



**CITY OF BLACK DIAMOND**  
**September 3, 2009 Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

**7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL**

**PUBLIC COMMENTS:** Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 253-631-0351. Thank you for attending this evening.

**PUBLIC HEARINGS:**

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- 1.) **AB09-109** – Ordinance Adopting 2009 Mid-Year Budget Change Ms. Miller
- 2.) **AB09-110** – Resolution Accepting In-City Forest Water Main Replacement Project Mr. Boettcher

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**CONSENT AGENDA:**

- 3.) **Claim Checks** – September 3, 2009, No. 33960 through 34013 (voided check 33971) in the amount of \$290,257.71
- 4.) **Minutes** – Council Workstudy Notes of August 20, 2009 and August 27, 2009 and Special Council Meeting Minutes of August 27, 2009

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

## ITEM INFORMATION

<b>SUBJECT:</b> <b>Ordinance 09-921, amending the 2009 Budget Ordinance No. 08-888, and amended by Ordinance No. 09-907 to reflect changes in revenues and expenditures</b>	<b>Agenda Date: September 3, 2009</b>		<b>AB09-109</b>	
	Department/Committee/Individual	Created	Reviewed	
	Mayor Howard Botts			
	City Administrator –Gwen Voelpel		X	
	City Attorney – Loren D. Combs			
	City Clerk – Brenda L. Martinez		X	
	Finance – May Miller	X		
	Public Works – Seth Boettcher			
	Police – Jamey Kiblinger			
	Court – Kaaren Woods			
Community Develop.- Steve Pilcher				
Economic Develop.- Andy Williamson				

**Attachments: Ordinance 09-921 and Exhibit A**

**SUMMARY STATEMENT:**  
Washington State Law requires that municipal budgets be amended by the City Council when expenditures are higher than budgeted amounts, or when budget authority is exhausted from any particular fund at mid-year and/or year-end. This ordinance primarily reduces budget for capital projects and their associated transfers that were either reduced or deferred to another budget year.

This technical housekeeping budget change reduces both the revenues and expenditures for a total amount of \$3,464,871. The primary reductions are in the utility funds and include rescheduling of the Railroad Avenue Street Improvements until 2010, plus rescheduling other street projects, including the Morgan Street Sidewalk Project and the 233<sup>rd</sup> Avenue Street repairs. Also moved to 2010, is the developer funded Springs Improvements. The only Public Works projects added were the In-City Forest Water Line Project for \$240,000 which was entirely funded by a Housing and Urban Development (HUD) Grant and a Department of Ecology Stormwater Grant for \$50,000 for National Pollutant Discharge Elimination System (NPDES) implementation.

Due to the slowdown in the economy and Real Estate Excise Tax (REET) I and REET II revenue reduction, departments were asked to reduce or defer 2009 capital projects. The REET I funded General Government Capital Improvement projects were reduced by \$169,000 and the REET II projects reduced or deferred by \$345,055.

Budgets were increased by grants received for the Boat Launch Project, Court Video Conferencing Project and the Shoreline Master Plan Update. The General Fund was also increased by several public safety grants for police equipment as well as a Community, Trade and Economic Development (CTED) grant for police equipment. The Police Department also received a federal grant for \$15,074 to help off set marine patrol costs. The receipt of \$13,296 from the sale of jail property by the City of Bellevue is budgeted to cover increased jail costs, as it is restricted for that usage.

The final element of the budget change is a reduction in the interest income as a result of falling rates, miscellaneous other minor adjustments and the off setting increase or decrease in ending fund balance in each fund. This is a housekeeping budget adjustment that will reflect that economic reductions and grants received and will establish a more realistic base as we begin preparing the 2010 budget.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance Committee reviewed the Budget Adjustment Ordinance on August 31 2009.

