that need to come out of fund balance that are not an emergency. She offered that Council approve her budget until the end of the year and use your

amendments to the budget to work through the budget process. She also discussed with Council that a public hearing has been scheduled for the March 16<sup>th</sup> regular Council meeting.

- Finance Director May Miller will make sure Council receives the timeline and hopes that Council will look at some of the financial changes being proposed to discuss what is reasonable and what is not. She noted some of the changes could also be added as later amendments.
- Mayor Benson discussed that the majority does not want to adopt her budget and Council cannot get a super majority vote on the amendments that affect fund balance, then there would be impacts to the citizen for water and sewer due to a city shutdown. She discussed a few of those impacts concerning the shutdown of the public works department.
- Councilmember Pepper asked Councilmember Weber if there was a way to prioritize items as she believes it might be possible to discuss some of these items tonight.
- May Miller, Finance Director discussed the contingency fund.
- Councilmember Weber asked if there was a documented timeline for the budget amendment adoption and if so could it be emailed to him.

Councilmember Weber reviewed with Council the updated proposed 2017 budget document as follows:

#### **Black Diamond Council Finance Committee**

##### **Proposed 2017 Budget** *Description and Goals*

Background: The "budget ordinance" and the related "budget document" are both subject to amendment. The Council-proposed changes to the budget ordinance are listed below as section I, and changes to the budget document are listed as section II.

#### **I. BUDGET ORDINANCE**

The following changes to the Mayor's proposed budget ordinance are all the substantive changes included in the Council's proposed substitute budget ordinance amendment:

Section 2. Additions to the budget caused by negotiating with the unions must be approved by the Council. ***Councilmember Weber stated this is the nuts & bolts, and that Mayor Benson had comments on this as well that she discussed.***

Section 3. Each Department's spending cannot be transferred to other Departments without approval of the Council. ***May Miller, Finance Director, stated she brought all the***

***worksheets for last January's budgets for all departments and that they have not transferred a dime.***

Section 4. Some line items in the budget cannot be transferred to other line items without approval of the Council. See below for a detail of those line items.

***Councilmember Deady noted that the one she has, instead of showing line items in B, the new version says some line items in the budget cannot be transferred.***

***Councilmember Weber noted this, and there was discussion.***

Section 5. Create a contingency fund by transferring money from ending fund balance. Fund the contingency fund with \$266,122 which is the maximum allowed by State law.

***Councilmember Weber noted to Mayor Benson that he has her comments and notes on this.***

Section 6. No increases in employees without City Council approval. ***Councilmember Weber noted we already talked about this.***

Section 7. No transfer of funds from employees to contractors without City Council approval. ***Councilmember Weber noted this is basically to add additional funding for FTEs to come to City Council for approval.***

Section 8. Don't reduce budgeted ending fund balances to spend anywhere else without approval of City Council. ***Councilmember Weber noted we talked about this.***

Section 9. Don't spend revenue that exceeds predictions without approval of City Council. ***Councilmember Weber noted this one is self-explanatory.***

Section 10. Direct Clerk to submit quarterly financial reports to the Council as required by the City's adopted financial policies. ***May Miller, Finance Director shared that they are always posted online.***

Section 11. All money that is used in this budget for contracts must have approval of those contracts by the City Council. ***Councilmember Weber noted that is basically City Council. May Miller stated the Mayor has authority by ordinance.***

Section 12. The second half of the budget for the Finance Department is held back until the Mayor has provided documentation and the Council has verified that all legal requirements for the payment of vouchers are being met. ***Councilmember Weber noted that this is one that we talked about and May Miller noted this violates code. There was discussion.***

Section 13. All money that is used in this budget for contracts with attorneys or for legal services must have approval of those contracts by the City Council.

Section 14. The second half of the budget for the Community Development Department

is held back until the Mayor and Council have appointed a new City Officer in charge of Planning, Development, the MPD, and the State Environmental Policy Act or SEPA. The money to pay for this position will come from existing money in the Community Development Department's existing budget for vacant positions. ***Councilmember Weber noted this is another super majority in the Mayors comments.***

Section 15. The City will hire a City Administrator for the second half of the year using money from the MDRT if this is determined legally defensible by an attorney who has a contract that is approved by the City Council. ***Councilmember Weber noted this is another super majority in the Mayors comments.***

Section 16. Money from several departments are held back until the Mayor and Council agree to a policy about how staff will begin support the work of the City Council and its committees. The Hold Back is \$50K from each of the following Departments: City Clerk, Finance, Police Department, Fire Department, Master Development Review Team, Community Development, Street Fund, Water Fund, and Sewer Fund. ***Mayor Benson noted this was struck at the December 22 meeting.***

Section 17. Money is held back from the Master Development Review Team until the Mayor has provided documentation that the required Annual Review items "a" through "h" have been accomplished in accordance with the Development Agreement. The "hold back" shall be \$100K. ***Councilmember Pepper noted that she would like to see some way the annual review could come before the Council so that the Council knows what's happening and there was discussion. Councilmember Weber noted the intent of this was not to encumber staff or developer, but to let the people around town to know what's going on. Councilmember Deady noted the developer did come before Council at the beginning of the year and asked to provide quarterly reports and Council majority shot them down. Mayor Benson noted the Council has no seat and items "a" through "h" is completed internally with a copy being included in the Mayors budget. Mayor Benson also noted it would be a good to keep the citizens informed of where we are at in the development. Councilmember Weber agreed.***

Section 18. Money is held back from the Stormwater Fund until the Mayor has prepared an ordinance that fully implements the best available science and regulations in managing stormwater. ***Councilmember Weber asked about the timeline. Mayor Benson noted there will be a recommendation from the Planning Commission to the City Council. Mayor Benson noted that basically, we have fulfilled all these requirements.***

Mr. Williamson, Interim Community Development Director reported on the minor tweaks that have been made to code.

Councilmember Weber clarified on timeline with Planning Commission and Council.

***Councilmember Weber noted that the manual was adopted and the LID update is presently with the Planning Commission and he asked about the timeline. Mayor Benson noted a recommendation from the Planning Commission will come forward to the Council***

**and Council will hold a public hearing. Mayor Benson also noted that all the requirements have been fulfilled and its hopeful it will come before Council within two months. Councilmember Weber wondered with the timing, is it still an issue for the LID. Mayor Benson noted we may need to change our code to meet the LID requirements. The timeline for adoption was discussed.**

Section 19. The following Capital Improvement Projects will require Council approval for final designs and contracts

CIP G4 Comprehensive Plan Update, CIP P7 E Ginder Creek Rehab & Trail Project, CIP G1 General Government Technology, CIP GS Signs for Gym and Wayfinding CIP L1 Police Technology, CIP T2 Roberts Drive Reconstruction, CIP T6 224th Ave SE Asphalt Overlay Grant, CIP T13 Grant Matching, CIP T1 Street Overlays, Repairs and Signs, CIP W2 Springs Chlorine, CIP S2 Infiltration and Inflow, CIP S1 Facility and Fencing Improvements, CIP S3 Cedarbrook Sewer Main, CIP D3 North Commercial Storm Pond CIP D2 Replace Covington Creek Culverts, CIP D1 Lawson Hills Strm Pnd Sediment Removal. **Mayor Benson noted this needs to be removed until you adopt a Capital Improvement plan.**

## **II. BUDGET DOCUMENT**

The following changes to the Mayor's budget document are the only ones included in the Council proposed substitute budget amendment:

1. Fund a City Administrator for the second half of the year by transferring 6 months wages and benefits from the Economic Development Director. \* **Mayor Benson noted this is one hundred percent funded by MDRT, and you cannot change that and this would have to come from fund balance. There was discussion.**
2. Upgrade the "Planner" position which is currently vacant and transfer those wages and benefits to hire a "Director of Planning, Development and Environmental Review" appointed by the Mayor and confirmed by the Council. These wages and benefits are sufficient to cover nine months of employment, allowing three months to create and fill the position. **Councilmember Weber acknowledged the Mayor already noted this is funded by MDRT. Mayor Benson noted the term is fund balance.**
3. Transfer \$50K from the MDRT to the Community Development Department to pay for consultant contracts to finish the update to the City's Comprehensive Plan as required by State law. \* **Mayor Benson noted we do have some money in the budget left over for the Comprehensive Plan.**
4. Transfer \$50K from MDRT consultants to MDRT Legal/SEPA services. \* **Councilmember Weber noted there was already discussion around this.**

5. Create a "Landmarks and Arts Commission" to identify potential landmarks and promote local arts organizations. ***Councilmember Weber noted that this item and number 6 are together.***
6. Use \$15,000 of Ending Fund Balance to fund this work.
7. Use \$6,000 of Ending Fund Balance to fund a professional Parliamentarian to attend and support City Council Meetings.
8. Within the Master Plan Development Review Team's budget, remove specific designations for specific contractors. This is intended to allow for competitive bidding and work-scope flexibility. \* ***Mayor Benson noted we don't do competitive bidding as we do request for qualifications. Councilmember Weber noted it list consultants by name. There was discussion around removing the names and scratch competitive bidding.***
9. Move funds for the Roberts Drive/Rock Creek Bridge project to 2018 to allow for thorough review and consideration of a new bridge instead of a retrofit of this 100 + year old bridge. \*\* ***Mayor Benson noted that we already had the bridge evaluated and received funds based on that evaluation. She spoke about the grants we would receive to work on the bridge, and you don't get the grants until you have the plans. She noted we have already spent a good portion and for the study. Councilmember Morgan entered the meeting, and apologized for being late, and noted being at the WRIA 9 and discussing exactly these sorts of issues. She noted that we should expect at least 22 percent more water. When one goes to work on culverts and bridges, beyond the 22 percent more water, it will be more concentrated.***  
***Andy Williamson noted we are in a stage one delay on this project and now have been notified we are in stage two delay and this money cannot be delayed in 2018.***  
  
***Councilmember Morgan discussed the meeting around flood control. She shared the state of Washington has received \$60 million dollars to replace old bridges. She talked about those grants when they can start applying for them and the money will not be granted until 2018.***  
  
***Mayor Benson pointed out that our bridge is not on the list. To be eligible, you should be on the endangered bridge list.***
10. Change Organizational Chart to show Director of Planning, Development and Environmental Review. ***Mayor Benson stated you can do whatever you want.***
11. Change Organizational Chart to show that City Council is the contracting authority for the City Attorney. ***Mayor Benson noted a ruling last Friday that the Mayor can hire a City Attorney and the City Attorney that she hired was confirmed by the Courts.***

Councilmember Weber did a quick rundown with Councilmember Morgan of what has happened thus far with the meeting.

Mayor Benson noted this document is not ready for public hearing and we would need to vote on all these items we discussed tonight at the next meeting. Then going forward, we would have to have another discussion for the public hearing. Mayor Benson noted we may have to go through this document again next week before the public hearing and move the public hearing to the end of the meeting. She also noted that they can adopt her budget until the end of the year and during our budget process this year, we can go through all these items and figure out how to make them work and put them in the budget. She noted we need to have a document at the public hearing that people can look at.

May Miller, Finance Director, discussed the document that shows changes to ending fund balance and she discussed the contingency fund.

Councilmember Pepper noted there are some positions in the administrative part of government that are not filled. **Mayor Benson confirmed yes.** Councilmember Pepper asked if the 2017 budget considers those positions? **Mayor Benson confirmed yes. Mayor Benson noted that no one wants to come and work in Black Diamond.** Councilmember Pepper asked to see what positions are vacant and the funding for this.

May Miller discussed what positions were open. She spoke about the financial reports and expenditures. She also noted that these reports posted online.

Councilmember Weber ask May to distribute the document she gave him that shows budget reporting for departments.

May Miller, Finance Director noted staff does quarterly reports and noted where they are posted on the website.

Councilmember Weber noted his next step and appreciates the Mayor and May Miller for providing comments, and his next step is to read these comments that were made.

Councilmember Deady asked if they would like to do a work study meeting next week or the week after. She asked what kind of timeline is Councilmember Weber looking at.

There was continued discussion around dates to hold a work session meeting and then voting on items during the Council meeting and pushing the public hearing to later in the meeting.

Councilmember Morgan discussed the OPMA here in this town and how they are different from the one's she learned from the three-hour Auditor's conference that she attended.



## ADJOURNMENT:

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

Meeting ended at 7:50 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

DRAFT

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**February 16, 2017 Regular Business Meeting**  
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. (Councilmember Morgan was not present during roll call and entered the meeting at 7:01 p.m.)

**ABSENT:** None

Staff present: Mike Girias, Police Sergeant; Bill Riepl, Police Officer; David Linehan, City Attorney; Kevin Esping, Facilities Equipment Coordinator; May Miller, Finance Director; Deanna Humphreys, Police Clerk; Andrew Williamson, MDRT/Ec Dev Director; Dan Dal Santo, Utilities Superintendent; Scott Hanis, Capital Projects/Program Manager, and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt the agenda that was sent on 2/13 to Council.

Councilmember Morgan entered the meeting at 7:01 p.m.

There was Council discussion on the motion.

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

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

Mayor Benson announced that Officer Bill Riepl graduated from the Police Academy on February 14, 2017. She noted many people were in attendance for the ceremony.

**PUBLIC COMMENTS:**

Craig Goodwin, Black Diamond spoke to Council.

Krissy Hanson, Black Diamond spoke to Council.

Tanya Neilsen, President of the Greater Maple Valley Black Diamond Chamber of Commerce spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Judy Baxely, Black Diamond spoke to Council.

Steve Paige, Black Diamond spoke to Council.

Melissa Oglesbee, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

#### **PUBLIC HEARINGS:**

##### **3) AB17-025 – 2017 Budget Amendment**

Mayor Benson commented that there isn't a budget document to comment on and suggested citizens could recommend to adopt the Mayor's budget to the end of the year and then work on Councilmember Weber's issues during the 2018 budget process. She discussed the process that was taken on her proposed budget and the results of the first two work sessions on the budget this year.

Finance Director Miller reported to Council on this item. She noted she is taking a positive approach that nobody wants to shut down the City. She discussed in the packets are two budgets to comment on, 1) The Mayor's budget, and 2) Councilmember Weber's substitute budget ordinance. She also recapped items discussed during the special meeting earlier tonight.

Mayor Benson opened the public hearing at 7:37 p.m.

Patrick Nelson, Black Diamond discussed the two budgets and noted one being balanced and the other not being balanced. He stated he understands Council needs to get a budget passed and urged Council to get along and to understand this affects all the citizens.

Krissy Hanson, Black Diamond commented on Councilmember Weber's budget being illegal. She read from the document staff prepared regarding the substitute budget ordinance and noted there are seventeen items that are illegal. She discussed being a Councilmember and having to follow the law and referred to the oath she took.

Judy Goodwin, Black Diamond highly recommended that Council pass the Mayor's budget. She discussed Ms. Miller having extensive knowledge for budgeting and how great it is to have her at the City. She noted having complete faith in the Mayor to have the instinct in budgeting with her financial background. She also commented on Councilmembers Deady

and Edelman having extensive hours with staff to get their job done and thanked them for that. She noted the majority Council are good people and they are doing what they are doing for a reason, however it is misguided. She further discussed who would be affected by the City shut down and stated that above all Council should be thinking about the compassion of passing this budget.

Victoria Langford, Black Diamond urged Council to adopt Mayor Benson's budget. She commented on Ms. Miller doing an awesome job with the budget and doesn't understand the need for Councilmember Weber to adopt another budget.

Leslie Cooley, Black Diamond discussed listening to the audio of the last meeting and stated that a lack of planning on your part does not constitute an emergency on my part. She discussed the meeting that were held in December and Councilmember Weber thought 90 days was a long time. She urged Council to extend the Mayor's budget for 2017 and work through these other changes during the 2018 budget process.

Jackie Buss, Black Diamond, commented on walking around town and residence asking her what a city shut down would mean in respect to water service. Other questions asked were why Councilmember Weber feels it's his job to do a new budget, who will fix the roads during a shut down, and do citizens pay a water bill and who will be charging them.

Judy Baxley, Black Diamond referred to a memo written by Daniel Glenn an attorney and read from this memo (attached).

Johna Thomson, Black Diamond referred to page 11 that talks about the dollars and the differences between the two budgets. She noted the elephant in the room is that Council wants to fire Andy Williamson and those funds will be used to fund two new positions. She noted Mr. Williamson fighting for the City so we get the most for our City and out of Oakpointe as he wants nothing but the best for this City. She discussed Council not meeting with May to understand the budget and encouraged them to do so. She encouraged Council to adopt the Mayor's budget and get on with being normal in this community.

Robbin Taylor, Black Diamond commented on Maple Valley hiring a Community Development Director from Arizona. She discussed the substitute budget ordinance from Councilmember Weber and having attorney review. She commented that from a public records request it came to light that this (attorney review) was all done verbally. She suggested to the majority to pass the Mayor's budget.

Judy Carrier, Auburn commented on believing in everyone and was glad to see Steve speak. She noted the Mayor saying that she wanted to work in these months in the spirit of cooperation and thinks they all could come together and that an agreement could be reached that would include the best of both budgets. She noted not supporting the Mayor's budget as she likes certain things in Councilmember Weber's budget. She would like to see a Community Development Director hired and Councilmember Weber has brought things forward and that's why she doesn't support the Mayor's budget. She

discussed the line where contracts need to be approved by the Council and supports that. She noted in a small town there needs to be a closer attention to details and this needs to be done with the Council and Mayor working together. She stated she would not vote for this budget tonight and would wait and get together again to work cooperatively and hopes they choose to work in the spirit of cooperation.

Brock Deady, Black Diamond commented that it is all about the process and that is what is emphasized by the majority. He suggested voting for the Mayor's budget as it was done by a process as Weber's budget was not. So if it's all about process then he urged them to vote in the Mayor's budget and during the 2018 budget process these other items can be worked.

Finance Director Miller reported on the meetings that have been held on the budget. She discussed budget material would need to be ready for adoption at the March 16<sup>th</sup> meeting by March 7 or 8.

Mayor Benson closed the public hearing at 8:20 p.m.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Mayor's budget for 2017 in its entirety.

Councilmember Edelman spoke to her motion and following discussion **withdrew** her motion.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend Ordinance No. 16-1083 to take out sections 5 and 6. (No vote taken as amended motion below to postpone passed).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to amend the motion to postpone to the March 2 meeting.

Council discussion took place.

Councilmember Pepper **appealed** the decision of the Chair regarding audience decorum; Councilmember Morgan **seconded** the appeal.

Mayor Benson ruled Councilmember Pepper out of order.

Councilmember Pepper started a roll call vote on the motion to appeal the decision of the Chair and noted she disagrees with the way the audience has been allowed to act tonight.

There was Council discussion.

A point of order was raised by Councilmember Weber stating Councilmember Morgan has the floor.

There continued to be Council discussion.

A point of order was raised stating Councilmember Deady has not been recognized by the Chair.

Mayor Benson noted she would like to have a recess to calm the meeting down.

Councilmember Pepper stated again she does not agree with the Mayor's decision.

Mayor Benson called Councilmember Pepper out of order.

Councilmember Pepper stated an appeal the decision of the chair has been made and seconded and called for a roll call vote to be taken.

Councilmember Pepper continued with the roll call vote.

**Roll call vote:** Councilmember Deady stated no as the Mayor made no decision and agrees with the Mayor; Councilmember Pepper disagrees with the Chair; Councilmember Morgan disagrees with the Chair; Councilmember Edelman voted with the Mayor as she (Mayor) did not make a decision; Councilmember Weber disagrees with the Mayor's decision. The majority of the Council **disagreed** with decision of the chair 2-3 (Morgan, Weber, Pepper).

Councilmember Pepper stated she made an amendment to the motion to postpone to March 2<sup>nd</sup>. Councilmember Weber **seconded** the motion.

There was Council discussion.

Councilmember Morgan called the question.

**Amended motion roll call vote:** Councilmember Deady voted **no**; Councilmember Morgan voted **yes**; Councilmember Edelman voted **no**; Councilmember Weber voted **yes**; Councilmember Pepper voted **yes**. Amended motion to postpone to March 2 **passed** 3-2 (Edelman, Deady).

**Main motion** - No vote taken as amended motion supersedes.

#### **UNFINISHED BUSINESS:**

- 4) **AB17-004A** – Resolution Approving Grant Agreement with Transportation Improv. Board for Roberts Drive Maintenance Project

Capital Projects/Program Manager Hanis reported to Council on this item.

There was Council discussion between Council and staff.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper

to remove this item out of Committee.

There was Council discussion.

Councilmember Edelman called the question.

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

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Pepper to adopt a resolution authorizing the Mayor to execute a fuel tax agreement for the Roberts Drive Eastbound Maintenance Project, TIB #2-P-800(005)-1. Motion **passed** with all voting in favor (5-0).

**5) AB17-023A – Resolution Authorizing Grant Agreement with Department of Ecology for 2015-2017 Stormwater Capacity Grant**

Capital Projects/Program Manager Hanis reported to Council on this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber that the resolution authorizing a grant agreement with the Department of Ecology for the Stormwater Capacity Grant be removed from Committee and placed before the full Council. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adopt a resolution authorizing the Mayor to execute the grant agreement with Department of Ecology for the 2015-2017 Stormwater Capacity Grant. Motion **passed** with all voting in favor (5-0).

**6) AB17-024A – Resolution Authorizing Contract with AHBL for Planning Services**

MDRT/Ec Dev/Interim Community Development Director Williamson discussed this item with Council.

There was Council and staff discussion.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute a professional services contract with AHBL, Inc. for part-time planning services for 2017. Motion **passed** with all voting in favor (5-0).

**7) Minutes - May 19 Special Council Meeting**

Councilmember Pepper reported to Council on this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve the May 19, 2016 special Council meeting minutes. Motion **passed** with all voting in favor (5-0).

## **8) Minutes – May 19 Regular Business Meeting**

Councilmember Pepper addressed this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the May 19, 2016 regular business meeting minutes as sent to Council. Motion **passed** with all voting in favor (5-0).

## **9) AB17-019 – Resolution Authorizing Grant Agreement with King County Department of Public Health for 2017-2018 Recycling Event**

Capital Projects/Program Manager Hanis reported to Council on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to bring the grant agreement with King County Department of Public Health to fund the household hazardous waste collection and recycling out of committee. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adopt a resolution authorizing the Mayor to execute a grant agreement with King County Department of Public Health to fund the 2017-2018 household hazardous waste collection recycling events. Motion **passed** with all voting in favor (5-0).

## **10) AB17-020 – Resolution Authorizing Grant Agreement with King County Solid Waste Division for 2017-2018 Recycling Event**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to bring this item out of the Gov. Ops Committee and placed before the full Council. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adopt a resolution authorizing the Mayor to execute a grant agreement with King County Solid Waste Division for the 2017-2018 recycling event. Motion **passed** with all voting in favor (5-0).

## **11) AB17-021 – Resolution Authorizing Agreement with Olympic Environmental for 2017-2018 Recycling Event**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper that the professional services agreement with Olympic Environmental Resources for the City's 2017-2018 recycling events be removed from Committee and come before the full Council. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember to adopt a resolution authorizing the Mayor to execute a professional services agreement with



Olympic Environmental Resources for the City's 2017-2018 recycling events. Motion passed with all voting in favor (5-0).

**12) AB17-005 - Ordinance Amending 2017 Budget for Roberts Drive Maintenance Project**

Finance Director Miller addressed this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone this item to the March 2<sup>nd</sup> meeting.

There was Council discussion.

**Vote:** Motion to postpone to March 2<sup>nd</sup> passed with all voting in favor (5-0).

**13) AB 17-013 Resolution authorizing Contract with HWA GeoSciences - MDRT**

Councilmember Pepper addressed Council on this item.

