

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of February 6, 2025
Hybrid Meeting Via Zoom and In-Person
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, Peterson, Mulvihill, Jones, Page

ABSENT: None

Staff present: Andrew Williamson, MDRT/Ec Development Director; Xavier Mason, Finance Director; Scott Hanis, Public Works Director; Rob Reed, IS Manager; David Linehan, City Attorney; Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

Councilmember Page asked to amend the agenda to add a discussion on fire services.

Councilmember Page **moved** to approve the amended Agenda; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (5-0).

PUBLIC COMMENTS:

Nanette Stocks, Black Diamond spoke to Council.

Kim Berke, Black Diamond spoke to Council.

Tammy Barrier, Black Diamond spoke to Council.

Linneah, Black Diamond spoke to Council.

Julien Loh, PSE spoke to Council.

Bob Barnier, Black Diamond spoke to Council.

Jacqueline Banks, Black Diamond spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) Council Vacancy

Possible Executive Session – Pursuant to RCW 42.30.110(1)(h)

a. Possible Appointments and Oath of Office

At 7:19 p.m. Mayor Benson announced that the Council would be going into executive session pursuant to RCW 42.30.110(1)(h) to discuss the qualifications of the candidates. The executive session was expected to last 15 minutes. Councilmembers exited the Chambers to the patrol room.

At 7:34 p.m. the executive session and Mayor Benson called the meeting back to order

Councilmember Peterson **moved** to appoint Sara Nielsen to Council Position #2; **second** Councilmember Jones. Motion **passed** with all voting in favor (5-0).

Councilmember Peterson **moved** to appoint Jesse Young to Council Position #5; **second** Councilmember Deady. Motion **passed** with all voting in favor (5-0).

Mayor Benson administered the Oath of Offices to Sara Nielsen and Jesse Young and then both took their places at the dais.

2) AB25-016 – Confirming the Mayor’s Appointment of Grifan Cayce to Position #3 of the Planning Commission.

Mayor Benson reported on this item.

Councilmember Page **moved** to confirm the Mayor’s appointment of Grifan Cayce to Position #3 of the Planning Commission; said term expiring December 31, 2028 **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0).

3) AB25-017 – Confirming the Mayor’s Reappointment of Wynstan Larsen to Position #5 of the Planning Commission.

Mayor Benson discussed this matter with the Council.

Councilmember Mulvihill **moved** to confirm the Mayor’s reappointment of Wynstan Larsen to Position #5 of the Planning Commission; said term expiring December 31, 2028 **second** Councilmember Peterson. Motion **passed** with all voting in favor (7-0).

COMMITTEE REPORTS:

DEPARTMENT REPORTS:

Community Development – Director Williamson spoke to Council regarding the schedule he sent to Councilmembers for adoption of the Comprehensive Plan update. He asked that Council continue to review the materials online so the schedule can move forward. He noted he will continue to give regular updates on where the project is on the schedule.

Public Works – Director Hanis addressed the concerns that came up during public comments regarding the replacement of the boat lift and cover that was lost during the

cyclone bomb event. He shared that the costs are 100% paid for by the insurance company. He discussed that when this project went out to bid there was only 1 bid received from Waters and Woods and staff will be working with them to redesign so this doesn't happen again.

Police Department – Chief Kiblinger discussed the Citizens Academy they have partnered with the City of Maple Valley. She also discussed car seat inspections. She updated the Council on the City Administrator process and noted that the Meet and Greet will be next Thursday, July 13 from 6-8 p.m. at the Community Center.

CONSENT AGENDA:

Councilmember Mulvihill **moved** to approve the Consent Agenda; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0). The Consent Agenda was approved as follows:

- 4) **Claim Checks** – February 6, 2025, Check No. 55558 through Check No. 55652 (voids 55384, 55461, 55567, 55603) in the amount of \$958,674.94
- 5) **Minutes** – Council Meeting of January 16, 2025
- 6) **AB25-018** – Resolution Authorizing Contract with Tara Dunford, CPA for Accounting Services
- 7) **AB25-019** – Resolution Regarding ILA for Inmate Housing with the City of Sunnyside
- 8) **AB25-020** – Resolution Authorizing Contract with Waters and Woods for Replacement of the Lake Sawyer Dock Boat Lift and Canopy
- 9) **AB25-021** – Resolution Authorizing Purchase of Raymo RC Mower

UNFINISHED BUSINESS: None

- 10) **AB25-12A** – Proposed Ordinance Renewing Moratorium on Battery Energy Storage Systems

Attorney Linehan briefed the City Council on this agenda item.

Councilmember Mulvihill **moved** to adopt Ordinance No. 25-1219 renewing for an additional six months the moratorium on the acceptance, processing, and/or approval of applications for building and land development permits and related land use decisions for Battery Energy Storage Facilities within the City of Black Diamond; declaring an emergency; providing for severability; and providing that the moratorium will take effect immediately upon passage; **second** Councilmember Deady.

There was Council discussion, and it was asked if this could go to the Planning/Community Services Committee. Councilmember Peterson volunteered to be the point of contact and will work with the Mayor on a process moving forward.

Council Action: Motion **passed** with all voting in favor (7-0).

Continued Discussion on Fire Services – Councilmember Page led the discussion on this item and noted that the administration would prepare an RFP and come back to Council and noted she would like to keep this a regular agenda item for the rest of the year.

Mr. Linehan shared that the RFP is about 70% complete and spoke on the timeline.

NEW BUSINESS:

11) AB25-022 – Ordinance Amending Title 18 of the Black Diamond Municipal Code Regarding Childcare Establishments.

Senior Planner Kuzaro reported on this item and there was back and forth discussion between Council and Ms. Kuzaro.

Councilmember Deady **moved** to adopt Ordinance No. 25-1220 amending Title 18 of the Black Diamond Municipal Code to allow Childcare establishments in the Neighborhood Center and Community Commercial Zones; providing for severability; and establishing an effective date; second Councilmember Mulvihill. Motion **passed** (6-1 (Page)).

12) AB25-023 – Resolution Authorizing Contract with AHBL for On-Call Planning Services

Director Williamson spoke to the Council on this item

Councilmember Mulvihill **moved** to adopt Resolution No. 25-1665, authorizing the Mayor to execute a professional services agreement with AHBL for professional on-call planning services; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0)

13) Discussion Regarding Tree Ordinance

Councilmember Page led the discussion on this item. She discussed reaching out to Mr. Huckle who spoke at the January 16th meeting regarding his comments on the tree ordinance. She shared that she had a great conversation with Mr. Williamson and Ms. Kuzaro. She asked questions regarding the update to tree ordinance in 2011 and it was noted that it was \$50 per tree, and it jumped to the current rate of \$500 per tree and discussed the reason why this changed. She noted that as a result of this change the citizens are being punished. She added that the city needs to monitor the trees that have been replanted for two years. Mr. Williamson spoke on any effects to ADUs and shared the number of permits and amounts that have been collected, and shared new ideas to allocate and spend this money. There continued to be Council discussion. Following the discussion, Councilmember Page recommended leaving the tree ordinance with the Council and the Planning/Community Services Committee to talk about the fee, where the money goes, and the replanting policy and come back to Council so we can discuss and decide on an updated tree ordinance.

MAYOR'S REPORT:

Mayor Benson reported that there will be no work session next week due to the Community Meet and Greet for the City Administrator applicants next week.

COUNCIL REPORTS:

Councilmember Jones reported discussing a lot of things tonight, the marijuana ordinance, trees, BESS and noted that there's a lot of common threads. He noted we have limited resources and limited time to figure this out and that Fire Services is the most important issue facing our city and it needs to be resolved. It's public safety and life safety.

Councilmember Page welcomed the two new Councilmembers and offered her resources to each of them. She noted that every decision that is made by the Council is important and affects someone in the city. She noted this is going to be one of the most challenging years to get things done and cautioned not to work study things to death - using each other as a resource is a great tool. She talked about the doomsday clock and that the development agreement expires in 8 months.

Councilmember Deady congratulated the two new Councilmembers and offered to be of assistance if they need anything. She reported attending the SEAL TC meeting and shared what was discussed. She also attended the Mountain View graduation and shared that she likes having the fire services topic on the agenda to keep it moving forward. She shared that she received an email from Chief Kiblinger that was from Steve from Newcastle, who started a coalition in his neighborhood for public safety to work with the police so they could make the citizens more comfortable approaching the police for help. She also brought up marijuana and noted voting no on this legislation and wanted residents to know that Council can always revisit anything that has been enacted and reminded folks that it's never too late to let Council know you are unhappy with a decision. She said that the residents deserve to be part of the conversation, and she is asking that the council revisit this. She shared that she discussed with a finance employee at the City of Maple Valley regarding how much they receive from their marijuana establishments and stated they bring in over \$77,000 a year for the two marijuana shops.

Councilmember Nielsen noted she was concerned about the marijuana personally but was alarmed by the fire issue and echoed what Councilmember Jones said regarding that.

Councilmember Peterson brought up parks and noted there being some time constraints that need to be picked back up. She also talked about the proposed City Hall, and she is glad to revisit the marijuana legislation. She shared being surprised how crazy a conversation got on Facebook regarding what the developer is doing and would like to have an update from them in a community setting and would love for them to come to a meeting so we could hear what's going on.

Councilmember Mulvihill stated she thinks we are safe on the marijuana issue as the state isn't accepting any new applications. She noted being in contact with Mr. Huckle and gave her involvement on the tree ordinance and loves Andy's idea to use that money for parks and is looking forward to the discussion in her committee.

Councilmember Young thanked the Council for selecting him for the Council and looks forward to being another voice at the table. He stated that one of biggest things he thinks we face is informing the public on what is going on and was shocked and surprised by the fire department issue and getting the populous involved with the correct information and he looks forward to a really fun year.

ATTORNEY REPORT:

City Attorney Linehan welcomed the new Councilmembers and invited them to reach out to him to get up to speed on Council rules, status of various issues in the city, etc.

PUBLIC COMMENTS:

Jacqueline Banks, Black Diamond spoke to Council.

Dan Dal Santo, Black Diamond spoke to Council.

Brock Deady, Black Diamond spoke to Council.

EXECUTIVE SESSION: None

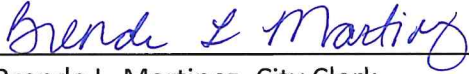
ADJOURNMENT:

Councilmember Page **moved** to adjourn the meeting; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0). The meeting ended at 9:21 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk