

BLACK DIAMOND CITY COUNCIL MINUTES

July 6, 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: Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief; May Miller, Finance Director; Kim Pratt, City Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Pepper **moved** to adopt the Council approved agenda per Council Rules of Procedure; **second** Councilmember Morgan.

Councilmember Pepper spoke to her motion and discussed the changes to the agenda. She then called upon Attorney Kohler to advise Council on the posting of the agenda to the website and is the City obligated to build the agenda according to the Council Rules.

There was Council discussion.

Point of order was raised by Councilmember Deady.

Councilmember Morgan appealed the decision of the chair.

Councilmember Pepper **moved** that Attorney Kohler be allowed to speak to address the two questions asked by her; **second** Councilmember Morgan. Motion **passed** 3-2 (Edelman, Deady)

Attorney Kohler addressed the two questions from Councilmember Pepper.

A point of order was raised by Councilmember Pepper.

Council discussion continued.

Another point of order was raised by Councilmember Pepper for the speaker to be treated with respect.

Discussion continued.

In unison, Councilmembers Pepper and Morgan raised a point of order.

Vote: Motion passed 3-2 (Edelman, Deady) to adopt the approved agenda per Council Rules of Procedure.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS:

Presentation – Veterans and Human Services Levy

Leo Flor of King County addressed Council on the proposed Veterans and Human Services Levy. He shared with Council a PowerPoint presentation on this issue.

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

7.5) Ordinance Amending the Budget for Calendar Year 2017 for TIB Grant Expenditure

Finance Director Miller addressed this item.

There was discussion with Councilmember Morgan reading a prepared statement.

Councilmember Weber **moved** to adopt an ordinance amending the 2017 Budget Ordinance No. 16-1083, as amended by Ordinance No. 17-1088 to add the budget for the TIB grant for pothole repairs and emergency maintenance; **second** Councilmember Morgan. Motion passed 5-0.

8) AB17-042A – Resolution Awarding Contract with Tony Lind Paving LLC for Citywide Emergency Pothole Repair and Road Maintenance Project

Public Works Director Boettcher reported to Council on this matter.

Councilmember Morgan read a prepared statement.

Councilmember Pepper **moved** to remove this item from committee and make a motion to adopt a resolution authorizing the Mayor to execute a \$40,108.90 contract with Tony Lind

Paving LLC for the Citywide Emergency Pothole Repair and Road Maintenance project and authorizing a \$5,000 contingency fund for the construction of this project; **second** Councilmember Deady. Motion **passed** 5-0.

NEW BUSINESS:

Councilmember Pepper discussed having a new item of business and asked when Council would like to address it on the agenda. There was Council consensus that would be addressed after item 12.

9) AB17-043 – Resolution Awarding Contract with J.R. Hayes Corp. for Roberts Drive Construction Project

Public Works Director Boettcher addressed this item.

Councilmember Morgan read a prepared statement.

Councilmember Deady **moved** to adopt a resolution authorizing the Mayor to execute a contract with JR Hayes & Sons, Inc. for the Roberts Drive Roadway Improvements project and to authorize a \$50,000 contingency fund for potential change orders; **second** Councilmember Edelman. Motion **passed** 5-0.

10) AB17-044 – Resolution Amending City’s Fee Schedule for Traffic School Fee

Chief Kiblinger reported to Council on this item.

Councilmember Weber recommended to suspend the rules and put this item forward for a vote.

Councilmember Deady **moved** to adopt a resolution amending Resolution No. 15-1043 to update the Police Traffic School Fees per Ordinance No. 16-1071; **second** Councilmember Weber. Motion **passed** 5-0.

11) AB17-045 – Ordinance Amending Black Diamond Municipal Code Regarding Inattentive Driving

Chief Kiblinger addressed this item with Council.

Councilmember Deady **moved** to adopt an ordinance amending Black Diamond Municipal Code 10.40.060 to clarify offense of inattentive driving; **second** Councilmember Edelman. Motion **passed** 3-2 (Morgan, Weber).

12) AB17-046 – Resolution Adopting a 2018 Budget Planning Calendar

Finance Director Miller reported on this item.

Councilmember Edelman **moved** to adopt a resolution adopting the 2018 Budget Planning Process and Calendar; **second** Councilmember Deady. Motion **passed** 4-1 (Morgan).

13) Motion of Council Authorizing Action

Councilmember Pepper addressed this item and passed out copies to the Councilmembers and noted Councilmember Morgan already having a copy.

There was Council discussion.

Councilmember Edelman stated for the record that Ms. Pepper brought these copies into the meeting with the idea of having a new additional new business item and has not had the courtesy to give the entire Council, Mayor, and Clerk a copy in advance so they can read it.

Councilmember Pepper **moved** that the City Council of the City of Black Diamond authorizes action including seeking a legal remedy to establish the following:

1. The obligation of the City and Mayor to uphold contracts passed by the Council
2. The obligation of the City and Mayor to uphold City policies and laws regarding the payments of Vouchers
3. The obligation of the City and Mayor to follow the process for drafting and posting Council meeting agendas
4. The obligation of the City and Mayor to issue proper notice of Special Meetings requested by the City Council.
5. The obligation of the City and Mayor and appointive officers and staff to follow state laws, local laws, and resolutions and policies passed by Council.

Councilmember Morgan **seconded** the motion.

During the reading of the above motion Councilmember Edelman raised a point of order.

Councilmember Deady called the question.

Council discussion continued.

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

CONSENT AGENDA:

Councilmember Morgan stated that she would like to address each consent item separately.

- 1) **Claim Checks** – July 6, 2017 - No. 44990 through No. 45079 and EFTs in the amount of \$252,012.48

Councilmember Morgan noted she was pulling vouchers 43993 (Parametrix); 44998 (AHBL); 45025 (Kenyon Disend); 450369 (Parametrix); 45037 (Perteet); 45044 (RH2)

Councilmember Morgan **moved** to accept the rest of the vouchers; **second** Councilmember Weber.

There was Council discussion

Vote: Motion passed 5-0.

2) **Claim Check** – No. 44973 Parametrix, Inc. in the amount of \$7,106.25

Councilmember Morgan **moved** to hold this item again; **second** Councilmember Weber. Motion **passed** 3-2 (Deady, Edelman).

3) **Minutes** – Council Work Session of August 11, 2016

There was Council discussion with a point of order being raised by Councilmember Pepper for courtesy.

Councilmember Morgan **moved** to approve the August 11, 2016 Work Session minutes as written; **second** Councilmember Weber. Motion **passed** 5-0.

4) **Minutes** – Council/PC Joint Work Session of October 11, 2016

Councilmember Morgan **moved** to adopt the October 11, 2016 Joint Work Session minutes as presented; **second** Councilmember Edelman. Motion **passed** 5-0.

5) **Minutes** – Council Work Session of October 13, 2016

Councilmember Deady **moved** to approve the Work Session minutes of October 13, 2016; **second** Councilmember Edelman.

There was discussion with Councilmember Edelman calling the question.

Vote: Motion passed 5-0.

6) **Minutes** – Council Town Hall Meeting of October 13, 2016

Councilmember Deady **moved** to accept the Town Hall minutes of October 13, 2016; **second** Weber. Motion **passed** 5-0.

7) **Minutes** – Council Meeting of June 15, 2017

Councilmember Edelman **moved** to adopt the June 15, 2017 Council meeting minutes; **second** Councilmember Deady. (no vote due to the below amendment)

Councilmember Morgan **moved** to amend the motion to hold these minutes as they contain a public hearing and has asked for legal counsel about what sort of detail is needed for public hearings and she hasn't had a chance to get back to her on that; **second** Weber. Motion **passed** 3-2 (Deady, Edelman).

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson reported attending the DARE Graduation, AWC Annual Conference in Vancouver where the City received a Certificate of Excellence from AWC RMSA. She further noted that only three cities out of 36 received these certificates.

COUNCIL REPORTS:

Councilmember Deady reported attending the AWC Annual Conference in Vancouver, the Finance meeting to go over the vouchers, swearing in ceremony for the new Commander. She announced the city-wide yard sale that will take place on August 12 and 13; discussed an email Council received from a concerned citizen seeking Council action on banning fireworks in Black Diamond; announced the Miners Day Celebration is July 8th and noted attending the DARE Graduation. She also gave an update regarding drop-in volleyball at the gym.

Councilmember Morgan commented on the good weather bringing citizens out and the nice conversations she has had with them; she also discussed the issue of fireworks.

Councilmember Edelman reported on attending the Keith Tim memorial service; DARE Graduation; AWC Annual Conference; Pig dinner fundraiser at the Black Diamond Community Center; met with Mayor and Finance Director to review vouchers; attended swearing in ceremony for Commander Colagiovanni; commented on fireworks and the email Council received; will be attending Miners Day.

Councilmember Weber commented on the fireworks issue and noted it being a touchy subject for a lot of cities; discussed his sons going through the DARE program and gave kudos to Sgt. Lynch for keeping this program going.

Councilmember Pepper commented on the fireworks and citizens doing a good job of cleaning up. She discussed the Creative Vitality Index and noted that according to the stats for Washington State the top two were software publishers and internet publishing. She also noted the Governor signing creative district legislation and noted Black Diamond having community events that could play in to this in the future; will be attending Miners Day and walking in the 5K.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Gary Davis, Black Diamond spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

James Stout, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to council.


EXECUTIVE SESSION: None

ADJOURNMENT:


Councilmember Weber **moved** to adjourn the meeting; **second** Councilmember Deady.
Motion **passed** 5-0.

Meeting ended at 9:19 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk