

BLACK DIAMOND CITY COUNCIL MINUTES
August 6, 2015
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 lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, Goodwin and Taylor.

ABSENT: None

Staff present were: May Miller, Finance Director; Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; Meri Jane Bohn, Deputy City Clerk; and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Edelman to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – August 6, 2015, No. 42519 through No. 42587 and EFTs in the amount of \$118,541.59
- 2) **Minutes** – Council Meeting of July 16, 2015

PUBLIC COMMENTS: None

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Goodwin to revise agenda to move AB15-050 to go first and then followed by AB15-049. Motion **passed** with all voting in favor (5-0).

PUBLIC HEARINGS:

AB15-050, proposed ordinance forming a Transportation Benefit District coincident with the City limits of Black Diamond

Public Works Director Boettcher reported this is an action the city has been contemplating for some time. He discussed revenues for the street fund declining and both the public works and finance committee recommended bringing forward to the Council of the whole for consideration. He noted this TBD is being formed to maintain existing functions of the local street network. He noted the different options and actions that are included in the packet and this public hearing being related to should or should we not form a TBD. Other actions would then follow should the council decide to form this district.

Mayor Benson opened Public Hearing at 7:12 pm.

Robin Taylor, Black Diamond asked if this district was formed could King County come in and form another district that encompassed Black Diamond. The Mayor replied no.

Mayor Benson closed Public Hearing at 7:13 pm.

AB15-049, proposed Ordinance that will assume the exclusive right to provide water service to approximately 98 acres in the western portion of the City

Public Works Director Boettcher reported this hearing to take testimony on the City's action to take the right to provide water to the 98 acres that are in dispute in the western portion of the City. Action on the item would then occur on the August 20th agenda.

Mayor Benson opened Public Hearing at 7:15 pm.

Eric Frimondt from Inslee Best spoke on the behalf of the Covington Water District who is in opposition to this action. He noted that in 1989 the South King County Coordinated Water System Plan which says the CWD has the right to serve this area. He also noted the district has intended to serve this area and all actions that have taken place include this 98 acres. This would be a real financial hardship should this area be served by another service area such as Black Diamond. He commented on the UTRC decision and noted that the UTRC said the City needs to go through the assumption process. This was not a decision, but a recommendation. Should the City move forward the district will move forward contesting this for financial reasons. He encouraged folks to read tab 1 on his submittals and then highlighted what all tabs referred to in his submittal. He pointed out that Tab 7 is of utmost importance to his issue. He noted there is no evidence that an ILA exists and is an egregious issue and asked that council read the packet material carefully.

Cindy Wheeler, Black Diamond, noted speaking to all on November 20th of last year and does not agree with the City taking action on this and agrees with others in the audience on this. She noted being curious if anyone read the 77 pages as she did. Her bigger concern as a tax payer is the performance of her government. We need to follow procedures and give factual information and the packet material is full of false hoods and council should be concerned with this as senior staff is bringing this forward. The documents brought forward need to be checked by all Councilmembers. She noted a statement that was made on the record to the hearing examiner and if staff is providing false information this cannot be allowed to continue. She commented on the May 7th executive session that council went into without the city attorney, but rather the special city attorney.

Mayor Benson closed Public Hearing at 7:28 pm and held the written record open until August 20th.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Resolution No. 15-1035, confirming the Mayor's appointment of Kevin Esping as the Director of Emergency Services for the City of Black Diamond

Mayor Benson reported that Black Diamond Municipal Code Chapter 2.44 establishes the Department of Emergency Services for the City of Black Diamond as well as the position of Director. This position was filled by the Rachel Pitzel who left the City and May.

She noted meeting with Kevin Esping and he volunteered for the position as Director of Emergency Services and after careful consideration feels he is the best candidate. She also noted community members will be volunteering to help him with this.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt Resolution No. 15-1035, authorizing the Mayor to appoint Kevin Esping as Director of Emergency Services. Motion **passed** with all voting in favor (5-0).

Resolution No. 15-1036, authorizing the amendment of Resolution No. 15-1010 approved February 5, 2015 to add a value lease supplement for two additional copiers at the same price and terms with the Witt Company and their Billing Agreement with US Bank for two Kyocera TA 3551 ci copiers

Finance Director Miller reported both the MDRT and Police Departments are at the end of their copier leases and are in need of replacement. This action amends prior action from Council earlier this year and will add the two copiers to those lease agreements. She noted the price per copy is less than their current leases as technology is becoming more efficient.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Taylor to adopt Resolution No. 15-1036, adding two copiers to the Lease Agreements with the Witt Company. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to waive the special event permit fee for the Labor Day car show at the Eagles in Black Diamond. Motion **passed** with all voting in favor (5-0)

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson attended Finance, Public Works & SCATBd meetings and is trying to get Black Diamond project in conjunction with Covington, Maple Valley and Enumclaw in the SCATBd brochure that will aid in getting support from the state.

COUNCIL REPORTS:

Councilmember Deady attended Talelah housing development; SCATBd and Finance committee meetings.

Councilmember Morgan talked with Barbara Kincaid about completing environmental questionnaires that are coming out from the County. She believes it's important to get the City's comments into the County.

Councilmember Edelman attended Finance meeting. August 4th she met with Barbara Kincaid and is looking forward to upcoming meetings. She participated with Councilmember Deady in 'National Night Out' and noted there is no PIC meeting this month.

Councilmember Goodwin stated traffic and transportation seems to be the top issue and has been working to establish an ad hoc committee to address both traffic and transportation. City Attorney Morris is finalizing a resolution for the next meeting to establish this ad hoc committee. This would be a five member committee consisting of two council, two public members, and the mayor. This will be coming forward at the next Council meeting on August 20th for consideration and hopefully adopted. There are many technical issues involved with this and noted a concurrency ordinance will be brought forward in the future. He also added that our surrounding communities working together gives us a lot more power to reach out to Olympia and others to access more funding to benefit all of us.

Councilmember Taylor stated one of the problems that concerns him is the back up of water in the city by the beavers in our streams. He was hoping to access some funding, however that fell through. He discussed information regarding grant monies that are available to address this issue.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Cindy Wheeler, Black Diamond stated consideration of hiring an attorney last November and it being a waste of money. She was contacted by two councilmembers to appease her that it was not a waste of money as her fees are being paid by Yarrow Bay. She noted Ms. Drummond is not the right staff to be addressing false information that is being provided to other agencies and the Hearing Examiner. She hopes that the City Attorney listens to the audio from this meeting as she needs to get it corrected so it does not continue.

Brock Deady, Black Diamond updated Council on the Black Diamond Gym. Two groups are interested in utilizing the gym for basketball and another group is interested in holding karate lessons. He noted open volleyball is now on Saturday.


EXECUTIVE SESSION: None

ADJOURNMENT:

A **motion** was made by Councilmember Taylor and **seconded** by Councilmember Edelman to adjourn the meeting. Motion **passed** with all voting in favor (5-0).

Meeting ended at 7:53:51 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk