

BLACK DIAMOND CITY COUNCIL MINUTES
March 2, 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: Brian Lynch, Police Sergeant; Mike Henrich, Police Officer; Brian Martinez: Police Commander; 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; Stephanie Metcalf, Court Administrator; Debbie McGraw, Police Records Coordinator; Tracey Redd, MDRT Senior Accountant/ Admin Asst., and Brenda L. Martinez, City Clerk.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the agenda emailed on February 27th to the Council.

Councilmember Pepper spoke to the agenda changes and asked for a roll call vote.

Roll call vote: Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Motion **passed** 3-2 (Edelman, Deady).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC COMMENTS:

Jim Farrell, Board of Commissioners President for Mountain View Fire & Rescue, spoke to Council.

Craig Goodwin, Black Diamond spoke to Council.

Nancy Rogers, legal Counsel for Oakpointe spoke to Council.

Mayor Benson noted she will be participating in the mediation as there is a contractual obligation. She also noted inviting Councilmember Weber and Pepper to attend the mediation.

Councilmember Edelman reported responding to the email regarding interest in participating in mediation and noted would be willing to mediate.

Councilmember Deady reported she replied to the email regarding interest in mediation and is in favor of mediation.

Councilmember Weber reported he replied to the email regarding interest in mediation and is in favor of mediation.

Kevin Esping, representing Teamster Local 117 spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Matthew House, Teamsters Local 117 spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Julie Yust, Teamsters Local 117 spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Kelsey Brian, Black Diamond spoke to Council.

Point of order was raised by Councilmember Morgan regarding no interrogating by the public speaker.

Gary Davis, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Dorothy Botts, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

Dan Dal Santo, Interim Public Works Director spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Billy Hands, Black Diamond spoke to Council.

Dennis Boxx, Black Diamond spoke to Council.

Howard Botts, Black Diamond spoke to Council.

Chris, Black Diamond spoke to Council.

Judy Watson, Black Diamond spoke to Council.

Aaron, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Mayor Benson noted that Councilmember Pepper's change to the agenda was she moved the Consent Agenda to go after new business.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

1) AB17-025A – Ordinance Amending 2017 Budget

Finance Director Miller reported to Council on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt an ordinance to amend the 2017 budget Ordinance No. 16-1083 to extend the City of Black Diamond's 2017 budget through December 31, 2017.

There was Council discussion on this item and Councilmember Morgan read from prepared notes.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to table the 2017 budget. (No vote taken due to later in the meeting Councilmember Weber pulled his second to this motion.)

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that an ordinance be prepared amending Section 2.90.010(B) of the Black Diamond Municipal Code to reduce the Mayor's professional service contract authority to zero dollars be drafted and brought to the Council as an emergency ordinance.

Councilmember Morgan **moved** that the Council meet Monday night the 6th to draft this emergency ordinance and to act on this new ordinance.
Council discussion continued.

Councilmember Weber called an audience member out of order.

Council discussion continued with Councilmember Weber discussing his compromising offer on the budget amendment ordinance before Council tonight.

A point of order was raised by Councilmember Edelman to keep order at the dais.

Discussion continued.

Councilmember Morgan called the question on the tabling motion she made.

Council discussion continued and following discussion Councilmember Weber **pulled** his second on the tabling motion made by Councilmember Morgan on the good faith that there is movement to get a city attorney for the entire city.

Mayor Benson called for the vote on the motion to adopt an ordinance amending the 2017 budget.

Roll call vote: Deady, **yes**; Morgan, **no**; Edelman, **yes**; Weber, **yes**; Pepper, **no**. Motion to amend the 2017 budget **passed** 3-2 (Morgan, Pepper).

2) AB17-005B – Ordinance Amending 2017 Budget Roberts Drive Maintenance Project

Finance Director Miller briefed Council on this amendment.

There was Council discussion.

A **motion** was made by Councilmember Weber to postpone to the March 16 regular scheduled Council meeting. Councilmember Morgan asked to do a friendly amendment.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to amend the motion to postpone until the City has a new attorney.