RECOMMENDED ACTION: **MOTION to adopt Ordinance No. 09-921 amending the 2009 Budget Ordinance No. 08-888 as amended by Ordinance No. 09-907 to reflect changes in revenues and expenditures.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
September 3, 2009		

ORDINANCE NO. 09-921

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING THE BUDGET FOR CALENDAR YEAR 2009 AS ADOPTED BY ORDINANCE 08-888, AND AMENDED BY ORDINANCE 09-907 BY MEANS OF APPROPRIATIONS, ADJUSTMENTS AND TRANSFERS WITHIN VARIOUS FUNDS IN ACCOUNTS IN THE 2009 BUDGET

WHEREAS, the amounts of dollars actually received within the accounts of various funds in the 2009 budget vary from the amounts set forth in Ordinance No. 08-888 and budget change Ordinance No. 09-907; and

WHEREAS, it is necessary to make adjustments to those accounts and/or funds by means of appropriation adjustments and transfers to the 2009 Budget; and

WHEREAS, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 1 of Ordinance 09-907 is hereby amended with the following additions and reductions:

<b>Fund #</b>	<b>Fund Title</b>	<b>Budget Change Sep 2009</b>
Fund 001	General Fund	43,011
Fund 002	Fire Equipment Reserve Fund	(400)
Fund 101	Street Fund	(21,224)
Fund 102	Street Equipment Reserve Fund	(1,300)
Fund 104	REET I	(24,072)
Fund 105	REET 2	(26,044)
Fund 122	Criminal Justice	(20,000)
Fund 310	General Govt CIP Fund	(80,000)
Fund 320	Street CIP Fund	(1,839,929)
Fund 401	Water Fund	(89,431)
Fund 402	Water Supply Facility Fund	(1,146,483)
Fund 404	Water Capital Fund	(19,000)
Fund 407	Wastewater Fund	(2,000)
Fund 408	Wastewater Capital Fund	(288,000)
Fund 410	Stormwater Fund	50,000
<b>Total</b>		<b>(3,464,872)</b>

Section 2. This Ordinance shall be in full force and effect five days after its passage, approval, posting and publication in summary form as provided by law.

Introduced this 3rd day of September, 2009.

Passed by a majority of the City Council at a meeting held on the 3rd day of September, 2009.

\_\_\_\_\_  
Mayor Howard Botts

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Loren D. Combs, City Attorney

Published: \_\_\_\_\_

Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**City of Black Diamond, Washington  
September 2009 Budget Adjustment Summary**

**Exhibit A**

**A. Estimated Expenditures by Fund**

<b>Fund #</b>	<b>Fund Title</b>	<b>Ordinance 08-888 Budget</b>	<b>Change 09-907 Budget</b>	<b>Change XX-XXX Budget</b>	<b>Total Budget</b>
		<b>2009</b>	<b>2009</b>	<b>2009</b>	<b>2009</b>
Fund 001	General Fund	5,069,461	1,305,489	43,011	6,417,961
Fund 002	Fire Equipment Reserve Fund	56,843	240	(400)	56,683
Fund 101	Street Fund	585,635	(21,550)	(21,224)	542,861
Fund 102	Street Equipment Reserve Fund	164,500	725	(1,300)	163,925
Fund 104	REET I	988,664	8,090	(24,072)	972,682
Fund 105	REET 2	1,155,939	8,207	(26,044)	1,138,102
Fund 122	Criminal Justice	130,550	105,461	(20,000)	216,011
Fund 310	General Govt CIP Fund	523,200	367,306	(80,000)	810,506
Fund 320	Street CIP Fund	1,895,000	540,885	(1,839,929)	595,956
Fund 401	Water Fund	1,474,455	37,782	(89,431)	1,422,806
Fund 402	Water Supply Facility Fund	1,402,000	85,588	(1,146,483)	341,105
Fund 404	Water Capital Fund	702,000	150,425	(19,000)	833,425
Fund 407	Wastewater Fund	818,009	(7,885)	(2,000)	808,124
Fund 408	Wastewater Capital Fund	1,665,400	(278,786)	(288,000)	1,098,614
Fund 410	Stormwater Fund	401,052	9,110	50,000	460,162
<b>Total</b>		<b>17,032,708</b>	<b>2,311,087</b>	<b>(3,464,872)</b>	<b>15,878,923</b>

**City of Black Diamond, Washington**  
**September Budget Change 2009**

<b>Fund Title</b>		<i>Res or Ord # or Type of Change</i>	<i>Revenue</i>	<i>Expenses</i>
<b>001</b>	<b>General Fund</b>			
<b>Legal</b>	Legal Expense Franchise and PSE Reimbursement	Increase	9,311	9,311
<b>Police</b>	Police JAG Land Sale for Jail Costs	Increase	13,296	13,296
	Marine Grant	Increase	15,074	
	Marine Overtime	Increase		15,074
	Traffic School Revenue Decrease	Decrease	(15,074)	
	Overtime Allocation to Marine	Decrease		(15,074)
	Traffic Safety Grant for Equipment	Grant Received	10,405	10,405
	CTED Grant for Equipment	Grant Received	9,999	9,999
<b>Total General Fund</b>			<b>43,011</b>	<b>43,011</b>
<b>002</b>	<b>Fire Equipment Reserve Fund</b>			
<b>Total</b>	Reduce Interest Income and Ending Fund Balance	Decrease	(400)	(400)
<b>101</b>	<b>Street Fund</b>			
	Reduce Interest Income	Decrease	(4,800)	
	Reduce Gas Tax	Decrease	(16,424)	
	Reduce Transfer to Projects	Decrease		(61,109)
	Transportation Study	Res 09-602		2,600
	Increase Ending Fund Balance Street	Increase		37,285
<b>Total Street Fund</b>			<b>(21,224)</b>	<b>(21,224)</b>
<b>102</b>	<b>Street Reserve Fund</b>			
<b>Total</b>	Reduce Interest Income and Ending Fund Balance	Decrease	(1,300)	(1,300)
<b>104</b>	<b>REET 1 Fund</b>			
	Reduce REET 1 Revenue	Decrease	(24,072)	
	Reduce Transfer to 310 Projects	Decrease		(156,000)
	Increase Ending Fund Balance	Increase		131,928
<b>Total REET 1 fund</b>			<b>(24,072)</b>	<b>(24,072)</b>
<b>105</b>	<b>REET 2 Fund</b>			
	Reduce REET 2 Revenue	Decrease	(26,044)	
	Reduce Transfer to 320 Projects	Decrease		(345,055)
	Increase Ending Fund Balance	Increase		319,011
<b>Total REET 2 fund</b>			<b>(26,044)</b>	<b>(26,044)</b>
<b>122</b>	<b>Criminal Justice Fund</b>			
<b>Total</b>	Reduce Revenue and Ending Fund Balance	Decrease	(20,000)	(20,000)

**City of Black Diamond, Washington**  
**September Budget Change 2009**

<b>Fund Title</b>	<i>Res or Ord # or Type of Change</i>	<i>Revenue</i>	<i>Expenses</i>
<b>401 Water Fund</b>			
Reduce reimbursement on debt - lower interest	Decrease	(89,431)	
Reduce debt interest	Decrease		(89,431)
<b>Total Water Fund</b>		<b>(89,431)</b>	<b>(89,431)</b>
<b>402 Water Facility and Supply Fund</b>			
Defer Springs Project	Decrease	(1,386,483)	(1,386,483)
Federal HUD Grant	09-619	240,000	
In City Forest Project Cost	09-619		240,000
<b>Total Water Facility and Supply Fund</b>		<b>(1,146,483)</b>	<b>(1,146,483)</b>
<b>404 Water Capital Fund</b>			
Reduce Interest and Miscellaneous Revenue	Decrease	(19,000)	
Reduce Meter Replacement Project	Decrease		(15,000)
Reduce Ending Fund Balance	Decrease		(4,000)
<b>Total Water Capital Fund</b>		<b>(19,000)</b>	<b>(19,000)</b>
<b>407 Wastewater Fund</b>			
Reduce Interest Revenue	Decrease	(2,000)	
Reduce Transfer to Projects	Decrease		(13,000)
Increase Ending Fund Balance	Increase		11,000
<b>Total Wastewater Fund</b>		<b>(2,000)</b>	<b>(2,000)</b>
<b>310 General Govt CIP Fund</b>			
Defer Skate Park Project	Decrease	(25,000)	(25,000)
Reduce and Defer City Hall and Shop projects	Decrease	(85,000)	(85,000)
Reduce Union Stump Project	Decrease	(10,000)	(10,000)
Defer BMX Project	Decrease	(20,000)	(20,000)
Reduce Eagle Creek Project	Decrease	(5,000)	(5,000)
Reduce Tech Project	Decrease	(14,000)	(14,000)
Adjust Trails Project	Decrease	(10,000)	(10,000)
<b>Subtotal Reductions</b>		<b>(169,000)</b>	<b>(169,000)</b>
Conservation Grant and Boat Launch Project	Increase	30,000	30,000
KC Boat Launch Grant and Project	Increase	20,000	20,000
Court Video Conference Grant	Increase	14,000	14,000
Shoreline MP 2009/2010 Portion	Increase	25,000	25,000
<b>Total Government CIP Fund</b>		<b>(80,000)</b>	<b>(80,000)</b>



