

**CITY OF BLACK DIAMOND**  
**October 19, 2017 Regular Business Meeting Agenda -REVISED**  
**10/18/17\_AdoptedAgenda**  
25510 Lawson St., Black Diamond, Washington

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

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

**PUBLIC COMMENTS:** Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

**PUBLIC HEARINGS: None**

**UNFINISHED BUSINESS:**

- 5) **AB17-057A** – Resolution Granting Final Plat Approval for Ten Trails PP1A Division 1 Subdivision Mr. Williamson
- 6) **AB17-058A** – Resolution Approving Interlocal Agreement and Operating Procedures with South County Area Transportation Board (SCATBd) Mayor Benson
- 10) **AB17-056A** – Resolution Authorizing Professional Services Agreement with DKS Associates Mr. Boettcher

**NEW BUSINESS:**

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

**CONSENT AGENDA:**

- 1) **Claim Checks** – October 19, 2017 - No. 45422 through No. 45457 and EFTs in the amount of \$478,861.71
- 2) **Payroll** – September 30, 2017 – No. 19408 through No. 19425 and ACHs in the amount of \$313,644.06
- 3) **Minutes** – Council Special Meeting of September 28, 2017
- 4) **Minutes** – Council Meeting of October 5, 2017

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

- Councilmember Deady
- Councilmember Morgan
- Councilmember Edelman
- Councilmember Weber
- Councilmember Pepper

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

## **BLACK DIAMOND CITY COUNCIL MINUTES**

**October 19, 2017**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

### **CALL TO ORDER, FLAG SALUTE:**

Mayor Benson called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

### **ROLL CALL:**

**PRESENT:** Councilmembers Deady, Morgan, Edelman, Weber, and Pepper

**ABSENT:** None

Staff present were: Andrew Williamson, MDRT/Economic Development; Seth Boettcher, Public Works Director; Jamey Kiblinger, Police Chief, May Miller, Finance Director; Commander Larry Colagiovanni; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

### **CHANGES TO AND APPROVAL OF AGENDA:**

Councilmember Pepper **moved** that the consent agenda is placed at the end after new business per Council Rule 3.12 and with that change we approve the agenda; **second** Councilmember Morgan. Motion **passed** 4-1 (Deady).

**APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:** None

### **PUBLIC COMMENTS:**

Leslie Cooley, Black Diamond spoke to Council.

Cheryl Hanson, Black Diamond Community Center Director spoke to Council.

Pat Nelson, Black Diamond spoke to Council.

Pam McCain, Black Diamond spoke to Council.

Tripp Hart, Enumclaw spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Allison Stern, Black Diamond spoke to Council.

Nancy Rogers, Attorney representing Oakpointe spoke to Council.

James Stout, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Councilmember Weber called Mr. Edelman out of order for political statements.

**PUBLIC HEARINGS:** None

**UNFINISHED BUSINESS:**

**5) AB17-057A – Resolution Granting Final Plat Approval for Ten Trails PP1A Division 1 Subdivision**

MDRT/Ec Dev/Interim Community Development Director Williamson reported to Council on this item. He also noted that the final action date for this item is October 30, 2017.

Councilmember Pepper **moved** to approve the resolution AB17-057A granting final plat approval for Ten Trails PP1A Division 1 Subdivision; **second** Councilmember Deady.

**Roll Call Vote:** Motion **passed** unanimously 5-0 with a roll call vote. Councilmember Deady, **aye**; Councilmember Morgan, **aye**; Councilmember Edelman, **aye**; Councilmember Weber, **aye**; Councilmember Pepper, **aye**.

**6) AB17-058A- Resolution Approving Interlocal Agreement and Operating Procedures with South County Area Transportation Board (SCATBd)**

Councilmember Morgan **moved** that the resolution is removed from committee and amended as follows. The amendment for the resolution on agreement with South County Area Transportation Board. There is a Section 2 added as follows: Section 2. The City Council has no confidence in the mayor as the city's representative and does not support Mayor Benson as the city's representative on South County Area Transportation Board.; **second** Councilmember Pepper.

There was Council discussion with Councilmember Morgan speaking to her motion.

During Councilmember Morgan speaking Mayor Benson asked the audience to please be quiet twice.

Also during Councilmember Morgan speaking to her motion Councilmember Edelman raised a point of order stating this has nothing to do with SCATBd and approving an interlocal agreement.

Councilmember Morgan continued to speak to her motion and during this Councilmember Deady called the question.

Councilmember Pepper stated she would like to call a recess.

There was discussion on having the question called.

**Vote:** Motion **passed** 4-1 (Deady).

**10) AB17-061 – Resolution Authorizing Professional Services Agreement with DKS Associates**  
Public Works Director Boettcher addressed Council on this item.

Councilmember Pepper **moved** to approve the amended contract for resolution AB17-056A authorizing professional services agreement with DKS Associates; **second** Councilmember Weber.

There was Council discussion.

**Roll Call Vote:** Motion **passed** unanimously 5-0 with a roll call vote. Councilmember Deady, **aye**; Councilmember Morgan, **aye**; Councilmember Edelman, **aye**; Councilmember Weber, **aye**; Councilmember Pepper, **aye**.

**NEW BUSINESS:**

**7) AB17-059** – Resolution Authorizing Interlocal Agreement for Jail Services with Yakima County Department of Corrections

Chief Kiblinger spoke to Council on this agenda item.

Councilmember Deady **moved** to adopt a resolution authorizing the Mayor to execute an Interlocal Agreement with Yakima County Department of Corrections for inmate housing; **second** Councilmember Edelman. (No vote taken)

There was Council discussion.

Councilmember Pepper **moved** this item is for first reading and assigned to the Government Operations Committee; **second** Councilmember Morgan. (No vote was taken)

Councilmember Deady **moved** to suspend the rules and we pass this tonight; **second** Councilmember Edelman. Motion **failed** 2-3 (Morgan, Weber, Pepper).

**8) AB17-060** – Resolution Approving Second Addendum to Prosecution Contract with Kara Murphy

Mayor Benson reported to Council on this item.

Councilmember Pepper **moved** this item is for first reading and assigned to the Government Operations Committee; **second** Councilmember Morgan. (No vote taken; amended motion below passed).

There was Council discussion with focus being when this will come back to Council. Councilmember Weber stated he would like to see this come back at the next regular meeting if possible.

Councilmember Pepper **amended** her motion that this item is for first reading and assigned to the Government Operations Committee and to be brought forth for consideration on November 2, 2107 at the regular Council meeting; **second** Councilmember Weber. Motion **passed** 3-2 (Deady, Edelman).

**9) AB17-061 – Resolution Accepting Stormwater Capacity Grant from the Department of Ecology**

Public Work Director Boettcher presented this item to Council.

Councilmember Pepper **moved** to postpone this to November 2 and have this item for first reading and assigned to the Growth Management Committee; **second** Councilmember Morgan.

There was Council discussion.

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

**CONSENT AGENDA:**

Councilmember Weber stated he would like to address each consent agenda item separately.

- 1) Claim Checks – October 19, 2017 - No. 45422 through No. 45457 and EFTs in the amount of \$478,861.71**

Councilmember Weber noted he would like to pull invoice number 45438 (Kenyon Disend) and 45449 (RH2) and stated his reasons and **moved** the rest of the claim checks be paid; **second** Councilmember Morgan.

There was Council discussion.

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

- 2) Payroll – September 30, 2017 – No. 19408 through No. 19425 and ACHs in the amount of \$313,644.06**

Councilmember Weber **moved** to pay the payroll; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

- 3) Minutes – Council Special Meeting of September 28, 2017**

Councilmember Weber **moved** to approve the minutes of the Council Special meeting of September 28, 2017; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

- 4) Minutes – Council Meeting of October 5, 2017**

Councilmember Weber **moved** that the Council minutes for October 5, 2017 be approved; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

## **DEPARTMENT REPORTS:**

Public Works Director Boettcher discussed how momentous this evening was with the approval of the final plats. He commended Andy Williamson for sticking with this and being diligent, having a high level of integrity, and for being a skilled manager. He then proceeded to give background information on the development.

## **MAYOR'S REPORT:**

Mayor Benson reported attending a three-hour meeting with staff and Councilmember Morgan to review the final plat; she participated in the candidate forums at the Black Diamond Community Center and the Chamber Luncheon and noted her opponent did not show up; she also reported attending the STEM luncheon for the Enumclaw School District.

