

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of November 20, 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, Mulvihill, Young, Jones, Kumar

Councilmember Deady **moved** to excuse Councilmember Peterson from the meeting; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

ABSENT: Councilmember Peterson (excused)

Staff present: Andrew Williamson, MDRT/Ec Development Director; Xavier Mason, Finance Director; Scott Hanis, Public Works Director; Rob Reed, IS Manager; Jake Kapsandy, IT Tech II; Jill Kuzaro, Senior Planner; Ryan Sweet, Capital Project/Program Manager; 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 Deady **moved** that we add to the agenda under appointments, announcements, proclamations, and presentations an item to honor our outgoing Mayor and outgoing Councilmembers Jones and Mulvihill; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0)

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

Councilmember Nielsen **moved** to move item # 18 to an appropriate place earlier in the agenda and would be the first item under unfinished business; **second** Councilmember Young. Motion **passed** with all voting in favor (6-0).

PUBLIC COMMENTS:

Cheryl Hanson, Director of Black Diamond Community Center spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

Mayor Benson awarded the two outgoing Councilmembers, Mulvihill and Jones certificates of recognition for their service to the City.

Mayor Pro-Tem Deady awarded to Mayor Benson the gavel she uses for the meetings for recognition of her service to the City, and cards for the two outgoing Councilmembers, Mulvihill and Jones. She also read prepared statements to all three thanking them for their service.

Mayor Benson announced there would be a short recess.

At 7:27 p.m. Mayor Benson called the meeting back to order.

COMMITTEE REPORTS: None

DEPARTMENT REPORTS: None

CONSENT AGENDA:

Councilmember Mulvihill **moved** to approve the Consent Agenda; **second** Councilmember Deady Motion **passed** with all voting in favor (6-0). The Consent Agenda was approved as follows:

- 1) **Claim Checks** – November 20, 2025, Check No. 56717 through Check No. 56768 (void 56693) and EFTs in the amount of \$ 3,815,069.81
- 2) **Payroll** – October 2025, Check No. 20560 through Check No. 20567 and ACHs in the amount of \$ 612,062.23
- 3) **Minutes** – Council Meeting of November 6, 2025
- 4) **AB25-128** – Resolution Regarding Public Defender Contract
- 5) **AB25-129** – Resolution Regarding Municipal Court Judge Contract
- 6) **AB25-130** – Resolution Regarding ILA for South Count Area Transportation Board
- 7) **AB25-131** – Resolution Regarding Amendment to Jail Services Contract with City of Issaquah
- 8) **AB25-132** – Ordinance Amending 2024 – 2044 Comp Plan to Incorporate Updated School District CFPs (Auburn, Enumclaw, Kent, Tahoma)

PUBLIC HEARINGS:

- 9) **AB25-133** – Resolution Regarding Cell Phone Tower Lease

City Administrator O'Neill shared with Council a PowerPoint presentation summarizing the project and touched on the location, proposed lease terms and two changes from the last time this item was before the City Council.

Mayor Benson opened the public hearing at 7:38 p.m.

Greg Eagle, Black Diamond noted having no issue and strongly came to oppose placing one of the towers at Lake Sawyer Regional Park. He spoke about the terms of the RCO and noted that this area contains sensitive wetlands and introducing industrial infrastructures would violate the intent of the acquisition.

Brian Derdowski, Enumclaw stated that he was the prime sponsor for the 1st comprehensive cell tower regulation ordinance in the state of Washington and wanted to point out a few things to consider. Make sure your lease includes a co-location requirement. Make sure they comply with their licenses due to the amount of EMF the towers put off and that there is a requirement that they fix the problem if they exceed their license. He also suggested that you do a market survey and look at comparable rates.

Sophie Hummer, Black Diamond suggested that the council pay attention to the environmental impacts and stated that building a cell tower at the Lake Regional Park would be detrimental and the action item would be to seek out what can be done to support the construction and development of Black Diamond and make sure it does not negatively impact our sensitive ecosystems.

Sandra Layton, Atlas Tower explained that this lease is for tower and land only. She stated that they support multiple carriers on their tower. The carriers will have to comply with everything the FCC requires and submit their building permits and antenna information.

Mayor Benson closed the public hearing at 7:49 p.m.

Councilmember Mulvihill **moved** to adopt Resolution No. 25-1712, authorizing the Mayor to enter into a lease agreement with Atlas Tower for the installation of a cell phone tower at the City Public Works Maintenance Yard; **second** Councilmember Young. Motion **passed** with all voting in favor (5-1 (Jones)).

10) AB25-134 – Ordinance Regarding Final 2026 Budget

City Administrator O'Neill shared with Council a PowerPoint presentation that told the story of the budget that touched on what we are doing and where we are going next year.

Finance Director Mason reported on this item.

Mayor Benson opened the public hearing at 8:17 p.m. and hearing no public comments
Mayor Benson closed the public hearing at 8:17 p.m.

Councilmember Deady **moved** to adopt Ordinance No. 25-1240, adopting the budget for calendar year 2026; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

UNFINISHED BUSINESS:

11) AB25-135 – Ordinance Regarding Cannabis Regulations

MDRT/Ec Dev Director Williamson updated the Council on this item.

There was Council discussion.

Councilmember Mulvihill **moved** to adopt Ordinance No. 25-1241, establishing a permanent prohibition on the siting and operation of cannabis-related businesses in the City of Black Diamond; repealing BDMC Chapter 18.62; amending BDMC Chapters 18.04, 18.20, 18.36, 18.38, 18.42, 18.44, and 18.100; providing for severability; and establishing an effective date; **second** Councilmember Jones.

Councilmember Young moved to amend the motion and amend Ordinance No. 25-1241 as follows to strike legislative findings A-G in their entirety; second Councilmember Nielsen.