Amended motion roll call vote: Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Amended motion **passed** 3-2 (Edelman, Deady).

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to take a five minute recess. Motion **passed** 3-2 (Edelman, Deady).

Mayor Benson recessed the meeting at 9:36 p.m.

Mayor Benson called the meeting back to order at 9:42 p.m.

3) AB17-013B – Resolution Authorizing Contract HWA GeoSciences – MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt AB17-013B to adopt a resolution authorizing a contract with HWA GeoSciences for 45 days.

There was Council discussion with Mr. Williamson seeking clarification on the changes to the contract.

Councilmember Pepper read a prepared statement in regards to her motion.

Council discussion continued with Mr. Williamson seeking additional clarification.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend her motion to change the date in the documents to read "45 days from March 6th".

Council discussion continued.

Councilmember Pepper called the question.

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

Main motion vote: Main motion **passed** as amended 3-2 (Edelman, Deady).

4) AB17-014B - Resolution Authorizing Contract with RH2 Engineering, Inc. – MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt AB17-014B adopting a resolution authorizing a 45-day contract commencing March 6, 2017 with RH2 Engineering, Inc. for civil engineering services for the MDRT.

Councilmember Deady called the question.

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

Roll call vote for above vote: Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**; Pepper, **yes**. Motion **passed** 3-2 (Edelman, Deady).

5) AB17-015B – Resolution Authorizing Contract with Parametrix, Inc. for Surveying – MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt AB17-015B adopting a resolution authorizing a 45-day contract commencing March 6, 2017 with Parametrix, Inc., for surveying services for the MDRT.

Councilmember Deady called the question.

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

6) AB17-016B – Resolution Authorizing Contract with Parametrix, Inc. for Traffic – MDRT

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt AB16-016B adopting a resolution authorizing a 45-day contract commencing March 6, 2017 with Parametrix, Inc., for traffic services for the MDRT.

Councilmember Deady called the question.

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

7) AB17-022A – Resolution Adopting the 2017-2022 Transportation Improvement Program

Capital Project/Program Manager Hanis 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 adopting the 2017-2022 Transportation Improvement Plan. Motion **failed** 2-3 (Morgan, Weber, Pepper).

NEW BUSINESS:

8) AB17-026 – Regarding Bonneville Power Administration Acquisition of Easements

At 10:21 p.m. Councilmember Morgan recused herself from participating in this item and left the room.

City Attorney Linehan reported to Council on this matter.

There was Council discussion to move to committee or suspend the rules to act on it tonight.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Deady to suspend the rules to act on this item tonight. Motion **passed** 4-0.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Deady to authorize the Mayor to execute the required documentation to release the City's conservation easements held on approximately 9.8-acre parcel of land, and to accept, in exchange, the payment of \$19,750 from the Bonneville Power Administration. Motion **passed** 4-0.

Following action Councilmember Morgan entered the meeting at 10:29 p.m.

9) AB17-010B – Resolution Approving Contract with Keating, Bucklin, & McCormack

Mayor Benson discussed receiving an email from Councilmember Morgan today about bringing the Keating, Bucklin, & McCormack contract back tonight for Council's consideration.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to accept the contract for first reading and sent to the Gov Ops Committee.

There was Council discussion.

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

CONSENT AGENDA:

10) Claim Checks – March 2, 2017 - No. 44442 through No. 44478 and EFTs in the amount of \$62,420.54

Councilmember Morgan noted she will be pulling the following vouchers: 44455, Kenyon Disend; 44462 Parametrix, Inc. the amount for \$2,207.50 (the amount for \$9,416.25 is ok); 44463, Perteet.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to accept the consent agenda excluding vouchers 44455 (Kenyon Disend), 44462 (Parametrix \$2,207.50; \$9,416.25 is ok) and 44463 (Perteet). Motion **passed** with all voting in favor (5-0).

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director reported on clearing up the past pulled vouchers by Council.

In addition, Director Williamson noted for the record the hindrance to his department without the expedience of being able to pay invoices, move invoices and not having to explain this over and over to our consultants what pulled means and the expeditious paying of these bills is affecting his workflow and being able to get his product done in a timely manner to meet our expectations to the developer.

He also reported on the Robert's Drive project.

MAYOR'S REPORT:

Mayor Benson reported attending the SCATBd meeting, finance meeting, Tri-City agenda planning meeting. She also discussed reaching out to Harvey Senecal about his Planning Commission re-appointment and urged the Committee Chair to contact him so this re-appointment can move forward.

COUNCIL REPORT:

Councilmember Deady thanked the Public Works department for all their hard work keeping the roads in good shape during the recent snow storm. She reported attending the SCATBd meeting, a meeting with Finance Director Miller to review the vouchers and asked a question on how two Councilmembers can get an item on the agenda.

Councilmember Morgan reported working on the budget for the past two weeks.

Councilmember Edelman reported attending the final CERT class on the 18th and encouraged citizens enroll when the next round of classes is offered. She attended a meeting with Finance Director Miller to review the vouchers and alerted citizens that the next Franklin Mine tour is coming up on Saturday, March 4.

Councilmember Weber discussed a notice he received from Councilmember Pete von Reichbauer inviting citizens to attend the South King County Agriculture Town Hall meeting on March 21, 2017 at 7:00 p.m. at the Auburn Performing Arts Center at eh Auburn High School.

Councilmember Pepper reported attending final CERT class. She also discussed an upcoming first aid class and encouraged citizens to look in to attending.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Jennifer Lathum, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Nancy Rogers, legal Counsel for Oakpointe spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Julie Yust, Teamsters Local 117 spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Chris, Black Diamond spoke to Council.

Judy Watson, Black Diamond spoke to Council.

Judy Baxley, Black Diamond spoke to Council.

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 11:19 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk

Robbin Taylor Comments 3-1-17

Councilmembers Pepper and Morgan sent out a revised agenda on Feb 28th. Here is what they say about the items on their agenda.

The budget ordinance: This is under review by the budget committee. Never mind that they moved the vote on the budget from the Feb 16th meeting to this meeting tonight. Now suddenly the budget is still in committee. Quit playing games with the health and safety of the Citizens and pass the budget tonight!

Agenda Bills regarding the MDRT Resolutions: Pepper and Morgan say "This item was reviewed... and removed from Committee on February 16, 2017". I guess this is very important info to get on the record. Since you don't approve meeting minutes you can tell what ever story you like.

But let me be Paul Harvey and tell "the rest of the story". These MDRT Resolutions were proudly voted out of committee on the 16th. Yet the Council was unable to vote on them at that meeting because Councilmember Pepper was so woefully unprepared that she failed to bring the actual contracts to the meeting.

The contracts were finally sent out to the Council, not on Feb 17th, but on Feb 28th. It is clear Pepper didn't meet with Mr. Williamson as he so graciously offered at the meeting of the 16th. Why do I know this? Each of the four contracts contain the exact same wording, "commencing February 17, 2017 and terminating after forty-five days". This tells me that you didn't even look at these contracts between when you received them from your handlers, till tonight, if at all.

How extraordinarily incompetent!

Then item #8, adopting the 2017-2022 Transportation Improvement Program, Pepper and Morgan make this statement, "This item is still under review...and is not valid for agenda placement. Staff has asked Council to expedite this item." I will repeat that last part "Staff has asked Council to expedite this item." So how do Pepper and Morgan "expedite" it? They remove it from the agenda! If this is expediting an item then I will eat my hat!

Pepper and Morgan are apparently trying desperately to appear professional and competent and instead show themselves to be anything but. Pepper and Morgan apparently believe they can run the City, and write contracts, yet they can't even write an agenda without looking foolish.

The Citizens of Black Diamond not only deserve better from our elected officials, we deserve three new competent councilmembers to replace the incompetent Morgan, Weber and Pepper.

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CLERK OFFICE

MAR 02 2017

BY: _____

Leslie Cooley – Black Diamond, Remarks to Black Diamond Council Meeting
3/2/2017

Good Evening – As we gather here this evening I wanted to share this quote I came across:

“Live-The purpose of life is to be useful, to be responsible, to be compassionate. It is, above all, to matter, to count, to stand for something, to have made some difference” Author Unknown

I encourage the council to remember that you were elected by the people, but you represent all of the citizens of Black Diamond, not just the 25% of the registered voters who elected you.

I realize that the majority council members are trying to reform city hall and to make changes. Please don't be remembered as the council that shut down the city.

Now is the time to get down to the business of the city

- Accept the grants that have been awarded
- Pass the Transportation Improvement Plan and the Comprehensive Plan
- Approve the minutes from the 2016 council meetings
- Pass the Mayor's amended budget for the remainder of 2017

You owe it to the hardworking city staff to get a stable work environment and to the citizens of Black Diamond to prevent a city shut down.

I do have one question about the amended budget – Section 2-Section 11 mentions increasing revenue and expenditures by \$50000 in the General Government Capital Fund to complete the Comprehensive Plan Update – where is this revenue coming from?

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MAR 02 2017

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MAR 02 2017

BY: _____

February 28, 2017

Mr. Daniel Thompson
Department of Ecology
Water Quality Program – Financial Management Section
P.O. Box 47600
Olympia, WA 98504-7600

**Subject: WQC-2018-BlaDia-00045
Ginder Creek Stormwater Treatment Facility**

Dear Mr. Thompson:

I am writing to express support for the City of Black Diamond grant funding proposal in the amount of \$676,357 for the Ginder Creek Stormwater Treatment Facility. This project has long been at the top of our City's stormwater management project priorities. Fortunately, we were successful in obtaining grant funding several years ago for project engineering which is now 90% complete.

As best we can determine, stormwater from SR 169 highway runoff, which is now untreated and flows directly into Ginder Creek, represents the largest single source of pollutants flowing into Lake Sawyer. With the prospective reopening of the John Henry Mine located just east of SR 169¹ in unincorporated King County, and with commencement of construction of a large Master Planned Development within the city now underway, Lake Sawyer water quality will be stressed. TMDL discharge limits for phosphorus have been established for the Master Planned Development, but there is always risk.

Mitigating these risks and improving current water quality is therefore imperative. We appreciate having this project included in the 2018 Draft Water Quality Funding Offer List. We also believe, that given our city's current circumstances, the Ginder Creek Stormwater Treatment Facility project merits a much higher ranking in the list of grant priorities.

Thank you for your consideration.

Craig Goodwin
29044 222nd PI SE
Black Diamond, WA 98010
(253) 405-6564
craig.goodwin99@gmail.com

¹ Application with the Bureau of Mines is currently pending. Stormwater from this site flows into Ginder Creek just upstream of the proposed collection and treatment facility. We have no control over TMDL discharge limits from the mine.

MAR 02 2017

Comments by Robbin Taylor 3-2-17

BY: _____

Morgan has stated more than once "You need a plan, otherwise you can't get to where you need to be going."

So the Council majority of Morgan, Weber, Pepper have continually refused to pass the Six Year Capital Improvement Plan, the Six Year Transportation Improvement Plan, and the Comprehensive Plan.

Tonight We witnessed the killing of the 6 year TIP ^{again} which feeds into the Comp Plan and from which the City can apply for grants. I can verify that this has never been discussed in committee!

I will say again - Kill the Plans - Kill the City.

Morgan, Weber and Pepper are presiding over the death of the City by 1,000 cuts.

~~They are taking every step possible to reduce~~

Morgan, I don't believe anything that falls out of your mouth everytime it opens. You sit there and spout about how much money the mayor has wasted. You should hold up a mirror when you

Yet you NEVER produce evidence.

say that. You are all cagey about "stop work" and vague reference to future legal action.

I will believe it when I see it, I would say "Put up or shut up" but neither of those will ever happen.

I will say again - Pat Pepper is a tyrant and Erika Morgan is Queen. However - this Nation does not have royalty and we, the Black Diamond Citizens will not put up with dictators and tyrants.

Next Thursday is the 1st Town Hall meeting of the year, please come and talk with the Council. Also - please go home and talk with your neighbors about the dysfunction perpetrated by Morgan, Weber + Pepper.