

## BLACK DIAMOND CITY COUNCIL MINUTES

May 4, 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; David Linehan, City Attorney; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Dan Dal Santo, Interim Public Works Director; Kevin Esping, Facilities Coordinator; May Miller, Finance Director; and Katherine Allen, Deputy City Clerk.

Councilmember Pepper **moved** that we update the agenda to remove items 5-8 and that we add the 2017 CIP under unfinished business after item 3 and that we add resolution regarding Oak Pointe arbitration under new business before item 4. Councilmember Morgan **seconded**.

Councilmember Pepper spoke to her motion.

Councilmember Edelman made a **motion to amend** the **motion** to put items 5-8 and the minutes back on the agenda sponsored by herself. Councilmember Deady **seconded** the motion.

There was Council discussion that this would have to go to a Council vote to get back on the agenda.

It was noted this amendment is to add the minutes and the items back on to the agenda.

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

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

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the 2017 CIP under unfinished business after item 3 and that we add resolution regarding Oak Pointe arbitration under new business before item 4.

Councilmember Pepper restated her motion.

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

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

### **PUBLIC COMMENTS:**

Dr. Dan Singer, Redmond spoke to Council.  
Jason McClurge, Black Diamond spoke to Council.  
Pam McCain, Black Diamond spoke to Council.  
Leslie Cooley, Black Diamond spoke to Council.  
Judy Baxley, Black Diamond spoke to Council.  
Tina McGann, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.  
Brock Deady, Black Diamond spoke to Council.  
Gary, Black Diamond spoke to Council  
Judy Carrier, Auburn spoke to Council  
Johna Thomson, Black Diamond spoke to Council  
Kristen Bryant, Bellevue spoke to Council

### **PUBLIC HEARINGS:**

#### **1) AB17-030A – Continued Ordinance Adopting Low Impact Development Regulations**

Mayor Benson opened the Public Hearing at 7:43 p.m.

Andy Williamson, MDRT/Ec Dev/Interim Community Development Director spoke about the work session they had earlier at 6 p.m. and went over revisions that were made to the LID. He shared for the record about a letter that was received from Puget Sound Keepers.

Leslie Cooley, Black Diamond commented that she did attend the work session this evening, and it was quick and productive work session. She said she would like to speak on favor of adopting the LID with the revisions that Mr. Williamson presented this evening.

Public Hearing was closed at 7:51 p.m.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the Ordinance Adopting Low Impact Development Regulations to meet the NPDES requirements and amending items 15, 17 and 18 and 19 of the Black Diamond Municipal Code.

There was Council discussion.

Councilmember Weber made an amended **motion** to suspend the rules on this item to come forward since its on public hearing.

Mayor Benson stated you don't have to suspend the rules.

Councilmember Weber **rescinded** his motion.

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

### **UNFINISHED BUSINESS:**

#### **2) AB17-032A – Ordinance Relating to Acceptance of Public Comments by Electronic Methods**

Mayor Benson asked the Attorney if he had any comments on the below ordinance.

Attorney Linehan didn't have any specific comments other than he thinks the Council's goal here is to make it easier for the public to submit electronic comments. He further stated there are broader sections to the code that could be amended to make this apply to all sorts of opportunities.

There was Council discussion.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt an Ordinance Relating to Acceptance of Public Comments by Electronic Methods in addition to the methods and amending the Black Diamond Municipal Code sections 18.08.210 and 19.04.260 as further amended by the language that I sent out yesterday.

Councilmember Morgan spoke to her motion.

Mayor Benson pointed out an error to Councilmember Morgan that she left out the word 'County' before King and further stated she should make that correction when she makes her motion.

There was Council discussion.

Councilmember Weber pointed another typo, fourth line down the word needs to be changed from Electonic to 'Electronic'.

Attorney Linehan stated the Council can authorize the Clerk to make typographical correction to the record.

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

#### **3) AB17-033A - Resolution on Final Acceptance of the Springs Onsite Sodium Hypochlorite Generation**

Mr. Dal Santo spoke to Council about Resolution AB17-033A and stated this was brought up two weeks ago and tabled, and asked that they would accept this so we can finalize this project.

There was Council discussion.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Deady to adopt the Resolution on Final Acceptance of the Springs Onsite Sodium Hypochlorite Generation System project as completed by PumpTech, Inc. per the contract documents.

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

### **3.1) Resolution Amending the 2017-2022 Capital Improvement Plan**

Mayor Benson stated this CIP is due to be resurrected in 2018-2023. We will start work sessions next month on the CIP. She further stated we are shorthanded and do not have staff available or time available to update this plan.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the 2017-2022 CIP plan as proposed, April 20, as amended with the changes in the document City of Black Diamond, Capital Improvement Plan Amendments, May 4, 2017. The **CIP T2** Roberts Drive City Hall to Bruckner, **CIP T2.1** Rock Creek Bridge Replacement, **T23** New Hwy 169 pedestrian safety, **T7**-Roberts Drive/SR169 Intersection Improvements, **T17**-Ravensdale/169 interim intersection improvements, **T25**—New BD-Ravensdale Rd. Pedestrian Safety, **W2**-Springs & Transmission Reconstruction, **W3**-Water Comprehensive Plan Update, **D1**-Lawson Hills Storm Pond Sediment Removal, **D3**-North Commercial and 169 Stormwater Improvement, **P1**-Ginder Creek Trail and Site.

There was Council discussion.

Mayor Benson stated to Councilmember Pepper she could withdraw her motion, and we can all talk about this at the Work Study.

Councilmember Morgan stated that there was no valid vote on CIP in August. She further stated the ten amendments are needed and the CIP must be voted on by Council.

Attorney Linehan said this would clearly constitute a major change to the CIP and would require a public hearing before it could be approved.

There was continued Council discussion to bring this to a work study.

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

### **NEW BUSINESS:**

**3.2) Resolution Clarifying that Participation in Binding Arbitration is not Authorized and Further Participation is Prohibited.**

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to move that we suspend the rules immediately and adopt resolution clarifying that participation in binding arbitration is not authorized and further participation is prohibited.

Councilmember Pepper spoke to her motion.

Clerk asked for clarification of the motion.

Councilmember Pepper then restated her motion.

There was Council Discussion.

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

Attorney Linehan asked the Mayor for clarification regarding arbitration. Is the purpose of this resolution for Ms. Koler to not participate in this arbitration? He further stated that as far as he knows, she is about to submit a brief on Councilmember Pepper's behalf.

There was Council discussion.

Attorney Linehan then said he just needed to know as a courtesy to let the Arbitrator know whether Ms. Koler is in fact still your Attorney and will be filing a brief. If the answer is no, we need to let the arbitrator know that.

Councilmember Pepper stated that Jane Koler is still our Attorney.

Attorney Linehan asked Councilmember Pepper if she was aware of this resolution you just passed to which Councilmember Pepper responded "yes".

**4) Claim Checks** – May 4, 2017 - No. 44781 through No. 44840 and EFTs in the amount of \$97,588.55

There was Council discussion on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that the claim checks Parametrix, No. 44810 and RH2, No. 44812 is not approved. She plans to deny these two claim checks and accept the rest of the vouchers as they have been presented.

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

~~5) **Minutes** – Special Joint Meeting of Council and Planning Commission of September 6, 2016 (removed from agenda)~~

~~6) **Minutes** – Special Meeting of April 13, 2017 (removed from agenda)~~

~~7) **Minutes** – Work Session of April 13, 2017 (removed from agenda)~~

~~8) Minutes – Council Meeting of April 20, 2017 (removed from agenda)~~

**9) AB17-035 - Resolution Authorizing Interlocal Agreement with King County for Animal Control Services**

Mayor Benson briefed Council on this item.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to suspend the rules and adopt this resolution tonight. The resolution authorizing the Mayor to go into an Interlocal Agreement with King County Regional Animal Services to continue to provide animal services to unincorporated King County.

There was Council discussion on suspending the rules.

Councilmember Weber called point of order to Councilmember Deady

Councilmember Edelman called for the vote.

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

**10) AB17-036 – Resolution Authorizing Interlocal Agreement with Valley Communications Center**

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to suspend the rules and adopt this resolution authorizing the Mayor to execute an Interlocal Agreement with Valley Communications Center for Dispatch services. Motion **passed** with all voting in favor (5-0).

**11) AB17-037 – Resolution Regarding Legal Services for the City**

Councilmember Morgan stated this is on here for first reading and has been referred to Government Operations Committee.

**12) Transportation Improvement Plan**

Mayor Benson stated that she wanted to bring up the Rock Creek Bridge and TIP one more time. The Transportation Improvement Board didn't say whether they would accept the revised TIP. One person who voted for the amended TIP could rescind their vote and vote on the original Transportation Improvement Plan so that we can get this back into the plan.

Interim Public Works Director; Dal Santo shared that on May 18, TIB will have their final meeting. He further stated it would be very helpful if the Council will confirm that there will be no further delays on this project.

There was Council discussion.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that they will not delay the amended project, Bruckner's Way to City Hall. Motion **passed** with all voting in favor (5-0).

### **DEPARTMENT REPORTS:**

Mr. Williamson reported that the Rock Creek Bridge will be shut down May 19 through May 21. This press release has gone out to all the local newspapers and extensive outreach. It's on our website.

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

Mayor Benson reported that she attended the Morgan Creek Homeowner's Association meeting. Last week, she attended the Town Hall meeting with Mark Mullet. She attended the Regional Transportation Southeast sub area Committee meeting this week. She attended the Southeast Legislative Transportation meeting in Covington. Last night she attended the Sound Cities Association dinner.

### **COUNCIL REPORTS:**

Councilmember Deady reported that she met with various staff members and went in one day to help the City staff members to stuff water bills.

Councilmember Morgan reported she is trying to enjoy the two days that weren't pouring down rain.

Councilmember Edelman reported that she along with the Mayor went on Earth Day to the Regional Park doing what they can to eradicate Scotch Broom weeds. She also reported that she met with Dan Singer this week, she met with May Miller to go over vouchers and went to Senator Mullet's Town Hall meeting. She spoke about serving lunch to the Seniors on Tuesday's and Thursday's. She went to the SCA dinner last night.

Councilmember Weber reported he met last week with Councilmember Burberry from Maple Valley. He will have a presentation at the Tri City meeting later this month. He said he sent an email to Mayor Benson to possibly have him share his presentation.

Councilmember Pepper reported she also had the honor to attend the Town Hall meeting with Mark Mullet.

### **ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Gary Davis, Black Diamond spoke to Council.  
Dan Dal Santo, 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.  
Tina McGann, Black Diamond spoke to Council.  
Dennis Boxx, 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).

Meeting was adjourned at 9:13 p.m.

ATTEST:

  
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Carol Benson, Mayor

  
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Katherine Allen, Deputy City Clerk