

BLACK DIAMOND CITY COUNCIL MINUTES

June 1, 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: Seth Boettcher, Public Works Director; Mike Henrich, Police Officer; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

Councilmember Pepper welcomed attorney Dan Glenn to the meeting and stated his contract was approved by the Council at the last meeting.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the Council approved agenda per Council Rules of Procedure.

Councilmember Pepper spoke to her motion and discussed the changes to the agenda.

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS: None

PUBLIC COMMENTS:

Erin Stout, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

PUBLIC HEARINGS:

3) AB17-040 – Resolution Regarding 2018-2023 Six Year Transportation Improvement Plan

Public Works Director Boettcher gave an overview of the proposed 2018-2023 Six Year Transportation Improvement Plan.

At 7:14 p.m. Mayor Benson opened the public hearing.

Johna Thomson, Black Diamond discussed attending Council meetings regularly since August and noted not hearing any updates from Oakpointe on what they are working on for the MPDs. She noted Oakpointe's goals overlap with the transportation plan and updates would give the public an understanding of how they overlap and would like to see updates done.

Leslie Cooley, Black Diamond discussed reviewing the transportation plan and thanked staff for their work and noted there being a good mix of projects. She had questions on what the timeline is for applying for grants and what staff needs from Council. She recommended adoption by Council.

Bob Edelman, Black Diamond discussed two things. First he would like to know since the pedestrian overpass has been removed which is a safety issue for pedestrians, he would like to hear from Council how they will address this. Second, he asked for an update regarding the meeting with TIB.

Kristen Bryant, Bellevue commented on growing up in Black Diamond on Roberts Drive and closely watching the Roberts Drive project as well as being generally interested in the Transportation Improvement Program. She noted one of the comments made earlier in regards to the Rock Creek bridge that in her look at the proposed TIP she believes the bridge on the TIP does not exclude a pedestrian access and the replacement and her comment is that in this day and age a pedestrian access on a replacement bridge would be necessary and this may not be in the plan, but in the detail. Her second comment was regarding the current Roberts Drive Rehabilitation project and there being more work to come on other segments that are in the TIP as proposed. She further commented on the current Roberts Drive project and discussed the SEPA Determination of Non Significance issued in September of 2015 and it being withdrawn by staff as there were issues brought up by state agencies and others. She also noted there was additional work and planning being done on this rehab in 2016. She discussed the MDNS issued by staff in September of 2016 and then being withdrawn by staff in November of 2016 and noted none of this information being brought to Council. She discussed the grant being available from 2015 to 2016 and the problem was with SEPA. She added that by all the information provided to the public this project could have been completed in 2016 without Council involvement or action and was not by the drawing out of the administration. She also added with more projects coming forward that will need SEPA review, there were lessons learned on the SEPA components and what can be done to improve so there are not delays because of corrections that need to be made in the SEPA process.

Aaron, Black Diamond commented on being confused on the Rock Creek bridge. He noted the bridge was built in 1914 and in order to run the water over it they would need to replace the bridge and they ran water over it and buried it in the bridge recently, which means when they do replace it they will have to shut off the people on the other side and doesn't understand why it was handled this way.

Mayor Benson and Councilmember Deady commented on the waterline running over the bridge.

Councilmember Pepper stated she would like to keep the public hearing open until the next meeting.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to keep the public hearing open until the next meeting as this is for first reading and assigned to the Growth Management Committee.

Public hearing comments continued.

Robbin Taylor, Black Diamond commented on her confusion on the waterline and it's replacement on the bridge and wondered how it gets from the east side of the creek to the west side of the creek.

Public Works Director Boettcher addressed the confusion and discussed the waterline replacement being below the pavement and above the bridge deck.

There was Council and staff discussion regarding the time frame and scheduling of the Growth Management meeting, bike lanes, Cedar to Green bike trail and adding the TIP to next week's work session.

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

UNFINISHED BUSINESS:

4) AB17-038A – Ordinance Regarding Traffic Concurrency Management

Public Works Director Boettcher updated Council on this item and noted it being on hold as staff has not heard back from the Department of Commerce. He also noted that once we hear back from the Department of Commerce staff is planning on bringing this forward either next Thursday or sooner.

5) AB17-039A – Resolution Authorizing Agreement with BHC for Comprehensive Plan Update

Councilmember Pepper discussed this item is still under committee review.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to postpone this item until it has a committee recommendation.

Councilmember Pepper spoke to her motion.

There was Council discussion regarding this item.

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

6) AB17-041 – Resolution Authorizing Fuel Tax Agreement with TIB for Emergency Pot Hole Repair (This item on the agenda was under new business, however it was addressed under unfinished business)

Public Works Director Boettcher reported on this item and noted it being for first reading and will be coming back to Council at a later meeting.
There was Council discussion regarding this item.

7) Minutes – Council meeting of April 21, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the amended minutes for April 21, 2016 sent to Council yesterday be approved. (no vote taken as below motion to postpone supersedes)

There was Council discussion.

Mayor Benson called Councilmember Morgan out of order.

Council discussion continued.

Points of order were raised by Councilmembers Weber and Pepper.

Council discussion continued.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to postpone the April 21, 2016 meeting minutes until the June 15th meeting. Motion **passed** 4-1 (Pepper).

NEW BUSINESS:

8) Resolution Discharging the Firm of Kenyon Disend from Providing Legal Services for the City

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to pass a resolution of the City of Black Diamond, Washington, discharging the firm of Kenyon Disend from providing legal services for the City.

Councilmember Pepper spoke to her motion by reading the resolution.

There was Council discussion.

A point of order was raised by Councilmember Pepper on Councilmember Deady for attacking.

Council discussion continued.

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

CONSENT AGENDA:

- 1) **Claim Checks** – June 1, 2017 No. 44894 through No. 44947 and EFTs in the amount of \$154,317.93
- 2) **Minutes** – Council Meeting of May 4, 2017

Councilmember Weber addressed the vouchers and noted the need to pull three of them (44896 Kenyon Disend; 44919, HWA; 44933, RH2).

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to adopt the Consent Agenda minus the three pulled vouchers.

Councilmember Weber spoke to his motion by reading an email he wrote to Councilmember Morgan.

Vote: Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – June 1, 2017 No. 44894 through No. 44947 (minus 44896, 44919, 44933) and EFTs in the amount of \$69,422.40
- 2) **Minutes** – Council Meeting of May 4, 2017

DEPARTMENT REPORTS: None

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Deady reported attending the Tri City meeting, Memorial Day ceremonies at the Black Diamond Cemetery and the Tahoma National Cemetery. She also reported meeting with Finance Director Miller to go over the vouchers.

Councilmember Morgan – no report.

Councilmember Edelman reported attending the Tri City meeting and meeting with Finance Director to review the vouchers.

Councilmember Weber reported not being able to attend the Tri City meeting and noted he wished he could have. He also discussed why he was not running again for his Council seat.

Councilmember Pepper reported attending the Tri City meeting and noted it being a good meeting and liked the trail presentation from King County.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Melissa Oglsbee, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.


EXECUTIVE SESSION: None

ADJOURNMENT:

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

Meeting ended by 9:25 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk