

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of November 17, 2022
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, Smith, Mulvihill, de Leon, O'Donnell

ABSENT: Councilmember Page (excused)

Staff present: Mayene Miller, Finance Director; Mona Davis, Community Development Director; Scott Hanis, Public Works Director; Jamey Kiblinger, Police Chief; Kris Chatterson, Police Officer; Andrew Williamson, MDRT/Ec Dev Director; Kevin Esping, Facilities Equipment Coordinator; Ryan Sweet, Capital Project/Program Manager; 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 Smith **moved** to accept the agenda; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (5-0).

PUBLIC COMMENTS:

Eric Bowman, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.

Geoff Bowie, Black Diamond spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS:

1) Council Vacancy – Position #2

At 7:10 p.m. Mayor Benson announced that Council would be going into executive session pursuant to RCW 42.30.110(1)(h) to discuss the qualifications of the Council candidates. The executive session was anticipated to last 30 minutes with possible action to follow.

Mayor Benson called the meeting back to order at 7:40 p.m.

Councilmember Deady **moved** to appoint Brad Douglass to Council Position #2; **second** Councilmember Smith. Motion **passed** with all voting in favor (5-0)

Oath of Office – Mayor Benson administered the Oath of Office to Brad Douglass, and he took his seat at the dais.

Proclamation – Kindness Month

Mayor Benson asked Councilmember Mulvihill to read the proclamation.

CONSENT AGENDA:

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

- 2) **Claim Checks** – November 17, 2022, Check No. 52181 through 52268 (voids 52180,51746, 50205,49924,49942) and EFTs in the amount of \$957,025.37
- 3) **Payroll** – October 2022, Check No.20235 through 20245 and ACHs in the amount of \$471,732.46
- 4) **Minutes** – Special Meeting of October 20, 2022, Council Meeting of October 20, 2022, and Special Meeting of October 27, 2022
- 5) **AB22-092** – Resolution Regarding Contract with AHBL for Planner Services to MDRT Department

PUBLIC HEARINGS:

- 6) **AB22-093** - Public Hearing on 2023 Preliminary Budget

Finance Director Miller reported on this item.

Mayor Benson opened the public hearing at 7:51 p.m.

Bill Bryant, Black Diamond commented that in the budget is parking in the downtown area and doesn't feel they need more there as the it may only be on the weekends and extra parking is available on 1st avenue and another spot would be the school gravel parking lot behind the post office and this would not discourage citizens from patronizing businesses. He added that \$95,000 to study parking is unnecessary. He believes the focus should be on walking trails and gave the example of City of Issaquah. He wants to keep Black Diamond historic in those areas and keep Black Diamond, Black Diamond instead of getting lost in some big organization. He noted there is a need of a park and suggested a 10-acre park would draw more people to this community.

Kristen Bryant, Bellevue noted having a conversation with a member of Friends of Black Diamond, Phil Accosta and noted he's experiencing a tradeoff of why people move here that is harming the quality of life and the goal for Council should not be more tax revenue but quality of life for residents. She discussed how in the past it has been talked about the need for road, sidewalk and park improvements and there has been talk about development coming to the city to pay for those things and some have been committed by OakPointe and some of their deadlines have passed and hope Council would look at other ways to get these goals achieved. She talked about the area when she grew up and about

growth paying for growth and how the school district is putting out a bond too and the Council talking about expanding tax to support public safety and for a new city hall. She added there is a way to control expenses and gave examples. She touched on the fees that were to be collected from the development to plan for new buildings and it not being collected. She supports looking at the fish ladders and conserving more natural open space.

Geoff Bowie, Black Diamond commented that as we see interest rates going up the economy is suffering, and we are starting to see advertisements for money off of homes and noted surrounding areas that have money off of homes. He noted it will take a long time to get that equity back and moving forward we need to start thinking about not spending money and saving as times are getting worse and shared that auto reposessions are up. He talked about pipe in the CIP and the 35,000 to abandon the Diamond Glen lift station. He noted this is down the road and the Lawson Hills MPD expires in 2026 and spending the money now doesn't make sense. He talked about parking and money being spent on parking in old town and the city attorney needs to look at those covenants. He added that the water system comprehensive plan dollars making no sense and if the city offers that firm more work, lets make sure they can get the work done. He commented on the storm drainage system dollars proposed to retro fit a facility in Lawson hills estates, and someone in the city felt we need to get involved in retro fitting it and this doesn't make sense as that side of the town doesn't infiltrate well. He added the city needs to go outside of the box and think about regional facilities that will help bring the fish back to the creeks and if we don't do it now, we won't.

Mayor Benson closed the public hearing at 8:05 p.m.

7) AB22-094 – Public Hearing on Proposed Ordinance Amending the Comprehensive Plan to Incorporate Updated School District Capital Facilities Plans

Community Development Director Davis briefed Council on this agenda item.

Mayor Benson opened the public hearing at 8:06 p.m.

Geoff Bowie, Black Diamond explained that with respect to Enumclaw School District and their revised capital facilities plan we know that growth doesn't really pay for growth in the city and there is not much growth occurring in the other districts. if the developer would have been paying \$12,000 (which they haven't) a house for impact fees there would be approximately 18 million dollars. He noted the gap will get paid for by the taxpayers. He also discussed the money being spent on the levy and he doesn't agree with the policy decision on the 50% as growth is not paying for growth when it comes to schools.

Mayor Benson closed the public hearing at 8:09 p.m.

UNFINISHED BUSINESS:

8) AB22-091A – Adopting the 2023 Legislative Agenda

Mayor Benson led the discussion on this item.

Councilmember Deady **moved** to adopt the 2023 Legislative Agenda; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0)

NEW BUSINESS:

9) AB22-095 – Resolution Authorizing Purchase of Police Boat

Chief Kiblinger spoke on this item.

Councilmember Mulvihill **moved** to approve Resolution No. 22-1517, authorizing the purchase of a police vessel from Ocean Craft Marine in the amount of not to exceed \$170,000; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0).

10) AB22-096 – Resolution Authorizing Valley Communications Addendum for Dispatch Services

Chief Kiblinger briefed Council on this item.

Councilmember de Leon **moved** to approve Resolution No. 22-1518, authorizing the Mayor to execute the yearly addendum to the Valley Communication Agreement for Dispatch Services; **second** Councilmember Smith. Motion **passed** with all voting in favor (6-0).

11) AB22-097 – Resolution Authorizing Amendment to Interlocal Agreement for Inmate Housing with the City of Enumclaw Jail.

Chief Kiblinger reported on this item.

Councilmember Smith **moved** to approve Resolution No. 22-1519, authorizing the amendment to the interlocal agreement for inmate housing with the City of Enumclaw Jail; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

12) AB22-098 – Ordinance Regarding 2023 Property Tax Dollar Amount Increase and Percentage

Finance Director Miller discussed this item.

Councilmember de Leon **moved** to approve Ordinance No. 22-1184 approving the property tax dollar increase and percentage as calculated by King County for 2023; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0).

13) AB22-099 – Ordinance Setting the Estimated Assessed Valuation and Maximum Property Tax Dollar Amount for 2023

Finance Director Miller briefed Council on this agenda item.

Councilmember Deady **moved** to approve Ordinance No. 22-1185 setting the estimated assessed valuation and maximum property tax dollar amount for 2023 to be used for public safety, including police, fire and emergency services; **second** Councilmember Smith. Motion **passed** with all voting in favor (6-0).

14) AB22-100 – Resolution Regarding 2023-2028 Capital Improvement Plan

Finance Director Miller spoke on this item.

Councilmember Deady **moved** to approve Resolution No. 22-1520 adopting the 2023-2028 Capital Improvement Plan; **second** Councilmember Mulvihill.

There was Council discussion.

Roll call vote: Deady, yes, Douglass, yes, Smith, no, Mulvihill, yes, de Leon, no, O'Donnell, no. Tie Vote 3-3 (Smith, de Leon, O'Donnell)

Mayor Benson broke the tie vote and voted yes, therefore Resolution No. 22-1520 passed (4-3, (Smith, de Leon, O'Donnell))

15) AB22-101 – Resolution Awarding and Authorizing Contract for the Third Avenue Watermain Improvements to Pacific Civil and Infrastructure

Public Works Director Hanis reported on this.

Councilmember Smith **moved** to adopt Resolution No. 22-1521 authorizing the Mayor to execute a contract with PCI for the 3rd Avenue Watermain Improvements Project and approve the use of additional ARPA funds; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0).

DEPARTMENT REPORTS:

Fire – Chief Smith discussed 1.7 incidents per day in town and talked about this being a significant increase. He thanked the city for the new roof at the fire station and noted a paint job in front needs to be done. He discussed the food drive they are doing for the Community Center and shared that people can drop food off at any station.

MAYOR'S REPORT:

Mayor Benson reported that we have a committee for diversity and equity and only have one applicant and no one has applied for the community gym ad hoc committee.

COUNCIL REPORTS:

Councilmember Deady reported attending the joint meeting in Enumclaw, WRIA 9, PIC, Public Works Committee, and is looking forward to the joint meeting with the Planning Commission coming up on 12/8 on the sign code. She discussed trees in the area that are coming down and shared what was discussed at the planning committee meeting.

Councilmember Smith reported attending the joint session with the Enumclaw School District and City of Enumclaw, Public Works committee meeting, he started the conversation to explore joining the King County Climate Collaboration and noted it's a minimal cost of \$700 per year for a city our size and believes this is an important entity to belong too.

Councilmember Mulvihill reported attending the joint meeting and all her committee meetings. She noted working on her kindness campaign and shared where it has been posted and is excited about starting the conversation.

Councilmember de Leon shared that Councilmember Mulvihill has been putting a lot of time on the kindness campaign and it will be nice to see where it goes. She noted the holiday season is coming ENNOTE on November 23 and being kind to others and especially dogs. She emphasized the K4C meetings and shared she has attended some and understands the time commitment for staff and noted that Councilmembers can attend. She commented that the main part that could be good for us is the networking with other cities and trying to find a way to get Black Diamond on the map and believes it will be beneficial to be on it. She asked everyone that applied for the vacant position to stay involved. She also mentioned that all Councilmembers were in attendance at the joint meeting and what Enumclaw is asking for is mostly on maintenance. Lastly she discussed a work trip she recently went on to Wichita Kansas.

Councilmember O'Donnell welcomed Councilmember Douglass and thanked the other applicants and noted there are other committees that are in need of citizens.

ATTORNEY REPORT:

City Attorney Linehan welcomed Councilmember Douglass and offered his assistance on questions he may have. He shared that code enforcement issues are being worked on and requested a five-minute executive session on potential litigation with possible action to follow.

PUBLIC COMMENTS:

Andrew Williamson, Black Diamond spoke to Council.

Bill Bryant, Black Diamond spoke to Council.

Geoff Bowie, Black Diamond spoke to Council.

EXECUTIVE SESSION:

At 9:31 p.m. Mayor Benson announced a five-minute executive session for Council to discuss with legal counsel pending litigation pursuant to RCW 42.30.110(1)(i) with possible action to follow.

Mayor Benson called the meeting back to order at 9:36 p.m.

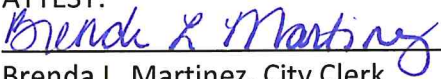
Councilmember Smith **moved** to approve settlement of the Kohler lawsuit as the terms were presented; **second** Councilmember Deady. Motion **passed** with all voting in favor (6-0)

ADJOURNMENT

Councilmember Smith **moved** to adjourn the meeting; **second** Councilmember Mulvihill. Motion **passed** with all voting in favor (6-0). The meeting ended at 9:37p.m.



Carol Benson, Mayor

ATTEST:


Brenda L. Martinez, City Clerk