

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of February 4, 2021
Virtual Meeting Via Zoom

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, Stout, de Leon, O'Donnell, and Paige

ABSENT: None

Staff present: Seth Boettcher, Public Works Director; Scott Hanis, Capital Projects/Program Manager; Andrew Williamson, MDRT/Ec Dev Director; Jamey Kiblinger, Police Chief; Mona Davis, Community Development Director; David Linehan, City Attorney; and Brenda L. Martinez, City Clerk/HR Manager.

AGENDA REVIEW AND APPROVAL:

Councilmember Stout **moved** to adopt the agenda with the change of adding item 3 under the consent agenda and Councilmember Wisnoski adding a discussion on the cannabis moratorium; **second** Councilmember Oglesbee. Motion **passed** with all voting in favor (7-0).

CONSENT AGENDA:

Councilmember Winsoski **moved** to adopt the Consent Agenda; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0). The Consent Agenda was approved as follows:

- 3) **AB21-007** – Resolution Approving Agreement with Seattle-King County Department of Health for the 2021-2022 Recycling Events
- 4) **Claim Checks** – February 4, 2021 Check No. 49623 through 49667 (voids 49500, 49606) in the amount of \$301,115.48
- 5) **Minutes** – Council Meeting of January 21, 2021

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

- 1) **AB21-005** – Confirming the Mayor's Appointment of Crystal Perez to Planning Commission Position #3

Mayor Benson reported to Council on this agenda item.

Councilmember de Leon **moved** to confirm the Mayor's appointment of Crystal Perez to Position #3 of the Black Diamond Planning Commission, term ending on December 31, 2024; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

2) **AB21-006** – Confirming the Mayor's Appointment of Felicia Wheatfall to Planning Commission Position #5

Mayor Benson discussed the item with Council.

Councilmember de Leon **moved** to confirm the Mayor's appointment of Felicia Wheatfall to Position #5 of the Black Diamond Planning Commission, term ending on December 31, 2024; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

PUBLIC COMMENTS:

Peter Rimbo, Unincorporated Maple Valley spoke to Council.

Bob Stuart, Black Diamond spoke to Council.

Lauren Landis, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

6) **AB21-004A** – Resolution Adopting the Stormwater Management Program Plan 2021 Update

Capital Projects/Program Manager Hanis briefed Council on this agenda item. He alerted Council to a change in Section 9.3 where the wording was changed to will sweep at least twice a year. He noted this is the only change to the document since the public hearing.

Councilmember Deady **moved** to adopt Resolution No.21-1406 approving the 2021 Stormwater Management Program Plan; **second** Councilmember de Leon or Oglesbee. Motion **passed** with all voting in favor (7-0).

NEW BUSINESS:

7) **AB21-008** – Consideration and Possible Action of Resolution Supporting the Puget Sound Regional Council (PSRC) Vision 2040 Plan, Regional Growth Strategy, and Adopted Growth Targets, and Requesting Full Certification of the City's Comprehensive Plan by PSRC

City Attorney Linehan reported to Council on this item.

There was Council discussion on holding a work session on this and clarification on what this resolution is saying as it is the backend work for the 2020 Comprehensive Plan update.

Councilmember Stout **moved** to adopt Resolution No. 21-1407 supporting PSRC's VISION 2040 plan, regional growth targets and strategies, and requesting full certification of the City's Comprehensive Plan by PSRC; **second** Councilmember Deady. Roll call vote. Councilmember Deady - yes, Councilmember Oglesbee - no, Councilmember Wisnoski - yes, Councilmember Stout - yes, Councilmember de Leon - yes, Councilmember O'Donnell - no, Councilmember Paige - yes. Motion **passed** (5-2, Oglesbee, O'Donnell).

Councilmember Wisnoski brought up the subject regarding Black Diamond not allowing cannabis businesses within the City limits. He noted many surrounding communities do allow this and he discussed security and crime issues around those cannabis businesses. He noted that the City is leaving tax money on the table and the ban should be lifted. The first step would be to get a plan in place and then decide where those businesses would be located.

Councilmembers had a very robust conversation regarding this topic focusing on what it would entail and look like moving forward.

DEPARTMENT REPORTS:

Fire – Chief Smith reported on being on the Planning Commission for the Muckleshoot's and discussion on cannabis businesses. He noted giving a report to the public safety committee and shared there have been 40 fire department responses from station 98, with 32 of those in the City of Black Diamond. He touched on COVID and shared areas that are distributing the vaccines and the best place to go for the details is the Phase Finder website. The department has PPE that is going into a shipping container for Liberia, along with boxes of training material and CDs. There are 1,000 masks to be distributed in Black Diamond. The department ordered new fire engine last week and it is a sister truck to the one the city ordered.

Community Development – Community Development Director Davis updated Council on happenings in the department. She shared statistics on business licenses, building permits and land use applications.

MAYOR'S REPORT:

Mayor Benson reported on the Council retreat and noted it is being planned for the first two weeks in April either on Thursday or Friday and asked Council to get their preference into the City Clerk. She commented on sending Councilmembers material on WRIA 9 and if they have questions to give Mona or Seth a call. Meeting on 11th to vote on this and approve. She shared that King Councilmember Dunn was here at the City on Monday visiting the Community Gym and the Museum. She reported attending the SEAL TC

meeting about legislation going on and shared that \$500,000 has been designated for the Highway 18 project. She also reported attending a meeting with Patty Hayes, King County Health, a City Manager/Administrator meeting, Planning Commission applicant interviews, the South-end Mayor's meeting, and a meeting with the consultants and staff on options for fire services.

COUNCIL REPORTS:

Councilmember O'Donnell reported smoke shop has good salami and to patronize local shops. He welcomed the two new Planning Commission members. He thanked Community Development Director Davis for her update on the department. He acknowledged speakers on their input on the comprehensive plan. He also acknowledged Lauren Landis and her concerns with boating on Lake Sawyer. He touched on the retreat and the need to take a deeper dive on government facilities and services we need to provide to the city. He reported attending his first public works committee meeting and hats off to staff in that department. He is enjoying reading of the water comp plan and would like to learn more about Covington Water District. He also shared that he attended his second budget and finance meeting and reported on the third quarter report that was reviewed during that meeting.

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Councilmember Paige reported attending his first public safety meeting and agrees King Council Councilmember Dunn is a great advocate for the city. He mentioned he has a lot of respect for all Councilmembers and noted it being important to speak our opinions as Councilmembers.

Councilmember Deady briefed Council on the WRIA 9 plan that is coming up for adoption and noted the next meeting is on the 11th and would like to hear from Council if they have any concerns. She noted that either Friday works for her for the retreat. She commented that the Marine ordinance is good for Chief Kiblinger to get completed. She thanked Director Davis for her report. She reported attending all her committee meetings and welcomed the new Planning Commission members. She also reported attending the meeting with King County Councilmember Dunn and noted the gym is open and is rented out every night until April. She discussed getting an update on the school zone change on Park Street and asked that the city get a quote to see what the cost would be.

Councilmember Oglesbee welcomed the new Planning Commission members. She reported attending the public safety committee meeting where they discussed building options for the police department. She talked about the school zone change and shared that the cost would be \$70,000 and they are looking at other options. She reminded everyone that concealed weapons permits are scheduled by appointment only at the police department and that the Court still has a part time position available. She is looking forward to having the boating regulations move forward and the have the retreat in April. She thanked Director Davis for her department update.

Councilmember Wisnoski reported attending the finance committee meeting and shared that staff is always very knowledgeable and the city is well managed financially. He touched on the need to bring businesses to Black Diamond and congratulated the two new Planning Commission members and the graduates from the fire academy. He noted it being good to see kids back in school. He stated that masks are easy to find and encouraged everyone to continue to wear one. He also touched on the vaccine the hiccups but noted they are working on it to get appointments for folks. He reminded people to stay home if not feeling well and to continue to frequent local businesses. He looks forward to seeing the ordinance regarding changes at Lake Sawyer to see if they make sense, the 2021 updates, the continued discussion on cannabis and keeping in the forefront the need for long term facility planning.

Councilmember Stout welcomed the new Planning Commission members. She reported attending the Public Works committee meeting where they discussed the stormwater plan that was adopted tonight. She attended first Public Safety committee meeting, and shared it was nice to hear the work on Emergency Management. She also attended the SCA sponsored lunch where King Council Councilmember Claudia Balducci spoke. She pointed out that February is black history month and encouraged everyone to find a way to honor it. She commented on the limitations Council is under by the Open Public Meetings Act. She noted that they are not avoiding, they are being careful. She commented on hearing from one resident who wanted answers to his questions. She wished more people came to the meetings and encouraged residents to call and reach out so they can direct them to staff members who can answer their questions. She stated that public comment needs to be for three minutes to make sure it is fair for everyone speaking

Councilmember de Leon noted it being a good long meeting with a great robust conversation. She reported attending all her committee meetings. She thanked everyone who commented tonight and noted her big take away was there is a lot of information that can be disseminated out to the public and the need for a social media presence and is glad it is being addressed and city is moving forward in that direction. She commented on staying engaged and reaching out and enjoys her conversations with residence about a variety of topics. She congratulated the two new Planning Commission members and the fire graduates. She noted that the conversation tonight has opportunities of how it affects equity and commented that as we make decisions, we do keep our proclamation in mind.

Director Williamson gave an update on the roundabout on 169, he also reported on the upgrades to the fish passage by 288th and Highway 169.

ATTORNEY REPORT:

Attorney Linehan noted there was good support to proceed with drafting the Lake Sawyer safety ordinance to address the concerns discussed tonight. He shared that at the next meeting an Enumclaw School District representative will be in attendance as we discuss amending the comprehensive school mitigation agreement. He also discussed the timeline for adoption. He reported that on March 4th the 2020 Comprehensive Plan amendment will come before Council for a final look and adoption.

EXECUTIVE SESSION: None

ADJOURNMENT:

Councilmember de Leon **moved** to adjourn the meeting; **second** Councilmember Wisnoski. Motion **passed** with all voting in favor (7-0).

The meeting ended at 9:46 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk