

## CITY OF BLACK DIAMOND

December 7, 2017 Regular Business Meeting Action Agenda - Approved  
25510 Lawson St., Black Diamond, Washington

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

*(Councilmember Deady moved to add two resolutions to the agenda; 1) Opposing the siting of the Enumclaw Recycling Center and 2) Opposing the opening of the John Henry Mine; second Councilmember Edelman – Passed 5-0)*

*(Councilmember Pepper moved to amend the agenda and place the consent agenda at the end after new business in accordance with Council Rules and to include the items submitted by Councilmember Deady; second Councilmember Morgan – Passed 5-0)*

### 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:

7) AB17-067B – Resolution Regarding Ten Trails Final Plat, Phase 2 Plat C Division 1 Mr. Williamson  
*(Moved Councilmember Edelman; second Councilmember Weber - Passed 5-0)*

### NEW BUSINESS:

8) AB17-069 – Resolution Regarding Final Acceptance of the City Buildings Roof Replacement Project Mr. Boettcher  
*(Moved Councilmember Deady; second Councilmember Morgan – Passed 5-0)*

9) AB17-070 – Resolution Regarding ILA to Provide Services to the City of Enumclaw for Traffic School Chief Kiblinger  
*(Moved Councilmember Morgan; second Councilmember Edelman – Passed 5-0)*

10) AB17-071 – Resolution Regarding ILA with City of Maple Valley for Building Inspection Services Mr. Williamson  
*(Moved Councilmember Morgan; second Councilmember Edelman – Passed 5-0)*

11) AB17-072 – Ordinance Amending the 2017 Operating Budget Ms. Miller  
*(Moved Councilmember Weber; second Councilmember Pepper – Passed 5-0)*

12) AB17-073 – Ordinance Adopting the 2018 Operating Budget Ms. Miller  
*(Moved Councilmember Deady; second Councilmember Edelman – Passed 5-0)*

13) AB17-074 – Resolution Regarding the Provision of Defense for Councilmembers Morgan, Weber, and

Pepper in Relation to Judicial Proceedings Filed as a Third Party Complaint in King County  
Superior Court Cause #17-2-26654-0-KNT

Councilor Pepper

*(Moved Councilmember Pepper; second Councilmember Morgan – Roll call vote, passed 3-2 (Edelman, Deady))*

- 14) **AB17-075** – Resolution Reaffirming Action of Resolution No. 16-1139 Determining that the City of Black Diamond was to provide the Defense for Certain Individually Named Councilmembers Named as Defendants in King County Superior Court #16-2-29091-4

Councilor Pepper

*(Moved Councilmember Pepper; second Councilmember Morgan – Roll call vote, passed 3-2 (Edelman, Deady))*

- 15) **Resolution** – Opposing the Siting of the Enumclaw Recycling Center

Councilor Deady

*(Moved Councilmember Deady; second Councilmember Pepper – Passed 5-0)*

- 16) **Resolution** – Opposing the Opening of the John Henry Mine

Councilor Deady

*(Moved Councilmember Deady; second Councilmember Pepper – Passed 5-0)*

*(Moved Councilmember Edelman to cancel the Dec 14 and 21 meetings; second Councilmember Deady – Passed 4-1 (Morgan))*

#### **CONSENT AGENDA:**

- 1) **Claim Checks** – December 7, 2017 - No. 45560 through No. 45610 in the amount of \$250,153.72

*(Voucher pulled were 45577 (KD), and 45592 (RH2))*

*(Moved Councilmember Weber to approve the rest of the vouchers; second Councilmember Morgan – Passed 5-0)*

- 2) **Payroll** – November 30, 2017 – No. 19444 through No. 19460 and ACHs in the amount of \$301,296.13

*(Moved Councilmember Weber; second Councilmember Edelman – Passed 5-0)*

- 3) **Minutes** – Council Work Session of November 9, 2017

- 4) **Minutes** – Council Special Meeting of November 9, 2017

- 5) **Minutes** – Council Meeting of November 16, 2017

- 6) **Minutes** – Council Special Meeting of November 30, 2017

*(Moved Councilmember Weber to approve all the minutes on the agenda; second Councilmember Pepper – Passed 5-0)*

#### **DEPARTMENT REPORTS:**

#### **MAYOR'S REPORT:**

#### **COUNCIL REPORTS:**

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

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:** *(Moved Councilmember Edelman to adjourn; second Councilmember Weber – passed 5-0)*  
*(Meeting ended at 8:50 p.m.)*

# BLACK DIAMOND CITY COUNCIL MINUTES

December 7, 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:** May Miller, Finance Director; Seth Boettcher, Public Works Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Bob Noe, City Attorney and Brenda L. Martinez, City Clerk.

Councilmember Deady **moved** to add two resolutions to the agenda tonight and they are the Enumclaw Recycling Center and the John Henry Mine; **second** Councilmember Edelman. Motion **passed** with all voting in favor 5-0.

Councilmember Pepper **moved** that the consent agenda items 1-6 are moved to the end of the agenda per Council Rule 3.12 and additions under new business as Councilmember Deady has brought forth and Council has passed and will be on the agenda 1) resolution opposing the siting of the Enumclaw Recycling Center and 2) resolution opposing the opening of the John Henry Mine; **second** Councilmember Morgan. Motion **passed** with all voting in favor 5-0.

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

## PUBLIC COMMENTS:

Robbin Taylor, Black Diamond spoke to Council.  
Kristine Hanson, Black Diamond spoke to Council.  
Johna Thomson, Black Diamond spoke to Council.  
Kristin Bryant, Black Diamond spoke to Council.  
Chris Wisnoski, Black Diamond spoke to Council.  
Gary Davis, Black Diamond spoke to Council.

**PUBLIC HEARING:** None

## **UNFINISHED BUSINESS:**

### **7) AB17-067B – Resolution Regarding Ten Trails Final Plat, Phase 2 Plat C Division 1**

MDRT/Ec Dev/Interim Community Development Director addressed Council on this item.

Councilmember Edelman read a letter from Oakpointe dated 12/1 regarding the date the preliminary plat needs to be acted on.

There was discussion.

Councilmember Edelman **moved** to adopt a resolution approving the final plat for Ten Trails Phase 2C Division 1 (PLN17-0076); setting forth supportive findings and fixing a time when the final plat shall become effective; **second** Councilmember Deady. Motion **passed** with all voting in favor 5-0.

## **NEW BUSINESS:**

### **8) AB17-069 – Resolution Regarding Final Acceptance of the City Buildings Roof Replacement Project**

Public Works Director Boettcher reported on this agenda item.

Councilmember Deady **moved** to adopt a resolution accepting the City Buildings Roof Replacement project by Multifacet Group as complete according to the contract documents; **second** Councilmember Morgan. Motion **passed** with all voting in favor 5-0.

### **9) AB17-070 – Resolution Regarding ILA to Provide Services to the City of Enumclaw for Traffic School**

In the absence of Chief Kiblinger, Mayor Benson presented this item to Council.

There was Council discussion.

Councilmember Morgan **moved** to adopt a resolution authorizing the Mayor to execute an Interlocal Agreement to provide services to the City of Enumclaw for traffic school; **second** Councilmember Pepper. Motion **passed** with all voting in favor 5-0.

### **10) AB17-071 – Resolution Regarding ILA with City of Maple Valley for Building Inspection Services**

MDRT/Ec Dev/Interim Community Development Director reported to Council on this item.

Councilmember Morgan **moved** to adopt a resolution authorizing the Mayor to execute an Interlocal Agreement with the City of Maple Valley for building inspection services; **second** Councilmember Edelman. Motion **passed** with all voting in favor 5-0.

**11) AB17-072 – Ordinance Amending the 2017 Operating Budget**

Finance Director Miller reported on this.

Councilmember Weber **moved** to approve an ordinance adopting the 2017 budget amendment; **second** Councilmember Pepper. Motion **passed** with all voting in favor 5-0.

**12) AB17-073 – Ordinance Adopting the 2018 Operating Budget**

Finance Director Miller spoke on this item.

Councilmember Deady thanked Ms. Miller, staff, and Mayor Benson for all their hard work in putting together a balanced budget.

Councilmember Deady **moved** to approve an ordinance adopting the 2018 budget; **second** Councilmember Edelman. Motion **passed** with all voting in favor 5-0.

**13) AB17-074 – Resolution Regarding the Provision of Defense for Councilmembers Morgan, Weber, and Pepper in Relation to Judicial Proceedings Filed as a Third Party Complaint in King County Superior Court Cause #17-2-26654-0-KNT**

Mayor Benson read an RCW regarding Councilmember voting.

Councilmember Pepper asked Attorney Glenn to speak to this issue.

Attorney Glenn noted this is the same issue that was discussed earlier and the cases have made clear that in these types of situations it would not prohibit the Councilmembers to vote.

There was Council discussion with Councilmember Pepper reading the resolution.

Councilmember Pepper **moved** to make the motion to adopt this resolution; **second** Councilmember Morgan.

There was continued Council discussion.

Councilmember Pepper called a Point of Order for the Chair to keep the audience in control.

**Roll call vote:** Councilmember Deady, **no**; Councilmember Morgan, **yes**; Councilmember Edelman, **no**; Councilmember Weber, **yes**; Councilmember Pepper, **yes**. Motion **passed** 3-2 (Edelman, Deady).

**14) AB17-075 – Resolution Reaffirming Action of Resolution No. 16-1139 Determining that the City of Black Diamond was to provide the Defense for Certain Individually Named Councilmembers Named as Defendants in King County Superior Court #16-2-29091-4**

Councilmember Pepper read the resolution.

Councilmember Pepper **moved** this resolution as a motion; **second** Councilmember Morgan.

**Roll call vote:** Councilmember Deady, **no**; Councilmember Morgan, **yes**; Councilmember Edelman, **no**; Councilmember Weber, **yes**; Councilmember Pepper, **yes**. Motion **passed** 3-2 (Edelman, Deady).

**15) Resolution** – Opposing the Siting of the Enumclaw Recycling Center

Councilmember Deady addressed this item and read the proposed resolution.

There was Council discussion.

Councilmember Deady **moved** that Council adopt a resolution opposing the siting of the Enumclaw Recycling Center; **second** Councilmember Pepper. Motion **passed** with all voting in favor 5-0.

**16) Resolution** – Opposing the Opening of the John Henry Mine

Councilmember Deady reported to Council on this and read the resolution.

There was Council discussion.

Councilmember Deady **moved** for Council to adopt a resolution opposing the opening of the John Henry Mine; **second** Councilmember Pepper. Motion **passed** with all voting in favor 5-0.

Councilmember Edelman moved to cancel the December 14<sup>th</sup> and 21<sup>st</sup> meetings; second Councilmember Deady. Motion **passed** 4-1 (Morgan).

**CONSENT AGENDA:**

Councilmember Weber asked to break the consent agenda items out. Mayor Benson suggested doing the claim checks then payroll and all the minutes together.

**1) Claim Checks** – December 7, 2017 - No. 45560 through No. 45610 in the amount of \$250,153.72

Councilmember Weber pulled vouchers 45577 (Kenyon Disend) and 45592 (RH2) and spoke to why he was pulling them.

Councilmember Weber **moved** to approve the rest of the vouchers; **second** Councilmember Morgan. Motion **passed** with all voting in favor 5-0.

- 2) **Payroll** – November 30, 2017 – No. 19444 through No. 19460 and ACHs in the amount of \$301,296.13

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

- 3) **Minutes** – Council Work Session of November 9, 2017
- 4) **Minutes** – Council Special Meeting of November 9, 2017
- 5) **Minutes** – Council Meeting of November 16, 2017
- 6) **Minutes** – Council Special Meeting of November 30, 2017

Councilmember Weber **moved** to approve all the minutes on the agenda (items 3-6); **second** Councilmember Pepper. Motion **passed** with all voting in favor 5-0.

#### **DEPARTMENT REPORTS:**

MDRT/Ec Dev/Interim Community Development Director Williamson reported on the activities coming up next year regarding the subdivisions and model homes. He also discussed the next plats that will be coming before Council. He noted working with the new owner of the dinner house on a remodel and the business name at this time is Black Diamond Public House. He also discussed the elk out in the development.

#### **MAYOR'S REPORT:**

Mayor Benson reported attending the Turkey Dinner at the Black Diamond Elementary School put on by Kiwanis, school staff, and volunteers, SEALTC meeting regarding the legislative agenda for the south end; SCATBd meeting; Enumclaw School District luncheon; newly elected workshop in Covington; deposition on OPMA lawsuit; and reminded everyone about the Hometown Christmas on 12/9.

#### **COUNCIL REPORTS:**

Councilmember Deady encouraged everyone to come out and attend the Hometown Christmas and noted there will also be a craft fair at the school too. She noted meeting with staff on many different issues and also discussed the elk in the development. She reminded everyone of the open volleyball nights at the gym.

Councilmember Morgan reported attending depositions and being deposed.

Councilmember Edelman reported attending the Kiwanis dinner; various meetings with staff; SCA dinner; Christmas tree lighting event at the Black Diamond Community Center; Miracle on 34<sup>th</sup> Street production at the Tahoma High School; Leslie Cooley's memorial service; SEALTC meeting and South Valley Caucus.



Councilmember Weber reported attending work sessions and spending a lot of time reviewing all the information that has been presented for tonight's meeting.

Councilmember Pepper reported attending several Council meetings; elected officials workshop in Covington; she also discussed products coming from the mine and where they will go and wondered if Maple Valley knew they'd be coming through town; she commented on the arts organization called the South County Coalition every month they put out a calendar for the area and it might be worth getting our events on this calendar; she also discussed the tree canopy inventory opportunity relayed by Mayor Benson.

**ATTORNEY REPORT:** None

**PUBLIC COMMENTS:**

Kristine Hanson, Black Diamond spoke to Council.  
Johna Thomson, Black Diamond spoke to Council.  
Mira Hoke, Black Diamond spoke to Council.  
Terri Yankovich, Black Diamond spoke to Council.  
Colin Lund, Black Diamond spoke to Council.  
Gary Davis, Black Diamond spoke to Council.  
Brock Deady, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.  
May Miller, Finance Director spoke to Council.  
Kristen Bryant, Bellevue spoke to Council.  
Dan Glenn, Olympia spoke to Council.  
Carolyn Carroll, Black Diamond spoke to Council.  
Bob Edelman, Black Diamond spoke to Council.

**EXECUTIVE SESSION:** None

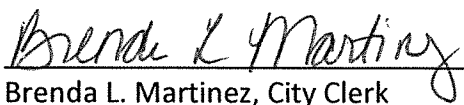
**ADJOURNMENT:**

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

The meeting ended at 8:50 p.m.

ATTEST:

  
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Carol Benson, Mayor

  
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Brenda L. Martinez, City Clerk