

**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