BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of Aug 7, 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, Nielsen, Peterson (Zoom), Mulvihill, Young, Jones (not present during roll call and Mayor Benson announced that he would be late), Page. (Councilmember Jones entered the meeting at 7:12 p.m. during public comments)

ABSENT: None

Staff present: Xavier Mason, Finance Director; Scott Hanis, Public Works Director; Rob Reed, IS Manager; Jake Kapsandy, IT Technician II; David Linehan, City Attorney; Tawnya Parks, Court Administrator; Jamey Kiblinger, Police Chief; City Administrator, Kevin O'Neill; Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

Councilmember Mulvihill **moved** to approve the agenda; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0).

PUBLIC COMMENTS:
Janie Edelman, Black Diamond spoke to Council.
Victoria Schroff, representing the City of Maple Valley spoke to Council.
Andrew Puryear, Black Diamond spoke to Council.
Mario Sorci, Black Diamond spoke to Council.
Tammy Barrier, Black Diamond spoke to Council.
James Barrier, Black Diamond spoke to Council.
Brock Deady, Black Diamond spoke to Council.
Kristen Bryant, Bellevue spoke to Council.
Brian Derdowski, Enumclaw spoke to Council.
John Herbert, representing the City of Maple Valley spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) **AB25-070** – Presentation - WRIA 9 – Matt Goehring from King County

Mr. Goehring shared with the Council a PowerPoint presentation to provide context for consideration of the continuation of the WRIA 9 ILA for 2026-2035. The PowerPoint touched on salmon recovery timeline, salmon recovery framework, WRIA 9 – watershed-based approach, salmon habitat plan, WRIA ILA 2026-2035, 2026-2035 ILA timeline, 2025 WRIA 9 Work Plan, salmon recovery funding, and accomplishments.

There was back and forth discussion between Councilmembers and Mr. Goehring.

CONSENT AGENDA:

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

2) **Claim Checks** – August 7, 2025, Check No. 56297 through Check No. 56372 (void 56001) in the amount of $459,375.85

3) **Minutes** –Council Meeting of June 5, 2025, Special Meeting of July 10, 2025, and Council Meeting of July 17, 2025

4) **AB25-071** – Resolution Regarding Agreement with Administrative Office of the Courts for Therapeutic Court Grant Program

5) **AB25-072** – Resolution Regarding Agreement with Jaydn Bond for Case Manager for the Black Diamond Therapeutic Court

6) **AB25-073** – Resolution Regarding Agreement with Somer Johnson as Program Manager for the Black Diamond Therapeutic Court

7) **AB25-074** – Resolution Regarding Contract Amendment with RH2 for Springs Project

8) **AB25-075** – Ordinance Regarding Code Changes for Clerk – Treasurer

9) **AB25-076** – Ordinance Regarding Adoption of Water System Plan

COMMITTEE REPORTS:

Public Safety Council Committee – Councilmember Mulvihill shared with the Council items that were discussed at the meeting.

Parks Ad Hoc Committee - Councilmember Peterson shared with the Council that the committee met and are still in preliminary discussions with nothing resolved yet and hopes to have more to share at the next meeting.

DEPARTMENT REPORTS: None

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

10) AB25-077 – Fire Annexation Discussion

City Administrator O'Neill and Finance Director Mason briefed the Council on this item, and a PowerPoint was shared. It touched on, property taxes, how are they used, annexation, changes to Black Diamond's operations before and after annexation, additional changes, after annexation, what is a levy rate, levy rate and revenue comparison, Black Diamond levy rate comparison graph, General Fund 10-year financial forecasts, Puget Sounds Fire Benefit Charge, annexation options by level of service, agency comparison, station staffing, governance, training, programs, other considerations, accreditation, layoffs and hiring, and recommendation.

There was extensive back and forth discussion/questions with Council and staff on this item.

At 9:16 p.m. Mayor Benson announced a 10-minute break.

At 9:26 p.m. Mayor Benson called the meeting back to order.

Continued back and forth discussion/questions continued between the Council and staff.

Council Action:

Councilmember Deady **moved** that the Council select Puget Sound Fire Authority as the City's preferred partner for annexation and authorize the City Administrator to negotiate and return to Council a Pre-Annexation Agreement with Puget Sound Fire Authority and to prepare all necessary legislation to place an annexation measure on the August 2026 primary election ballot, subject to final Council approval of the Agreement and ballot materials; **second** Councilmember Mulvihill.

Roll Call vote: Deady – Yes; Nielsen – No; Peterson – Yes; Mulvihill – Yes; Young – No; Jones – No; Page – No. Motion failed – 3-4 (Nielsen, Young, Jones, Page).

Council Action:

Councilmember Page **moved** that the Council select Mountain View Fire and Rescue as the City's preferred partner for annexation and authorize the City Administrator to negotiate and return to Council a Pre-Annexation Agreement with Mountain View Fire and Rescue and to prepare all necessary legislation to place an annexation measure on the August 2026 primary election ballot, subject to final Council approval of the Agreement and ballot materials; **second** Councilmember Young.

Roll Call vote: Deady -No; Nielsen – Yes; Peterson – No; Mulvihill – No; Young – Yes; Jones – No; Page - Yes. Motion failed – 3-4 (Deady, Peterson, Mulvihill, Jones)

Councilmembers shared with staff what additional information they would like to see so a decision could be made, including commercial aspects and what the impact to businesses would be in terms of a fire benefit charge (FBC), what a levy lid lift scenario looks like, 10-year projection of fire benefit charges (FBC) for new housing in 3,000 -5,000 sq ft range, the city's presentation based on 750, and factor in the FBC into the cost to residents.

NEW BUSINESS:

11) AB25-078 – Cannabis Ordinance Discussion

Attorney Linehan discussed this with the Council. He noted needing guidance from Council on what they would like the permanent cannabis regulations to look like. There was consensus in favor of a permanent ban. Mr. Linehan stated that this is the direction we want to go, staff will be submitting this version of the ordinance to Commerce to get the adoption process underway and will come back as soon as it's ready to go. He noted the moratorium expires next month and will bring back a temporary extension, so it doesn't lapse.

12) AB25-079 – Resolution Authorizing the Mayor to Execute a Purchase and Sale Agreement with CCD Black Diamond Partners, LLC for the Sale of 790 City DRCs from the TDR Bank

City Administrator O'Neill asked to postpone this item to the next meeting. There was Council consensus to do this.

13) AB25-080 – Fee in Lieu of Option Regarding Recreational Facilities

Attorney Linehan spoke on this item.

Councilmember Page **moved** to authorize the Mayor to propose the attached amendment to Section 9.5.3 of the Villages MPD Development Agreement to establish a transparent process and expand the City Council's options for accepting payment of a fee in lieu of construction of specific recreational facilities on a case-by-case basis; **second** Councilmember Young. Motion **passed** with all voting in favor (7-0).

MAYOR'S REPORT:

Mayor Benson reported attending a Flood Control District meeting, a Highway 18 appreciation event for SEAL TC members for preserving the funding for Highway 18, and the monthly WSDOT meeting where there was no mention of closing the Kummer bridge.

COUNCIL REPORTS:

Councilmember Mulvihill noted her report was handed out and also shared that she completed the Labor Day program and the Labor Day buttons are available for $1:00.

Councilmember Young – no report.

Councilmember Jones shared that in the lobby at the police department there are a lot of free youth life jackets available and other items for safety too, such as whistles which are required if you are on a paddleboard.

Councilmember Page – no report.

Councilmember Deady reminded everyone that this is the 8th or 9th year for the community wide garage sale and noted there is map to show the locations. She added there is also a fundraiser she is doing at the gym which benefits Chief for Day, DARE, and the Community Center. She shared that fundraiser raised just about $3,200 on the first day.

Councilmember Nielsen thanked everyone for the discussion tonight and noted she was proud to be part of a city where people care, and we talk about issues. She also commented that she appreciated how hard it was to make the slides tonight.

Councilmember Peterson commented that she wasn't sure what the discrepancy was in the maps that were being talked about in the public comments earlier by City of Maple Valley officials and would like some clarification.

CITY ADMINISTRATOR REPORT:

City Administrator O'Neill thanked Council for their patience as we work through some of these complex items.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Brian Derdowski, Enumclaw spoke to Council.

Michael (Zoom), spoke to Council.

EXECUTIVE SESSION:

Mayor Benson announced that the Council would be going into an executive session pursuant to RCW 42.30.110(1)(b) Potential Real Estate Acquisition with possible action to follow. The executive session was anticipated to last 15 minutes. Councilmembers exited to patrol room, and the executive session started at 11:14 p.m.

At 11:29 p.m. Mayor Benson called the meeting back to order.

Council Action:

Councilmember Page **moved** to authorize the Mayor to enter into agreements to purchase the properties located at 25520 Lawson Street and 25517 Lawson Street up to a maximum price of $625,00 and $650,00 respectively, and to resolve any contingencies included in the Purchase and Sale Agreements; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0).

Councilmember Paged **moved** to authorize the Mayor to execute a Right of First Refusal agreement with Owner of the property located at 25501 Lawson Street, giving the City the right to purchase the property upon subsequent Council approval before the property may be sold to any third party; **second** Councilmember Jones. Motion **passed** with all voting in favor (7-0).

Councilmember Page **moved** to authorize the Mayor to enter into an agreement to purchase the property located at 26202 Lawson Street for a maximum price of $550,00, with a 6-month leaseback period to the seller, and to resolve any contingencies in the Purchase and Sale Agreement; **second** Councilmember Deady. Motion **passed** with all voting in favor (7-0).

ADJOURNMENT:

Councilmember Young **moved** to adjourn the meeting; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (7-0). The meeting ended at 11:31 p.m.

ATTEST:

Carol Benson

Carol Benson, Mayor

Brenda L. Martinez

Brenda L. Martinez, City Clerk