City of Black Diamond, Washington

September Budget Change 2009

Fund Title		Res or Ord # or Type of Change	Revenue	Expenses
<b>320</b>	<b>Street CIP Fund</b>			
	Defer Street Preservation Project	Decrease	(30,000)	(30,000)
	Delete Transportation Impact Study	Decrease	(80,000)	(80,000)
	Reduce RR Ave Water Project	Decrease	(25,000)	(25,000)
	Defer RR Ave Street Project	Decrease	(1,107,998)	(1,107,998)
	Defer 233rd Ave Street Repair	Decrease	(35,000)	(35,000)
	Defer Morgan Street Sidewalk Project	Decrease	(463,600)	(463,600)
	Defer Auburn/BD Overlay	Decrease	(100,000)	(100,000)
	Adjust Ginder Creek Project	Decrease	1,669	1,669
<b>Total Street CIP Fund</b>			<b>(1,839,929)</b>	<b>(1,839,929)</b>
<b>408</b>	<b>Wastewater Capital Fund</b>			
	Reduce Interest and Misc revenue and reduce ending fund balance	Decrease	(17,000)	(17,000)
	Defer Lift Station Project	Decrease	(300,000)	(300,000)
	Defer Infiltration Inflow Project	Decrease		(50,000)
	Defer Wastewater Treatment Plant Preservation	Decrease		(20,000)
	Defer Manhole Project	Decrease		(20,000)
	Reduce Transfers in and Expenses	Decrease	(13,000)	(30,000)
	Police Tech Loan Repayment	Increase	42,000	
	Increase Ending Fund Balance	Increase		149,000
<b>Total Wastewater Capital Fund</b>			<b>(288,000)</b>	<b>(288,000)</b>
<b>410</b>	<b>Stormwater Fund</b>			
	DOE Grant for NPDES Project	Grant Received	50,000	50,000
	King County Water Quality Increase	09-573		2,310
	Reduce Ending Fund Balance	Decrease		(2,310)
<b>Total Stormwater Fund</b>			<b>50,000</b>	<b>50,000</b>
<b>Total Budget Change</b>			<b>(3,464,872)</b>	<b>(3,464,872)</b>

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>Resolution No. 09-633, accepting the In City Forest Water Transmission Main Replacement Project as complete</b>	<b>Agenda Date: September 3, 2009</b>		<b>AB09-110</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Howard Botts		
	City Administrator –Gwen Voelpel		
	City Attorney – Loren D. Combs		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher	X	
	Economic Devel. – Andy Williamson		
	Police – Jamey Kiblinger		
Cost Impact: Nothing additional	Court – Kaaren Woods		
Fund Source: ---			
Timeline: 30 days to clear any claims			
<b>Attachments: Resolution No. 09-633 , Agenda Bill awarding contract, copy of final bill</b>			
<b>SUMMARY STATEMENT:</b>  This is a formal action required by the Council that starts a 45 day waiting period to where an outside vendor, supplier or laborer would have an opportunity to file a claim against this project pursuant to RCW 60.28.011(2). After the 45 days the retainage being held by the City can be released once the City has received for following documents: <ul style="list-style-type: none"> <li>• an affidavit of no liens,</li> <li>• a release from the Department of Revenue that all taxes have been paid</li> <li>• and a release from any claims from the Department of Labor and Industries, pursuant to RCW 60.28.051</li> </ul>			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Only briefly mentioned as we ran out of time.			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 09-633, accepting the In City Forest Water Transmission Main Project as complete by Johansen Excavating according to the contract documents.</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
September 3, 2009			

RESOLUTION NO. 09 -633

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
REGARDING FINAL ACCEPTANCE OF THE "IN CITY  
FOREST" WATER TRANSMISSION MAIN REPLACEMENT  
PROJECT

**WHEREAS** the City awarded the In City Forest Water Transmission Main contract to Johansen Excavating on July 16, 2009; and

**WHEREAS** Johansen Excavating has completed the Water Main Replacement Project according to the contract and change orders;

NOW THEREFORE BE IT RESOLVED that the City hereby accepts the In City Forest Water Transmission Main Replacement Project as complete and as set forth in that contract and change orders with Johansen Excavating.

ADOPTED by the City Council at an open public meeting held on the 3rd day of September, 2009.

\_\_\_\_\_  
Howard Botts, Mayor

Attest:

\_\_\_\_\_  
Brenda L. Martinez, City Clerk

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION			
<b>SUBJECT:</b> <b>Resolution No. 09-618, authorizing the Mayor to award a construction contract to Johansen Excavating for the In City Forest Water Transmission Main Replacement Project for \$109,933.07</b>	<b>Agenda Date: July 16, 2009</b>		<b>AB09-087</b>
	Department/Committee/Individual	Created	Reviewed
	Mayor Howard Botts		
	City Administrator –Gwen Voelpel		
	City Attorney – Loren D. Combs		
	City Clerk – Brenda L. Martinez		
	Finance – May Miller		
	Public Works – Seth Boettcher	X	
	Economic Devel. – Andy Williamson		
	Police –		
Court – Kaaren Woods			
Cost Impact: \$109,933.07			
Fund Source: \$240,00 congressional grant			
Timeline: Project to be completed in August			
<b>Attachments: Resolution No. 09-618, recommendation to award, bid and contract form, bid tabulation, letters and emails dealing with bid irregularity, bidder qualifications</b>			
<b>SUMMARY STATEMENT:</b> Johansen Excavating was the lowest bidder and their references have been checked out on previous public work projects. <b>Project budget information:</b> <b>Funding \$240,000</b> available through the grant <b>Less \$1000</b> sensitive area permitting <b>Less \$38,850</b> surveying, design and bid and construction coordination services <b>Less \$28,025</b> Parametrix addendum #1 for pre-con meeting, two weekly meetings, inspection, materials acceptance, handle one change order, requests for information, progress payment review, project management, prepare punch list <b>Less \$5000</b> miscellaneous expenses <b>Less \$5000</b> construction contingency <b>Balance available for <u>Construction</u> \$162,125</b>			
The project is on a tight time frame for completion by August 17. If additional work is added, we could extend the time to complete to no later than August 28 <sup>th</sup> and still get billings in to Housing and Urban Development in time before the funds expire. We will evaluate the possibility of adding additional piping based on progress of the work and the ability to complete the project in time.			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Committee reviewed 7-9-09			
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 09-618, authorizing the Mayor to execute a contract with Johansen Excavating for construction of the In City Forest Water Transmission Main Project.</b>			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
July 16, 2009			



Johansen Excavating, Inc  
712 Main Street, Ste E  
PO Box 674  
Buckley WA 98321  
360 829-6493

License: JOHANEI954KZ

## Contract Invoice

Invoice#: 2009015-1

Date: 08/17/2009

**Billed To:** City of Black Diamond

**Project:** In City Forest Water  
Botts Rd  
Black Diamond WA

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**Due Date:** 09/16/2009

**Terms:** 30DY

**Order#**

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Description	Amount
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Progress Billing# 1	118,664.35
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*A service charge of 12.00% per annum will be charged on all amounts  
overdue on regular statement dates.*

*Thank you for your prompt payment!*

Non-Taxable Amount:	0.00
Taxable Amount:	118,664.35
Sales Tax:	10,205.13
<b>Amount Due</b>	<b>128,869.48</b>