There was Council discussion regarding there being no contract attached with the resolution.

Councilmember Edelman stated for the record receiving an email sent by Pat Pepper on February 14<sup>th</sup> at 11:17 p.m. which did not include the contract only the heavily edited resolutions.

Council discussion continued with the focus on postponing to March 2, where the funds would come from for the RFQ process, and Councilmember Pepper read a prepared statement regarding these contracts and the revisions to them.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to postpone items 13 – 16 to the March 2<sup>nd</sup> meeting.

There was Council discussion.

**Vote:** Motion to postpone items 13 -16 to the March 2<sup>nd</sup> meeting passed with all voting in favor (5-0).

**14) AB 17- 014 Resolution Authorizing Contract with RH2 Engineering Inc. – MDRT**

*(Postponed by above motion to the March 2<sup>nd</sup> meeting)*

**15) AB 17- 015 Resolution Authorizing Contract with Parametrix, Inc. Surveying – MDRT**

*(Postponed by above motion to the March 2<sup>nd</sup> meeting)*

**16) AB 17-016 Resolution Authorizing Contract with Parametrix, Inc Traffic – MDRT**

*(Postponed by above motion to the March 2<sup>nd</sup> meeting)*

**NEW BUSINESS: None**

**CONSENT AGENDA:**

- 1) **Claim Checks** – February 16, 2017 - No. 44392 through No. 44440 (void 44441) and EFTs in the amount of \$313,862.54
- 2) **Payroll** – January 31, 2017 No. 19271 through No. 19283 (void 19284) and EFTs in the amount of \$287,305.43

There was Council discussion between Councilmember Morgan and Finance Director Miller regarding Councilmember Morgan's email with 28 questions. Ms. Miller responded to those 28 questions.

Councilmember Morgan stated she would like to withhold payment on HWA GeoSciences, Kenyon Disend, and RH2.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to approve the consent agenda except for those three vouchers (HWA GeoSciences, Kenyon Disend, and RH2) and include payment for payroll. Motion **passed** with all voting in favor (5-0).

**EXECUTIVE SESSION:**

At 10:00 p.m. Mayor Benson announced that Council would be going into executive session to discuss potential litigation with legal Counsel as provided by RCW 42.30.110(1)(i). The executive session was expected to last for 10 minutes with no action to follow. (Councilmembers Morgan, Weber and Pepper would not attend the executive session. Those in attendance were Mayor Benson, Councilmember Deady, Councilmember Edelman, and City Attorney Linehan.

At 10:10 p.m. Mayor Benson called the meeting back to order.

**DEPARTMENT REPORTS:**

MDRT/Ec.Dev/Interim Community Development Director Williamson updated Council on various projects within the City.

**MAYOR'S REPORT:**

Mayor Benson reported on how many items have failed or sent to committee. She noted a spreadsheet outlining this is on the table should citizens want a copy. She reported attending Officer Riepl's graduation ceremony on February 14<sup>th</sup>.

**COUNCIL REPORT:**

Councilmember Deady reported meeting with Finance Director Miller to go over the budget and vouchers.

Councilmember Morgan – no report.

Councilmember Edelman reported attended Officer Riepl's graduation, meeting with Finance Director Miller on the vouchers, attended CERT class and noted the final test is on Saturday. She highly recommended for citizens to take these classes. She attended the King County Municipal Clerk's Association meeting along with the Mayor.

Councilmember Weber reported attending work sessions and commented being happy to hear about the new police officer.

Councilmember Pepper reported attending the CERT class and encouraged citizens to take these classes.

**ATTORNEY REPORT:**

City Attorney Linehan reported that he is expecting a revised offer from BPA for the property they would like to acquire.

**PUBLIC COMMENTS:**

Brock Deady, Black Diamond spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Krissy Hanson, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

**ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 10:36 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**March 16, 2017**

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 were: Jamey Kiblinger, Police Chief; Dan Dal Santo, Interim Public Works Director; May Miller, Finance Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Scott Hanis, Capital Projects/Program Manager; Kevin Esping, Facilities Coordinator; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

### **CHANGES TO AND APPROVAL OF AGENDA** (per Council Rule 3.4, passed February 2, 2017)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the agenda sent to the Council by email on March 13th.

Councilmember Pepper spoke to her motion and the changes to the agenda.

There was Council discussion.

Councilmember Morgan raised a point of order stating one Councilmember cannot tell another Councilmember what to do.

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

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

**None**

### **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond spoke to Council.

Pam McCain, Chair of Planning Commission read a letter from the Planning Commissioners.

Jennifer Lathum, Black Diamond spoke to Council.

Councilmember Pepper raised a point of order.

Ben Stover, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

## **PUBLIC HEARINGS: None**

## **UNFINISHED BUSINESS:**

### **4) AB16-077B – Resolution Confirming Mayor’s Reappointment of Harvey Senecal to Position No. 3 on the Planning Commission**

Mayor Benson noted Councilmember Pepper not having the ability to remove item #9 from the agenda.

Councilmember Edelman stated based on the legality of the Mayor’s placement of this on the agenda a **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to confirm the Mayor’s reappointment of Harvey Senecal to Position No. 3 on the Planning Commission.

There was Council discussion and Councilmember Pepper referred to an email sent to her by Mr. Senecal.

Mayor Benson noted Council not having the authority to remove item #9 from the agenda.

**Vote:** Motion **passed** 3-2 (Morgan, Weber) (Councilmember Pepper did not vote).

A point of order was raised by Councilmember Pepper.

Councilmember Pepper appealed the decision of the Chair; seconded by Councilmember Morgan.

Mayor Benson overruled her.

Council discussion continued.

Councilmember Pepper continued with the vote on the appeal of the Chair’s decision. Deady, no vote; Morgan disagreed with the Chair’s decision; Edelman, no vote; Councilmember Weber

disagreed with the Chair's decision; Pepper disagreed with the Chair's decision to put item #4 on the agenda and railroad a vote. The majority overruled the Chair's decision.

Councilmember Pepper stated that item #4 is not on the agenda and the decision to put it there is not okay.

## **NEW BUSINESS:**

### **5) AB17-027 – Resolution Adopting the 2017-2022 Transportation Improvement Program**

Capital Project/Program Manager Hanis reported to Council on this item.

There was Council discussion and Councilmember Edelman read emails from Black Diamond citizens Jason Seth and Patrice Norgate into the record.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that this amended resolution and transportation improvement plan be placed before the Council as we have it now and that it also be postponed until the first meeting on April 6th.

There was Council discussion.

Councilmember Weber raised a point of order.

Council discussion continued.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to amend Councilmember Pepper's motion to pass the resolution adopting the staff's 2017-2022 TIP tonight.

Council discussion continued.

**Amended motion vote:** Amended motion **failed** 2-3 (Morgan, Weber, Pepper).

**Main motion vote:** Main motion **passed** 3-2 (Deady, Edelman).

### **6) AB17-028 – Ordinance Adopting Low Impact Development Regulations**

Capital Project/Program Manager Hanis discussed this item.

There was Council discussion and consensus to have a presentation by AHBL at the public hearing on this item to address the changes.

### **7) AB17-029 – Authorize Binding Statement of Intent through an Interlocal Agreement with Regional Services of King County for Continued Animal Services Beginning January 1, 2018**

There was Council discussion on this item and it was moved to the Government Operations Committee.

## **8) Oakpointe Mediation**

Councilmember Pepper said she had an addition to the agenda regarding mediation.

A point of order was raised by Councilmember Pepper.

There was Council discussion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the topic of mediation be placed on the agenda. Motion **passed** 3-2 (Edelman, Deady).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan with regards to mediation on the Oakpointe MDRT issue and that Council representatives are Councilmembers Pepper and Morgan and that Council will only attend mediation with an attorney approved by a majority vote of the Council.

**Roll call vote:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Motion **passed** 3-2 (Edelman, Deady).

## **CONSENT AGENDA:**

Councilmember Morgan requested that the consent agenda items be separated and approved separately.

**1) Claim Checks** – March 16, 2017 – No. 44479 through No. 44664 and EFTs in the amount of \$135,967.54

Councilmember Morgan discussed the three vouchers she would like to pull. She noted vouchers 44479 (Parametrix), 44642 (Kenyon Disend), and 44654 (RH2) are being denied for lack of a contract for Council consideration.

Councilmember Pepper raised a point of order.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the rest of the claim checks (with the exceptions of 44479(Parametrix), 44642 (Kenyon Disend), and 44654 (RH2)). Motion **passed** 5-0.

**2) Payroll** – February 28, 2017 – No. 19285 through No. 19300 and ACHs in the amount of \$267,944.52

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the payroll. Motion **passed** with all voting in favor 5-0.

**3) Minutes** – Council Meeting of March 2, 2017, Council Meeting of February 16, 2017, Special Meeting of February 16, 2017, and Council Meeting of December 22, 2016

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the minutes.

There was Council discussion.

Councilmember Edelman called for the question.

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

**DEPARTMENT REPORTS:**

MDRT/Ec Dev/Interim Community Development Director Williamson reported on the weekly updates posted on the website regarding the Roberts Drive Waterline Project and urged Council and citizens to visit this page often to get the latest news. He also discussed the process for the conditions of approval on the developments and stated for the record it clearly states in the agreements that the City Attorney is the MDRT Attorney and that is Mr. Linehan.

**MAYOR'S REPORT:** None

**COUNCIL REPORTS:**

Councilmember Deady reported meeting with Finance Director Miller to go over the vouchers and attended the Black Diamond Community Center St. Patrick Day luncheon.

Councilmember Morgan reported attending the Pollutant Loading Technical Action Team meetings; King Conservation District meeting; reported on forestry project grants and noted she will not make it to her Saturday library time this weekend.

Councilmember Edelman reported attending the Franklin Mine tour; met with Finance Director Miller to go over the vouchers; met with Mayor Benson; she noted being embarrassed by Council behavior and thanked the citizens for attending.

Councilmember Weber reported attending the Council work session and noted he is reading up on items coming forth.

Councilmember Pepper reported attending the work session; learning about pedestrian walkway, fish and other items coming forward.

**ATTORNEY REPORT:** None



## **PUBLIC COMMENTS:**

Bob Edelman, Black Diamond spoke to Council.  
Erin Stout, Black Diamond spoke to Council.  
Jennifer Lathum, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.  
Johna Thomson, Black Diamond spoke to Council.  
Leslie Cooley, Black Diamond spoke to Council.  
Kristine Hanson, Black Diamond spoke to Council.  
Brock Deady, Black Diamond spoke to Council.  
Judy Carrier, Auburn spoke to Council.  
Kristen Bryant, Black Diamond spoke to Council.

## **EXECUTIVE SESSION: None**

## **ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 9:53 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**April 6, 2017**

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 were: Jamey Kiblinger, Police Chief; Dan Dal Santo, Interim Public Works Director; May Miller, Finance Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Scott Hanis, Capital Projects/Program Manager; Kim Pratt, City Attorney and Brenda L. Martinez, City Clerk.

### **CHANGES TO AND APPROVAL OF AGENDA** (per Council Rule 3.4, passed February 2, 2017)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the agenda created in accordance with Council Rules of Procedure.

Councilmember Pepper spoke to her motion.

**Roll call vote:** Deady, no; Morgan, yes; Edelman, no; Weber, yes; Pepper, yes. Motion passed 3-2 (Edelman, Deady).

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

**Proclamation** – Sexual Assault Awareness Month

Mayor Benson read a proclamation into the record (attached) regarding April being Sexual Assault Awareness Month.

### **PUBLIC COMMENTS:**

Gary Davis, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Dan Dal Santo, Interim Public Works Director spoke to Council.

