

## BLACK DIAMOND CITY COUNCIL MINUTES

April 6, 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; Kim Pratt, 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 created in accordance with Council Rules of Procedure.

Councilmember Pepper spoke to her motion.

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

### APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

**Proclamation – Sexual Assault Awareness Month**

Mayor Benson read a proclamation into the record (attached) regarding April being Sexual Assault Awareness Month.

### PUBLIC COMMENTS:

Gary Davis, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Dan Dal Santo, Interim Public Works Director spoke to Council.

Andy Williamson, MDRT/Ec Dev/Interim Community Development Director spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Leslie Cooley, Black Diamond spoke to Council.

Aaron, Black Diamond spoke to Council.

Bob Edelman, Black Diamond spoke to Council.

Keith Watson, Black Diamond spoke to Council.

Judy Carrier, Auburn spoke to Council.

## **PUBLIC HEARINGS: None**

## **UNFINISHED BUSINESS:**

- 9) **AB17-027A** – Resolution Adopting the 2017-2022 Transportation Improvement Program  
*This item is under review by the Council Growth Management Committee. The Committee Chair anticipates asking the Council to consider this item with amendments at the meeting.*

Capital Projects/Program Manager Hanis addressed this item with Council. He also noted for the record that should the safety improvements be eliminated from the Rock Creek bridge portion of the project, that any future liabilities that may arise from this do not fall on city staff.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to approve a resolution adopting the 2017-2022 Transportation Improvement Program (TIP).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to amend the motion to approve the amended resolution adopting the last amended TIP dated April 3, 2017.

Councilmember Pepper spoke to her amendment and discussed the recommended changes.

There was Council discussion.

Councilmember Pepper raised a point of order for Councilmember Deady to keep to what is on the agenda.

Council discussion continued.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to take a five minute recess. (No vote was taken)

At 8:26 p.m. Mayor Benson recessed the meeting for five minutes.

At 8:32 p.m. Mayor Benson called the meeting back to order.

Discussion between Council and staff continued and following discussion Councilmember Pepper **withdrew** her amendment to the main motion.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Edelman to amend the motion to make the changes to Project 1 Roberts Drive Rehabilitation to be from Bruckners Way to City Hall.

There was Council discussion and following discussion Councilmember Edelman **withdrew** her second to the amended motion from Councilmember Pepper.

Council discussion continued and Councilmember Morgan **seconded** the amended motion by Councilmember Pepper.

Councilmember Morgan called the question.

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

**Roll call vote for main motion:** Deady, **no**; Morgan, **yes**; Edelman, **no**; Weber, **yes**, Pepper, **yes**. Main motion **passed** as amended 3-2 (Edelman, Deady).

**10) AB17-029A** – Resolution to Authorize Binding Statement of Intent through an Interlocal Agreement with Regional Services of King County for Continued Animal Services beginning January 1, 2018

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt a resolution to authorize a binding statement of intent through an Interlocal Agreement with Regional Services of King County for continued animal services beginning January 1, 2018.

Councilmember Morgan spoke to her motion and there was Council discussion.

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

**11) AB16-077A** - Resolution Confirming Re-appointment to Planning Commission Pos. # 3

Mayor Benson noted this was voted at the last meeting and passed.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to adopt a resolution confirming the re-appointment of Harvey Senecal to the Planning Commission Position #3.

Councilmember Pepper spoke to her motion.

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

## **NEW BUSINESS:**

- 12) Ordinance** regarding acceptance of public comments by electronic methods in addition to other methods

Councilmember Morgan addressed Council on this item and noted it is for first reading and assigned to the Government Operations Committee.

### **13) Council Discussion:** Review of Attorney RFP Applications

Mayor Benson reported that the City received only one proposal and that was from the current City Attorney firm of Kenyon Disend. Councilmember Pepper discussed the need to keep the process open.

### **14) Council Discussion:** Review of Mediation Progress - Councilor Morgan

Mayor Benson noted there is no longer mediation and a decision was made to go to arbitration and the three Councilmembers (Morgan, Weber, Pepper) are allowed to hire an attorney for the process with the City paying up to \$5,600.

A point of order was raised by Councilmember Pepper for Councilmembers to stop the accusations.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to hire an attorney Jane Koler from Land Use & Property Law to represent the three Councilmembers (Morgan, Weber, Pepper) for the arbitration proceeding with CCD Black Diamond. Motion **passed** with all voting in favor 5-0.

## **CONSENT AGENDA:**

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

- 1) Claim Checks** – April 6, 2017 - No. 44665 through No. 44739 and EFTs in the amount of \$166,581.53

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the claim checks with the exceptions of holding check # 44665 (Dan Singer) until the next meeting, and withholding check #s 44667 (AHBL), 44688 (HWA), and #44708 (RH2). Motion **passed** 5-0.

- 2) Minutes** – Council Meeting of March 2, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to adopt the minutes of March 2, 2017 as written. Motion **passed** with all voting in favor 5-0.

- 3) Minutes** – Council Work Session of January 12, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt the work session minutes of January 12, 2017 as presented. Motion **passed** with all voting in favor 5-0.

**4) Minutes** – Special Joint Council/Planning Commission Minutes of January 24, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to adopt the January 24, 2017 joint minutes as presented. Motion **passed** with all voting in favor 5-0.

**5) Minutes** - Special Council Meeting of January 26, 2017

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Weber to adopt the January 26, 2017 special meeting minutes. Motion **passed** 5-0. (It was noted there was a scrivener's error on the third page; the word budget needs a "t".

**6) Minutes** – Council Meeting of February 2, 2017

A **motion** was made by Councilmember Deady and **seconded** by Councilmember Edelman to accept the February 2, 2017 minutes. Motion **failed** 2-3 (Morgan, Weber, Pepper).

**7) Minutes** – Work Session of March 9, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to accept the March 9, 2017 work session minutes otherwise as drafted. Motion **passed** with all voting in favor 5-0. (It was noted there was a scrivener's error on the 2<sup>nd</sup> page in the paragraph that starts Mr. Hanis. The work "heed" should be "need".

**8) Minutes** – Town Hall Meeting of March 9, 2017

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber to accept the March 9, 2017 Town Hall minutes as presented. Motion **passed** with all voting in favor 5-0.

**DEPARTMENT REPORTS: None**

**MAYOR'S REPORT:**

Mayor Benson reported attending the Fire Ad Hoc Committee meeting, mediation with OakPointe and noted this going to arbitration and discussed the schedule. She also noted attending the Enumclaw School Foundation luncheon.

**COUNCIL REPORTS:**

Councilmember Deady reported attending the Fire Ad Hoc Committee meeting, SCA dinner, Enumclaw School Foundation luncheon and read a statement which is attached.

Councilmember Morgan read a piece from Ann McFarland, she noted Saturday, April 15 is fish

ID day at the Muckleshoot's, Sat, April 22 is a presentation on streams at King County Library; April 10 at 3:15 p.m. is a walk on the Cedar to Green River Trail which starts at the Lake Wilderness Lodge parking lot.

Councilmember Edelman reported attending the Fire Ad Hoc Committee meeting, police seminar, SCA dinner, meeting with Finance Director to go over the vouchers, talked with Dan Singer, and read from a prepared statement which is attached.

Councilmember Weber reported attending the Growth Management Committee meeting where a speaker from WRIA 9 spoke. He commented on not knowing about the email and flyer sent out by Save Black Diamond.

Councilmember Pepper reported attending the Growth Management Committee meeting and being joined by a speaker from WRIA 9; researching Council business; attended leadership conference; researching hiring an attorney and noted not being aware of anything sent out by Save Black Diamond.

**ATTORNEY REPORT: None**

**PUBLIC COMMENTS:**

Bob Edelman, Black Diamond spoke to Council.  
Melissa Ogsbee, Black Diamond spoke to Council.  
Judy Goodwin, Black Diamond spoke to Council.  
Mark Hill, Black Diamond spoke to Council.  
Robbin Taylor, Black Diamond spoke to Council.  
Kristen Bryant, Bellevue spoke to Council.  
Leslie Cooley, Black Diamond spoke to Council.  
Judy Baxley, Black Diamond spoke to Council.  
Jennifer Lathum, Black Diamond spoke to Council.  
Rena, Black Diamond spoke to Council.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

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

The meeting ended at 10:35 p.m.

ATTEST:

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Carol Benson, Mayor

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Brenda L. Martinez, City Clerk

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