

CITY OF BLACK DIAMOND
November 2, 2017 Regular Business Meeting Agenda
25510 Lawson St., Black Diamond, Washington

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

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: None

UNFINISHED BUSINESS:

- 5) **AB17-059A** – Resolution Authorizing an Interlocal Agreement for Jail Services with Yakima County Department of Corrections Chief Kiblinger
- 6) **AB17-060A** – Resolution Approving Second Addendum to Prosecution Contract with Kara Murphy Richards Mayor Benson
- 7) **AB17-061A** – Resolution Accepting Stormwater Capacity Grant from the Department of Ecology Mr. Boettcher

NEW BUSINESS:

- 8) **AB17-062** – Resolution Authorizing Yearly Addendum to Valley Communications Agreement Chief Kiblinger
- 9) **AB17-063** – Resolution Confirming Mayor’s Appointment of Municipal Court Judge and Authorizing a Judicial Services Agreement Mayor Benson

CONSENT AGENDA:

- 1) **Claim Checks** – November 2, 2017 - No. 45458 through No. 45515 (void 45371) in the amount of \$189,953.35
- 2) **Minutes** – Council Work Session of October 12, 2017
- 3) **Minutes** – Town Hall Meeting of October 12, 2017
- 4) **Minutes** – Council Meeting of October 19, 2017

DEPARTMENT REPORTS:

MAYOR’S REPORT:

COUNCIL REPORTS:

- Councilmember Deady
- Councilmember Morgan

BLACK DIAMOND CITY COUNCIL MINUTES

November 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

Staff present were: Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief, May Miller, Finance Director; Kevin Esping, Facilities Coordinator; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

CHANGES TO AND APPROVAL OF AGENDA:

Councilmember Pepper **moved** that the consent agenda be placed at the end after new business per Council Rule 3.12 and with that change we approve the agenda; **second** Councilmember Morgan. Motion **passed** 3-2 (Deady, Edelman).

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC COMMENTS:

Ted DeVol, Enumclaw spoke to Council.

Pam McCain, Black Diamond and Planning Commission Chair spoke to Council.

Max Sampson, Black Diamond spoke to Council.

Chris Golden, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Councilmember Pepper objected to the Mayor allowing this kind of attack from a speaker.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

5) AB17-059A – Resolution Authorizing an Interlocal Agreement for Jail Services with Yakima County Department of Corrections

Chief Kiblinger spoke on this item.

Councilmember Morgan **moved** that AB17-059A the resolution to authorize the Mayor to execute an interlocal agreement with Yakima County Department of Corrections for inmate housing is removed from Committee and is ready for Council action; **second** Councilmember Pepper. (No vote taken)

Councilmember Morgan spoke to her motion and recommended passage.

Councilmember Morgan **moved** to adopt a resolution authorizing the Mayor to execute an interlocal agreement with Yakima County Department of Corrections for inmate housing; **second** Councilmember Dedy. Motion **passed** with all voting in favor 5-0.

6) AB17-060A- Resolution Approving Second Addendum to Prosecution Contract with Kara Murphy Richards

Mayor Benson reported on this item.

Councilmember Pepper **moved** to approve AB17-060 a resolution approving second addendum to the Prosecution contract with Kara Murphy Richards; **second** Councilmember Morgan.

There was Council discussion.

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

7) AB17-061A – Resolution Accepting Stormwater Grant Capacity Grant from the Department of Ecology

Public Works Director Boettcher briefed Council again on this item.

Councilmember Pepper **moved** to accept resolution AB17-061A Stormwater Capacity Grant from the Department of Ecology; **second** Councilmember Weber. Motion **passed** with all voting in favor 5-0.

Councilmember Pepper stated she would like to pick up a piece of unfinished business from the last meeting. She noted the DKS contract has been passed, however there was an issue brought up during the 10/19/17 meeting that needs to be addressed. She then asked Attorney Jane Koler to address Council about the appropriateness of an elected official Chair of the Growth Management Committee approaching DKS.

Attorney Koler stated that someone commented last time that it was inappropriate of Councilperson Pepper to approach DKS about completing the comprehensive plan transportation element. She noted it is really important to point out that this Council is the City's contract authority and that is provided in the optional municipal code. She commented that the AGO issued an opinion in 1997 that said that part of the contract authority includes the right to negotiate contracts. She stated it's not like Pat Pepper went to DKS and unilaterally signed the contract she brought the contract to Council and the Council approved it, and the Council is the contract authority. She further noted not being able to think of how you could get contracts done in the City if Council people or committee chairs have concerns with having a good transportation element completed and this was absolutely appropriate. She stressed it is really important to remember that all of you (Councilmembers) are the contract authority and City Code just gives the Mayor the slightest bit of contract authority for contracts up to \$15,000 and that's all, that's it and the Council is the designated contract authority. She noted the statute she was struggling to remember was 35A.11.020.

NEW BUSINESS:

8) AB17-062 – Resolution Authorizing Yearly Addendum to Valley Communications Agreement

Chief Kiblinger spoke to Council on this agenda item.

Councilmember Pepper **moved** this item is for first reading and to postpone to the next regular Council meeting; **second** Councilmember Morgan.

There was Council discussion.

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

9) AB17-063 – Resolution Confirming Mayor's Appointment of Municipal Court Judge and Authorizing a Judicial Services Agreement

Mayor Benson briefed Council on this item.

Councilmember Pepper **moved** this item is for first reading and to postpone to the next Council meeting on November 16th; **second** Councilmember Morgan. Motion **passed** 3-2 (Edelman, Deady).

CONSENT AGENDA:

Councilmember Morgan said she would like to separate the vouchers from the consent agenda.

- 1) Claim Checks – November 2, 2017 - No. 45458 through No. 45515 (void 45371) in the amount of \$189,953.35**

Councilmember Morgan noted she would like to pull 45458 (AHBL) and 45461 (BHC), 45492 (Parametrix), and 45493 (Perteet) and stated her reasons and **moved** the rest of the vouchers for payment; **second** Councilmember Weber. Motion **passed** with all voting in favor (5-0).

Councilmember Morgan **moved** to approve all the minutes with the change to the roll call section area on the October 12, 2017 work session minutes as Councilmember Morgan was present for that meeting; **second** Councilmember Weber. Motion **passed** with all voting in favor 5-0. The following minutes were approved with changes to October 12 work session as noted in the motion:

- 2) **Minutes** – Council Work Session of October 12, 2017
- 3) **Minutes** – Town Hall Meeting of October 12, 2017
- 4) **Minutes** – Council Meeting of October 19, 2017

DEPARTMENT REPORTS: None

MAYOR’S REPORT:

Mayor Benson reported attending a meeting with the Judge. She also attended a meeting with Finance Director Miller and prepared the budget letter.

COUNCIL REPORTS:

Councilmember Deady reported meeting with Finance Director Miller on the budget; attending Make a Difference Day and discussed the projects that were done within the City and thanked the volunteers for all their hard work. Following her report Councilmember Deady left the meeting at 7:43 p.m.

Councilmember Morgan asked Finance Director Miller questions regarding payments to Jane Koler, Dan Glenn, and Talmadge Fitzpatrick for services rendered. Ms. Miller noted invoices for these vendors have not been approved for payment by the Mayor. Councilmember Morgan discussed the need to pay these bills and noted issuing checks to Kenyon Disend and the Council has never authorized a contract for Kenyon Disend and such actions subvert the contract authority of the Council. She then thanked Ms. Miller.

Councilmember Edelman reported attending Octoberfest at the Lake Sawyer Community Club, counting votes for the election of officers for the Museum, met with Welcome Wagon lady; attended a finance meeting, budget work session, Make a Difference Day and gave a shout out to staff regarding a major IT issue she had with her City email and City tablet and thanked Rob Reed for getting it resolved so quickly she also noted he is a huge asset to the City.

Councilmember Weber reported attending the budget work session, looking at the budget and receiving the preliminary budget that just came out. He also noted he was unable to participate in Make a Difference Day as he had to travel for his son's birthday, however he did get his yard cleaned up.

Councilmember Pepper commented on her maple tree and leaves coming down and her and her neighbors have made a difference so far and there are still many bags to go; she discussed the legislative body being a deliberative body and they have the right to think about think about and discuss things. She reported attending the budget work session where she requested a City Administrator; she referred to a comment that came out by the Association of Washington Cities (AWC) and noted putting a fact sheet out on the table. She also reported on the Association of Washington Cities legislative priorities and discussed the four items on their list this year. She encouraged folks to attend the City of Auburn's 52nd Annual Veterans Day parade on November 11, 2107 as it is an inspiring event and worth going to.

ATTORNEY REPORT: None

PUBLIC COMMENTS

Pat Nelson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Max Sampson, Black Diamond spoke to Council.

Jennifer Lathum, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

EXECUTIVE SESSION:


Mayor Benson announced that Council would be going into a closed session after adjournment with Labor Attorney Peter Altman to discuss collective bargaining pursuant to RCW 42.30.140(4) and there would be no action to follow.

ADJOURNMENT:

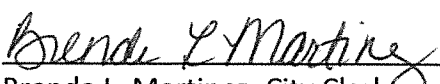
Councilmember Edelman **moved** to adjourn the meeting; **second** Councilmember Weber. Motion **passed** with all voting in favor (4-0).

The meeting ended at 8:00 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk

- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

ATTORNEY REPORT:

PUBLIC COMMENTS:

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

ADJOURNMENT: