

**CITY OF BLACK DIAMOND**  
**January 18, 2018 Regular Business Meeting Agenda – REVISED-Adopted**  
25510 Lawson St., Black Diamond, Washington

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

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

**Presentation – State of the County Address**

King County Councilmember Reagan Dunn

**1) Proclamation - January 21 – 27, 2018 School Choice Week**

Mayor Benson

**CONSENT AGENDA:**

**2) Claim Checks – January 18, 2018 – Check No. 45720 through 45788 and ACHs in the amount of \$402,553.14**

**3) Minutes – Council Special Meeting of January 4, 2018**

**4) Minutes – Council Meeting of January 4, 2018**

**5) Minutes – Council Work Session of June 9, 2016**

**7) Minutes – Council Meeting of July 7, 2016**

**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:**

**9) AB18-026 - Ordinance Adopting Updated Illicit Discharge Requirements and Amending Chapter 14.04 of the Black Diamond Municipal Code**

Mr. Boettcher

**10) AB18-027 – 2018 Stormwater Management Program (SWMP) Plan**

Mr. Boettcher

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**11) AB18-028 – Resolution No. 18-1223 Authorizing Agreement with Olympic Environmental**

Mr. Boettcher

**6) Minutes – Council Meeting of June 16, 2016**

**8) Minutes – Council Meeting of July 21, 2016**

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

- Councilmember Deady
- Councilmember Oglesbee
- Councilmember Edelman
- Councilmember Stout
- Councilmember Pepper

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**EXECUTIVE SESSION:** To discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i)

**ADJOURNMENT:**

## BLACK DIAMOND CITY COUNCIL MINUTES

January 18, 2018

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, Oglesbee, Edelman, Stout and Pepper.

**ABSENT:** None

Staff present: Seth Boettcher, Public Works Director; Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Kevin Esping, Facilities Coordinator; Jamey Kiblinger, Police Chief; Deanna Humphreys, Police Clerk; David Linehan, City Attorney, and Brenda L. Martinez, City Clerk.

### APPROVAL OF THE AGENDA:

Councilmember Deady stated she would like to add an executive session to the end of tonight's meeting.

Councilmember Edelman **moved** to adopt the agenda with the addition of an executive session tonight; **second** Councilmember Deady.

There was discussion regarding when to pull items from the consent agenda.

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

### APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS:

Mayor Benson announced that King Councilmember Dunn was ill so he will not be giving his "State of the County" address.

**1) Proclamation** - January 21 – 27, 2018 School Choice Week

Mayor Benson discussed the proclamation she included in the packet material.

## **CONSENT AGENDA:**

Councilmember Edelman **moved** to adopt the consent agenda; **second** Councilmember Deady.

Councilmember Pepper stated she would like to separate out items 6 and 8 for an individual discussion.

Councilmember Edelman noted for the record that since these items are being pulled out they will be discussed later at this meeting and voted on.

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

- 2) **Claim Checks** – January 18, 2018 – Check No. 45720 through 45788 and EFTs in the amount of \$402,553.14
- 3) **Minutes** – Council Special Meeting of January 4, 2018
- 4) **Minutes** – Council Meeting of January 4, 2018
- 5) **Minutes** – Council Work Session of June 9, 2016
- 7) **Minutes** – Council Meeting of July 7, 2016

## **PUBLIC COMMENTS:**

Erika Morgan, Black Diamond spoke to Council.

## **PUBLIC HEARINGS:**

- 9) **AB18-026** - Ordinance Adopting Updated Illicit Discharge Requirements and Amending Chapter 14.04 of the Black Diamond Municipal Code

Public Works Director Boettcher briefed Council on this item.

Mayor Benson opened the public hearing at 7:09 p.m.

Erika Morgan, Black Diamond commented on looking through this and noted that 1) a pet waste station is needed for Abrams Avenue since that road runs through the meandering Rock Creek class 4 wetland demanding maximum protection, and 2) the practice of placing gravel on the road – gravel which contains silt, which then washes into the wetland degrading it with silt. This silt will then carry the phosphorus (PO<sub>4</sub>) downstream into Lake Sawyer imperiling the TMDL for phosphorus on the lake, and 3) another issue is over the holiday dinner leavings have been set out along Abrams Avenue and this practice needs to stop. It is wrong to feed wildlife and it's dangerous to encourage feeding behavior by this wildlife in the City. She discussed at the last meeting a resident shared with her a recent night photo showing two lionesses and their nine cubs feeding on an elk carcass inside the city limits of Black Diamond. She further commented on testimony from Game Warden

Bruce Richards that these cougars travel 70 miles a day regularly and they are here in Black Diamond following a concentration of elk from Buckley, Green Valley Road, and Cougar Mountain. She discussed that they converge in Black Diamond for mating this time of year and are present during spring/summer months to raise cubs and it is incredibly irresponsible to encourage feeding behavior where humans are likely to become food.

Mayor Benson closed the public hearing at 7:12 p.m.

**10) AB18-027 – 2018 Stormwater Management Program (SWMP) Plan**

Public Works Director Boettcher updated Council on this item.

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

Kristen Bryant, Bellevue thanked Council for the opportunity to speak on the Stormwater Management Program Plan. She noted growing up in Black Diamond and attending Enumclaw High School and during high school she was part of a club that took a trip with the school and other students across the nation to visit places important to our founding fathers. She noted going to Philadelphia and taking a bus down to Washington DC and remembered a moment crossing a big river and it was flowing brown and all the kids from the Pacific Northwest looked out the window and wondered what was wrong with the river as they were shocked. She noted a kid from Stanton Island making fun of them because rivers are brown, because that was his experience and not theirs. She further commented that everyone knows we have a clean water act in this country that covers all 50 states and the states are required to adopt regulations to implement the clean water act with education being one of the requirements for implementation of the clean water act. She noted the Black Diamond Stormwater Management Plan includes an education component and her experience with talking to people in Black Diamond is that this is a pretty difficult issue for some to understand why there is a stormwater fee and how we can make Puget Sound water cleaner based on the stormwater runoff and is something the education component is valuable about. The developments and the roads we all use are impacted by stormwater runoff and it's difficult for people to understand as they usually say they don't have a stormwater pond on their property and they don't see why they need to pay this tax. She feels this is why the education component is really important. She shared that while living in Pennsylvania her township sent out a beautiful piece about how stormwater runoff affects the fish, streams, and wildlife. She further noted it was so well done and easy to understand that she saved it. She stated she couldn't find it before coming tonight, but would be happy to share with the City as it is something that people could latch right on to and wanted to offer that and encourage the City to put a lot of emphasis on making that education component easy for people to understand, because she thinks they'll feel good about protecting our waters and streams.

Erika Morgan, Black Diamond asked if the City is still allowed to discharge from the Jones Lake lift station into the Rock Creek wetland as it's proven that this leads directly to a polluted Lake Sawyer. She noted the cause of the TMDL on the lake is the result of this past practice. She asked if she could be given an idea of how often the discharges happen and what volumes are discharged. She also inquired as to where citizens can get the

results of the Regional Stormwater Monitoring Program done by DOE and asked for an explanation on the rain garden monitoring that is happening – what is happening, who is responsible for monitoring, and who is responsible for the monitoring on the developer's roads and would the financial responsibility for this on the developer's roads ever become a city responsibility.

Kristine Hanson, Black Diamond commented on agreeing with Ms. Bryant on the education part. She noted when she was on Council doing a lot of research and finding great ways of education especially for the children and that's where the education needs to begin to teach them the importance of clean water and how they can keep our waterways clean. She discussed ideas of having the kids paint fish symbols next to the storm drains in the City so they know that these drains lead to our waterways. She stressed the importance of this and noted when she was a Councilmember she suggested for staff to work with the Black Diamond Elementary to do an educational assembly at the school and found all kinds of tools and coloring books for children to educate them which will get them excited and in turn they can go home and educate their parents, because as we grow there will be more runoff and hopes the City will champion this to happen.

Gary Davis, Black Diamond Lawson Hill area commented that in the past there have been problems with surface water runoff down past the water tank up there down through the drainage at the southend of his property and even Botts Drive has been flooded at the coal company gate one time or another. He noted one of the stormwater management things that he thinks needs to be checked on because as far as he knows it's not being checked on a regular basis is the activity of the beavers up above the water tank which he was told caused the last problem we had of that sort and hopes this can be dealt with in a way that will satisfy the federal requirements regarding the beaver and the needs of managing surface water runoff.

Mark Hill, Black Diamond commented that he has been reading about stormwater and listening to the people testifying tonight and wanted to say that he doesn't want to see the burden on the City Council and staff. The fact is that there is already a lot of knowledge out there and you have time to go and volunteer because stormwater is a public education thing and we shouldn't look at our City Council like it's their problem to go educate as he doesn't feel it is there problem to go educate – we all have it and we all can go and talk to our own kids and we all can volunteer time to go do this.

Mayor Benson closed the public hearing at 7:25 p.m.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**11) AB18-028** – Resolution No. 18-1223 Authorizing Agreement with Olympic Environmental

Public Works Director Boettcher reported on this item.

Councilmember Edelman **moved** to adopt Resolution No. 18-1223, authorizing the Mayor to execute a professional services agreement with Olympic Environmental Resources for the City's 2018 Spring and Fall recycling events; **second** Councilmember Oglesbee.

Councilmember Edelman spoke to her motion followed by Council and staff discussion.

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

**6) Minutes – Council Meeting of June 16, 2016**

Councilmember Pepper commented that she would like to add more complete comments from Mr. Talmadge and provided a transcript of that part of the minutes to be added.

There was Council discussion.

Councilmember Deady **moved** to approve the June 16, 2016 City Council minutes; **second** Councilmember Oglesbee. Motion **passed** 4-1 (Pepper).

**8) Minutes – Council Meeting of July 21, 2016**

There was Council discussion.

Councilmember Edelman **moved** to adopt the meeting minutes for the Council meeting of July 21, 2016; **second** Councilmember Deady. Motion **passed** 4-1 (Pepper).

**DEPARTMENT REPORTS:**

MDRT/Ec Dev/Interim Community Development Director Williamson discussed with Council the Comprehensive Plan update and the plan moving forward. He suggested holding a special joint meeting with the Planning Commission at their meeting on February 6, 2018 on the comprehensive plan update. He further noted that following that meeting will be a scheduled work plan for getting this update completed.

Councilmember Edelman **moved** to have a special meeting with the Planning Commission on Tuesday, February 6, 2018 starting at 6 p.m.; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

**MAYOR'S REPORT:**

Mayor Benson reported attending the first Finance Committee meeting; summary judgement hearing; SCATBd meeting; Public Works Committee meeting; Chamber luncheon; Fire Commissioners annual banquet and the staff management meeting.

**COUNCIL REPORTS:**

Councilmember Deady reported attending the summary judgement hearing; Fire Commissioners annual banquet, and the Finance Committee meeting.

Councilmember Olgesbee reported speaking with staff on agenda items; attending Hometown Christmas wrap up meeting; AWC Workshop next Thursday on Parliamentary Procedure; Public Safety meeting on the 26<sup>th</sup> of January and noted welcoming emails from citizens on items to bring forward to that committee; volunteering at the Museum.

Councilmember Edelman reported attending the PIC meeting; upcoming Legislative Action Days; 31<sup>st</sup> PSRS and SCA will have an all day orientation at PSRC for newly electeds; SCA will be holding on the 7<sup>th</sup> at SeaTac City Hall an orientation on SCA committees; summary judgement hearing; Public Works Committee meeting; Kiwanis Lunch, and Chamber luncheon.

Councilmember Stout reported attending training with City Attorney David Linehan on the 5<sup>th</sup>; invited to speak to Cub Scout Troup and gave presentation on running a campaign; Finance Committee meeting; Council work session; Kiwanis luncheon; Public Works Committee meeting; Chamber Luncheon; SCA networking Dinner; and noted it being a busy couple of weeks.

Councilmember Pepper reported attending the Council work session; discussed AWC issues on homelessness and affordable housing; Department of Commerce is sponsoring workshop for Block Grants March 14 and 28<sup>th</sup> and this might be something of interest for the City to attend and apply for grants.

#### **ATTORNEY REPORT:**

Attorney Linehan reported there are a lot of telecommunications companies who want to build infrastructure in Black Diamond and noted Council may see draft ordinances coming forward should they wish to pursue.

#### **PUBLIC COMMENTS:**

Kristine Hanson, Black Diamond spoke to Council.

Johna Thomson, Black Diamond spoke to Council.

Mark Hill, Black Diamond spoke to Council.

Erika Morgan, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Gary Davis, Black Diamond spoke to Council.

Jackie Buss, Black Diamond spoke to Council.

#### **EXECUTIVE SESSION:**

At 8:07 p.m. Mayor Benson announced that the Council would be going into executive session pursuant to RCW 42.30.110(1)(i) to discuss with Legal counsel potential litigation. It was anticipated the executive session would last 15 minutes with possible action to follow.



At 8:22 p.m. a ten minute extension was announced.

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


Councilmember Deady **moved** that the City Code Enforcer move forward with legal action on property 32110 Bruckners Way, Black Diamond; **second** Councilmember Edelman. Motion **passed** with all voting in favor (5-0).

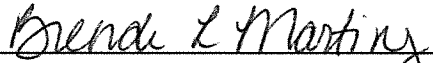
**ADJOURNMENT:**

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

The meeting ended at 8:34 p.m.

ATTEST:

  
\_\_\_\_\_  
Carol Benson, Mayor

  
\_\_\_\_\_  
Brenda L. Martinez, City Clerk