

**BLACK DIAMOND CITY COUNCIL
SPECIAL MEETING MINUTES
October 18, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the special meeting to order at 6:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Morgan, Edelman, and Weber. (Councilmember Morgan was not present for roll call and entered the meeting at 6:01 p.m.)

ABSENT: None

Staff present: May Miller, Finance Director; Jamey Kiblinger, Police Chief; Rob Reed, IT Services; Andrew Williamson, MDRT/Ec Dev/Interim Community Development Director; Seth Boettcher, Public Works Director; Melanie Dane, Municipal Court Judge; Stephanie Metcalf, Court Administrator, and Brenda L. Martinez, City Clerk.

WORK SESSION:

PRELIMINARY DRAFT 2017 GENERAL FUND BUDGET

Mayor Benson read into the record a memo on the 2017 preliminary draft 2017 General Fund Budget. This memo is attached and incorporated into the minutes. Mayor Benson then turned the meeting over to Finance Director Miller.

Councilmember Weber entered the meeting at 6:01 p.m.

Finance Director Miller noted this is third work session Council has had on the budget. She recapped prior work sessions and reported that tonight's work session will be to go over the preliminary draft 2017 General Fund budget and on October 27th will be a work session to go over the public works budgets, special revenue funds, and the capital budgets.

Ms. Miller reviewed with Council the staffing levels and funding sources; draft preliminary combined 2017 preliminary budget for all funds and explained the 2017 general fund sources and uses; she referred to the Funding Agreement page 31 and noted that developer funding is decreasing which is good as the City needs to cover costs of the city. She discussed the general fund revenues and their sources (i.e. property tax, sales tax, utility taxes, etc.) and what those dollars cover. She reviewed the general fund tax trends with Council and reviewed department budgets along with staff members where they

highlighted areas that have either decreased, increased or new increases that are being asked for and why.

In closing Finance Director Miller reviewed the budget calendar and reminded Council the next meeting on the budget is scheduled for October 27th.

ADJOURNMENT:

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

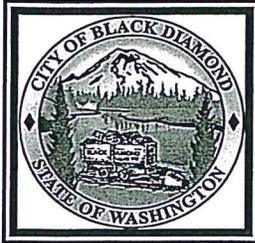
Meeting ended at 7:39 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

DRAFT



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: BLACK DIAMOND CITY COUNCILMEMBERS

FROM: CAROL BENSON, MAYOR

SUBJECT: 2017 PRELIMINARY/DRAFT BUDGET

DATE: OCTOBER 13, 2016

I am pleased to present the Draft 2017 Preliminary General Fund Budget, which is not only balanced, it is also sustainable without having to withdraw any funds from the ending fund balance.

Fortunately our economy is slowly improving with an increase in revenue from the construction of the infrastructure for the Villages, the new Elementary School and several home building projects within the city. We expect this trend to continue throughout the next year along with the expectation that new home construction will begin in the Villages before the end of 2017.

This budget reflects our priorities for achieving our desired vision for the future of Black Diamond. Our priorities included maintaining a high quality of life for those who work, live and visit the City of Black Diamond. This is achieved through supporting public safety; both fire and police. We were voted the 9th safest city in the State of Washington by SafeWise, which was released in their report of May 23, 2016. With no additional population within the city limits, our calls for service have increased every year. Our calls for service last year were 2989 and we anticipate those calls for service to increase by nearly 1,000 by the end of 2016.

With our limited resources we must also ensure that our roads and infrastructure are maintained and provide regular upgrades to projects and facilities through grants and REET.

I truly appreciate the hard work and dedication of City Staff in providing the City and Council with a balanced budget. I am proud that the City has maintained a level of service which makes Black Diamond a better place to live, work, play and do business.

**BLACK DIAMOND CITY COUNCIL
SPECIAL MEETING MINUTES
October 27, 2016**

Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Benson called the special meeting to order at 6:01 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 and Brenda L. Martinez, City Clerk.

WORK SESSION:

PRELIMINARY DRAFT 2017 PUBLIC WORKS BUDGETS, SPECIAL REVENUE FUNDS, AND CAPITAL FUNDS

Mayor Benson announced this special meeting is a work session on the proposed 2017 preliminary budget for the public works budgets, special revenue funds, and capital projects. She then turned the meeting over to Finance Director Miller.

Finance Director Miller reported this is the second work session on the 2017 budget and is also an overview of the public works budgets, special revenue funds, and capital funds. She explained this is another chance for Council to go over the document and ask questions so all the information can get out to the public.

She reviewed with Council the following Special Revenue Funds which are restricted and can only be used for allowable expenses:

- Street Fund
- Fire Impact Fee Fund
- Transportation Benefit District Fund (TBD)
- Traffic Mitigation Fund
- Internal Service Funds – These funds have a common purpose and all funds contribute.
- Equipment Replacement Funds

Ms. Miller reviewed with Council the following Utility Fund and noted these funds are more like business funds where Council raises the rates to support the expenditures.

- Water Operating Fund 401
- Water Debt
- Sewer Operating Fund 407
- Stormwater Operating Fund 410

The following Capital Funds were reviewed with Council.

- Real Estate Excise Tax 1 – 311 (REET 1)
- General Government Capital Projects Fund 310
- Real Estate Excise Tax 2 - 321 (REET 2)
- Public Works Capital Projects Fund 320
- Water, Supply Facility Funding Agreement (WSFFA) – Partners pay 100% of the costs for projects in this fund.
- Water Capital Fund 404

At 6:59 p.m. Mayor Benson recessed the work session portion of the meeting for a public hearing regarding proposed revenue sources for the 2017 budget including possible increases in property tax levy.

PUBLIC HEARING:

PROPOSED REVENUE SOURCES FOR THE 2017 BUDGET INCLUDING POSSIBLE INCREASE IN PROPERTY TAX LEVY

Finance Director Miller noted that the City is required to have a public hearing before the end of the month. She explained this hearing has been noticed in the paper and on the City's website. She discussed the ordinances that are associated with the adoption of the 1% increase in property tax. She also discussed these ordinances will be back before Council at the November 17th meeting for action as state law requires property tax certifications to be filed with the County by November 30th.

Mayor Benson opened the public hearing at 7:01 p.m. No public commented and Mayor Benson announced the public hearing will remain open until November 17, 2016.

CONTINUATION OF WORK SESSION:

Mayor Benson announced we will now continue with the work session that was recessed for the public hearing.

Finance Director Miller continued to review with Council the following Utility Funds.

- Continuation of Water Capital Fund 404
- Sewer Capital Fund 408
- Stormwater Capital Fund 410

In closing Finance Director Miller reviewed the budget calendar and noted we are currently at number 9 on the calendar tonight. She commented that the preliminary budget will be posted November 1 and the next budget hearing is scheduled for November 17, 2016.

Mayor Benson asked if Councilmembers have any questions on the budget or items they would like to see in the budget.

ADJOURNMENT:

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

Meeting ended at 7:24:22 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

DRAFT

BLACK DIAMOND CITY COUNCIL MINUTES

November 3, 2016

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: Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Scott Hanis, Capital Project/Program Manager; Kevin Esping, Facilities Equipment Coordinator; Brian Lynch, Sergeant; Andy Williamson, MDRT/Ec Dev/Interim Community Development Director, and Brenda L. Martinez, City Clerk.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson announced that Cheryl Hanson from the Black Diamond Community Center is here tonight to do a presentation on the Center.

Black Diamond Community Center Director Cheryl Hanson discussed with Council the funding the Community Center is losing and the effect this would have on the programs the Center runs. She asked them to consider being a partner and set aside \$10,000 in the City's 2017 Budget to help with the purchase of an insurance policy for the Center.

Mayor Benson commented that the work session next week is on the budget and Council can have a discussion at that time on this funding request.

PUBLIC COMMENTS:

Mitch Neary, Black Diamond spoke to Council.