Roll call vote. Deady, **no**; Nielsen, **yes**; Mulvihill, **no**; Young, **yes**; Jones, **no**; Kumar, **no**. Motion **failed** 4-2.

Main motion **passed** 5-1 (Young).

NEW BUSINESS:

18) AB25-142 – Resolution Regarding the First Amendment to the Amended and Restated Comprehensive School Mitigation Agreement with Enumclaw School District and Oakpointe

City Administrator O'Neill reported on this item with back-and-forth discussion between Council, Mr. O'Neill, and Brian Ross of Oakpointe.

Councilmember Nielsen **moved** to adopt Resolution No. 25-1716, authorizing the Mayor to execute the First Amendment to the Amended and Restated Comprehensive School Mitigation Agreement with the Enumclaw School District and Oakpointe, substantially in the form attached hereto; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0).

12) AB25-136 – Ordinance Amending 2025 Operating Budget

Finance Director Mason reported on this item.

Councilmember Mulvihill **moved** to approve Ordinance No. 25-1242 adopting the 2025 Budget Amendment; **second** Councilmember Jones. Motion **passed** with all voting in favor (6-0).

13) AB25-137 – Resolution Regarding Annual Update of School Impact Fee Schedule

Senior Planner Kuzaro spoke on this item.

Councilmember Deady **moved** to adopt Resolution No. 25-1713, approving an updated school impact fee schedule for the four school districts serving Black Diamond, in accordance with Chapter 3.70 BDMC; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

14) AB25-138 – Ordinance Correcting Tittle of Proposed Zoning Map Appendix to the Comprehensive Plan

MDRT/Ec Dev Director Williamson updated the Council on this item.

Councilmember Young **moved** to adopt Ordinance No. 25-1243, correcting the title of the Proposed Zoning Map appendix to the 2024-2044 Comprehensive Plan; providing for severability; and establishing an effective date; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

15) AB25-139 – 3rd Quarter Financial Report

Finance Director Mason reported on this item.

16) AB25-140 – Resolution Adopting 2026 – 2031 Capital Improvement Plan

Capital Project/Program Manager Sweet spoke on this item.

Councilmember Deady **moved** to approve Resolution No. 25-1714 adopting a Capital Improvement Program for the years 2026-2031; **second** Councilmember Jones. Motion **passed** with all voting in favor (6-0).

17) AB25-141 – Resolution Regarding Task Order with Parametrix, Inc. for Gravel Roadway Subsurface Investigations on SE 300th Street and on Pacific Ave/St.

Public Works Director Hanis briefed Council on this item.

Councilmember Deady **moved** to adopt Resolution No. 25-1715 authorizing the Mayor to execute an On-Call Task Request with Parametrix to prepare the Pacific and 300th Stormwater Site Plan, SWPPP and subsurface investigation; **second** Councilmember Jones. Motion **passed** with all voting in favor (6-0).

MAYOR'S REPORT:

Mayor Benson reported getting an email from Reagann Dunn's office and they have awarded grants to Black Diamond, \$20,000 for the gym floor, \$5,000 for the Black Diamond Community Center (BDCC), \$5,000 for the Black Diamond Historical Society and \$100,000 to build a shade structure at the Skatepark.

COUNCIL REPORTS:

Councilmember Mulvihill stated that it's been an honor and pleasure to work with everyone of Council. She noted she will need someone to take over the Kind campaign. She shared that Black Diamond has made a wonderful home for her. Two things she is most proud of are the Kindness Campaign and the Emergency Management Plan for the City. Councilmember Kumar expressed her willingness to take over the campaign.

Councilmember Young reported on the Mountain View Fire and Rescue (MVFR) meeting. He shared the annual Holiday Toy and Food Drive is underway through December 14th. He wished everyone a safe Thanksgiving and recognized staff for their dedication. He thanked Mulvihill and Jones for their service and appreciated their time and effort invested on Council and thanked the Mayor for the time she has given to the community.

Councilmember Jones shared in 30 years he would like to see Black Diamond have a hospital presence with a trauma center. He'd like to see Black Diamond noted for a blue zone and he explained what that is. He believes it would be great to attract a four- year college with an emphasis on cutting edge technology and medicine and have a performing arts center, and lastly, we should be known as The Pacific Northwest sports city. This is his vision for Black Diamond in the next 30 years.

Councilmember Kumar noted enjoying Mr. Jones' vision and thanked him for that.

Councilmember Deady reemphasized how she appreciates each of the Councilmembers time and working with Mayor Benson all these years has been a joy. She reminded Council to start thinking about committees and Mayor Pro-Tem. She wished everyone happy holidays.

Councilmember Nielsen expressed her personal gratitude to Councilmembers Mulvihill and Jones and Mayor Benson. She noted that the Black Diamond Kind Campaign meant so much to her and appreciated the vision shared by Mr. O'Neill. She noted our future being very bright.

CITY ADMINISTRATOR REPORT:

City Administrator O'Neill echoed what other Councilmembers have said and hoped to hear from them on these important issues. He wished them all the best of luck and

congratulations to Mayor Benson for leading the organization in such a meaningful way and thanked her. He wished everyone happy holidays.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Tabitha Baker, spoke to Council.

EXECUTIVE SESSION: None

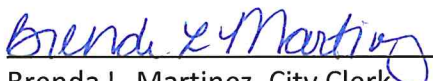
ADJOURNMENT:

Councilmember Deady **moved** to adjourn the meeting; **second** Councilmember Jones. Motion **passed** with all voting in favor (6-0). The meeting ended at 9:55 p.m.



John Adler, Mayor

ATTEST:



Brenda L. Martinez, City Clerk