

**BLACK DIAMOND CITY COUNCIL MINUTES**  
**July 21, 2011**  
Council Chamber, 25510 Lawson Street, Black Diamond, Washington

**CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the regular meeting to order at 7:01 p.m. and lead us all in the Flag Salute.

**ROLL CALL:**

**PRESENT:** Councilmembers Hanson, Goodwin, Mulvihill and Saas.

**ABSENT:** Councilmembers Boston (excused).

Staff present were: Aaron Nix, Natural Resources/Parks Director; Seth Boettcher, Public Works Director; May Miller, Finance Director; Jamey Kiblinger, Police Chief; Greg Smith, Fire Chief; Chris Bacha, City Attorney and Brenda L. Martinez, City Clerk.

**PRESENTATIONS, ANNOUNCEMENTS, APPOINTMENTS:**

**PUBLIC COMMENTS:**

**Leah Grant, Lake Sawyer Park Foundation** – commented on the resolution to purchase park benches and they are very excited to partner with the City on this purchase.

**Erika Morgan, Black Diamond** – distributed a packet regarding her discrepancy on stormwater billing.

**Cheryl Hanson, Black Diamond** – invited everyone to stop by the Community Center and check them out and invited everyone in attendance to the free BBQ on National Night Out in August.

**PUBLIC HEARINGS:**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**Resolution No. 11-760, adopting the 2012-2017 Capital Improvement Plan (CIP)**

Finance Director Miller reported that we are here tonight to ask Council to adopt the 2012-2017 Capital Improvement Plan (CIP). This annual update of the plan and the City has held Council Committee meetings, Council workstudies and a public hearing. At the public hearing we received oral testimony as well as one written comment submission. She noted

the plan totals 34 million over the next six years with approximately 70% being public works and general government being 30%.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Resolution No. 11-760, adopting the 2012-2017 Capital Improvement Plan (CIP). Motion **passed** with all voting in favor (4-0).

**Ordinance No. 11-963, amending the Budget for Calendar Year 2011 as adopted by Ordinance No. 10-957 and as amended by Ordinance No. 11-959 by means of appropriations, adjustments and transfers within various funds in accounts in the 2011 budget**

Finance Director Miller noted this is a housekeeping budget change, she added this budget change decreases the budget by \$134,898. The law does not require budget amendments for reductions, but those adjustments are included as it makes clearer reporting and is helpful in preparing trend information. She highlighted the changes to revenues and expenditures and noted the changes to the capital project area.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Ordinance No. 11-963, amending the Budget for Calendar Year 2011 as adopted by Ordinance No. 10-957 and as amended by Ordinance No. 11-959 by means of appropriations, adjustments and transfers within various funds in accounts in the 2011 budget. Motion **passed** with all voting in favor (4-0).

**Resolution No. 11-761, authorizing the Mayor to execute a purchase agreement for two six foot park benches from Cascade Recreation**

Natural Resources/Parks Director Nix reported we have a unique opportunity to partner with a local non-profit Lake Sawyer Park Foundation to purchase two park benches for placement at the Regional Park; each partner will pay 50% of the cost.

A **motion** was made by Councilmember Saas and **seconded** by Councilmember Hanson to adopt Resolution No. 11-761, authorizing the Mayor to execute a purchase agreement for two six foot park benches from Cascade Recreation. Motion **passed** with all voting in favor (4-0).

**Resolution No. 11-762, authorizing additional funding for change order and other contingency costs for the SE 288<sup>th</sup> Overlay Project**

Public Works Director Boettcher reported this project was awarded several weeks ago to Watson Asphalt. We are recommending amending the project with the change order to do skim patch and lay reinforcement fabric. This will provide a better product and result in a longer life span to the improvement.

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adopt Resolution No. 11-762, authorizing additional funding for change order and other contingency costs for the SE 288<sup>th</sup> Overlay Project. Motion **passed** with all voting in favor (4-0).

**Resolution No. 11-763, awarding the low bid on the Boat Launch Reconstruction Project at Lake Sawyer to Pivetta Brothers Construction, Inc.**

Public Works Director Boettcher reported the City has entered into an Interlocal Agreement with the Department of Fish and Wildlife to purchase concrete planks to be installed. The City has obtained permits from the Army Corps of Engineers and Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife. The reconstruction of the Boat Launch first went out to bid on June 8 but only one bid was received at \$89,004.01. The project was put back out to bid on June 29 to a much wider list of contractors with follow-up solicitation. Plans were sent to 17 local contractors. Pivetta Brothers Construction, Inc. was the only bidder in the second round of solicitation, but the bid was \$38,063.58 under the previous bid. The City has planned and budgeted \$49,244 in 2011. Mr. Boettcher stated that \$40,061 has been spent on environmental permitting, drafting, surveying and purchasing concrete planks from the Department of Fish and Wildlife leaving approximately \$9,000 in the budget. The award of this contract also includes an additional appropriation of Real Estate Excise Tax (REET) 2 funds for the street portion and grant matching funds from the general government Capital Improvement Plan (CIP). He noted the motion will be contingent upon interim access approval from the Department of Natural Resources or an approved Aquatic Lease.

A **motion** was made by Councilmember Hanson and **seconded** by Councilmember Saas to adopt Resolution No. 11-763, awarding the low bid on the Boat Launch Reconstruction Project at Lake Sawyer to Pivetta Brothers Construction, Inc. contingent upon interim access approval from the Department of Natural Resources or an approved Aquatic Lease. Motion **passed** with all voting in favor (4-0).

**DEPARTMENT REPORT: None**

**MAYOR'S REPORT:**

Mayor Olness reported that the Development Agreement hearings were completed this afternoon, folks have two weeks to submit written comments and noted they need to be submitted to Mr. Pilcher who will then forward to the Hearing Examiner; met with Cheryl Hanson, the new Executive Director of the Black Diamond Community Center; met with State Representative Pat Sullivan on ways he could help Black Diamond in the upcoming legislative session; updated Council on the remodel of the Police/Court/Council Chambers building; reminded everyone about National Night Out on August 2; boat launch repairs will take place in the middle of August and will be closed for 30 days so the City is working on signage to post at the boat launch; discussed Mr. Morris' of Palmer Coking Coal (PCC) who asked for a letter of support from the city on the upcoming mining to be sent to the Office of Surface Mining and asked Council to let her know their preference on pursuing or holding a workstudy.

**COUNCIL REPORTS:**

Councilmember Mulvihill reported that the Black Diamond Labor Days now has a website and it is up and running [www.blackdiamondlabordays.org](http://www.blackdiamondlabordays.org).

**ATTORNEY REPORT: None**  
**PUBLIC COMMENTS:**

**Bob Edelman, Black Diamond** – commented on resolving issue on Agenda Bill No. 11-045 which was pulled at the last Council meeting.

**CONSENT AGENDA:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Goodwin to adopt the Consent Agenda. Motion **passed** with all voting in favor (4-0). The Consent Agenda was approved as follows:

**Claim Checks** – July 21, 2011, No. 37152 through No. 37263, No. 37164 through No. 37219, No. No. 37221 through No. 37232 and No. 37234 (voided No. 37220 and No. 37201) in the amount of \$1,090,761.29

**Payroll Checks** – June 30, 2011 No. 17459 through No. 17487 and ACH Payment for a total amount of \$286,234.33


**Minutes** –Regular Council Meeting of July 7, 2011

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

A **motion** was made by Councilmember Goodwin and **seconded** by Councilmember Mulvihill to adjourn the meeting. Motion **passed** with all voting in favor (4-0).

ATTEST:

  
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Rebecca Olness, Mayor

  
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Rachel Pitzel, Deputy City Clerk