Andy Williamson, MDRT/Ec Dev/Interim Community Development Director spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Aaron, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

## **PUBLIC HEARINGS: None**

## **UNFINISHED BUSINESS:**

- 9) **AB17-027A** – Resolution Adopting the 2017-2022 Transportation Improvement Program  
*This item is under review by the Council Growth Management Committee. The Committee Chair anticipates asking the Council to consider this item with amendments at the meeting.*

Capital Projects/Program Manager Hanis addressed this item with Council. He also noted for the record that should the safety improvements be eliminated from the Rock Creek bridge portion of the project, that any future liabilities that may arise from this do not fall on city staff.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve a resolution adopting the 2017-2022 Transportation Improvement Program (TIP).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the motion to approve the amended resolution adopting the last amended TIP dated April 3, 2017.

Councilmember Pepper spoke to her amendment and discussed the recommended changes.

There was Council discussion.

Councilmember Pepper raised a point of order for Councilmember Deady to keep to what is on the agenda.

Council discussion continued.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to take a five minute recess. (No vote was taken)

At 8:26 p.m. Mayor Benson recessed the meeting for five minutes.

At 8:32 p.m. Mayor Benson called the meeting back to order.

Discussion between Council and staff continued and following discussion Councilmember Pepper **withdrew** her amendment to the main motion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Edelman to amend the motion to make the changes to Project 1 Roberts Drive Rehabilitation to be from Bruckners Way to City Hall.

There was Council discussion and following discussion Councilmember Edelman **withdrew** her second to the amended motion from Councilmember Pepper.

Council discussion continued and Councilmember Morgan **seconded** the amended motion by Councilmember Pepper.

Councilmember Morgan called the question.

**Roll call vote for amended motion:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Amended motion **passed** 3-2 (Edelman, Deady).

**Roll call vote for main motion:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**, Pepper, **yes**. Main motion **passed** as amended 3-2 (Edelman, Deady).

**10) AB17-029A** – Resolution to Authorize Binding Statement of Intent through an Interlocal Agreement with Regional Services of King County for Continued Animal Services beginning January 1, 2018

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt a resolution to authorize a binding statement of intent through an Interlocal Agreement with Regional Services of King County for continued animal services beginning January 1, 2018.

Councilmember Morgan spoke to her motion and there was Council discussion.

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

**11) AB16-077A** - Resolution Confirming Re-appointment to Planning Commission Pos. # 3

Mayor Benson noted this was voted at the last meeting and passed.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt a resolution confirming the re-appointment of Harvey Senecal to the Planning Commission Position #3.

Councilmember Pepper spoke to her motion.

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

## **NEW BUSINESS:**

- 12) Ordinance** regarding acceptance of public comments by electronic methods in addition to other methods

Councilmember Morgan addressed Council on this item and noted it is for first reading and assigned to the Government Operations Committee.

### **13) Council Discussion:** Review of Attorney RFP Applications

Mayor Benson reported that the City received only one proposal and that was from the current City Attorney firm of Kenyon Disend. Councilmember Pepper discussed the need to keep the process open.

### **14) Council Discussion:** Review of Mediation Progress - Councilor Morgan

Mayor Benson noted there is no longer mediation and a decision was made to go to arbitration and the three Councilmembers (Morgan, Weber, Pepper) are allowed to hire an attorney for the process with the City paying up to \$5,600.

A point of order was raised by Councilmember Pepper for Councilmembers to stop the accusations.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to hire an attorney Jane Koler from Land Use & Property Law to represent the three Councilmembers (Morgan, Weber, Pepper) for the arbitration proceeding with CCD Black Diamond. Motion **passed** with all voting in favor 5-0.

## **CONSENT AGENDA:**

Councilmember Morgan requested that the consent agenda items be separated and approved separately.

- 1) Claim Checks** – April 6, 2017 - No. 44665 through No. 44739 and EFTs in the amount of \$166,581.53

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the claim checks with the exceptions of holding check # 44665 (Dan Singer) until the next meeting, and withholding check #s 44667 (AHBL), 44688 (HWA), and #44708 (RH2). Motion **passed** 5-0.

- 2) Minutes** – Council Meeting of March 2, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the minutes of March 2, 2017 as written. Motion **passed** with all voting in favor 5-0.

- 3) Minutes** – Council Work Session of January 12, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt the work session minutes of January 12, 2017 as presented. Motion **passed** with all voting in favor 5-0.

**4) Minutes – Special Joint Council/Planning Commission Minutes of January 24, 2017**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt the January 24, 2017 joint minutes as presented. Motion **passed** with all voting in favor 5-0.

**5) Minutes - Special Council Meeting of January 26, 2017**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Weber to adopt the January 26, 2017 special meeting minutes. Motion **passed** 5-0. (It was noted there was a scrivener's error on the third page; the word budget needs a "t".

**6) Minutes – Council Meeting of February 2, 2017**

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to accept the February 2, 2017 minutes. Motion **failed** 2-3 (Morgan, Weber, Pepper).

**7) Minutes – Work Session of March 9, 2017**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to accept the March 9, 2017 work session minutes otherwise as drafted. Motion **passed** with all voting in favor 5-0. (It was noted there was a scrivener's error on the 2<sup>nd</sup> page in the paragraph that starts Mr. Hanis. The word "heed" should be "need".

**8) Minutes – Town Hall Meeting of March 9, 2017**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to accept the March 9, 2017 Town Hall minutes as presented. Motion **passed** with all voting in favor 5-0.

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Benson reported attending the Fire Ad Hoc Committee meeting, mediation with OakPointe and noted this going to arbitration and discussed the schedule. She also noted attending the Enumclaw School Foundation luncheon.

**COUNCIL REPORTS:**

Councilmember Deady reported attending the Fire Ad Hoc Committee meeting, SCA dinner, Enumclaw School Foundation luncheon and read a statement which is attached.

Councilmember Morgan read a piece from Ann McFarland, she noted Saturday, April 15 is fish

ID day at the Muckleshoot's, Sat, April 22 is a presentation on streams at King County Library; April 10 at 3:15 p.m. is a walk on the Cedar to Green River Trail which starts at the Lake Wilderness Lodge parking lot.

Councilmember Edelman reported attending the Fire Ad Hoc Committee meeting, police seminar, SCA dinner, meeting with Finance Director to go over the vouchers, talked with Dan Singer, and read from a prepared statement which is attached.

Councilmember Weber reported attending the Growth Management Committee meeting where a speaker from WRIA 9 spoke. He commented on not knowing about the email and flyer sent out by Save Black Diamond.

Councilmember Pepper reported attending the Growth Management Committee meeting and being joined by a speaker from WRIA 9; researching Council business; attended leadership conference; researching hiring an attorney and noted not being aware of anything sent out by Save Black Diamond.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Bob Edelman, Black Diamond spoke to Council.  
Melissa Oglsbee, Black Diamond spoke to Council.  
Judy Goodwin, Black Diamond spoke to Council.  
Mark Hill, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.  
Kristen Bryant, Bellevue spoke to Council.  
Leslie Cooley, Black Diamond spoke to Council.  
Judy Baxley, Black Diamond spoke to Council.  
Jennifer Latham, Black Diamond spoke to Council.  
Renaë, Black Diamond spoke to Council.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Deady to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 10:35 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## BLACK DIAMOND CITY COUNCIL MINUTES

**April 20, 2017**

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 were: Brian Martinez, Police Commander; Kris Chatterson, Police Officer; Dan Dal Santo, Interim Public Works Director; May Miller, Finance Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Scott Hanis, Capital Projects/Program Manager; Kevin Esping, Facilities Coordinator; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

### **CHANGES TO AND APPROVAL OF AGENDA** (per Council Rule 3.4, passed February 2, 2017)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the April 20 Council agenda before us with the words per Council Rules of Procedure at the top and that we add to it item #11 request scope change to the Transportation Improvement Board.

Councilmember Pepper spoke to her motion and the changes.

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

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

Mayor Benson announced the City had an exit audit with Auditor's and Finance Director Miller was commended on her cooperation and hard work and the City passed with flying colors. She also announced that City Clerk Martinez received her Master Municipal Clerk certification and noted it being a big accomplishment as there are not many in the state of Washington.

### **PUBLIC COMMENTS:**



Leslie Cooley, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Dan Ellis, Black Diamond spoke to Council.

Aaron, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Mayor Benson discussed the hiring of Dan Singer and Councilmember Edelman commented on the five Councilmembers voting 5-0 to have mediation.

Councilmember Morgan raised a point of order that Councilmember Edelman cannot impugn the public.

## **PUBLIC HEARINGS:**

### **6) AB17-030 – Ordinance Adopting Low Impact Development Regulations**

Capital Project/Program Manager Hanis reported to Council on this item. Wayne Carlson and Alex Campbell of AHBL also addressed Council with a PowerPoint presentation on this item.

At 8:20 p.m. Mayor Benson opened the public hearing.

Katelyn Kinn, Attorney with Puget Sound Keeper Alliance addressed Council on this and gave background information on Sound Keeper and asked Council to carefully consider a proposal they have to further improve the LID codes before Council in accordance with the Clean Water Act mandates. She discussed the importance of having strong LID regulations and why people move to Black Diamond. They are proposing that Black Diamond take a final step and add additional revisions to what you saw tonight so that low impact development is actually required by the City's code. She noted being willing to work with staff on their suggestions.

Sofia Ressler, Attorney with Puget Sound Keeper Alliance thanked the City for work that has already been done to implement low impact development and discussed Sound Keeper goals. She noted the proposed additions and rewrites before Council tonight are at the absolute minimum that can be done in order to come into compliance with the current permit. She noted with the growth Black Diamond is going to experience Sound Keeper is urging the Council to take a few more weeks to strengthen the code. She gave the examples of municipalities such as Fife, Newcastle, and Gig Harbor for having good LID codes in place. She also discussed the reasons for having regulations in place and is willing to work with staff on suggestions they have that will make the City's regulations stronger.

There were questions and discussion between Council and the speaker from Sound Keeper.

Leslie Cooley, Black Diamond discussed the work staff, consultant and Planning Commission have done on this item and recommends adoption as is and then work towards amendments to strengthen the code as Puget Sound Keeper would like to see.

Robbin Taylor, Black Diamond commented on attending the work session held by the Planning Commission on this item. She commented on the Council majority wanting to get this done and is in favor of adopting this now and then work on making it stronger. She urged Council not to send it to committee so we will not be out of compliance for another year.

Andy Williamson, MDRT/Ec Dev/Interim Community Development Director noted embracing their (Puget Sound Keeper) suggestions and would like to schedule a meeting with them in a timely manner so they can work through the issues as he believes they are closer than what everybody thinks. He also noted the letter that was sent to the City in 2015 from Puget Sound Keeper was sent out to all jurisdictions; not just Black Diamond.

Judy Carrier, Auburn commented on appreciating what Mr. Williamson said and agrees with him to take a little more time to strengthen the code as presented by Puget Sound Keeper. She noted it being a large assumption that things get stuck in committee and believes they should give it a go and expects things will happen pretty quickly.

Erin Stout, Black Diamond discussed the TIP and CIP taking forever to get to the point that they could be implemented in the City. She also noted that it seems that making something happen on this is very important and she recommends to move this ordinance forward as quickly as possible and to keep working.

Aaron, Black Diamond agreed with Mr. Williamson and noted these ladies from Puget Sound Keeper are working with other cities and it makes sense to hear them out and then come back in two weeks and make a vote.

Councilmember Deady discussed her concerns with letting a group come and participate in a work session as you need to afford that to everyone.

Gary Davis, Black Diamond urged Council to move forward with this ordinance if its in compliance at a minimum level so after that has been done they can come back and work on it more, but at least get it done and then you will be good to follow whatever requirements you have to be in compliance.

Councilmember Morgan discussed the past process of public hearings, committee meeting, and Council action. She will be looking into the codes at Fife, Newcastle, and Gig Harbor and encouraged Puget Sound Keeper to email her.

Mayor Benson suggested holding a work session prior to the next Council meeting at 6 p.m. to address any revisions.

