

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of August 18, 2022
Hybrid Meeting Via Zoom and In-Person
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Pro-Tem Deady called the regular meeting to order at 7:00 p.m. and led us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Deady, Smith, Mulvihill, de Leon (Zoom), O'Donnell, Page

ABSENT: Stallard (excused)

Staff present: Mayene Miller, Finance Director; Mona Davis, Community Development Director; Jamey Kiblinger, Police Chief; David Linehan, City Attorney; Rob Reed, IS Manager; and Brenda L. Martinez, City Clerk/HR Manager.

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

Councilmember de Leon removed item # 5 from the consent agenda and placed it at the end of new business.

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

PUBLIC COMMENTS:

Jason McClure, Lake Sawyer spoke to Council.

Mario Sorci, Black Diamond spoke to Council.

Henry Knies, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Bill Bryant, Black Diamond spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

- 1) **AB22-062** – Confirming the Mayor's Appointment of Kelley Sauskojus to the Planning Commission

In Mayor Benson's absence, Mayor Pro-Tem Deady reported on this item.

Councilmember Page **moved** to confirm the Mayor's appointment of Kelley Sauskojus to Position No. 1 of the Planning Commission, said term to expire on December 31, 2022; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

CONSENT AGENDA:

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

- 2) **Claim Checks** – August 18, 2022, Check No. 51812 through 51880 and EFTs in the amount of \$426,969.75
- 3) **Payroll** – July 2022, Check No. 20206 through 20214 and ACHs in the amount of \$461,668.82
- 4) **Minutes** – Special Meeting of August 4, 2022, and Council Meeting of August 4, 2022

PUBLIC HEARINGS: None

UNFINISHED BUSINESS:

NEW BUSINESS:

- 6) **AB22-064** – Resolution Authorizing Contract with FCS Group for Six Year General Fund Financial Forecast and Levy Lid Lift Process Planning

Finance Director Miller reviewed this item with Council.

Councilmember Mulvihill **moved** to approve Resolution No. 22-1496, authorizing Mayor Benson to execute an amendment to an existing contract with FCS Group to perform additional general fund financial forecasting and analysis of public safety levy lid lift options; **second** Councilmember Deady.

There was Council discussion.

Vote: Motion **passed** with all voting in favor (6-0).

- 7) **AB22-065** – Ordinance Amending Title 9 of the BDMC Regarding Changes to Criminalizing Protection Order Violations and Adopting a New Chapter 9.97 Regarding Protection Order Violations

City Attorney Linehan briefed Council on this agenda item.

Councilmember Page **moved** to approve Ordinance No. 22-1181, amending Title 9 of the Black Diamond Municipal Code to harmonize it with recent changes to State statutes criminalizing protection order violations and adopting a new Chapter 9.97 of the Black Diamond Municipal Code regarding protection order violations, providing for severability,

declaring an emergency, and establishing an effective date; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

8) AB22-066 – Resolution Regarding Community Gym Ad Hoc Committee

Councilmember O'Donnell led the discussion on this.

Councilmember Smith **moved** to approve Resolution No. 22-1497, establishing an Ad Hoc Committee to advise the City Council on improvements to the Community Gym; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

Councilmember Deady shared that she believes Councilmember O'Donnell should be on the committee.

9) AB22-067 – Discussion and Possible Action on Comment Letter to Commercial Aviation Coordinating Commission (CACC) Regarding the Elimination of the King County Southeast Greenfield Site

Mayor Pro-Tem Deady led the discussion on this item.

Councilmember Page **moved** to authorize the City to sign on to the comment letter to the Commercial Aviation Coordinating Commission (CACC) regarding the elimination of the King County Southeast Greenfield site; **second** Councilmember Mulvihill. Motion **failed** due to tie vote of 3-3 (Smith, de Leon, O'Donnell).

Mayor Pro-Tem Deady noted that this item will come back on the September 1st agenda so there is time to hear from others and the Muckleshoot Indian Tribe.

5) AB22-063 – Resolution Authorizing Mayor to Sign Agreement for Inmate Housing with South Correctional Entity (SCORE)

Chief Kiblinger reported on this item.

There was Council discussion.

Councilmember Mulvihill **moved** to approve Resolution No. 22-1495, authorizing the Mayor to execute the agreement with South Correction Entity (SCORE) for inmate housing; **second** Councilmember Deady. Motion **passed** 4-2 (de Leon, Smith).

DEPARTMENT REPORTS:

Fire – Chief Smith shared that they now have six new recruits in the academy. He noted there is a lot of activity with inspections in the city.

MAYOR'S REPORT: None

COUNCIL REPORTS:

Councilmember Smith appreciated the comments about the wake surfing boats and noted these concerns being mentioned to him and the need to look at this in the public safety committee along with the need for a dock there and to also look at fees. He's impressed with the roundabout construction on the Lake Sawyer Road and is excited to see them come to fruition. He announced that firearm safety locks are available at the front counter at the police department. He discussed the need to look at changing the code to allow the sale of cannabis.

Councilmember Mulvihill reported attending all her committee meetings and noted being troubled with the city being called incompetent and acting with malfeasance and accusations that keep being thrown around. She read an excerpt from the Growth Management Hearings Board Hearing regarding the FLUM.

Councilmember de Leon reported attending all her committee meetings and appreciated the comments and concerns for safety around Lake Sawyer and this will be brought up in an upcoming Public Safety meeting. She also appreciates other comments made tonight and understands that there were many qualified applicants for Planning Commission and hope they will find other ways to get involved and congratulated Kelley.

Councilmember O'Donnell thanked Mr. McClure for his comments tonight and noted he is concerned about the wake surfing and wonders what the legal ramifications would be should we not allow this type of activity and hopes to talk about it in the public safety meeting. He thanked others for their comments and is concerned about the up zoning that will be in front of them soon in a quasi-judicial setting. He commented on Kelley's application and noted others had good applications as this was a high-quality pool of candidates and congratulated her for her willingness to provide this public service. He discussed his concern with marijuana and it not being a big revenue generating business.

Councilmember Page congratulated Kelley and thanked her for her service. She reported attending the barbeque hosted by the Fire Department this week, the Planning and Community Services Committee meeting today and noted that in the meeting they decided that one person from the committee will report on it. She shared that in the meeting the thermometer for the skateboard park has moved, Knucklehead Skateboards is having a Black Diamond Skatepark benefit with proceeds from the benefit going to the future Black Diamond skatepark in memory of KJ, and shared where more information can be found, there was conversation around code compliance and enforcement actions that are moving forward, interviews are happening for the permit tech, review of fees is coming up, reminder that special events permits are required when inviting a food truck to an event. She shared four upcoming events around the area. She addressed concerns about the moving of the bus stop by the Community Center and shared what she found out.

Councilmember Deady reported attending the Planning and Community Services Committee meeting, Station 97 barbeque, and announced the Community wide garage sale was this past weekend and was a big hit. She attended the Public Works meeting where they discussed, right of way use permits, good news, the light on Morgan is finally

fix, watermain upgrade is happening by Diamond Glen and noted this has been a long time coming, Roberts Drive TIB grant is moving forward, and it will be broken into sections, looking at a new bridge at the springs and working with King County on this, and Covington bridge is still moving forward. She congratulated Kelley for her appointment to the Planning Commission.

ATTORNEY REPORT: None

PUBLIC COMMENTS:

Kristen Bryant, Bellevue spoke to Council.

Jason McClure, spoke to Council.

Henry Knies, Black Diamond spoke to Council.

Chief Kiblinger spoke to Council.

EXECUTIVE SESSION:

ADJOURNMENT:

Councilmember Smith **moved** to adjourn the meeting; **second** Councilmember Page. Motion **passed** with all voting in favor (6-0). The meeting ended at 8:57 p.m.



Carol Benson, Mayor

ATTEST:


Brenda L. Martinez, City Clerk