## **COUNCIL REPORTS:**

Councilmember Deady reported that October is Domestic Violence month; attending the STEM luncheon, Chamber luncheon, public safety issues meeting, tour of Ten Trails with Mr. Williamson and noted being excited for the next phases, meeting to review the vouchers, Harvest Moon Dinner and Auction at the Black Diamond Community Center, Town Hall and Work Session on DKS.

Councilmember Morgan discussed the three-hour meeting with staff on PP1A and noted there being over 100 conditions of approval for the first plat. She noted going over every single one of them and looking over the staff's and developer's answers to those conditions and it being really important to understand what staff's position was on these. She also noted having a couple of questions and will get around to looking at the answers that were sent and added being confident to vote for the final plat.

Councilmember Edelman reported attending the public safety meeting, pre-PIC meeting and noted it being with Ann McFarland from Jurassic Parliament and the topic was on public comment periods. She also attended the PIC meeting, work session and town hall meetings, candidate forum, Chamber luncheon, and STEM luncheon. She discussed a potential future action item from PIC where she needs feedback from Council as she will be asked to vote on this. She noted the three issues are 1) Adjust the Property Tax Cap, 2) Invest in Public Health Services, and 3) Address the Housing and Homelessness Crisis (which has two parts). She added these are a policy decision for the PIC to take urging the Washington State Legislature to take action on in 2018.

Councilmember Deady stated being in support of these items. Councilmember Weber supports two through four (which #3 has two parts), but has an issue with item 1 and does not agree with it. Councilmember Morgan noted agreeing with Councilmember Weber. Councilmember Pepper commented that she is supportive of a conversation on all of these.

Councilmember Weber reported attending the budget meeting, town hall meeting and working on the plat information. He touched on something that disturbed him at the town hall meeting where a citizen spoke about services being cut off. He noted there is not any intent you can still make decisions as a Council to fund those services while you are still

working on the budget. He noted feeling bad for the citizens that take this as a fear thing and asked that as we move into this budget season that some of that rhetoric be kept at a minimum.

Councilmember Pepper reported attending the DKS work session and town hall meetings. She noted attending a PP1A subdivision tour and thanked Mr. Williamson and Ms. Martinez for being willing to go with her. She also noted attending the candidate forum at the Community Center and there being 70 plus in attendance, and the work session prior to tonight's meeting.

**ATTORNEY REPORT:** None

### **PUBLIC COMMENTS**

Bob Edelman, Black Diamond spoke to Council.

Tina McGann, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Cheryl Hanson, representing the Black Diamond Community Center spoke to Council.

Johna Thomson, Black Diamond spoke to Council. During her comments she requested a copy of the citation Councilmember Morgan read from tonight during the SCABTd item.

Robbin Taylor, Black Diamond spoke to Council.

Councilmember Weber responded to Mrs. Taylor's comments where she discussed the lack of process involved in a lawsuit that was filed on Mayor Carol Benson. Councilmember Weber stated he would like to know how it is she knew about the lawsuit on October 11<sup>th</sup>, he hadn't heard anything about it. He further stated he didn't know about the filing date and that was interesting.

Leslie Cooley, Black Diamond spoke to Council.

Kristen Bryant, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

Andy Williamson, Black Diamond spoke to Council.

James Stout, Black Diamond spoke to Council.

Erin Stout, Black Diamond spoke to Council.

Mayor Benson discussed the lawsuit that was filed against her from the City Council, and also discussed the Motion to Intervene that was filed by Oakpointe. She also stated that one or two Council people, outside an open public meeting caused a lawsuit to be filed.

**EXECUTIVE SESSION:** None


**ADJOURNMENT:**

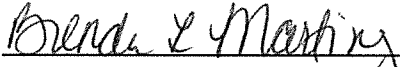


Councilmember Edelman moved to adjourn the meeting; second Councilmember Dedy.  
Motion passed with all voting in favor (5-0).

The meeting ended at 8:53 p.m.

ATTEST:

  
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Carol Benson, Mayor

  
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Brenda Martinez, City Clerk