Kristen Bryant, Bellevue commented on growing up in Black Diamond and noted watching some stormwater issues today in Black Diamond as a storm came in. She noted it being a good reminder that when you create stormwater issues when you do development and you have to come back and fix them later, somebody else besides the developer has to pay they often don't get fixed. She believes it is very important to have the strongest LID code updates the City can have. She encouraged Council and the public to make public comments without an atmosphere where speakers might be criticized for not commenting enough or bringing enough information and believes it was reasonable for a non-profit organization to come and speak tonight to find out if there was some receptiveness to their suggestions. She hoped there is not an atmosphere where people feel they can't comment because they get criticized for it. She commented that amending after the public hearing makes sense as Council would want to take those into consideration before making a final decision. She also discussed the process being more consuming if this is passed tonight and then the need for more revisions.

Councilmember Weber noted not coming tonight to vote one way or the other and noted in the past he likes to take into account public comments before making a decision. He wondered if Council could keep the public hearing open until the next meeting and thanked the work the Planning Commission has done and is in support of holding the hearing open.

Councilmember Edelman noted this item was not up for adoption tonight as it was to hear public comments.

A **motion** was made by Council Morgan and **seconded** by Councilmember Weber to hold a formal work session before the next Council meeting on May 4, 2017 at 6:00 p.m. Motion passed with all voting in favor (5-0).

At 8:54 p.m. Mayor Benson closed the public hearing for tonight and noted the hearing will remain open until the May 4, 2017 regular business meeting of the Council.

## **UNFINISHED BUSINESS:**

### **7) AB17-031 - Claim Check 44665 (Daniel Singer)**

Councilmember Morgan addressed Council on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Council Pepper that there is no valid contract with the voucher so it cannot be paid.

Councilmember Morgan spoke to her motion.

There was Council discussion.

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

**8) AB17-032 – Ordinance Relating to Acceptance of Public Comments by Electronic Methods**

Councilmember Morgan addressed this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to suspend the rules to act on the ordinance relating to acceptance of public comments by electronic methods in addition to the methods and amending Black Diamond Municipal Code sections 18.08.210 and 19.04.260.

There was Council discussion and following discussion Councilmember Morgan **withdrew** her motion. It was noted this item is being referred back to the Government Operations Committee and this committee will meet at 2:00 p.m. Saturday, April 29<sup>th</sup> at the Black Diamond Library.

**NEW BUSINESS:**

**9) AB17-033 - Resolution on Final Acceptance of the Springs Onsite Sodium Hypochlorite Generation Systems Project**

Capital Project/Program Manager Hanis reported to Council on this item.

There was Council discussion.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt a resolution accepting the Springs Onsite Sodium Hypochlorite Generation System project as complete by PumpTech, Inc., according to the contract documents.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the motion to have this item go to the Government Operations Committee. Amended motion **passed** 3-2 (Edelman, Deady).

**10) AB17-034 – Resolution Adopting 2017-2022 Capital Improvement Plan (CIP)**

Finance Director Miller reported to Council on this item.

There was Council discussion.

Councilmember Pepper raised a point of order.

Council discussion continued with Councilmember Edelman asking that the email from Councilmember Morgan regarding the CIP be added to the record.

Councilmembers Edelman and Pepper reported on their top priorities for the CIP.

A point of order was raised by Councilmember Edelman for Councilmember Pepper directing staff.

Discussion continued.

A point of order was raised by Councilmember Pepper.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt a resolution approving the 2017-2022 Capital Improvement Plan.

Councilmember Edelman called the question.

Councilmember Deady raised a point of order.

A point of order was raised by Councilmember Morgan stating that Councilmember Pepper has the floor.

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

#### **#11 – Request Scope Change to the Transportation Improvement Board**

Councilmember Pepper addressed this item.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the City act to request a scope change from the Transportation Improvement Board for the Roberts Drive Reconstruction project to separate the reconstruction into (a) the current project beginning at Bruckner's Way, and (b) a future project to replace the Rock Creek Bridge. This is per the TIB letter dated March 31, 2017.

Capital Project/Program Manager Hanis reported that this has already been completed by staff.

City Attorney Linehan suggested having a brief executive session to discuss the litigation risks if Council continues on the current path.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to go into executive session to discuss this. (No formal vote was taken)

Mayor Benson asked the Councilmembers if they were willing to go into executive session and Councilmembers Morgan, Weber, and Pepper were not willing to. There continued to be discussion on legal services for the City.

A point of order was raised by Councilmember Pepper.

Mayor Benson announced she would like to call an executive session so the risk can be assessed outside of the public.

At 10:08 p.m. Mayor Benson called an executive session pursuant to RCW 42.30.110(1)(i) to discuss with legal Counsel potential litigation. The executive session was anticipated to last 10 minutes with no action to follow. Councilmembers Morgan, Weber, and Pepper refused to participate in the executive session.

At 10:18 p.m. Mayor Benson called the meeting back to order.

Mayor Benson asked that the record reflect that Councilmembers Morgan, Weber, and Pepper refused to attend the executive session.

Councilmember Pepper called for the vote on her motion.

**Roll call vote:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Motion passed 3-2 (Edelman, Deady).

### **CONSENT AGENDA:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to accept the consent agenda.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to amend the motion to the consent agenda to have the items addressed separately.

**Amended motion roll call vote:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Amended motion passed 3-2 (Edelman, Deady).

**Main motion vote:** Main motion passed as amended 3-2 (Edelman, Deady).

- 1) **Claim Checks** – April 20, 2017 - No. 44740 through No. 44780 and EFTs in the amount of \$171,536.55

Councilmember Morgan addressed Council on this item and noted the need to pull vouchers 44759 (Kenyon Disend) and 44779 (RH2).

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to release the rest of the vouchers (with the exceptions of 44759 and 44779). Motion passed with all voting in favor (5-0).

MDRT/Ec Dev/Interim Community Development Director Williamson stated for the record that Councilmember Weber authorized that staff could move forward with the arboretum which is a Palmer Coking Coal short plat. Council took action and staff was told to move ahead to hire those consultants and once you gave us the roll to hire those consultants it was obligated upon city staff to handle preliminary plats in a timely manner. If you do not move forward with paying the bills tonight, we will stop work on that plat and we will be in violation of the due process and the rights of that citizen. He reminded Council that they took action and you authorized staff to enter into those contracts for the arboretum and if

we don't pay the bills tonight I will instruct my staff to stop work and whatever happens then happens. He again stated for the record this Council authorized us to move forward with those contracts and we have to process preliminary plats in a timely manner – that is state law and I have to process these unless you pass a moratorium tonight. He stated he would appreciate Council paying the bills for the arboretum so we can keep moving that plat forward.

There was Council discussion with Councilmember Weber noting that Mr. Williamson is correct.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman that voucher 44779 be put forth for payment. Motion **passed** with all voting in favor (5-0).

2) **Payroll** – March 31, 2017 – No. 19301 through 19314 (void 19285) and ACHs in the amount of \$274,853.46

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to pass as drafted. Motion **passed** with all voting in favor (5-0).

3) **Minutes** – Work Session Minutes of July 14, 2016  
Councilmember Morgan reported on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the work session minutes of July 14, 2016.

There was Council discussion.

Councilmember Edelman called the question.

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

4) **Minutes** – Council Meeting of March 16, 2017

Councilmember Morgan addressed this item.

A **motion** was made by Councilmember Morgan to hold these minutes until they are cleaned up. (There was no second to this motion)

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Council meeting minutes of March 16, 2017. Motion **failed** 2-3 (Morgan, Weber, Pepper).

5) **Minutes** – Council Meeting of April 6, 2017

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Council meeting minutes of April 6, 2017. Motion **failed** 2-3 (Morgan, Weber, Pepper).

## DEPARTMENT REPORTS:

**Public Works** – Interim Public Works Director Dal Santo discussed the concurrency ordinance that was adopted by the City and the need to amend it. He asked for a work session to be held so staff and Council could discuss this further. He updated Council on various items his department has been working on this past week and discussed the TIB Pot Hole Grant Application that is due shortly.

**Finance** – Finance Director Miller reported that the final 2017 Budget document is completed and posted on the finance page on the website. She distributed to Council the 4<sup>th</sup> quarter report for 2016 and highlighted certain areas of the report. She noted this report is also posted on the finance page of the website.

**Community Development** – Interim Community Development Director Williamson reported on staffing levels in this department. He requested from Council to amend the budget staff count to hire a full time Permit Technician Supervisor. He noted Finance Director Miller has looked at the balance sheet and determined there is money available to fund this position this year.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the staff count. Motion **passed** 3-2 (Morgan, Pepper).

## MAYOR'S REPORT:

Mayor Benson reported attending the Auditor's Exit Conference for the City's Accountability Audit; SCATBd meeting; and giving a State of the City presentation at the Chamber luncheon.

## COUNCIL REPORTS:

Councilmember Deady reported attending the Easter breakfast; SCATBd meeting; met with Finance Director to review vouchers; talking with Dan Singer and will be meeting with him next week; attended Chamber luncheon, Auditor's Exit Conference, discussed King County TV filming at the Black Diamond Community Center and congratulated City Clerk Martinez on achieving Master Municipal Clerk, and likes the volunteer opportunity that was spoken about earlier regarding the coal carts.

Councilmember Morgan reported on KCD deciding to suspend the urban forest RFP process for the year 2017 and discussed the tree canopy assessment and free service they will be providing to cities and how those cities can apply for grants; attended a monster road tour in Renton and reported on it.

Councilmember Edelman reported there is no PIC meeting for SCA; attended the Auditor's Exit Conference; Chamber luncheon; serving lunch frequently on Tuesday's and Thursday's at the Community Center along with Councilmember Deady and Mayor Benson; Earth Day is Saturday; King County TV filming at the Black Diamond Community Center; April 29<sup>th</sup>



Senator Mullet is holding a Town Hall meeting at the Tahoma School District office.

Councilmember Weber reported attending CIP work session; he noted not being able to attend the exit conference due to work constraints; he did read through the material provided by the auditor (Ms. Choy) and congratulated Finance Director Miller for having a good audit.

Councilmember Pepper reported attending the exit audit conference and noted the audit team being very positive and really liked the way the Finance Director Miller addressed learning new things and putting things into place and even making suggestions that could be put into place to help streamline the programs and working with the software company, CIP work session, and spending a lot of time working on Council topics.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Johna Thomson, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Aaron, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Pepper to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 11:31 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**CITY OF BLACK DIAMOND/CITY OF COVINGTON/CITY OF MAPLE VALLEY  
10<sup>TH</sup> ANNUAL JOINT CITY COUNCIL MEETING MINUTES  
MAY 24, 2017**

*Hosted by City of Black Diamond-6:30 p.m.*  
Covington City Hall-Council Chambers  
16720 SE 271<sup>st</sup> Street, Covington, WA

**RECEPTION**- 6:30 p.m.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Benson, Black Diamond called the Special Meeting to order at 7 p.m. and led us in the Flag Salute.

**INTRODUCTIONS:**

**BLACK DIAMOND COUNCILMEMBERS PRESENT:**

Mayor Carol Benson, Councilmembers Deady, Edelman and Pepper.

Absent: Councilmembers Weber and Morgan

**COVINGTON COUNCILMEMBERS PRESENT:**

Mayor Jeff Wagner, Sean Smith, Mayor Pro Tem, Joseph Cimaomo, Margaret Harto, Marlla Mhoon and Frans Hollums.

Absent: Mark Lanza

**MAPLE VALLEY COUNCILMEMBERS PRESENT:**

Mayor Sean P. Kelly, Deputy Mayor Dana Parnello, Bill Allison, Les Burberry, Erin Weaver, Megan Sheridan and Linda Johnson.

**APPROVAL OF THE AGENDA:**

There was a motion and a second to approve the agenda. Motion **passed** with all voting in favor.

**OPENING REMARKS – MAYOR BENSON:**

Black Diamond Mayor Carol Benson welcomed all attendees and reported on the ceremony that took place at 6:30 p.m., preceding this meeting.

## **ITEMS FOR JOINT COUNCIL DISCUSSION:**

1. King County Council update from Councilmember Reagan Dunn
2. Updates from Cities (Black Diamond, Covington, and Maple Valley)

Mayor Benson provided a PowerPoint presentation with the updates for the City of Black Diamond.

City Manager Regan Bolli provided a PowerPoint presentation with the updates for the City of Covington.

City Manager Laura Philpot provided a PowerPoint presentation with the updates for the City of Maple Valley.

3. Discussion Topics:
  - a. Homelessness Issues in SE King County
    - Mental Health Issues
    - Encampments

Community Development Director Richard Hart provided a PowerPoint presentation and discussed homelessness and put together some statistics and approaches being used to address homelessness.

Mayor Pro Tem Parnello reported on Mental Health and discussed a task force called the MIDD (Mental Illness Drug Dependence).

- b. Regional Trail Planning-Long Term Schedule

Kevin Brown from King County and Jean White, Regional Trail Program Manager reported on the regional trail update and asked for consensus to move forward with the current regional parks project to include paved trails. The three Councils concurred to move forward.

- c. Public Safety-What's trending in the three communities

Andrew McCurdy, Chief of Police gave an update on the City of Covington, Commander Martinez gave an update for the City of Black Diamond, and Chief Nesel for the City of Maple Valley.

- d. Emergency Preparedness
      - Pulled Resources
      - Tri City Table top Exercise

Shauna Lee Rice, City Manager of Maple Valley gave an earthquake presentation followed up by questions. Following discussion there was consensus to hold a tri city table top exercise in 2018.

e. Transportation

- Transportation Improvement Mobility Enterprise
- Discussion

Councilmember Les Burberry reported on the Transportation Improvement Mobility Enterprise (TIME).

In closing, Mayor Benson thanked everyone for coming.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 9:36 p.m.

Minutes respectfully prepared by Deputy City Clerk Kathy Allen.

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

**BLACK DIAMOND CITY COUNCIL WORK SESSION  
MINUTES  
JUNE 8, 2017**

**CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular meeting to order at 6:00 p.m. and led us all in the Flag Salute.

**ROLL CALL:**

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

**ABSENT:** Councilmembers Deady-excused.

Staff present were: Jamey Kiblinger, Police Chief; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

**WORK SESSION:**

**2017-2022 Transportation Improvement Program (TIP)**

**Points of Discussion**

Councilmember Pepper distributed an item that she sent out via email.

Public Works Director Boettcher made a correction on a statement that he made at the last council meeting regarding the TIP needing to be adopted before they can award the Roberts Drive Project. He noted that the TIP can be adopted in the normal time frame and referenced time lines and state law.

Mr. Boettcher addressed questions around engineering. He discussed cost estimates using professional judgements compared to other projects and is adjusted accordingly. There is a document that speaks to the TIP and that is the Comprehensive Plan which the Council is currently working on. Until the Comprehensive Plan is updated, the 2009 plan is what staff has to work with. He noted one other piece of information they use in project selection is pavement rating. He spoke about the deterioration side that is done by TIB, so we are expecting that they will be updating their pavement ratings next year in our city.

Mr. Boettcher addressed comments typed up and noted not seeing any comments from the public regarding projects or priorities, other than pedestrian.

Mr. Boettcher highlighted areas of the proposed TIP. He discussed sequencing of projects as things will change as other projects are predicted. He discussed alternatives for pedestrian access on projects.

Councilmember Edelman asked a question around timing. She stated this is proposed for the year 2020; is that a realistic timing considering all the construction going on.

Mr. Boettcher spoke about the Roberts Drive Rehab Phase III; that's the reconstruction of Roberts Drive from 169 to the library. He stated the developer will have to work on those intersections.

Councilmember Edelman asked if the developer would be concerned with the sidewalks.

He noted being it is a state route, they will have to accommodate pedestrians. He noted their only obligation to pedestrians is with the improvement on the project.

Councilmember Morgan noted the seniors who walk twice a week who cross 169 and it's always been troublesome. She noted this being a real hazard. She noted other routes being not much more helpful and worries about them having a safe way to cross the streets. She believes it would behoove us to have pedestrian accommodation to be a walkable town.

Mr. Boettcher noted that part of our obligation per the development agreement is to search for grants for these projects like the Roberts Drive project and Ravensdale project; just like we did on the bridge. We would have a grant for a certain element that would assist them in getting their project done. He noted this is a stand-alone pedestrian project, but if you got the grant and the timing was right, you could partner with Oakpointe on what they are doing with those intersections.

Councilmember Morgan stated it would be good to have something for the TIP.

Mr. Boettcher noted he could do some cost estimating on this, leaving the limits the same on number 9. He asked Council if they would be okay with him adjusting limits on cost. The council will support this.

Councilmember Edelman noted multiple subjects with the same numbers. Mr. Boettcher noted he will adjust the numbers on the document.

Councilmember Edelman addressed number 8 (Roberts Drive 169 intersection improvements) they are adding pedestrian and fish passage to the two-lane roundabout.

Mr. Boettcher noted that Oakpointe developers aren't required to mitigate fish passage; if their working on the surface and paving and not touching the culvert, then there is no obligation that they have to update the culvert, because they are just doing the surface. He noted this is on the state's list for replacement.

Councilmember Pepper noted that she is under the impression that there is a state- wide push to improve fish passage, and how does the city show that.

Mr. Boettcher stated this is not replacing a culvert, it may be a stormwater project, an environmental project, this is not a transportation project. The state has a mandate to replace so many culverts per year.

Mayor Benson introduced Mr. Burberry who has a presentation on Transportation Improvement Mobility Enterprise and noted that we have a Special meeting afterwards at 7 p.m.

Mr. Burberry spoke about his short- term objective which is to obtain resolutions from each of the surrounding cities, Maple Valley, Covington, Black Diamond, and Enumclaw about establishing a regional transportation bill that would address many of the concerns that affect our citizens and their daily commutes. The TBD, if established would be the one adopting those projects. He spoke about how that would look like and distributed materials and talked about the 169 improvement that could be included in the transportation benefit district. He spoke of the improvements outside of Maple Valley and the new project that Covington will be working on.

Both Pierce and King County need to come together to be on the TBD.

Councilmember Deady spoke of eminent domain and the problems of not being able to widen 169 in Black Diamond. This TBD only deals with 169 North of Maple Valley.

Mayor Benson and the Council expressed their thanks to Mr. Burberry for coming in and giving his presentation.

Mr. Burberry said please call with any questions.

#### ADJOURNMENT:

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Weber to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

The meeting ended at 6:58 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## BLACK DIAMOND CITY COUNCIL MINUTES

June 15, 2017

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; Jamey Kiblinger, Police Chief; Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Kevin Esping, Facilities Coordinator; Rob Reed, Contract IT; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Pepper **moved** to adopt the Council approved agenda per Council Rules of Procedure; **second** Councilmember Morgan.

Councilmember Pepper spoke to her motion and discussed the changes to the agenda.

There was Council discussion.

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

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS:** None

### PUBLIC COMMENTS:

Leslie Cooley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

A point of order was raised by Councilmember Morgan for the speaker to speak to the Council as a whole and not direct comments to a certain Councilmember.

Gary Davis, Black Diamond spoke to Council.



Pam McCain, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Phil Acosta, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

## **PUBLIC HEARINGS:**

### **8) AB17-040A – Continued - Resolution Regarding 2018-2023 Six Year Transportation Improvement Plan**

Public Works Director Boettcher addressed Council on this item

At 7:29 p.m. Mayor Benson opened the public hearing.

Leslie Cooley, Black Diamond commented on being confused on which TIP is being presented. She noted that staff did a good job of pulling together a variety of projects and sequencing them. She also discussed being confused with the budget amendment note in the alternate version as she believes that would come after the funds are spent so you know the correct dollar figure to amend the budget by.

Public Works Boettcher discussed his understanding of budget amendments.

Councilmember Pepper **moved** that the Six Year TIP beginning with the 2018 be amended so that the project Rock Creek bridge replacement have possible developer funds added as a funding source and that the Six Year TIP be removed from committee and approved as amended; **second** Councilmember Weber.

Attorney Linehan discussed the need to clarify for the public which TIP is being addressed for the public hearing tonight.

There was Council discussion on this and following discussion staff clarified for the record the TIP for the public hearing is the one staff submitted for the packet labeled in the footer "Edited June 8, 2017 following Workstudy".

Kristen Bryant, Bellevue commented on being interested in this TIP as her parents walk a two mile loop around town and drive through town and have traffic concerns; the pedestrian projects on 169 will be important and need to be in her opinion a priority for the city as they consider transportation. She noted her comments are on both versions of the packet material. She added seeing the two versions made sense to her and if changes were going to be proposed that the public would prefer to see the changes in the packet material that is available to people prior to the meeting on the website. She further added there being no prohibition in having two versions and thinks the comments that the public can only comment on one version is confusing and they should not be limited and is glad to

see the two versions being brought forward and did not feel this needed to be settled in order to properly make a comment. She noted the public hearing being confusing as normally the comments made by the public come first and then Council discussion comes afterwards. The back and forth feels inefficient and time consuming and hopes in the future that the public comment portion be held separately from the discussion.

At 7:54 p.m. Mayor Benson closed the public hearing.

Mayor Benson noted it has been agreed that the TIP revision to the Rock Creek bridge project will add "possible developer funds".

Again, Councilmember Pepper **moved** that the Six Year TIP beginning 2018 be amended so that the project Rock Creek bridge replacement have possible developer funds added as a funding source and that the Six Year TIP be removed from committee and approved as amended; **second** Councilmember Weber.

There was Council discussion and Councilmember Edelman called the question.

**Vote:** Motion **passed** 5-0.

#### **UNFINISHED BUSINESS:**

**9) AB17-041A** – Amended Resolution Authorizing Fuel Tax Agreement with TIB for Emergency Pothole Repair

Public Works Director Boettcher reported to Council on this item.

There was Council discussion on providing quarterly reports on pending budget amendments to Council and on section three of the proposed amended resolution.

Councilmember Morgan **moved** to bring this out of committee and to adopt AB17-041A a resolution authorizing the Mayor to execute a grant agreement for the 2017 Emergency Pothole Repair and Road Maintenance project, TIB #2-P-800(006)-1 as amended 6/9 to include section 3; **second** Councilmember Weber.

There was Council discussion on section three of the proposed amended resolution.

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

#### **10) Minutes** – Council meeting of April 21, 2016

Councilmember Morgan **moved** to adopt the minutes of April 21, 2016 as amended by Councilmember Pepper and submitted 5/31/2017 and for reference they appear as a redlined version in the packet; **second** Councilmember Pepper.

Councilmember Edelman stated for the record that Councilmember Morgan was censured and her vote did not count.

There was Council discussion.

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

Councilmember Edelman further noted for the record that these minutes can be amended at a future date next year.

## **NEW BUSINESS:**

### **11) AB17-042 – Award Contract for Citywide Emergency Pothole Repair and Maintenance Project**

Public Works Director Boettcher reported on this item and noted it is for first reading and the bid process opens tomorrow for this project.

There was Council discussion on this item and noted the committee assignment will be the Government Operations Committee which will meet at 2:00 p.m. on Saturday, June 24<sup>th</sup> at the Black Diamond Library.

### **12) Update on RFQ for MDRT Consultants** (This item on the agenda was under unfinished business, however it was addressed under new business)

Councilmember Pepper reported on this item.

Mayor Benson gave an update on this item regarding mediation and now the arbitration status.

There was Council discussion.

Councilmember Pepper raised 6/3 courtesy.

Council discussion continued

Councilmember Pepper **moved** that the Council Growth Management Committee establish criteria and evaluate RFQ responses for the traffic and civil engineering RFQ; **second** Councilmember Weber.

Councilmember Pepper spoke .

Councilmember Pepper **moved** that Growth Management Committee establish an RFQ criteria for a Wetlands Consultant and an RFQ then be issued and that the committee will evaluate the RFQ responses; **second** Councilmember Morgan.

