

BLACK DIAMOND CITY COUNCIL MINUTES

March 16, 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: Jamey Kiblinger, Police Chief; Dan Dal Santo, Interim Public Works Director; May Miller, Finance Director; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director; Scott Hanis, Capital Projects/Program Manager; Kevin Esping, Facilities Coordinator; David Linehan, City Attorney and Brenda L. Martinez, City Clerk.

CHANGES TO AND APPROVAL OF AGENDA (per Council Rule 3.4, passed February 2, 2017)

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to adopt the agenda sent to the Council by email on March 13th.

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

There was Council discussion.

Councilmember Morgan raised a point of order stating one Councilmember cannot tell another Councilmember what to do.

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

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.

Pam McCain, Chair of Planning Commission read a letter from the Planning Commissioners.

Jennifer Lathum, Black Diamond spoke to Council.

Councilmember Pepper raised a point of order.

Ben Stover, 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.

Kristen Bryant, Bellevue spoke to Council.

Kristine Hanson, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

4) AB16-077B – Resolution Confirming Mayor’s Reappointment of Harvey Senecal to Position No. 3 on the Planning Commission

Mayor Benson noted Councilmember Pepper not having the ability to remove item #9 from the agenda.

Councilmember Edelman stated based on the legality of the Mayor’s placement of this on the agenda a **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to confirm the Mayor’s reappointment of Harvey Senecal to Position No. 3 on the Planning Commission.

There was Council discussion and Councilmember Pepper referred to an email sent to her by Mr. Senecal.

Mayor Benson noted Council not having the authority to remove item #9 from the agenda.

Vote: Motion **passed** 3-2 (Morgan, Weber) (Councilmember Pepper did not vote).

A point of order was raised by Councilmember Pepper.

Councilmember Pepper appealed the decision of the Chair; seconded by Councilmember Morgan.

Mayor Benson overruled her.

Council discussion continued.

Councilmember Pepper continued with the vote on the appeal of the Chair’s decision. Deady, no vote; Morgan disagreed with the Chair’s decision; Edelman, no vote; Councilmember Weber

disagreed with the Chair's decision; Pepper disagreed with the Chair's decision to put item #4 on the agenda and railroad a vote. The majority overruled the Chair's decision.

Councilmember Pepper stated that item #4 is not on the agenda and the decision to put it there is not okay.

NEW BUSINESS:

5) AB17-027 – Resolution Adopting the 2017-2022 Transportation Improvement Program

Capital Project/Program Manager Hanis reported to Council on this item.

There was Council discussion and Councilmember Edelman read emails from Black Diamond citizens Jason Seth and Patrice Norgate into the record.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that this amended resolution and transportation improvement plan be placed before the Council as we have it now and that it also be postponed until the first meeting on April 6th.

There was Council discussion.

Councilmember Weber raised a point of order.

Council discussion continued.

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to amend Councilmember Pepper's motion to pass the resolution adopting the staff's 2017-2022 TIP tonight.

Council discussion continued.

Amended motion vote: Amended motion **failed** 2-3 (Morgan, Weber, Pepper).

Main motion vote: Main motion **passed** 3-2 (Deady, Edelman).

6) AB17-028 – Ordinance Adopting Low Impact Development Regulations

Capital Project/Program Manager Hanis discussed this item.

There was Council discussion and consensus to have a presentation by AHBL at the public hearing on this item to address the changes.

7) AB17-029 – Authorize Binding Statement of Intent through an Interlocal Agreement with Regional Services of King County for Continued Animal Services Beginning January 1, 2018

There was Council discussion on this item and it was moved to the Government Operations Committee.

8) Oakpointe Mediation

Councilmember Pepper said she had an addition to the agenda regarding mediation.

A point of order was raised by Councilmember Pepper.

There was Council discussion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan that the topic of mediation be placed on the agenda. Motion **passed** 3-2 (Edelman, Deady).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan with regards to mediation on the Oakpointe MDRT issue and that Council representatives are Councilmembers Pepper and Morgan and that Council will only attend mediation with an attorney approved by a majority vote of the Council.

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

CONSENT AGENDA:

Councilmember Morgan requested that the consent agenda items be separated and approved separately.

1) Claim Checks – March 16, 2017 - No. 44479 through No. 44664 and EFTs in the amount of \$135,967.54

Councilmember Morgan discussed the three vouchers she would like to pull. She noted vouchers 44479 (Parametrix), 44642 (Kenyon Disend), and 44654 (RH2) are being denied for lack of a contract for Council consideration.

Councilmember Pepper raised a point of order.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the rest of the claim checks (with the exceptions of 44479(Parametrix), 44642 (Kenyon Disend), and 44654 (RH2)). Motion **passed** 5-0.

2) Payroll – February 28, 2017 – No. 19285 through No. 19300 and ACHs in the amount of \$267,944.52

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the payroll. Motion **passed** with all voting in favor 5-0.

3) Minutes – Council Meeting of March 2, 2017, Council Meeting of February 16, 2017, Special Meeting of February 16, 2017, and Council Meeting of December 22, 2016

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to adopt the minutes.

There was Council discussion.

Councilmember Edelman called for the question.

Vote: Motion **failed** 2-3 (Morgan, Weber, Pepper).

DEPARTMENT REPORTS:

MDRT/Ec Dev/Interim Community Development Director Williamson reported on the weekly updates posted on the website regarding the Roberts Drive Waterline Project and urged Council and citizens to visit this page often to get the latest news. He also discussed the process for the conditions of approval on the developments and stated for the record it clearly states in the agreements that the City Attorney is the MDRT Attorney and that is Mr. Linehan.

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Deady reported meeting with Finance Director Miller to go over the vouchers and attended the Black Diamond Community Center St. Patrick Day luncheon.

Councilmember Morgan reported attending the Pollutant Loading Technical Action Team meetings; King Conservation District meeting; reported on forestry project grants and noted she will not make it to her Saturday library time this weekend.

Councilmember Edelman reported attending the Franklin Mine tour; met with Finance Director Miller to go over the vouchers; met with Mayor Benson; she noted being embarrassed by Council behavior and thanked the citizens for attending.

Councilmember Weber reported attending the Council work session and noted he is reading up on items coming forth.

Councilmember Pepper reported attending the work session; learning about pedestrian walkway, fish and other items coming forward.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Bob Edelman, Black Diamond spoke to Council.
Erin Stout, Black Diamond spoke to Council.
Jennifer Lathum, Black Diamond spoke to Council.
Robbin Taylor, Black Diamond spoke to Council.
Johna Thomson, Black Diamond spoke to Council.
Leslie Cooley, Black Diamond spoke to Council.
Kristine Hanson, Black Diamond spoke to Council.
Brock Deady, Black Diamond spoke to Council.
Judy Carrier, Auburn spoke to Council.
Kristen Bryant, Black Diamond spoke to Council.

EXECUTIVE SESSION: None

ADJOURNMENT:

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

The meeting ended at 9:53 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

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