

BLACK DIAMOND CITY COUNCIL MINUTES
Council Meeting of March 7, 2024
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 Douglass, Smith, Mulvihill, de Leon, Jones, Page

ABSENT: Councilmember Deady (excused)

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

READING OF GUIDING PRINCIPLES

AGENDA REVIEW AND APPROVAL:

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

COMMITTEE REPORTS:

Public Safety Council Committee – Councilmember de Leon spoke about the house fire that happened today in the city. She announced that a push-in ceremony will be tomorrow at Station 96 and sending condolences for the recent death of the state patrol trooper. Updates were given on Community Court and public safety facilities.

DEPARTMENT REPORTS:

Community Development – Director Davis shared with Council the department's 2024 work plan schedule for all the various tasks that need to be completed and before Council this year.

Fire – Chief Judkins updated the Council on the house fire that took place in Black Diamond today and recognized the two Public Works employees who played a key role in getting a person out of the house. She reminded everyone of the push in ceremony tomorrow at 10 a.m. She shared that Trooper Gad was a volunteer with Mountain View before going to the Washington State Patrol.

PUBLIC COMMENTS:

Geoff Bowie, Black Diamond spoke to Council.

Kristen Bryant, Bellevue spoke to Council.
Bonnie (no last name provided), Auburn spoke to Council.
Kelley Sauskojus, Black Diamond spoke to Council.
Mike Gonzales, Ravensdale spoke to Council.
Jordan Robinson, Issaquah spoke to Council.
Ted Fair, Cumberland spoke to Council.
Bob DeWard, Cumberland spoke to Council.
Zachery Pratt, Auburn spoke to Council.
Ivan Culver, Ravensdale spoke to Council.
Michelle Konipaski, Covington spoke to Council.
Sherry Culver, Ravensdale spoke to Council.

APPOINTMENTS, ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS: None

CONSENT AGENDA:

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

- 1) **Claim Checks** – March 07, 2024, Check No. 54118 through Check No. 54184 (void 54086) in the amount of \$703,321.66.
- 2) **Minutes** – Council Special Meeting of February 15, 2024, and Council Meeting of February 15, 2024

PUBLIC HEARINGS:

- 3) **AB24-024** - One-Year 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 to be Located within the City of Black Diamond.

Mayor Benson opened the public hearing at 7:56 p.m.

Kelley Sauskojus, commented on being a hazmat manager for REI and is responsible for overseeing the storage and care of all the various hazardous materials including large lithium batteries, that REI sells as part of their regular business. She added that lithium batteries are inherently dangerous especially at the end of their lifetime when they would be going into a storage facility. She talked about them going into a thermal runaway and you cannot put that fire out. She explained that once the fire has burned itself out all the residual chemicals are in the soil and cause extensive environmental damage that requires intensive cleanup. She ended her comments by stressing that we don't need this type of facility in our community – we have kids, and don't need the fumes or negative environmental impacts.

James DeLay, Covington explained living near where another BESS developer is trying to get an exception made since they are a utility and that would allow them to bypass all environmental and impact studies and hide all the dangers from the public. He shared how lithium batteries are insanely dangerous. The typical lithium battery fire will not go out and can last five days and releases several toxins. 3 million gallons of water is the average used to minimize the spread, but it does not put the fire out. He stated that such facilities need to be exclusively zoned in heavy industrial zoned areas that have the fire and safety, and infrastructure and space.

Liberty Quihuis, attorney representing Aypa Power Development, explained that the moratorium passed by the City Council explains that the city would like to learn more information about potential environment and health hazards that are associated with BESS development. She added to address these concerns Aypa is requesting that the public hearing be extended to March 21, 2024, to give Aypa time to present to Council and the public and to answer any questions. She then briefly reiterated the written comments that were submitted by them earlier today.

Mayor Benson announced that the public hearing will be continued to the March 21, 2024 Council Meeting.

UNFINISHED BUSINESS: None

NEW BUSINESS:

4) AB24-021 – Resolution Authorizing the Mayor to Execute a Professional Services Agreement with HydroCorp for Cross Connection Program Management and Device Testing for the Water System

Public Works Director Hanis reported on this item.

Councilmember Mulvihill **moved** to approve Resolution No. 24-1607 authorizing the Mayor to execute a Professional Services Agreement with HydroCorp to provide Cross Connection Program management and device testing services for the City's water system; **second** Councilmember de Leon. Motion **passed** with all voting in favor (6-0).

5) AB24-022 – Implementing and Authorizing a Code of Conduct for City Council, Commissioners, or Board Member

Councilmember Mulvihill led the discussion on this item and gave background information.

Councilmember Mulvihill **moved** to approve the Code of Conduct as presented; **second** Councilmember Jones. Motion **passed** with all voting in favor (6-0).

6) AB24-023 - Discussion on Proposed Cumberland Aggregate Mine and Asphalt Plant Project

Councilmember Page led the discussion on this item and shared five actions the Council could take regarding this proposed site. She shared with Council and the public a letter she prepared for Council to sign and send in.

Council continued with a robust discussion on this item and Councilmember Page shared that Councilmember Deady expressed having a resolution prepared for action at the next Council meeting. Councilmember Page then read the letter that was prepared for Council to sign. All Councilmember present signed the letter.

There was Council consensus to have Councilmember de Leon read the letter at the King County Council meeting on March 12.

MAYOR'S REPORT:

Mayor Benson reported attending the Community Center event that honored Dorothy Botts and Elsie Parkin. She shared that last week was the staff appreciation luncheon with Rolling Smoke catering. She reported attending the Seal TC meeting regarding Highway 18; SCA Networking Dinner; and announced that there would be a work session prior to the next Council meeting on March 21, 2024. She asked the Council if they would like to cancel the work session at 6 p.m. on March 14th, and there was consensus to cancel this work session.

COUNCIL REPORTS:

Councilmember Mulvihill reported that most of her report is in the packet and reported how meetings work. She attended the Emergency Management Advisory Committee, and they approved non-members to attend their meetings and asked the coordinator to include Nathan Jones and Kevin Esping in notices. She announced that she has received her certificate in Municipal Leadership and a certificate in grant writing and attended the dedication to Dorothy Botts.

Councilmember de Leon reported attending her Public Safety meeting and part of the Mountain View Commissioners meeting, she attended the focus committee meeting on the capital facilities plan and bond for Enumclaw School District and noted it being a robust conversation. She noted attending the last part of the meeting on the mine and thanked everyone for getting involved and those who commented on BESS.

Councilmember Jones reported attending the joint meeting with Enumclaw School District, City of Enumclaw, and Black Diamond and noted it being very productive. He also shared the discussion he had with others on unorganized events for kids to participate in. He commented that the radar data was released by the police department on their Facebook page. He noted that the Community Center is looking for cereal as well as canned food donations and they take money donations too. He discussed the nutrition series he is participating in at Green River Community College.

Councilmember Page asked Chief Judkins for contact information for Trooper Gads family to send a condolence letter from the Council. She sat in on a meeting regarding the work

the historical society is doing with the land acknowledgement. She attended the Enumclaw School District, City of Enumclaw, and City of Black Diamond joint meeting and noted it being awesome. She attended the SCA Networking Dinner. She shared her thoughts regarding what the Council can do with our guiding principles and suggested there could be a slide at the beginning of the meeting. She attended the Fire Commission meeting, and the invitation to meet and talk about the relationship with Mountain View. She shared how the director's report change on the agenda came about.

Councilmember Douglass thanked the directors for being flexible to try something new by placing these and committee reports at the beginning of the meeting to provide context to the business and duties that the council goes through.

Councilmember Smith reported attending the Public Works Committee meeting. He thanked those in attendance for the applause when the Council signed the unified letter.

ATTORNEY REPORT:

PUBLIC COMMENTS:

Zachary Pratt, Auburn spoke to Council.
James DeLay, Covington spoke to Council.
Kate Dolman, Issaquah spoke to Council.

EXECUTIVE SESSION: None

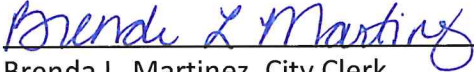
ADJOURNMENT:

Councilmember de Leon **moved** to adjourn the meeting; **second** Councilmember Smith. Motion **passed** with all voting in favor (6-0). The meeting ended at 9:26 p.m.

ATTEST:



Carol Benson, Mayor



Brenda L. Martinez, City Clerk