There was Council discussion.

Andrew Williamson spoke on behalf of staff in Teamsters Local 117 and addressed Council on this issue and discussed Council stepping over the line and doing staff's work and to be thoughtful of how the motion is done tonight.

City Attorney Linehan reminded everyone that the Washington Supreme Court has held that it is an executive act to select a contractor; it is not a legislative act to select a contractor. He referred to a 1973 case that has been on the books for a long time regarding this.

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

### **13) Adding a Part Time FTE for IT Services**

Mayor Benson addressed with Council IT service needs for the City. She discussed adding a part time FTE who would work 29 hours per week with the dollar amount not exceeding the remaining IT budget and cancelling the contract with the City of Milton.

Councilmember Edelman **moved** that the City of Black Diamond hire Rob Reed for IT Services, not to exceed the remaining IT budget and to terminate the contract with the City of Milton for IT Services; **second** Councilmember Deady.

There was Council discussion.

Mr. Reed addressed Council and stated he has been providing IT services to Black Diamond through the current ILA with the City of Milton. He then gave an update of the IT projects he is currently working on in Black Diamond.

Council discussion continued.

Councilmember Edelman amended her motion and **moved** that the City of Black Diamond hire Rob Reed for an FTE IT services; not to exceed the remaining IT budget and terminate our contract with the City of Milton; **second** Councilmember Deady.

**Vote:** Amended motion passed 5-0.

### **CONSENT AGENDA:**

Councilmember Morgan stated that she would like to address each consent item separately.

- 1) Claim Checks** – June 15, 2017 No. 44948 through No. 44989 and EFTs in the amount of \$169,075.87

Councilmember Morgan stated she would like to exclude voucher No. 44973 (Parametrix)

until the next regular Council meeting.

Councilmember Morgan **moved** to accept the rest of the vouchers and move them for payment; **second** Councilmember Weber. Motion **passed** 5-0.

- 2) **Payroll** – May 31, 2017 – No. 19337 through No. 19355 (voids 19331, 19351) and ACHs in the amount of \$297,453.10

Councilmember Morgan **moved** to approve the payroll; **second** Councilmember Weber. Motion **passed** 5-0.

- 3) **Minutes** – Council Special Meeting of May 4, 2017

Councilmember Pepper **moved** to approve the minutes from the May 4, 2017 Special Meeting; **second** Councilmember Deady. Motion **passed** 5-0.

- 4) **Minutes** – Council Work Session of May 11, 2017

Councilmember Pepper **moved** to adopt the Work Session minutes of May 11, 2017; **second** Councilmember Edelman. Motion **passed** 5-0.

- 5) **Minutes** – Council Meeting of May 18, 2017

There was discussion on public hearing comments in the minutes and what the legal standard is for them.

Councilmember Deady **moved** to adopt the Council meeting minutes of May 18, 2017; **second** Councilmember Edelman. Motion **passed** 3-2 (Morgan, Pepper).

- 6) **Minutes** – Council Meeting of June 1, 2017

Councilmember Deady **moved** to adopt the June 1, 2017 Council meeting minutes; **second** Councilmember Edelman. Motion **passed** 3-2 (Morgan, Weber).

- 7) **Minutes** – Council Special Meeting of June 8, 2017

Councilmember Morgan **moved** to amend the June 8, 2017 minutes to reflect the correct language of the motion in the minutes. There was no second.

There was Council discussion.

Councilmember Edelman **moved** to adopt the June 8<sup>th</sup> Special Council meeting minutes to reflect the motion Councilmember Edelman made when the Clerk listens to the tape; **second** Councilmember Weber. Motion **passed** 5-0.

## **DEPARTMENT REPORTS:**

MDRT/Ec Dev/Interim Community Development Director Williamson reminded everyone that on Wednesday, June 12 the Rock Creek bridge will be closed from 7 a.m. to 5 p.m. as they do the final preparations on the bridge. He noted the detour signs are up, press releases have been in the paper and fire, schools, and police have been notified too.

## **MAYOR'S REPORT:**

Mayor Benson reported attending the three Transportation Board Chair's meeting on June 6; Enumclaw High School graduation on June 12; Regional Transportation Initiative System meeting in Seattle on June 13.

## **COUNCIL REPORTS:**

Councilmember Deady reported attending the Father's Day luncheon with Mayor Benson and Councilmember Edelman at the Black Diamond Community Center.

Councilmember Morgan reported attending the Flood Control meeting of the King County Flood Control District on 6/8 and gave an update of that meeting; on 6/5 attended the Ravensdale Unincorporated Area Council meeting where many agencies were in attendance and gave an update of that meeting.

Councilmember Edelman reported on continuing to serve lunch at the Black Diamond Community Center along with Mayor Benson and Councilmember Deady; met with Finance Director Miller to go over the vouchers; attended work session and special meeting on 6/8; discussed with Council an issue that was discussed at the PIC meeting regarding a proposed Veterans, Seniors and Human Services Levy from King County and noted needing Council feedback. There was discussion and consensus to have King County come and present to Council on this levy. She also reminded those in attendance that the memorial service for Keith Tim is at the Black Diamond Community Center tomorrow from 4 p.m.-6 p.m.

Councilmember Weber reported attending the work session and special meeting on 6/8; he also attended the Enumclaw High School graduation.

Councilmember Pepper reported attending the work session and special meeting on 6/8; discussed the Tri-City meeting and noted one thing of special interest to her was the City of Covington has passed a \$1 per capita toward public art projects and noted that as Black Diamond grows Council might want to consider this; she also noted the City of Issaquah has a seat tax for theaters for the arts. She discussed attending a legislative district meeting and gave an update of that meeting.

**ATTORNEY REPORT: None**

## **PUBLIC COMMENTS:**

Dan Glenn, attorney spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.

City Attorney Linehan clarified for the record that the City has never in any brief taken the position that the developer gets to choose the reviewers or that the City doesn't retain control of who is on the Master Development Review Team. The City has never taken the position that that choice is up to the developer; simply that the developer gets to consult which is what the agreement requires.

Judy Watson, Black Diamond spoke to Council.

Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director clarified for the record that the Roberts Drive waterline project has never had violations, has never had a DOE missed inspection, and there is nothing illegal the City is doing. He noted DOE doing numerous inspections and this project being well monitored.

Councilmember Edelman made a statement regarding accusations made tonight.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

Meeting ended by 9:36 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

## BLACK DIAMOND CITY COUNCIL MINUTES

May 3, 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 Wisnoski.

**ABSENT:** None

Staff present: Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; David Linehan, City Attorney, and Kathy Allen, Deputy City Clerk.

### AGENDA REVIEW AND APPROVAL:

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

### APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson announced that King County Councilmember Dunn is running late and shared the Affordable Housing Week proclamation. She also shared receiving an email today where Puget Sound Energy will pass on 100% of its 96.5 million corporate tax savings from the federal tax cuts on to their customers. She also discussed how items get put on the Consent Agenda.

### CONSENT AGENDA:

Councilmember Wisnoski **moved** to adopt the Consent Agenda; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – May 3, 2018 – Check No. 46134 through 46190 in the amount of \$171,257.97
- 2) **Minutes** – Council Work Session of April 12, 2018
- 3) **Minutes** – Council Meeting of April 19, 2018



## **PUBLIC COMMENTS:**

Jim Ferrell, Mountain View Fire Department spoke to Council.

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:** None

## **NEW BUSINESS:**

- 4) **AB18-055** – Resolution No. 18-1246 Authorizing Professional Services Agreement with AHBL, Inc. for Updating the Shoreline Master Program

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

Councilmember Deady commented the City has worked with AHBL for many years and is in support of passing this contract.

Councilmember Deady **moved** to adopt Resolution No. 18-1246, authorizing the Mayor to execute an agreement with AHBL, Inc. for professional services to review and update the City's shoreline management program; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

- 5) **AB18-056** – Resolution No. 18-1247 Regarding Public Records Act Rules and Fees

Attorney Linehan addressed this time with Council.

There was Council discussion.

Councilmember Edelman **moved** to adopt Resolution No. 18-1247, relating to compliance with the Public Records Act, specifically, adopting Public Records Act Rules and Fees; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS:**

**Community Development** - Mayor Benson announced that Barbara Kincaid is coming back to the City as the Community Development Director and her start date is May 14<sup>th</sup>. She noted Ms. Kincaid is happy to be coming back to the City and will keep the Comprehensive Plan update moving forward.

## **MAYOR'S REPORT:**

Mayor Benson reported attending the Public Works and Finance Committee meetings. She also attended the Fire District fundraiser breakfast and it was shared that they raised over \$4,000 for Children's Hospital.

## State of the County Address - Reagan Dunn

King County Councilmember Dunn commented that he was glad to see the Council working together and welcomed new Councilmember Wisnoski. He recognized Councilmembers Deady and Edelman along with Mayor Benson for working through the challenges of the past few years. He spoke about his support of the Vision for Black Diamond. He discussed who he represents and gave an overview of what's happening in King County which included the two- year budget and the focus of it. He also discussed the flood control grant programs Black Diamond can utilize and has utilized. In closing it was noted he continues to fight hard to bring resources here and looks forward to continuing that.

There was back and forth discussion between Council and Councilmember Dunn.

### **COUNCIL REPORTS:**

Councilmember Wisnoski reported completing his public records and open public meeting training and printed out his certificate to put on file. He shared he attended the second amendment rally in Olympia and noted there being great speakers.

Councilmember Stout reported attending a meeting with Mr. Rimbo who has a great interest in traffic in this area and he shared his traffic summit with her and she was able to ask lots of questions. She also attended the Public Works and Finance Committee meetings.

Councilmember Edelman reported attending the Fire Department pancake breakfast and St. Barbara's pancake breakfast, Earth Day work event at Lake Sawyer, Public Works Committee meeting, Kick-off meeting for the Labor Day Committee; Sound Cities Recycle Forum held on Mercer Island. She participated in an eight-hour boating class put on by our Police Department and passed the test. She also reminded everyone about the recycling event with Maple Valley on May 12<sup>th</sup>.

Councilmember Oglesbee reported attending the award event called the Association of King County Historical Organization where the Black Diamond Historical Society was honored and awarded a long-term award for conducting mine hikes here in Black Diamond. She noted loving the museum and our history and encouraged citizens to go there and maybe even become a volunteer. She also reported attending the first meeting of the Labor Days Committee and announced this year's theme is "Adventures Awaits". The event will again be held on the elementary school field and the next meetings are scheduled for May 9 and 23 at the Black Diamond Bakery from 6:30 – 8:00 p.m. She also announced two upcoming events for the weekend, the Black Diamond Library plant sale and the Black Diamond Art Alliance being held at the Gomer Evans Masonic Hall.

Councilmember Deady reported attending the fire department fundraiser where she served breakfast, the finance committee meeting, Arts Alive awards ceremony in Enumclaw for High School students and Dave Reichert was there to give the awards to the students.

**ATTORNEY REPORT:** None

**PUBLIC COMMENTS:**

Johna Thomson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Chad Magendanz, Issaquah spoke to Council.

Kristen Bryant, Bellevue 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 8:00 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance re-establishing a non-exclusive, ten-year franchise with Puget Sound Energy, Inc. to provide electric service within City limits</b>	<b>Agenda Date: May 17, 2018      AB18-057</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): N/A	Public Works – Seth Boettcher	<b>X</b>
Fund Source: --	Court – Stephanie Metcalf	
Timeline: 10 year agreement		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input checked="" type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Proposed Ordinance</b>		
<b>SUMMARY STATEMENT:</b> Granting Puget Sound Energy, Inc. a non-exclusive franchise to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate, and use facilities within the City to provide for the transmission, distribution, and sale of energy.  The previous franchise for electric service with Puget Sound Energy is set to expire in August. This agreement would replace the expiring agreement. A public hearing will be held May 17, 2018 with adoption as early as June 7, 2018.  Puget Sound Energy meets the qualifications of an electricity company as set in RCW 80.  Puget Sound Energy will be required to obtain any and all regulatory permit required by the City prior to beginning work in the City's Right-of-Way. Following any work within the Right-of-Way, Puget Sound Energy will be required to restore the area to the reasonable satisfaction of the City.  FISCAL NOTE (Finance Department): NA		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> Public Works Committee recommends holding a Public Hearing on May 17, 2018.		
<b>RECOMMENDED ACTION: Public hearing only</b>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 17, 2018		

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Public Hearing to receive public input in the establishment of Water Use Efficiency goals.</b>	<b>Agenda Date: May 17, 2018      AB18-058</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$0	Public Works – Seth Boettcher	<b>X</b>
Fund Source: --	Court – Stephanie Metcalf	
Timeline: Due in June		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments:</b>		
<p><b>SUMMARY STATEMENT:</b></p> <p>The City is required to re-establish goals for Water Use Efficiency every six years as part of its Water Use Efficiency Annual Performance Report. In re-establishing goals, the City needs to hold a public forum, such as a public hearing, to solicit input in establishing goals.</p> <p>The City Water Department proposes the following goal:  <i>The City plans to reduce the average consumption by approximately 1 gallon per Equivalent Residency Unit (ERU) per day in the next two years.</i></p> <p>The Water Department will monitor usage and will provide conservation tips on the City website as well as the City newsletter.</p> <p>This is an administrative report. No City Council action will be necessary.</p>		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> Public Works Committee recommends holding a public hearing on May 17, 2018.		
<b>RECOMMENDED ACTION: No action will be required.</b>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 17, 2018		

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Public Hearing for the 2019-2024 Six Year Transportation Improvement Program</b>	<b>Agenda Date: May 17, 2018      AB18-059</b>	
	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): Planning for various budgets	Public Works – Seth Boettcher	<b>X</b>
Fund Source: Various	Court – Stephanie Metcalf	
Timeline: As per individual project schedules; Due July 1, 2018		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Draft Six-Year Transportation Improvement Program</b>		
<b>SUMMARY STATEMENT:</b> The City is required to update its Six Year Transportation Improvement Program (TIP) per Revised Code of Washington (RCW) 35.77.010 and file the TIP with the Washington State Department of Transportation (WSDOT).  Most grant programs require projects to be on the City's Six Year TIP. The City is required by State law to update the TIP prior to July 1 <sup>st</sup> of each year.  A resolution to adopt the 2019-2024 Six Year TIP will be presented for adoption in a June City Council meeting.  <b>FISCAL NOTE (Finance Department):</b> This pending action does not bring in revenue nor does it cause expense other than advertising, printing, mailing, and staff labor costs already budgeted for.		
<b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> Public Works Committee recommends holding a public hearing on May 17, 2018 and a Work Study in June.		
<b>RECOMMENDED ACTION: None – Public Hearing</b>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 17, 2018		

# City of Black Diamond 6 Year Transportation Improvement Plan 2019 - 2024

2019-2024 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM  
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
1	2019	General Street Improvement	N/A	N/A	Use for opportunities to leverage private funds, short overlays, chip sealing, crack sealing, patch work, addressing minor safety problems	N/A	\$30,000/year; \$180,000 total	Local City Funds
2	2019	Grant Matching for Street Projects	N/A	N/A	Use for grant applications to provide the required match	N/A	\$40,000/year; \$240,000 total	Local City Funds
3	2019	Roberts Drive, 236th to Bruckners	236th Ave. SE	Bruckners Way	Sidewalk on the south side of the road, including pedestrian bridge attached to the Rock Creek Bridge	0.18	\$ 420,000	TIB Grant/ Local City Funds/ Developer Mitigation
4	2019	Roberts Drive/SR 169/BD-Ravensdale Roundabouts	N/A	N/A	Two 2-lane Roundabouts	N/A	\$ 12,000,000	Developer Mitigation & possible Grant funding
5	2019	Park St. & SR 169 Intersection Safety Improvements	N/A	N/A	Site distance improvements and/or other safety improvements	N/A	\$ 30,000	Local City Funds, Developer Funds
6	2019	232nd Ave. SE Overlay, Ph. I	SE 288th St.	SE 293rd Pl.	Asphalt patching and overlay	0.30	\$ 175,000	Grant/ TIB, Local City Funds
7	2020	Downtown Public Parking	N/A	N/A	Develop additional public parking in the downtown area of Baker St. and Railroad Ave.	N/A	\$ 145,000	Local City Funds/Grants
8	2020	216th Ave. SE Overlay	SE 288th St.	SE 296th St.	Patch and overlay	0.41	\$ 210,000	Grant/ TIB, Local City Funds
9	2020	Morgan Creek Pedestrian Connection	Kanasket Dr.	SR 169	Pedestrian connection from the backside of the Morgan Creek Neighborhood to SR 169	0.14	\$ 200,000	Developer-Funded Frontage Improvements
10	2020	Roberts Drive, West City Limits to 236th Ave. SE Frontage Improvements	West City Limits	236th Ave. SE	Frontage improvements including overlay, widening, sidewalks, bike lanes, and street lights	0.46	\$ 1,000,000	Developer



2019-2024 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM  
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
11	2021	Roberts Drive Rehabilitation, Library to SR 169	King County Library	S.R. 169	Widening and overlay, sidewalk, street lighting, and stormwater improvements	0.56	\$ 1,750,000	TIB Grant, Local City Funds
12	2021	SR 169, Roberts Drive to James Street Sidewalk	Roberts Dr.	James St.	6-foot wide sidewalk on the west side of SR 169	0.20	\$ 550,000	TIB Grant, Local City Funds
13	2021	224th Ave. SE Guardrail	N/A	N/A	Install guardrail(s) on 224th Ave. SE above Covington Creek culverts	N/A	\$ 50,000	Local City Funds
14	2021	North Connector	169	South to new commercial and multi family housing	New minor arterial connection to SR 169 with roundabout	0.25	\$ 1,000,000	Developer Funded
15	2021	Annexation Road	South end of Ten Trails Phase 1A	Phase 2 Plats	Extend minor arterial in the Ten Trails Development	0.70	\$ 2,900,000	Developer
16	2022	Morgan Creek Neighborhood Roads Preservation	N/A	N/A	Seal Coat	1.19	\$ 75,000	Local City Funds
17	2022	Downtown Pedestrian & Bicycle Link Study	James St.	Jones Lake Road	Study to identify best routes for pedestrians to bypass SR 169 through the downtown area	0.88	\$ 30,000	Grant/Local City Funds
18	2022	James/Park/Baker/4th/2nd	N/A	N/A	Patching and overlay, including some widening	0.39	\$ 110,000	Grant/ TIB, Local City Funds
19	2022	Hammond/Baker/5th/6th Overlay	N/A	N/A	Widening and overlay local access streets.	0.39	\$ 145,000	Grant/ TIB, Local City Funds
20	2023	Lawson Street Ph. I	S.R. 169	HL Botts Dr. SE	Surface grinding, select panel replacement, shoulder widening	0.37	\$ 175,000	Grant/ TIB, Local City Funds
21	2023	232nd Ave. SE Overlay, Ph. 2	SE 296th St.	End of Public Road (302nd)	Asphalt patching and overlay	0.42	\$ 230,000	Grant/ TIB, Local City Funds
22	2023	Rainier View Overlay	Baker St.	SR 169	Patch and overlay in the Rainier View Senior Housing Neighborhood	0.41	\$ 150,000	Grant/ TIB, CDBG Grant, Local City Funds

2019-2024 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM  
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
23	2023	Diamond Glen Neighborhood Improvements	N/A	N/A	Patching, crack sealing, and overlay	0.26	\$ 175,000	Grant/ TIB, Local City Funds
24	2023	Lawson Connector/ Lawson Parkway	SR 169	Lawson St.	New 36' wide minor arterial connection to SR 169 with pedestrian facilities, bike lanes, and street lighting	0.60	\$ 3,200,000	Developer
25	2024	Roberts Drive Rehabilitation, City Hall to Library	City Hall	King County Library	Grind, patch, replace panels, crack sealing, shoulder widening; street lighting improvements at Morgan/Roberts intersection	0.23	\$ 200,000	Pavement Preservation Grant, Local City Funds
26	2024	Downtown Pedestrian & Bicycle Link	James St.	Jones Lake Rd.	Sidewalk extensions and bike lanes	0.88	\$ 440,000	Grant Funds
27	2024	Lawson Street Sidewalk, Ph. II	6th Ave.	Newcastle Dr.	6-foot wide sidewalk on Lawson Street	0.19	\$ 400,000	Grant/Safe Routes to School, Developer Mitigation
28	2024	228th Ave. SE/229th Ave. SE/229th Pl. SE/SE 292nd Pl.	228th Ave. SE	232nd Ave. SE	Chip sealing, crack sealing, including 236th Ave. SE between SE 291st & SE 293rd	0.59	\$ 80,000	Grant/ TIB, Local City Funds
29	2024	Lawson Street Ph. II	HL Botts Dr. SE	City Limits	Chip sealing, crack sealing	0.41	\$ 60,000	Grant/ TIB, Local City Funds
30	2024	Lawson Parkway/ Lawson Street/ Botts Drive Intersection Improvements	N/A	N/A	Intersection controls for new intersection, include stop controls	N/A	\$ 500,000	Developer
<b>TOTAL ALL PROJECTS</b>							<b>\$ 26,820,000</b>	

*\*NOTE: The City has identified the need for maintenance on these streets. There are more projects in these categories than can be funded or completed in six years. Projects in the earlier years have a higher probability of getting funded and completed. Projects in the later years have a lower probability of being funded and completed. If funding does become available and is secured for any project on the list, it will be moved to the top of the list for construction.*

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b>	<b>Agenda Date: May 17, 2018 AB18-060</b>	
<b>Resolution accepting the 2018 Patching project</b>	Mayor Carol Benson	
	City Administrator	
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev/Nat Res –	
	Finance – May Miller	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note): \$	Public Works – Seth Boettcher	<b>X</b>
Fund Source: --	Court – Stephanie Metcalf	
Timeline: May 2018		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 18-1248</b>		
<p><b>SUMMARY STATEMENT:</b> Puget Paving and Construction, Inc. completed the required work for the 2018 Patching project. Retainage of 15% will be held until release is received by the Department of Revenue, Department of Labor and Industries, and the Employment Security Department. Once release from these departments has been received, the City may release retainage to the contractor.</p> <p><b>FISCAL NOTE (Finance Department):</b> Costs under Schedule A (partially covered by a TIB grant) came in \$1,302.30 less than the bid amount. Costs under Schedule B (City funds for Roberts Drive shoulder improvements) came in \$3,676.50 less than the bid amount, a total of \$4,978.80 under the bid amount.</p>		
<p><b>COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:</b> Public Works Committee recommends forwarding to Council for their approval.</p>		
<p><b>RECOMMENDED ACTION: MOTION to adopt Resolution 18-1248, accepting the 2018 Patching project by Puget Paving and Construction, Inc. as complete according to the contract documents.</b></p>		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
May 17, 2018		

**RESOLUTION NO. 18-1248**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
REGARDING FINAL ACCEPTANCE OF THE 2018  
PATCHING PROJECT**

**WHEREAS**, Puget Paving and Construction, Inc. has completed the 2018 Patching project according to the contract; and

**WHEREAS**, RCW 60.28.011(2) allows a period of forty-five days to file any liens or claims with the City; and

**WHEREAS**, RCW 39.080.030 requires acceptance of a Public Works project as complete as a formal, public action in order to begin the forty-five day period;

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

**Section 1.** The City hereby accepts the 2018 Patching project as complete and as set forth in that contract with Puget Paving and Construction, Inc.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 17<sup>TH</sup> DAY OF MAY 2018.**

CITY OF BLACK DIAMOND:

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Carol Benson, Mayor

Attest:

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Brenda L. Martinez, City Clerk