

BLACK DIAMOND CITY COUNCIL MINUTES

March 17, 2016

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; Andy Williamson, MDRT Director; Jamey Kiblinger, Police Chief; Barbara Kincaid, Community Development Director; Brian Martinez, Police Commander; Dan Dal Santo, Utility Superintendent; Debbie McGraw, Police Records Manager; Carol Morris, City Attorney and Meri Jane Bohn, Deputy City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

CONSENT AGENDA:

Mayor said she would accept a motion for the consent agenda. A motion was made by Councilmember Edelman and seconded by Councilmember Deady. Mayor asked if any further discussion.

Councilmember Weber commented to make an amended motion to pull consent agenda items number one - Claims Checks and item number three - Minutes. He stated the Budget/Finance/Administration Committee met on Monday and had a detailed briefing. We reviewed the Black Diamond Code 3.23 which is payments of city claims or obligations and Ordinance 08-850. The ordinance that was adopted in 2008 authorized the Mayor to pay claims before Council approval as long as four conditions have been met. One of those conditions requires council to adopt "contracting, hiring, purchasing, dispersing policies that implement effective internal controls".

Mayor Benson stated the City already has those.

Councilmember Weber stated the committee hasn't found any record that the Council did that. So he will be requesting that the staff provides any information about the conditions required by Ordinance 08-850.

Mayor Benson asked Councilmember Weber to put that in writing to her.

Councilmember Weber said the committee also reviewed the State Auditor's BAR Manual which stands for the Budgeting, Accounting and Reporting system. For information about vouchers and internal controls.....

Mayor Benson stated this is not under Councilmember Weber's purview. She stated that he is legislative, not administrative.

Councilmember Morgan stated Point of Order.

Councilmember Edelman stated and her point is....

Councilmember Morgan stated the Chairman is not to involve herself in argument at the Council meeting.

Councilmember Weber stated he still has the floor.

Councilmember Edelman asked Councilmember Weber who wrote all of his notes for him.

Councilmember Weber stated he wrote his own notes after his meeting. He continued on stating he assumes all the vouchers have already been paid, and would like to know if staff can verify that.

Councilmember Deady said she doesn't understand when the Mayor can answer and when can she not. She stated Councilmember Weber just looked at the Mayor and rolled his eyes.

Councilmember Weber stated he just looked at the audience and did not see Ms. Miller (Finance Director) so he looked to the Mayor.

Mayor Benson asked why Ms. Miller would be at this meeting tonight, she wasn't requested to be here and has nothing to present.

Councilmember Weber asked if the Mayor could answer his question.

Mayor Benson stated she assumed that all the vouchers have been paid as it has been the standard procedure. She also said she heard Mr. Derdowski ask if he could write those questions up for him.

Councilmember Weber said he has comments from Mr. Derdowski that he's gone through and rewritten that are not from Mr. Derdowski. He said there is time to be able to review

the original documents suggested by the state auditor. He also has concerns about a \$10,000 voucher to DKS Associates.

Mayor Benson stated she gave an answer for that concern and it was not even mentioned at the meeting.

Councilmember Weber said it was talked about quite extensively at their Committee meeting and the voucher appears to be a settlement to a contract dispute for DKS. In his opinion this would require contract amendment to be approved by the Council.

Mayor Benson stated it's not a contract amendment. It was part of the Comprehensive Plan amendments; it is not an amendment to the contract.

Councilmember Weber stated his amended motion still stands and it should be pulled and sent to the Budget, Finance and Administration Committee.

Mayor Benson stated that is swell, nothing has come out of any of those committees.

Councilmember Edelman stated this is outrageous and read into the record her written comments that are attached and incorporated into the minutes.

Councilmember Pepper would like to point the Councilmembers to 6.3 about courtesy in discussion, comments or debate of any matter or issue. All speakers including the presiding officer and Councilmembers shall be courteous in their language and deportment. They shall not discuss or comment on personalities or indulge in derogatory remarks or make insinuations about any other Councilmember or any member of the staff or public but shall at all times confine their remarks only to those facts which are germane and relevant to the question or matter under discussion.

Councilmember Edelman stated her words stand.

Councilmember Morgan said one thing that comes up repeatedly that she has been told by her Mayor is not to speak with any staff member on any items. She sent an email copying some city staff on it asking to have permission at some convenient time to speak with staff members on certain subjects. In return she gets a nasty gram back stating from the Mayor you may not contact the staff.

Mayor Benson said when she answers those emails she states that the Council need to go through her to visit with staff. Mayor Benson said Councilmember Morgan has never asked to visit with staff.

Councilmember Morgan says she has asked to speak with staff and it stands as she said it.

Councilmember Deady asked if Councilmember Morgan would forward her the emails regarding what the Mayor wrote. If we are going to talk about what municipalities do then she knows at the City of Auburn the Council needs to send an email directly to the Mayor

to speak with any staff members and then the Mayor sends that email on to the staff that he/she feels is appropriate to answer the question. Before all this chaos started happening at the City, Council was able to go down and talk to staff directly. It is not out of the ordinary to have council do this process involving the Mayor, but it is out of the ordinary for this Council because in the past we never had to do that but we are doing it now. All of the Council got an email from the Mayor stating if you would like to speak with staff you need to Cc: her first. Council can get items from staff that helps on agenda items but cannot direct them and tell staff what to do.

Councilmember Deady stated she also spoke with Peter Rimbo and Cindy Proctor about the workstudies. They both stated that for a workstudy Kristen Bryant would never let that happen. The reason is because they don't want three of the Councilmembers to talk with staff. They also don't want them to listen to the lawyer. They don't want them to be influenced. The only way to have a workstudy is if Kristen Bryant was allowed at the table and involved in the discussion. Councilmember Deady says she finds that really disturbing because the three Councilmembers might get influenced by staff. It is ridiculous, all the council has a right to speak with staff, and all of them have a right to get the information. If they think the information is wrong then they can go to MSRC or call the lawyer. Give it to Brian Derdowski and Kristen Bryant and they can do their research as well. Speak with staff, they are not evil and have a lot of information so go there and talk to them.

Councilmember Morgan said read her emails when she sends them to Councilmember Deady.

Councilmember Weber stated he has not even talked to the State Auditor yet. He made a suggestion at the meeting for them to come. As far as workstudies go he would like to see more public participation and engagement with the public. The thing with the workstudy is there is no public participation. They sit around the table with staff and get briefed but there is no public input or no comment. The only time in the past for comment was if public attended a City Council meeting where things have almost been put through.

Councilmember Deady asked if Councilmember Weber has ever been to a workstudy in the past before he was on Council.

Councilmember Weber stated he has been to them.

Councilmember Deady said they have always allowed Kristen Bryant, Peter Rimbo or whoever to come up to the table and comment. He can go back and listen to audio and find that they did open up the meeting to public comment. There might be one or two times that they didn't, but generally they did.

Councilmember Weber said that is fine, generally his understanding that at a workstudy that unless the rules are suspended that the public does not have input. He has listened and he has been to workstudies in the past that people have come in and commented. He was at a workstudy when Mr. Derdowski had come in and sat at the table, the same guy that everyone is trying to throw under the bus. He has talked with staff. His day to day job is a full time Engineer, he doesn't have the luxury to come in and visit with staff so that is

why he uses email. So when he gets short little tidbits of information back then he will keep questioning. He stated he also did this on the Planning Commission. As far as being a Save Black Diamond Councilmember as what he so eloquently has been described as lately last time he checked his name was a Black Diamond City Council member, it does not say Save Black Diamond Councilmember he represents everybody. He asked did everybody vote for him. No. Did a good majority? Yes. Were they all Save Black Diamond volunteers or people? No.

Councilmember Deady said every time Councilmember Weber does talk about the majority of people voting for him, it was the Save Black Diamond people and that they want reform and they want this and that is what he is here for. She wants to know if he can explain the difference of when he speaks like that and that he is not a Save Black Diamond person.

Councilmember Weber stated he can agree with Save Black Diamond guys. It's as simple as that.

Councilmember Edelman and Mayor Benson asked do you have an answer what reform means.

Councilmember Weber stated they have been trying to reform.

Councilmember Edelman said she wants to apologize to all tonight as she says this is all just ridiculous. The reason the Council had requested to have no public participation during the workstudies during the current workstudies with the Joint Planning Commission meetings is because there is fourteen people. The idea is to get the Council and Planning Commission up to speed on the Comp plan changes. To have public input at that point is a detriment to everybody. They are going to have lots of opportunities for public input. That is just not the place because there is already too many people trying to figure out what they are talking and what the changes are going to be. That was not intended to discourage public participation. It has to do with two different groups of people getting together and trying to get up to speed. She will say that there have been a lot of folks that have been invited to sit at the table during the meeting. Peter Rimbo is a great example and has been at many tables with them explaining his traffic concurrency ideas. They are not shutting people out by any stretch of the imagination. They are just being realistic and trying to get things done on a timely manner because they are already losing Grants because the Comp Plan is not finished.

Mayor Benson said there's a motion and a second on the table.

Councilmember Deady asked if the motion is also for removing the minutes and would like to know why they want the minutes removed.

Councilmember Weber said at this time he is not ready to give a statement on the minutes. He is asking that the minutes be moved to the next regular Council meeting.

Councilmember Deady said she disagrees and their needs to be a reason and a good reason to not pass the minutes. Can he let the public know or give all the Council what he doesn't like about them?

Councilmember Weber stated when he comes up with his full list he will send it to Councilmember Deady.

Councilmember Deady said generally Councilmember Weber needs to come prepared and the purpose or reasons why he wants to pull the minutes.

Councilmember Weber stated he does come prepared.

Councilmember Deady said she is going to vote no because she has no reason not to pass them.

Councilmember Weber stated that is Councilmember Deady's prerogative and his statement stands.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to approve payroll but pull the Consent Agenda items 1) Claim Checks & 3) Minutes. Motion **passed** with voting in favor (3-2 Deady, Edelman). The Consent Agenda was approved as follows:

2) Payroll - February, 2016 - No. 18778 through No. 18798 and ACH payment in the amount of \$261,386.84

PUBLIC COMMENTS:

Bill McDermand, Black Diamond - stated he was thinking about the last Council meeting he attended and observed that the Chair spoke quite a bit. He checked the rules and found that is quite inappropriate to engage that way. He said another thing he heard that was very refreshing tonight was an apology. He assumes that it was an apology given from the Mayor, Councilmember Deady and Councilmember Edelman for their outrageous behavior. A while back he observed that Councilmember Edelman and her husband were sitting in the second row and Maryanne and he were sitting in the third row comments were made.....

Councilmember Deady called Point of Order she stated Councilmember Pepper just blasted Councilmember Edelman saying not to point people out.

Councilmember Pepper said public comments are supposed to be to the entire Council and not individual members.

Bill McDermand continued with his comment and said they were very inappropriate with a lot of yelling to be had while exiting with Councilmember Goodwin. It was very inappropriate then and it is now the way she comes down on people all the time.

Councilmember Edelman and Councilmember Pepper called Point of Order on personal attacks. Councilmember Pepper said the public does have the right to comment but the public should comment to the Council as a whole, not to individuals on the Council.

Bill McDermand stated he understands that, however on the other hand he said it is not fair to the public sitting out there or listening in the newspapers about all the haggling that is going on. This has been going on now since December when Councilmember Weber came in and now it is just one thing after another. It has become one of the most unpleasant things there is. Mayor Benson stated his speaking time is up. He asked for more time.

Councilmember Morgan stated she thinks there are a lot of people in the room and commented the meeting is far off the agenda. If people would like to individually speak to Councilmembers they have email addresses on the website.

Bob Edelman, Black Diamond - Stated Council just went through the Kabuki dance on the consent agenda and he thinks there was a problem there that Roberts Rule of Order was not followed. Council needs an experienced Parliamentarian and under the new rules unfortunately the City Attorney is no longer the Parliamentarian. She is probably the only experienced person here. What should be done on the consent agenda if any member wants an item removed from the consent agenda they should say they want that item removed. That item is then debated separately. They don't remove and throw it away, they debate it separately. Council wanted to remove two items from the consent agenda then they go ahead and make the motion for the consent agenda to be approved. After it is approved then they debate those two items that become part of the regular agenda. Another item that has been said over and over again is that it is the Council meeting not the Mayor. He thinks Council needs to read the very first sentence of RCW 35A.12.110 and that should settle it.

Bill Bryant, Black Diamond - Said he has lived here his whole life along with his family. He finds what is going on really not helpful to the City. He wants to read some things he has thought of and thought over. Four months ago they got a new elected City Council and they pledged to reform City Hall. The reforming in his mind is making the city stay rural somewhat. If they keep going the way they are it is going to be houses stacked on top of each other and traffic stacked on traffic. The Roberts Drive road right now is so heavily traveled with dump trucks that there's mud holes deep along Roberts Drive. In the morning all he used to hear was cars go by and all he hears now is dump trucks and lots of diesel smoke that he smells in his house now. He doesn't mean to be speaking against anyone but this City Council here has spent \$5,800 in Lawyer fees fighting amongst themselves. Why is that necessary? He thinks the City Council should be listening more to Save the Black Diamond people because they want to keep the town as rural as possible. He knows it is going to grow in the next hundred years if it doesn't die first. He is for Save

Black Diamond and he knows that when the new council was voted in that not all the Save Black Diamond people voted for them. There was other people who voted for them too, but would never come to this meeting. He thinks they should respect the wishes of what the main bunch of people want and not something else that council has dreamed up. What he can say is please help keep Black Diamond rural instead of fighting against themselves.

Robbin Taylor, Black Diamond – She wanted to comment on the Town Hall meeting that was last week. She was very disappointed that the Comprehensive Plan took up the whole meeting. Town Hall meetings were started so citizens could talk and dialogue with Council and Council could dialogue back as a whole. Unfortunately the entire Council violated the Open Public Meetings Act (OPMA) because they did not follow the agenda. The meeting was adjourned at 8:30 and there was no opportunity for citizens to speak which was item number two on the agenda. She was greatly disappointed because she can fill up ten minutes. Mr. Bryant is constantly coming up and saying the Council needs to do what the citizens want and the citizens want it rural. The reason why Mr. Bryant and other citizens have that idea is because....

Councilmember Edelman stated Point of Order. There needs to be consistency so please refer to as a citizen, don't use people's names.

Robbin Taylor continued saying the reason why many citizens voted the way they did was because they continue to get mailings during the election season that says the city can still stop development. There is a group in town that continues to send these out during election cycle to get their members on the Council. She is hoping that the new Council members shine will soon wear off as construction continues out West of town. This group in town will soon learn that even their people are not willing to stop it, and she is hoping that takes effect before too long and will move forward. It isn't that the Council doesn't want it rural because the Council does want it rural; the Council wants it small, not small, the city needs growth. Everyone on the council at one time or another testified against the Master Planned Development (MPD). It is what it is, the Council prior to this one voted it in and it is a done deal. Until people understand that it is continuing out there, and stops paying attention to those mailings that are being sent out there and spreading untruths about what the council can do, people are still going to be disappointed.

Judy Carrier, Auburn – She agrees with Robbin Taylor. She was not able to make the Town Hall meeting but she was interested to go and she had prepared some dialogue herself but she wasn't able to give that. She said she often speaks for Save Black Diamond and identifies herself as Save Black Diamond but she is just speaking for herself and off the cuff. She wants to tell a joke and there is a point, so please don't shout her down.

(There was a gal at Christmas time got a jigsaw puzzle, a big one a thousand pieces. She loved jigsaw puzzles and worked on that jigsaw puzzle for months and had it all spread out on the card table sitting in the middle of her living room for a long time. She finally finished it and was really pleased with herself. She went to everyone in the family and said look I finally finished that puzzle and I am so proud of myself. She said I must be pretty smart because look here you see on the side of the box it says for three to five years and I did it in only three and a half months.)

Her point is she may have used assumptions about how that puzzle was to be done. She may have made assumptions about what it meant on the side of the box. Or she interpreted it differently because she didn't total understand.

She is also disappointed at what is happening. She doesn't have a way to give tons of RCW's or MRSC's and a lot of the other things that have been looked at for a long time. She thinks there is a great deal of value with the three members who yes are Save Black Diamond if you want to look at it that way. They are council members now and she knows many of them not closely but they are great people to have on the Council as are the other Council members and our Mayor. She agrees with the people who have been speaking that we need to get going with what the real work is. There are some assumptions, different interpretations, legal and among each other and communication is really lousy. She thinks council should give each other a chance.

Brian Derdowski, Issaquah – stated it was a beautiful drive from Issaquah driving towards Black Diamond. He got to thinking about perspective and what is really important. When he thinks about what is happening here it is very understandable and predictable. This happens thousands and thousands of times. New people get elected, there is a new majority, and they want to do things differently. The people that were there become defensive and say everything was great and there is a tuffle and that works itself out. There is equilibrium and they move on. In the corporate world it tends to be a bit more brutal. New people come in and they fire people and turn everything over. There is a cleansing effect with new people coming in with new energy, challenging everybody. That is how the system is supposed to work and council is doing it. Unfortunately there is way too much friction and when you get right down to it all of this is about two things. The new Council members believe that the Council has the right to set its own agenda on its own. With input from the Mayor but they get to decide. The Mayor believes she has the right to decide what the agenda is. The second issue that has blown all this up is that the new Council believes they should have meetings in the evenings. There should be three members and they should run it just like a Council meeting and advertise it that way. The folks that were on Council before, weather they believe it now or not they came to believe that it is illegal. That is really a legal issue and he said he is not an attorney but every attorney he has talked to on this subject and every expert, every single one has told me if you do it correctly, you can do it. And in fact the King County does it, the City of Seattle and City of Spokane does to. When you get right down to it that is what this is all about. So his message to Council is this, think about the sunset and the mountain, think about the fact that he suspects that every one of the Council is trying to do the right thing. He suspects every one of the Council want to make Black Diamond a better place. He thinks the staff is working their tails off and they want to get to work and keep doing it. And he thinks well-meaning and intelligent people from the public want to participate.

Matthew House, Teamster Local Union 117 – said he is a representative of the Union. He came here today to speak to the effects of this Council is having to the rights, morale and productivity of his members in Black Diamond. His members are organized and collective voice by joining Teamsters 117 in the summer of 2014. A primary reason for organizing was so they could be heard and their interest be protected in the midst of political turmoil that put them in the middle or at a minimum caused a tense and sometimes hostile work

environment. It appears this has happened again. His biggest concern right now is a Grievance pending because it appears that there is a volunteer staff members being assigned by some of the Council members to do our Collective Bargaining Unit work here at the city. Some of that work includes some of the job description of his members, providing professional advice to the City Council, making presentations to the Council, preparing and presenting a variety of studies, reports and related information for decision making purposes, serve as a liaison to the business community and specific organizations and prepare or present oral written presentations for the Council. There has been multiple members that he has listened to the audio the last few Council meetings of folks being referred to as volunteer staff members that are presenting reports and at times speaking for long periods of times. He did not time them but it seems like more than half an hour on certain issues. So the short of it this is taking away his members right to their work and certified by Pert. This undermines the operation of the City, impeding the ability of City staff and his members to effectively serve the City of Black Diamond. He knows some of the Council members are or have been in the work force and some of them have even been members of labor organizations. How would they react if volunteer teachers were brought in to take away the hard work that they do as a teacher. How would they react if volunteer healthcare professionals were brought in to displace the processes and procedures? How would they react if their engineering job was replaced by volunteers or outsourced to low wage workers? On behalf of the members that are employed by the City of Black Diamond and on behalf of the community for which they selflessly serve please cease and desist the skimming and subcontracting of Teamsters 117 work. They reserve their right to take whatever action necessary to ensure his member's rights are protected. As always the Teamsters are open and willing to work with and not against the City towards improving the standards of our members and towards the best interest of keeping the city sound fiscally and operationally for the citizens of Black Diamond.

Kristen Bryant, Bellevue – She would like to mention she has been to the Council Committee meetings and someone did ask her about her participation. She said she wished the Mayor would send staff and she certainly wouldn't be there if the staff was there. She is happy to provide more comment on that. She is happy to volunteer and hope many members of the public will provide reports and whatever information they can to the City Council. She said in the form of government we are in that information to the Council and elected officials is always welcome. She also wanted to address when she thinks of Save Black Diamond she thinks of so many people she has met and enjoyed getting to know some of the struggles they have had and some of the achievements, the information that has been shared with the public, the really amazing and smart testimony from many people at many hearings. Significant changes that are now required in the Massive Development space in Black Diamond because of the work of people that are associated with Save Black Diamond. They are working to protect the Natural Environment. Talking to people and hearing them say over and over that roads and traffic are a huge concern. They care about their home in this small town and enjoy it being out of the way a little bit, being able to see the stars at night and having trees and peace and quiet. She has a long list of people that she has met and things they have done but since no names are being called out she will go on past that. In addition to the things she named so many people have done. Hundreds of others have signed petitions supporting the city's efforts can make to

control and manage the large developments coming. When she talked to people who gathered those petitions they said that almost everyone they were able to meet either signed or if they didn't sign they agreed there was going to be some significant challenges and didn't really like the development. She feels so lucky to have met and to know all these people so when there is a concern about Save Black Diamond it doesn't really bother her personally but it should bother all those other people who have done such great work.

Jaylon Johansson, owner of Diamond Ridge Short Plat – He is not one of the members of Save Black Diamond but I am a member of I love Black Diamond. He wanted to give a couple reasons why he chose Black Diamond to bring his business and build a couple houses to the city to sell and put some families in. He and his partners are graduates of Tahoma High School. When he attended Tahoma High School they would skip out on Fridays and come up and eat at the Black Diamond Bakery. His mom would bring home cheese bread from the Black Diamond Bakery on her way back from Crystal Mountain. His first girlfriend worked at CJ's Bakery back when it was still in Black Diamond. He has a long history in Black Diamond. He also mountain bikes regularly here. He loves the rural feel of Black Diamond it's a wonderful place and loves the people here. Through the course of the project he has gotten to know Dan Dal Santo really well, Seth Boettcher who are great people to work with. He works in a lot of cities and he doesn't get people like that who you can work with very often. It's a good home, small town feel that we really enjoy and that is why we are here doing this project. They are trying to get final plat on the project that is completed. They are on the agenda for tonight but it has been pulled off and so he wanted to get up and put a face with the name of Shake & Bake LLC, it is a catchy name.

Gary Davis, Black Diamond – Most of what he was going to say has been covered adequately by others. There is one thing that he does feel needs to be repeated. The things that have been criticized as being unlawful and changes that have been made to the orders and rules that the City Council operates. If there had been any merit to these complaints they would have been removed by now. So please let us all just try and get along and work as a city.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

Councilmember Morgan would like to move to change the agenda for tonight. She has a replacement agenda with her. She said she had sent it out previously.

Councilmember Deady asked if she made enough copies for everyone.

Councilmember Morgan said yes they have some and already taken them.

Mayor Benson asked about the agenda being changed to having a first reading and then recommending it go to committee. First of all she said item number seven, the Final Plat Approval for Diamond Ridge was pulled yesterday. So they must not have noticed that agenda change. So that is not going to be on the agenda tonight and won't be on the agenda until the seventh.

Councilmember Morgan stated actually she noticed it had been pulled she was told it was a problem timing wise to send it to committee. She understands that for some reason that it is not complete and ready to go but those committees are not going to be meeting until into April. So she is thinking by then it will be ready to go to committee and so it wouldn't miss any time.

Mayor Benson stated if you want the staff to get up and talk about these agenda items before you pull them then you will have some information to discuss at the meeting. She has brought staff here tonight to speak on these agenda items.

Councilmember Morgan states she understands that, however their process is that there will be first reading and they don't really need to hear from staff at this time. They will be very welcome to come to the various Council committee meetings to speak about these subjects.

Attorney Carol Morris said she needs to interrupt at this point and let them know that Final Plat approval is not something that can go to a committee. They are required to follow the code and the code does not allow them to take a Final Plat to a committee. The problem is not just timing, the problem is procedure. A final Plat is reviewed by the Council at a regular Council meeting. If they take it to a committee, they are violating the State Law and City Code.

Councilmember Edelman said she would also like to make some comments about this. What's going on with this agenda tonight are again three kinds of no brainer resolutions. One is for the police department to have a container for people to bring their unused medications that they don't need any more and drop them off in a safe environment – no brainer. The second item 1081 has to do with replacing some equipment that is needed for the water supply and has to do with the chlorination system. So are we going to jeopardize the City of Black Diamond water system to send it back to one of the committees where things go to die? There has only been one resolution that has come out of these committees and that was the resolution for the three Planning Commissioners. The Civil Service Commissioner there was only one person who applied, that still hasn't come back out yet. On the third one, that is to contract with a firm to provide building inspections. Are the three Councilmembers going to shut down the building department in the city by having this sit in a committee for who knows how long? Where is their civic duty to keep this city up and running? Every time they turn around they are seeing them trying to stop the City Government. This has got to stop; the city has got to function. Now they don't want to pay the city bills this month. The building department is going to shut down; employees are already over worked and over stressed now. She just does not understand their rationale. Neither of the three of them can ever give an explanation on why they don't

like something, they just don't like it. It is unacceptable to her and yes she did apologize to the citizens of Black Diamond but it was not for the Mayor, Councilmember Deady or for her. She is embarrassed that the City Council behaves the way it does and a lot of this is illegal regardless of what some folks may think because they really are not an attorney. She is listening to the city attorney and that is why she is here tonight.

Mayor Benson asked Councilmember Morgan at their meeting on Thursday night she had talked about bringing the recycling event back and adding it to the agenda because if it isn't approved before the end of the month then we will lose out on the \$17,000 Grant for the recycle. Were they planning on adding that to the agenda tonight?

Councilmember Morgan stated she did try to add it to the agenda but it was turned back by somebody who was writing the agenda up there at City Hall by the old method.

Mayor Benson stated it never got submitted. Who was it submitted to?

Councilmember Morgan stated yes it did. It was submitted to Mayor Benson.

Mayor Benson stated it was not submitted to her.

Councilmember Morgan stated she will be forwarding that email to her in the morning.

Mayor Benson said she is sorry to say but she did not see an email on the recycling event. She is very sorry to say that. So she hopes that Councilmember Morgan is right and that it was sent and the Mayor missed that one. Mayor Benson said Councilmember Morgan can add it now. It is the Council's meeting; it can be added to the agenda now.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to add the recycling event to the Agenda. Motion **passed** with voting in favor (5-0).

Mayor Benson said they will add it to the agenda as item number seven. She asked if Council would like to hear Seth Boettcher - Public Works Director, speak about the recycle event as he has some literature with him here tonight.

Councilmember Morgan said she would love to hear Director Boettcher speak about the recycling event.

Mayor Benson said the next item on the agenda is item Resolution 16-1080 authorizing an agreement with ReturnMeds. Chief Kiblinger is here to speak on the ReturnMeds program.

Councilmember Pepper asked do they have a motion on the floor.

Mayor Benson stated no she took it off. It was already voted on putting it on the agenda. Also the Shake & Bake motion was pulled it is not on the agenda, it was pulled yesterday. It is not ready to go to committee or any place else. That cannot be taken to committee. And it was voted on.

So would Council like to have Police Chief come up and talk about the ReturnMeds program to have information to take to committee with them?

Councilmember Morgan said they would like to have somebody from the Police Department to come to their committee meetings to talk about it.

Councilmember Pepper said this is a very interesting thing that is happening with this resolution. She would really like to have Chief Kiblinger come to the committee and talk about it. Could she do that as well as speak here? Mayor Benson said no. Councilmember Pepper said then she would really like to have her come to committee to talk with them.

Councilmember Edelman stated you have a committee of the whole as the entire Council is here tonight. What is the Police Chief going to tell you in the committee meeting that she can't tell the entire Council tonight? The rules could be suspended and Council could proceed on and pass this resolution and get on with it.

Councilmember Deady mentioned there are citizens right here who would probably love to hear Chief Kiblinger come up and talk about this and we are seeing heads nod up and down. She would love to hear what Chief has to say about it without having to listen to an audio that she can barely hear what a couple of the Councilmembers say because they don't speak up loud enough in it.

Councilmember Morgan she will again state that they want to stick with procedures. It was voted in about how the Council will conduct its business. I know the rules can be suspended and that was one of the rules she really wanted to have. In those rules most specifically because she wants the public to have their chance to say what they have to say about these issues before we hear from staff. The public are the ones who pay the bills for this town, that is what the law says that the public input needs to come first. We love to hear the staff talk about the technicalities of things after that is done.

Councilmember Deady said so the staff generates a report for the Council and for the citizens to read. At a Council meeting staff comes up and talks about what is on their report. Staff is not bringing so much new stuff but why would Council not want to hear staff speak, they are here. She is so confused, she has been on the Council for just over four years and she can only imagine some may not be, but everyone else is confused. Maybe it would help if they can clarify to her why they do not want to hear what anyone of the staff has to say. When they just got done complaining a while ago about they cannot talk with staff. Staff can come up here to read and tell you everything they know and Councilmembers have the right to ask staff members a question right here, you have the people here.

Councilmember Pepper said there is an issue here. The issue is who determines the agenda content. The answer seems to be that the administrative branch of the government controls the administrative part controls the staff and that kind of thing. And the legislative arm has their job to do. When there is talk about the agenda she would like to read something from the AWC Manual that talks about the agenda first then she would like to

comment on it a little bit from her point of view right now. It says – “Who determines the agenda content. Although the Council has ultimate control over the agenda, typically it is left to the Mayor, City Manager or Clerk to draw up the agenda based upon Council input. Some cities assign this task to an agenda committee or to one Councilmember who assists the Mayor or Manager. The Council can change its order of business or a Councilmember can propose an additional new item of business.” So from her point of view she is seeing that the Mayor has certain rules and responsibilities and the Council as a legislative body has certain rules and responsibilities. There comes a point when we are dealing with the agenda and she will talk about an arts term where two things bleed together just a little bit in order to agree on the agenda. She would very much like to, maybe not her but some Council person who would work with the Mayor on the agenda understanding that we each have an input into that agenda. She thinks that they passed an agenda last week that was very similar to the current one but of course what we are doing as a legislative body is listening first, for first reading of the resolutions that come before the Council, then assigning to committee. Why is Council doing that? Council wants additional opportunities for public comment and opportunity for City Council to do more thorough work. The approved agenda was sent to the Clerk last week and the Mayor refused to post it for our meeting this evening. They are in the position of having to say here is the agenda that was approved last week. They want the public to be clear that these items are for first reading and to which committees these items are to be assigned to. This is something she feels the administrative branch and legislative branch need to find a way to work out and she hopes that they can do that.

Mayor Benson stated that one of the things that happens is the group of Save Black Diamond people are not very responsive. They need to get the agenda out; we give six days’ notice for the regular Council meeting, and they give a twenty-four or forty-eight hours’ notice. Everybody knows when our regular Council meetings are. At five o’clock on Friday you cannot get back to Brenda and approve the agenda. Mayor does not believe in the new rules anyway so she told Brenda not to send them to you because they can’t get them approved and back to staff in a timely fashion. So staff can notice the meetings six days ahead of time which they have been doing for years. She is sorry that they haven’t been able to come because they are not timely. Everything is a big emergency. This meeting is the only scheduled meeting we had this month because they cancelled our last regular Council meeting. Then they are trying to get the attorney to come to a meeting when she already had another Council meeting with another group.

Councilmember Edelman said they talk about coordination with the City, but the other Councilmembers don’t even talk with her or Councilmember Deady as their fellow councilmembers. There is no coordination, since the time Councilmember Pepper and Councilmember Weber were elected to try and sit down and talk with them. She has never had either one of them try and talk with her to find out what she thinks or what she knows. Council could have had a very easy transition but that appears not to be the way that the group works. That is why there is the hostility, they have been shut out. They are shut out every time they turn around. They have no voice because everything that is done is done by majority and it is not fair to the citizens.

Mayor Benson said she has staff here tonight to make presentations on these agenda items. The revised agenda was sent this afternoon sometime between 3:30 or 4:00 p.m. That is not timely.

Councilmember Morgan stated Mayor had it a good 9 days ago.

Councilmember Pepper stated that is the one that was sent last week.

Councilmember Deady said she still does not understand all of this stuff. What is a first reading? Just reading the Resolution and then send to a committee? Or do they say they will give an update about it or tell a little bit about it? Or does it get sent to committee and then Kristen or Mr. Derdowski research it and come back to Council to say if it is a good thing or bad thing or not? She seriously doesn't know how this works and even if Kristen got up and explained it because she just does not understand it. Help her to understand please.

Mayor Benson asked why if staff is here tonight why can't they just get up and present it.

Councilmember Pepper asked the question when the Council has their standing Council meetings why can staff not attend?

Mayor Benson stated staff does not have time to attend committee meetings. They have eight hour day jobs that they can't get done now. If they come to the city and meet with staff in a committee meeting, it might take a half hour to an hour. But if staff has to stay at the office and then come to your meetings then go home, they will be working 12-14 hour days. They can't afford to do that and the city can't afford to do that. It doesn't make any sense what so ever. Councilmember Morgan said earlier on they can come in at noon and then stay for your meetings. Well that doesn't work for the Mayor as staff has city business to do every single day.

Councilmember Pepper says she does understand that.

Mayor Benson asked does anyone want to authorize staff to get up and explain these agenda items tonight.

Councilmember Deady said she would like to hear what staff has to say. Whether or not they plug their ears and don't listen to it, she would love to hear what staff has to say about it. For the citizens to hear it, for the audio recording so people can hear it, they can ignore it and not listen to it, but at least let her and Councilmember Edelman hear about it.

Councilmember Edelman asked why they would not want to listen to the people that are performing the jobs. Do they just want to live in their little bubbles? How could they make an informed decision? She has listened to the tapes for the committee meetings they read verbatim out of the Revised Code of Washington or they read out of the Association of Washington City or the BARS Manual. They don't discuss the issues, they may think they do

but she says she could sit down with them and probably in five minutes explain what they need to know about the accounting system, it does not need to take an hour.

Mayor Benson said it was stated she doesn't reach out to Council but the very first meeting on January 7th she reached out to them to have an orientation with the attorney and herself. They brought an outside person with them who doesn't even live in the City of Black Diamond and then they immediately proceeded to the Council meeting and introduced 44 pages of documents to change the Council rules. Was that a cooperative and collaborative thing to do immediately the very same day she met with them.

Councilmember Morgan said Point of Order. She doesn't think any of them want to remember that January 7th meeting.

Mayor Benson said she wants to remember it.

Councilmember Morgan said the Mayor probably does because she was pulling stuff from the table after it had been moved and seconded. Before people could get words out of their mouths the Mayor was pulling stuff. People would say they wish to amend and before people could get the word amendment all the way out. That happened on about seven issues that were on that agenda.

Mayor Benson stated it was her agenda and it was housekeeping only. They turned down the Mayor's committee meetings for these committee meetings that staff cannot attend because it would probably be in violation of the Union contracts.

Councilmember Morgan said what she saw in the Union contract says the Teamsters Union and the people who sign this contract understand that they are people who work for a municipality and that there will be times when they will be asked to come to speak with citizens and councils at after-hours times. It states it right in their contract; she read it very carefully every single word.

Mayor Benson stated it says for regular meetings when they are invited by the Mayor to present.

Councilmember Morgan stated so the Mayor is going to handle the agenda, say who they can speak to and when we can speak to them.

Mayor Benson asked Councilmember Morgan how they would know what to put on the agenda without her.

Councilmember Morgan continued on with control the agenda, control the input and control the vote. And frankly she said what the Mayor knows about what to put on the agenda is what she gets from her staff. So this means that the staff is in control of what goes on in the city. That has nothing to do with Democracy. She is sorry but it is a legislative body that takes care of what the people are asking them to take care of.

Mayor Benson asked has the question been answered are they just going to send it to the committee or are they going to listen to staff.

Councilmember Morgan stated she wants to follow the rules that they voted on January 21st.

Councilmember Edelman says she moves to do something different. They have an executive session scheduled for tonight. Why don't they just disband with this agenda because there is no point and they don't want to discuss it and move into their executive session.

Mayor Benson said since they voted to put the recycling event back on to go ahead and let Seth present the recycling so they can vote on that.

Director Boettcher said he has presented this once before and it was discussed in committee. This is a contract with Olympic Environmental Resources and funded by grants. Because of the drop in grant funding and the decrease in commodity prices is putting stress on recycling. To meet the budget shortfall, Olympic came up with the idea for greater efficiency to combine our recycle event with the City of Maple Valley. They collect at Rock Creek Elementary, so it is a little further for our citizens but it was a way for us to actually increase to two events a Spring and Fall event. Previously we have only had one event. The distance from the Lake Sawyer area is about equal but it would be a further commute for the old town area. There are some additional services that would be available, so we need to follow how Maple Valley runs their program but it is partially the same and there will be flyers coming out. He would like to know if the City is going to do that this year soon because Maple Valley will need to make other arrangements. If we don't recycle it might be difficult to ever get Olympic back to write the grants for us and to do this. They have already expended a lot into setting this whole thing up. He would like to promote the recycle event in the city newsletter that is coming out at the first of the month and has an article written to put in it but has to know if they are going to move forward with the two recycle events or not. He encourages Council to approve the contract with Olympic. He is not sure if you Council has the paperwork with them but he has the Council action bill and the resolution that he can hand over to them if someone would like to make a motion. The resolution is number 16-1080.

Councilmember Morgan said she also spoke with Maple Valley on this subject and she would like to make really clear a few things. One is that Seth said there would be two events and another thing that the gal from Maple Valley said was they worked very diligently to try and include recycling things that were tougher for the City to get rid of recycling locally themselves. So not everything is on there but there are things that are coming back that haven't been on there for a while – oil, tires with a fee. She did not want to give her the list yet because she hadn't firmed it up. She noticed those things and also noticed they have some worm bins, compost bins and rain barrels that will be available for sale down there for twenty dollars. The other thing was they only wanted cash and she thinks that will be on their literature when they sent it out. She thanks for suggesting

bringing this forward because they need the word by the end of the month and we better do it now or it will be into next month.

Councilmember Pepper stated it used to be resolution number 16-1080, but it lost its number. So now resolution number 16-1080 is the ReturnMeds.

Mayor Benson asked Seth what resolution number he had.

Seth Boettcher stated he has resolution number 16-1080.

Councilmember Pepper said it was an old number.

Mayor Benson said Deputy City Clerk Meri Jane will get it changed.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt resolution 16-10_ authorizing the Mayor to sign the attached professional services agreement with Olympic Environmental Resources to coordinate, manage, collect, recycle, dispose and report on two recycle events for Black Diamond and in cooperation and coordination with the City of Maple Valley and also the unincorporated area. Motion **passed** with voting in favor (5-0).

Councilmember Edelman said just for the sake of all the discussion tonight, we can work well if people want to work with them. There was no pre-coordination with Councilmember Deady or herself on bringing that back up tonight so that is typical.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson reported working on scheduling the Tri-City Council meeting with Covington and Maple Valley. It is scheduled for Wednesday May 4th at 6:30 pm at Covington Council Chambers. She went to the SCATBd on Tuesday and Covington and Enumclaw were present which they haven't been present for many years. They are talking about maybe making it a four city council meeting because Enumclaw is interested in being involved. One of the things that were presented was the viaduct closure for the tunnel project when they tunnel under the viaduct.

Four projects were submitted to Puget Sound Regional Council (PSRC), one from Federal Way, two Renton projects and one Tukwila for the PSRC twelve million dollar funds for South King County. Our City missed out on that because the Comprehensive Plan was not completed. We had put a brochure together to apply for funds for the intersection of Roberts Drive and Ravensdale Way but were told we're not eligible because of the Comp Plan has not been completed. The city would have had a really good chance in getting it.

She attended the Fire Ad Hoc committee, a Farmers Market meeting, a Management meeting, the Chamber Luncheon on Wednesday where they had a presentation on voting from "We the People" from Tahoma High school which they had placed first or second place for the last ten years, they were really good.

COUNCIL REPORTS:

Councilmember Deady reported attending the Fire Ad Hoc committee meeting, Domestic Violence initiative meeting, Public Issues committee meeting, South King County meeting, SCATBd board meeting, Enumclaw School meeting on Monday which talked about the new elementary school, a St. Patty's Day Luncheon at the Community Center today, Black Diamond Chambers Luncheon, met with Seth Boettcher Public Works Director about the gym and issues with the gym, she also met with Peter Rimbo and Cindy Proctor.

Councilmember Morgan reported last Saturday she went to a Mud Management workshop at a farm in Enumclaw. She said it was pretty interesting with some new ideas that they have to deal with the mud. Some people in Black Diamond will know that she has a pretty big interest in flooding and muddied areas and how one can properly deal with them. Yesterday afternoon she was at the KCD Workshop at their new grounds at the treatment center in Renton that will be a permanent place for them now. They are getting to talk about the new projects for the new 2016 grants to private landowners and how it is working that the KCD is involving itself in urban projects as well as rural projects.

Councilmember Edelman reported attending the Joint Planning Commission/City Council meeting on the 8th which was on the Comprehensive Plan workstudy and the meeting was very well done.

On the 9th she was at the Public Issues committee meeting, which is part of the Sound Cities Association. There is no action being taken at this time but when they get ready to vote on something she will bring it back for an update.

She went to the Domestic Violence Initiative on the 10th and the Town Hall Meeting that evening.

She attended the Black Diamond Elementary School Public meeting with about a dozen people. There was not a very big turnout to discuss this brand new elementary school that is coming in and looking at the designs, which she was disappointed.

She went to the SCATBd meeting, Fire Ad Hoc meeting committee meeting, Chamber of Commerce Luncheon and listened to the kids from Tahoma High school. They are really bright kids and did an outstanding job.

Councilmember Weber reported attending the Joint Planning Commission/City Council meeting, the Growth Management committee meeting, the Budget and Finance committee meeting.

Has been doing some research on what exactly defines public participation versus public engagement. He thinks it would be a good thing to have our neighbors to the South (Enumclaw) create a Quad-City meeting and join in.

Councilmember Pepper reported attending the Growth Management and Government Operations committee meetings.

She would like to talk about something called Sunshine week from AWC which is March 13-19. It is a National initiative to promote dialogue and importance of government and freedom of information. They give some suggestions about things that cities can do in that area.

Each member of the Council brings their own strength to the mix and she thinks that three of them are getting one kind of a label. She wants to prize the fact and be very proud of the fact that along with the strengths of the people that are already here they have a naturalist, an environmentalist, a scientist, a business person and an engineer, an educator and an arts person. On this Council sit a group of very diverse people but each of them brings strength to the Council. She would like all of them to consider that when they are working hopefully together.

Councilmember Deady asked with all the talk about committee meetings if maybe she could get an update on each of the committees from the President or the Chair on what items are in the committees and what they have discussed and found or what they are still looking for.

Councilmember Pepper said there are minutes and an agenda for each committee. She stated they would be happy to do that next time.

Councilmember Deady said it would be nice to have that noted on every agenda.

Councilmember Pepper said that it would be nice for them to attend the meetings and that is a good suggestion.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Robbin Taylor, Black Diamond – Council is such sticklers on their rules, but they can't even follow them. The recycling event; this is the first time it has been to the Council. It did not receive a first reading and Council did not suspend the rules and it was passed. She has a hunch that Director Seth Boettcher and she are the only people in the room who actually have a copy of what was passed tonight. Not that she has a problem with the Recycling event what she has a problem with is it was first going to be on the agenda for the March 3rd meeting and posted online Friday at 2:26. The March 3rd meeting was cancelled and rescheduled for March 2nd. The resolution was not on the agenda for the March 2nd. The Budget committee met on February 29th. She brought her copy and she spoke to the Budget committee about how she was sorry it was not on the agenda for the March 2nd meeting because that meant it would not have its first reading until March 17th which was tonight. It would be sent to committee and maybe or might come back April 7th. It was taken up, not the resolution; the resolution itself never made it to the committee and was just discussed in general. Kirsten Bryant talked about it and explained it at the March 10th Government Operations committee. Councilmember Morgan said at that meeting that the agenda bill wasn't properly noticed so it wasn't on the agenda so she doesn't know what was in it. They discussed it, it was recognized and a good event. Councilmember Morgan told Councilmember Pepper to get it on the agenda for the next city meeting which was tonight. It never made it on the agenda so it is added here on the fly and once again she says Public Works Director Seth Boettcher and her are probably the only ones with copies. No one here knows what was in it. She is startled that this was pulled out and not sent to

committee. It is their rules and they did not even suspend their own rules to do it. She doesn't have a problem with it getting passed. She has a problem with their process and procedure. They are sticklers about sticking to the rules they voted on January 21st and then they blow it right there. They don't even follow the rules right there. She is glad they are going to have the recycling event but she will tell them what, it is because the Council pitched a fit that this did not make it onto the March 2nd agenda. It was on the March 3rd agenda.

Matthew House, Teamsters Local Union 117 – He wanted to finish up a couple things that did not fit in his last 3 minutes and address a couple things that may have happened at the Council meeting here too. We were talking about some of these resolutions and business that the City is conducting and how that affects his members. The majority of the current Council has adopted resolutions and conducted business in a manner contrary to legal advice to their own attorney. Some of these resolutions and procedures may compromise the City's liability and thus some Council members request for attendance by his members to those meetings may cause liability to my members. His members are caught in a tug of war even being accused by one council member in the press of being part of an opposition. His members and city staff are just doing their job at the highest standard for the citizens of Black Diamond. Hopefully Council thinks about the workers when they are making their decisions and how that impacts them. They are the ones who make the city run, they are the boots on the ground making things happen for the city. The exempt employees that do put in long hours and most of the employees that he represents are exempt. There is also a past practice statuesque of how those schedules have operated. He knows that Ms. Morgan cited some of the contract but he also asks them to maybe read up on RCW 41.56. It is about the collective bargaining and the mandate to bargain over changes, wages, hours of work and working conditions of the employees of Black Diamond. He knows that meetings that staff has attended in the past has been during the day, during normal working hours. Normal working hours are cited in the contract and if Council wants to change that he suggests they take that up with the Mayor who is head of the administration of the city and could talk about if it needs to be bargained or not.

Judy Goodwin, Black Diamond - she stated it is great to have the staff here tonight and feels like it should be. She is really sorry that they could not hear from Jamie (Police Chief) tonight because she for one carries around a big plastic bag of out of date medicine in her trunk looking for some place for it to go and she really wishes she had that information now. One inconsistency that she has to point out that Councilmember Weber brought up was that he has an eight hour job and therefore he cannot come to the day time meetings. Well the staff all has eight hour jobs and they number how many thirty. She is sympathetic with Councilmember Weber's situation but at the same time numbers have to be balanced to some degree. She did talk with some staff members earlier and they said working with a couple of Council people, being able to have tug of wars about situations that were going on and come to some conclusions was a great way to deal with things that were going on in the city. Compromises usually came together at those meetings but those meetings have got to be in order for that to happen. She would like to point out one more thing. The rules that Councilmember Pepper read from so often, in those rules it talks about new Councilmembers really need six months to listen and to be educated and anything

presented right off the cuff are usually resented and things don't go well or smoothly. It recommends taking six months to listen and become educated and then come forth if they have a particular agenda to present it at that time.

Despite the differences that all have here and been stated tonight there are a whole lot of things that can be agreed on. Her guess is that all want good schools, safe neighborhoods, preserve our link with history, after school programs, and providing for the needs to the older citizens. There are so many ways that all can save Black Diamond now. That is by volunteering at PTA, by helping at the Community Center, by getting on the Miner's Day Committee and there are many ways that we can work together. She would really like to see all of them doing that.

Brock Deady, Black Diamond – He said the thought to bring in a drug box to put your out of date drugs in would have been a great idea and he really would of liked to hear what the Police Chief had to say about it and would have been nice to get that taken care of today so they could move on with it. Like Council says they want to get things moving and don't want to have roadblocks so maybe they need to go around the rules a couple times to get easy things that are no-brainers asked so they can get on with them and get them implemented.

Jaylon Johansson, owner of Diamond Ridge Short Plat – He wanted to clarify that the staff report was submitted by the city on March 10th for the Shake & Bake final plat. He is not sure how that works but just seemed like there was some confusion when it was brought up and wanted to clarify that. Barb Kincaid, Community Development Director stated there was a bunch of materials still out there when it was on the agenda and when it was pulled. It will all be posted again by April 7th and will be on the April 7th agenda.

Brian Derdowski, Issaquah – He stated the issue with the final plat is something he has spent twenty years studying. He suggests looking at the code and look to see what is required to be done on those final plats. He is highly sympathetic to the individual from Diamond Ridge Short Plat who is here and who claims his plat is finished and complete. There is an incongruity between the RCW and Black Diamond municipal code. The Black Diamond municipal code gives a sixty day deadline on final plat approval, while the RCW requires thirty days. From hearing Director Kincaid's comments about the content of the file, it sounds like a very minor issue. The Councils review is called ministerial and should be thoroughly done. It is perfectly appropriate for a committee to do that if the Council chooses to do it. There is nothing in the law that says anything about committees that he knows of. He is not an attorney and wants to emphasize that. The code says nothing about that and it is perfectly fine for Council to have a committee to take a look at final plats. However the decision on the final plat is ministerial and has to be made by the Council and has to be done timely. So his concern is that the individual has met the requirements. If it was submitted on March second then that means April seventh is more than thirty days you will be in compliance with the Black Diamond Code and not the RCW. His suggestion is that if staff certifies that all the requirements for the final plat are completed then it may be appropriate for the Council President to move to waive the rules and put the final plat on the agenda for action. So this individual is not held up and so the city is not in violation of State Law. Might want to consult with the attorney on this topic but he urges them to

take a cautious approach and take action on this. He is pretty sure that the RCW says it is thirty days.

Carol Morris, City Attorney – States the RCW is 58.17.140 and it says that the final plat has to be approved, denied or sent back for additional information within thirty days. The City's code has a sixty day deadline. However, there is another RCW which is RCW 36.70b080 which says that the city can establish a different time period up to one hundred twenty days for issuance of a final decision on a land use matter. She has advised the staff that this is not something that can be acted upon at this time. She said thank you Mr. Derdowski for recommending that the Council consult their attorney and not himself because he is not an attorney and he would not be handling the lawsuit that would be resulting from this. Again she advised the Council to follow the code. She stated there is nothing in the code that allows them to take this to a committee. It is a ministerial action that is done at a regular Council meeting. There is no council, county, city or town in the state of Washington that takes final plats to committee. They are done at a regular council meeting. Please take the next two weeks until the next council meeting and do the research Mr. Derdowski and find out who sends final plats to committee, no one does. This is going to be on the agenda for the next council meeting.

EXECUTIVE SESSION: To discuss with Legal Counsel Pending Litigation Pursuant to RCW 42.30.110(1)(i)

8:52:58 pm - Mayor Benson said they will start with 30 minutes in Executive Session. No action to follow.

Executive Session was extended by 20 minutes. Executive Session came out at 9:45 pm.

ADJOURNMENT:

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

Meeting adjourned at 9:50:06 pm.

ATTEST:



Carol Benson, Mayor



Meri Jane Bohn, Deputy City Clerk

RECEIVED
CLERK OFFICE

MAR 17 2016

Janie Edelman
City Council Comments
March 17, 2016

BY: NAB

I have spent a lot of time listening to the audio recordings of the last two committee meetings. In the March 9th meeting, Kristen Bryant was introduced as council "staff". Kristen then took over the running of the meeting. It was obvious to me that the people involved had no idea of what resolution 16-1074, the Storm Water Grant, entails. The Department of Ecology makes funds available to municipalities required to meet Phase II National Pollutant Discharge Elimination System requirements. This was first presented to the Council on February 4, 2016. Usually, it would have been passed that night. A \$50,000 grant from the state to help with our storm water management. Help that we need. But no, it was referred to the new Growth Management and Land Use Committee. That committee met on February 10th. On February 14th, it was still in committee. On March 9th, this committee decided it needed to be moved to the Finance Committee. During the March 14th Finance Committee meeting, Mr. Derdowski said they didn't use the right process and it should have been referred to both committees at the same time. It is being bounced from committee to committee but actually these Save Black Diamond Council Members don't know enough to even ask questions except those provided by Mr. Derdowski or Ms. Bryant. So there is little or no action. Ms. Bryant has stated that there is no rush. What she fails to understand is that the city initially spends the money and is reimbursed by the Department of Ecology. Now it is stuck in limbo. I guess this is where our city business now goes to die. And now we have three more resolutions being referred to these ineffective committees.

It appears to me from these meetings that the Save Black Diamond Council Members only do or say what Mr. Derdowski or Ms. Bryant provide to them. These meetings basically tell the Save Black Diamond Council Members what they are supposed to think. We know Mr. Derdowski wrote the new illegal council rules. As "staff", he "volunteers" to write letters to the mayor for the Save Black Diamond Council Members. Why is that? Are they so ill informed that they can't ask any original questions? It also appears that questions asked of the Save Black Diamond Council Members are answered by Mr. Derdowski or Ms. Bryant. Where are your independent voices?

In the March 14th Finance Committee meeting, Mr. Derdowski asked to “assist” at the meeting since staff was not present. He stated he is “volunteer staff”. A lot of time was spent reading from the BARS manual and the Revised Code of Washington on financial issues. Mr. Derdowski said he couldn’t find any evidence of our compliance to the RCW and BARS. They never talk to the Finance Director and evidently couldn’t find our Financial Policy on the finance page of our website. Mr. Derdowski said that he would write a letter for the Save Black Diamond Council Members to send on to the Mayor. He thinks we have no internal financial controls. Yet, none of these people talk to the Finance Director directly. He uses the word “we” quite often, but I know that it is the use of the “royal we” meaning him. He publically stated that in his view we could be violating the state statutes. They have the misconception that there are improper expenditures of funds. But if you don’t sit down and talk to the Finance Director, how would you know? The Save Black Diamond Council Members, Mr. Derdowski and Ms. Bryant don’t even know that there is an invoice for every voucher. These were matters that were discussed in detail in our old council committee meetings. All invoices were there to be reviewed if necessary. Again, Mr. Derdowski, as “volunteer staff” said he would write a letter for the Save Black Diamond Council Members to send to the Mayor on this.

Brian Weber brought up an issue on the MDRT budget and wants to dig into that. He also has contacted the State Auditor’s office to have them come and give a presentation. He questioned the new truck purchased for the Public Works Department. He wanted to know where the surplus \$17,000 went. The Save Black Diamond Council Members do not understand that the purchase is only part of budgeted activity. The remaining money is used for the upgrades that need to be added. Again, don’t talk to anyone who knows anything, just talk amongst your uninformed selves.

They questioned the voucher for DKS, a subcontractor to BergerAbam for work performed on the comp plan update. This was to settle a claim because they had not been paid by BergerAbam for work performed. These companies had been contracted during the Save Black Diamond Mayor, Dave Gordon, regime along with Christy Todd. Two more failures from Save Black Diamond. Again, Mr. Derdowski recommended he write a letter for the Save Black Diamond Council Members to send to the Mayor.

There was a discussion of the budget itself. Again the Save Black Diamond Members and Mr. Derdowski question the Mayor's authority. When you can't figure out beginning monthly balances, revenues and expenditures, and ending monthly balances—it is just like check book accounting—how in the heck are the Save Black Diamond Council Members going to understand department level budgeting without Work Studies? Oh yes, the Council President and the other Save Black Diamond Council Members canceled our Work Studies. Heaven forbid some truth should come to light.

The bottom line is that Mr. Derdowski and Ms. Bryant are leading the Save Black Diamond Council Members through ignorance, deceit, lies and misinformation. Since you evidently don't want people who live within our urban growth area on our Planning Commission, why are you letting two people from Bellevue, not voters in our city, keep telling the City of Black Diamond how to operate. It is time for Mr. Derdowski and Ms. Bryant to go meddle in the affairs of their own city and get out of ours.