Robbin Taylor, Black Diamond spoke to Council.

Judy Goodwin, Black Diamond spoke to Council.

CONSENT AGENDA:

1) **Claim Checks** – November 3, 2016 - No. 44041 through No. 44092 (Voids, 43927, 43928, 44012) and EFTs in the amount of \$227,491.74

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Morgan to adopt the Consent Agenda. Motion **passed** with all voting in favor (5-0). The Consent Agenda was approved as presented.

PUBLIC HEARINGS:

2) AB16-061A – Continuation - Proposed Resolution Regarding 2017 Stormwater Management Program

Councilmember Pepper spoke on this item and noted the committee assignment by Councilmember Morgan is to the Council Growth Management Committee.

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

MDRT/Ec Dev/Interim Community Development Director Williamson noted that no public comments have been received and no comments have been received from Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Pepper to keep the public hearing open until the Growth Management Committee has had an opportunity to discuss this. Following discussion Councilmember Morgan **withdrew** her motion.

There were no public comments heard and Mayor Benson closed the public hearing at 7:33 p.m.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Weber to refer this item to the Growth Management Committee for further discussion.

There was discussion between Councilmembers.

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

UNFINISHED BUSINESS:

3) Postponed Minutes – Council/Planning Commission Joint Meeting of July 12, 2016, Council meetings of July 21, 2016 and August 18, 2016, Council/Planning Commission Joint Meeting of August 23, 2016, Special Meeting of August 25, 2016, and Council meeting of September 1, 2016

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to approve the amended July 12 joint meeting minutes as presented in the packet.

There was discussion between Councilmembers.

Vote: Motion **passed** 4-1 (Edelman).

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Morgan to postpone the other remaining minutes to the next regular Council meeting. Motion **passed** 3-2 (Deady, Edelman).

4) AB16-062A – Resolution Authorizing a Collective Bargaining Agreement with the Black Diamond Police Officers Association

Councilmember Morgan presented this item and there was discussion on it between Councilmembers.

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Edelman to adopt a resolution authorizing the Mayor to execute the Black Diamond Police Officers Association Collective Bargaining Agreement.

Council discussion continued on this item.

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

NEW BUSINESS:

5) AB16-060A – First Reading - Resolution Authorizing a PSA with RH2 to serve as Civil Engineering Consultant to Water and Sewer Utilities

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to suspend the rules to vote on this item tonight.

There was Council discussion and staff clarification on this item.

Roll call vote: Councilmember Deady responded aye, Councilmember Morgan responded no, Councilmember Edelman responded aye, Councilmember Weber responded no, Councilmember Pepper responded no. Motion **failed** 2-3 (Morgan, Weber, Pepper).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer this item to the Government Operations Committee.

Discussion between Councilmembers continued on this item.

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

6) AB16-063 – First Reading - Ordinance Granting Franchise Agreement with CCD Black Diamond Partners, LLC

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it.

There was Council discussion and staff clarification on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to postpone this item to the next regular meeting on November 17th.

Roll call vote: Councilmember Deady responded aye, Councilmember Morgan responded aye, Councilmember Edelman responded aye, Councilmember Weber responded aye, Councilmember Pepper responded aye. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-063 the ordinance granting a franchise agreement with CCD Black Diamond Partners, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

7) AB16-064 – First Reading - Ordinance Granting Franchise Agreement with Astound Broadband, LLC

MDRT/Ec Dev/Interim Community Development Director Williamson introduced this item and gave background information on it. Fred Miller from WAVE addressed Council questions.

A **motion** was made by Councilmember Weber and **seconded** by Councilmember Edelman to postpone this item to the next regular meeting on November 17th. Motion **passed** with all voting in favor (5-0).

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer AB16-064 an ordinance granting a franchise agreement with Astound Broadband, LLC to the Government Operations Committee. Motion **passed** 3-2 (Deady, Edelman).

8) AB16-065 – First Reading – Resolution Authorizing Interlocal Agreement with AWC RMSA

Mayor Benson presented this item to Council and recommended approval.

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to refer this item to the Government Operations Committee.

There was Council discussion on this item.

A **motion** was made by Councilmember Edelman and **seconded** by Councilmember Deady to amend the motion to suspend the rules to vote on this item tonight. Following discussion Councilmember Edelman **rescinded** the amended motion.

Discussion continued on this item.

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

A **motion** was made by Councilmember Pepper and **seconded** by Councilmember Morgan to postpone this item AB16-065 a resolution authorizing an Interlocal Agreement with AWC RMSA to the November 17th meeting. Motion **passed** with all voting in favor (5-0).

9) AB16-066 – First Reading – Resolution Regarding Contracting Policies

A **motion** was made by Councilmember Morgan and **seconded** by Councilmember Weber that this item be referred to the Budget Committee.

There was Council discussion on this item.

Motion **passed** 4-1 (Deady).

A **motion** was made by Councilmember Weber which is attached and incorporated into the minutes. Following discussion Councilmember Weber **withdrew** his motion.

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

Mayor Benson reported attending the Lake Sawyer Regional Park clean up; visited Mr. Boettcher and noted he is expected to be back at work part time December 1; attended Ken Ward memorial service, Mayor's luncheon with the cities of Maple Valley and Covington; made a statement on why she accepted their agenda and stressed she does not believe in the rules or committees and stated the proper process for committee assignment.

COUNCIL REPORTS:

Councilmember Deady reported attending Ken Ward's memorial service; CERT class update; attended Halloween Party at Community Center and Make a Difference Day.

Councilmember Morgan commented on the disagreement about committees and legal rulings by a judge. She also commented on the items that were sent to the Government Ops Committee tonight and is proposing holding a meeting of that committee on Monday of next week November 7th.

Councilmember Edelman reported attending Make a Difference Day, Black Diamond Historical Society meeting, public safety issues meeting, Ken Ward memorial service and thanked Ginger Passerelli for her participation, and attended the CERT class. Discussed email sent by Deputy City Clerk regarding a citizen phone message where they were expressing their displeasure about the Council; referred to excerpts in the Talmadge opinion.

Councilmember Weber reported attending committee meetings and gave a shout out to the Enumclaw Hornets varsity football team for their victory and wished them good luck at their first playoff game.

Councilmember Pepper reported attending the Government Ops Committee meeting and noted what was discussed; a special meeting on October 27 and on October 29th attended a Washington State Parliamentarian meeting. She also added attending the CERT class and noted the topics and schedule.

ATTORNEY REPORT:

City Attorney Linehan recommended having an executive session regarding the Bonneville Power Administration's offer to acquire certain city property.

PUBLIC COMMENTS:

Bob Edelman, Black Diamond commented.

Brock Deady, Black Diamond commented.

Pam McCain, Black Diamond commented.

Leslie Cooley, Black Diamond commented.

Robbin Taylor, Black Diamond commented.

EXECUTIVE SESSION:

At 9:23 p.m. Mayor Benson announced an executive session as authorized under RCW 42.30.110(c) regarding offers for acquisition of real estate. The executive session is anticipated to last for 10 minutes with no action to follow. Councilmember Morgan recused herself from the executive session due to a conflict of interest.

Before going into executive session a five minute break was added.

Mayor Benson called the meeting back to order at 9:37 p.m.

ADJOURNMENT:

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

The meeting ended at 9:38:08 p.m.

ATTEST:

Carol Benson, Mayor

Brenda L. Martinez, City Clerk

I Move for the following Black Diamond City Council meeting changes:

- First, the November 10 council work session agenda will include a discussion on the Ordinances on property taxes on the agenda.
- Second, the November 17 regular council meeting is cancelled and the public hearing on the Ordinances previously scheduled for November 17th is cancelled.
- Third, a special Council meeting will be called for Monday, November 28th and the agenda will include the re-scheduled public hearing on the two property tax ordinances as well as other items submitted prior to November 11th for inclusion.
- Fourth, the city will advertise the public hearing on the property tax ordinances for the meeting on November 28th.
- Fifth, the city will include on the December 8th work session agenda budget review and public comment on the budget.

RECEIVED
CLERK OFFICE

NOV 03 2016

BY: BJM

From: Council member
Welber

Comments by Robbin Taylor on Nov 3, 2016

The contract for RH2 Engineering is on the Agenda for the First Reading. This contract was first presented in packet material for the Oct 6th Council meeting. Morgan, Weber and Pepper succeeded in removing the RH2 contract from the Council business. During Department Reports Mr. Williamson requested this contract be passed to help cover potential liability as he was sending work their way because by Law he was required to process permits. The Council majority refused to revisit the contract at that meeting.

This contract was discussed at the Gov't Ops committee meeting on October 25th. Councilmember Morgan spoke to the need for this contract now that the Public Works Director is out for an unspecified length of time. Councilmember Morgan even addressed Mr. Williamson, who attended as a citizen, by stating "this is now an emergency" to which Mr. Williamson answered in the affirmative. Councilmembers Morgan and Pepper decided to move this contract to the full Council without recommendation.

Now you want a First Reading, after you already discussed it in Committee and moved it to the full Council tonight for a vote. You will probably claim that you need to follow the Council process. With Councilmember Morgan acknowledging "that this is now an emergency", isn't this the prime opportunity to waive the Council process and show that you can be responsive to an acknowledged emergency situation within the City?

I hope you will do the right thing and pass this contract tonight, and not send it back to the committee that decided on Oct 25th to send it to the full Council tonight for a vote.

On a personal note, I do not attend your committee meetings because I am in awe of your legislative prowess. I attend because I take the task of governmental oversight seriously. Believe me, there are other things I would rather do.

I always tell myself that I will not participate in discussions, yet I am unable to hold back at times. I do not participate to help you. I always hope that perhaps what I say may cause questions to arise in the minds of your few supporters who periodically show up.

This is what I see at the committee meetings:

1. Failed attempts to look like you are doing critical work
2. None of the 2-4 citizens who have attended have proffered up any legislative ideas
3. Proposed legislation is brought in already written up, and poorly done so at best

The only value of your meetings is to get a heads up on what you may be pulling next. Such as Councilmember Morgan stating with excitement on Oct 25th that the New Year is coming up which means new Council Rules. So I can only imagine that Derdowski and Bryant have been working hard on these new Rules. So get ready, new Rules will most likely get rammed through on January 5th, 2017 without a First Reading.

RECEIVED
CLERK OFFICE

NOV 03 2016

BY: B. M.

Comments By Robbin Taylor 11-3-16

Rec'd
11/3/16
BEM
2nd public
comment
period

When Stormwater Plan comes back with amendments then there should be new pub hearing

What is the cost of an RFQ? ^{Good for} citizens to know the cost.

- ~~Council Weper~~ - Re: RH2 - ~~sounds like~~
Weper wants Mayor to do rolling contracts - yet the Council Majority will end up voting in Contracting procedures and Policies that prohibit rolling contracts.

- What we have seen tonight is a Council majority that is completely unable to be responsive to a situation Erika Morgan already said on ~~the~~ Oct 25th was an emergency. If this is how you respond to emergencies - then God help us.

- When Councilmembers Deady & Edelman ask you questions and you do not respond you are not only disrespecting them, you are also disrespecting ~~the~~ the citizens. We, the citizens have a right to hear your answers, and you as elected representatives have an obligation to give answers to your ~~the~~ citizens.

Monday 11-7
Govt Ops

None of the Council majority ever ~~talks~~
~~about~~ gives a report on work they are
doing for the City. Rather you usually
only talk about your own powers.

Get over yourselves. You are not here
for your "power" - you are here to work
for the citizens - get to work!

[Faint, mostly illegible handwritten notes and scribbles follow, including phrases like "The Council", "the citizens", and "get to work".]