



**CITY OF BLACK DIAMOND**  
**June 20, 2013 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 360-886-5700. Thank you for attending this evening.

**PUBLIC HEARINGS:**

- 1.) **AB13-047** – Proposed Utility Rate Increases Ms. Miller

**APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:**

**UNFINISHED BUSINESS:**

- 2.) **AB13-037A** – Ordinance Relating to Controlled Substances Mr. Bacha  
3.) **AB13-038A** – Ordinance Relating to Civil Infractions Mr. Bacha

**NEW BUSINESS:**

- 4.) **AB13-048** – Resolution Adopting 2014-2019 Transportation Improvement Program Mr. Boettcher  
5.) **AB13-049** – Resolution Authorizing Special Events Permit for Tough Mudder Ms. Donlan  
6.) **AB13-050** – Resolution Authorizing Special Events Permit for Lake Sawyer  
Community Club Ms. Donlan  
7.) **AB13-051** – Ordinance Amending the 2013 Budget Ms. Miller  
8.) **AB13-052** – Ordinance Adopting Water Rate Increase Ms. Miller  
9.) **AB13-053** – Ordinance Adopting Sewer Rate Increase Ms. Miller  
10.) **AB13-054** – Ordinance Adopting Stormwater Rate Increase Ms. Miller

**DEPARTMENT REPORTS:**

**MAYOR'S REPORT:**

**COUNCIL REPORTS:**

**ATTORNEY REPORT:**

**PUBLIC COMMENTS:**

**CONSENT AGENDA:**

**EXECUTIVE SESSION:** To discuss with Legal Counsel potential litigation pursuant to RCW 42.30.110(1)(i)

- 11.) **Claim Checks** – June 20, 2013, Check No. 36752, 39660 through No. 39715 (void checks 39662, 39663) in the amount of \$458,939.58  
12.) **Payroll** - May 31, 2013, No. 18060 through No. 18076 and ACH Pay in the amount of \$271,246.78  
13.) **Minutes** – Council Meeting of June 6, 2013 and Workstudy Notes of June 6, 2013

**ADJOURNMENT:**

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Public Hearing – Possible Utility Rate Increases for Water, Sewer and Stormwater</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-047</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	<b>X</b>
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source: Water, Sewer, Stormwater	Court – Stephanie Metcalf	
Timeline: August 2013	Comm. Dev. – Stacey Welsh	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Staff Memo; Supporting Documentation</b>		
SUMMARY STATEMENT:  Please see the attached staff memo.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: <b>Public Hearing</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		



## CITY OF BLACK DIAMOND

### Interoffice Memorandum

**TO: MAYOR OLNESS, CITY COUNCIL**

**SUBJECT: JUNE 20, 2013 PUBLIC HEARING REGARDING UTILITY RATES**

During the 2013 budget development process last year, Council was briefed on the potential of a water utility fund rate increase. At that time, the previous City Administrator proposed that any increases be delayed until a future rate study was conducted to document the possible amount and need for the increases. He also noted that a rate study should review the water, sewer and stormwater funds.

On April 4, 2013, Council approved Resolution No. 13-864 authorizing Mr. Ashley M. Emery, owner of Peninsula Financial Consulting, to conduct a rate study for the water, sewer and stormwater funds. He developed computer models outlining the financial adequacy of each funds rate.

On June 6, 2013, at a Council Workstudy meeting, Mr. Emery reviewed the complex computer models showing the multi-year projections and the potential need for rate increases. Each utility fund is required to set rates needed to cover its own maintenance and operating costs, debt service requirements, as well as capital improvements. Mr. Emery's computer models allowed Council to quickly see how timing of different rate increases affected the solvency of each fund. Five year financial forecasts are included for each fund.

Possible 15% rate increases are anticipated for the water fund. No rate increases are proposed for the stormwater or sewer funds at this time.

The Council will hold a Public Hearing on June 20, 2013 at the regular council meeting to review possible rate increases. Public comments are encouraged.

City of Black Diamond  
Possible Three Year Rate Comparison of monthly Water bill

	15% 2013	15% 2014	15% 2015
Rate Comparison for 1000 cu ft. Water			
Current	Mid 2013	Jan-14 Increase	Jan-15 Increase
Water	\$42.71	\$49.08	\$6.37
Metro Sewer	\$39.79	\$39.79	\$0.00
City Sewer	\$19.16	\$19.16	\$0.00
Stormwater	\$14.00	\$14.00	\$0.00
Total	\$115.66	\$122.03	\$6.37
	<b>Increase of 21 cents a day</b>		

**Increase of 28 cents a day**

\*\* Structure of rate increase between, base, and different commodities will be reviewed and probably add levels and lower base and/or lower user commodity charges, & possibly reduce the \$66.79 for 1,000 cu feet users.

	2013	2013	2013
Rate Comparison for 1000 cu ft. Lifeline customer	Rate Comparison for 1000 cu ft. Water	Rate Comparison for 1000 cu ft. Water	Rate Comparison for 1000 cu ft. Water
Current	Mid 2013	Jan-13 Increase	Jan-14 Increase
Water	\$21.36	\$24.54	\$3.18
Metro Sewer	\$39.79	\$39.79	\$0.00
City Sewer	\$9.58	\$9.58	\$0.00
Stormwater	\$7.00	\$7.00	\$0.00
Total	\$77.73	\$80.91	\$3.18
	<b>Increase of 11 cents a day</b>		

**Increase of 14 cents a day**

\*\* Structure of rate increase between, base, and different commodities will be reviewed and probably add levels and lower base and/or lower user commodity charges, & possibly reduce the \$33.40 for 1,000 cu feet users.

**Increase of 32 cents a day**

\*\* Structure of rate increase between, base, and different commodities will be reviewed and probably add levels and lower base and/or lower user commodity charges, & possibly reduce the \$33.40 for 1,000 cu feet users.

City of Black Diamond, Washington  
 Water Utility Fund  
 Five Year Cash Flow -One Scenario

NO MPD Growth

Draft 5/28/2013

Water Fund	2013	2013	2014	2015	2016	2017	2018	2019
	Budget	Proposed	Budget	Budget	Budget	Budget	Budget	Budget
Possible Rate Increase	adj.	07/13 15%	01/14 15%	01/15 15%				
<b>Operating Begin Cash Bal</b>	107,982	107,982	105,974	118,396	122,677	127,105	131,771	136,740
<b>Capital &amp; Reserve Cash Bal</b>	531,275	531,275	381,156	285,144	114,976	111,859	103,657	96,514
<b>Total Beg Cash &amp; Inv.</b>	<b>639,257</b>	<b>639,257</b>	<b>487,130</b>	<b>403,540</b>	<b>237,653</b>	<b>238,964</b>	<b>235,428</b>	<b>233,254</b>
Operating Revenue	430,000	430,000	430,000	430,000	430,000	430,000	430,000	430,000
Operating possible Rate Inc.		21,324	134,533	218,500	218,500	218,500	218,500	218,500
Misc. Revenue	18,275	18,275	18,823	19,388	19,970	20,569	21,186	21,821
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth		1,576	3,767	8,073	14,800	21,527	28,927	37,000
Infill Connection Charges	20,000	17,900	23,868	29,835	59,670	59,670	65,637	71,604
<b>Total Water Fund Sources</b>	<b>529,200</b>	<b>536,625</b>	<b>626,491</b>	<b>705,796</b>	<b>742,940</b>	<b>750,266</b>	<b>764,250</b>	<b>778,925</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	49
<b>Water Fund Expenditures</b>								
Salaries	120,942	122,727	126,409	130,201	134,107	138,130	142,274	146,542
Benefits	54,299	54,299	56,471	58,730	61,079	63,522	66,063	68,706
City Adm (2015 FT/Pt. Sr Acct)			0	20,639	21,877	23,190	24,581	26,056
Supplies	31,050	31,500	32,760	34,070	35,433	36,851	38,325	39,858
Services & Charges	136,626	136,626	140,042	143,543	147,131	150,810	154,580	158,444
B&O & Util Tax	49,500	50,100	62,900	72,700	73,900	74,600	75,500	76,500
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>402,417</b>	<b>405,252</b>	<b>428,581</b>	<b>469,883</b>	<b>483,528</b>	<b>497,103</b>	<b>511,323</b>	<b>526,106</b>
PWTF Net Debt Svs	234,600	234,600	232,600	230,500	217,700	216,300	214,700	203,200
Water Meters- Sewer Loan	47,944	48,900	48,900	48,900				
Loan to begin Wtr Main 2020				40,400	40,400	40,400	40,400	40,400
New Debt Ser-Res Paint								
<b>Sub total Debt Service</b>	<b>282,544</b>	<b>283,500</b>	<b>281,500</b>	<b>319,800</b>	<b>258,100</b>	<b>256,700</b>	<b>255,100</b>	<b>243,600</b>
Water Comp Plan				82,000				
<b>Total Water Fund Uses</b>	<b>684,961</b>	<b>688,752</b>	<b>710,081</b>	<b>871,683</b>	<b>741,628</b>	<b>753,803</b>	<b>766,423</b>	<b>769,706</b>
Change in Cash & Inv	(155,761)	(152,127)	(83,590)	(165,887)	1,312	(3,537)	(2,173)	9,219
Ending Cash & Invest Bal	<b>483,496</b>	<b>487,130</b>	<b>403,540</b>	<b>237,653</b>	<b>238,964</b>	<b>235,428</b>	<b>233,254</b>	<b>242,474</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
 Note Beginning Cash & Investment Balance

Capital and Reserve Cash & Investment Balance should be maintained to cover next year's debt payment per best practices and fiscal responsibility. Note Beginning cash & Investment Balance.

Rates need to be adjusted to provide revenue sufficient to cover the cost of Maintenance and Operation costs and debt service. To keep rate increases at the lowest possible amount, all Capital costs for replacement of 40-50 year old water lines, have been funded from Grants or Real Estate Excise Tax or deferred beyond five years.

Mr. Ashley Emery, of Peninsula Financial Consulting, demonstrated his financial rate analysis at the June 6, 2013 Council Workstudy meeting. To financially stabilize the water fund, a 15% rate increase is being considered for mid-2013, another 15% effective January 1, 2014 and the final increase of 15% effective January 1, 2015. These increases will provide Water Revenue amounts needed to cover the cost of operating and debt service for the next five years. Periodic rate reviews will be updated to monitor rates as growth occurs and allows the addition of Capital costs for water line replacement projects.

City of Black Diamond, Washington  
 Sewer Utility Fund  
 Five Year Cash Flow -One Scenario

No MPD Growth

Draft 6/3/2013

Sewer Fund	2013 Budget	2013 Proposed	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
<b>City Monthly Sewer Rate</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>	<b>19.16</b>
Operating Begin Cash Bal	80,991	80,987	83,958	91,506	94,324	97,458	100,437	102,963
Capital & Reserve Cash Bal	710,009	727,550	741,846	650,258	550,168	400,202	238,272	40,732
<b>Total Beg Cash &amp; Inv.</b>	<b>791,000</b>	<b>808,537</b>	<b>825,804</b>	<b>741,764</b>	<b>644,492</b>	<b>497,660</b>	<b>338,709</b>	<b>143,695</b>
Operating Revenue-City	206,600	206,600	206,600	206,600	206,600	206,600	206,600	206,600
Operating Revenue-Metro	486,400	477,400	478,900	535,200	541,000	553,000	563,000	570,900
Operating possible Rate Inc.								
Misc Revenue	3,574	3,574	3,681	3,792	3,905	4,023	4,143	4,268
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth-City Sewer only		690	1,610	2,760	5,060	7,360	9,890	12,650
Infill Connection Charges		4,800	6,400	8,000	16,000	16,000	17,600	19,200
<b>Total Sewer Fund Sources</b>	<b>757,499</b>	<b>740,614</b>	<b>712,691</b>	<b>756,352</b>	<b>772,565</b>	<b>786,983</b>	<b>801,233</b>	<b>813,618</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	55
<b>Sewer Fund Expenditures</b>								
Salaries	119,476	121,261	124,899	128,646	132,505	136,480	140,575	144,792
Benefits	54,239	54,239	56,409	58,665	61,011	63,452	65,990	68,630
City Adm (2015 FT/Pt. Sr Acct)			0	20,639	21,877	23,190	24,581	26,056
Supplies	13,350	13,350	13,884	14,439	15,017	15,618	16,242	16,892
Services & Charges	85,697	85,697	87,839	90,035	92,286	94,593	96,958	99,382
B&O & Util Tax	51,200	49,400	52,800	53,600	54,600	56,500	57,400	56,100
Metro Reimbursement	494,000	477,400	478,900	535,200	541,000	553,000	563,000	570,900
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>827,962</b>	<b>811,347</b>	<b>824,731</b>	<b>911,224</b>	<b>928,297</b>	<b>952,833</b>	<b>974,747</b>	<b>992,752</b>
Loan Income-Technology	(40,000)	(40,000)						
Loan Income-Stormwater	(30,000)	(30,000)	(10,000)					
Loan Income-Water Meters	(48,000)	(48,000)	(48,000)	(48,000)				
Loan Income-Wtr Paint Res.				(40,400)	(40,400)	(40,400)	(40,400)	(40,400)
New Debt Ser-Morgan Cr.						1,200	28,800	28,800
New Debt Ser-Cedarbrook						15,300	15,300	15,300
<b>Sub total Debt Service</b>	<b>(118,000)</b>	<b>(118,000)</b>	<b>(58,000)</b>	<b>(88,400)</b>	<b>(40,400)</b>	<b>(39,200)</b>	<b>(11,600)</b>	<b>(11,600)</b>
Infiltration & Inflow	30,000	30,000	30,000	30,800	31,500	32,300	33,100	33,900
<b>Total Water Fund Uses</b>	<b>739,962</b>	<b>723,347</b>	<b>796,731</b>	<b>853,624</b>	<b>919,397</b>	<b>945,933</b>	<b>996,247</b>	<b>1,015,052</b>
Change in Cash & Inv	17,537	17,267	(84,040)	(97,273)	(146,832)	(158,951)	(195,014)	(201,435)
Ending Cash & Invest Bal	<b>808,537</b>	<b>825,804</b>	<b>741,764</b>	<b>644,492</b>	<b>497,660</b>	<b>338,709</b>	<b>143,695</b>	<b>(57,739)</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
 Note Beginning Cash & Investment Balance

Capital and Reserve Cash & Investment Balance begins to decline in 2014 but still retains a sufficient balance until 2017.  
 Growth will help offset this decline, but the financial stability needs to be monitored over the next few years.

Only Infiltration & Inflow Capital costs are included in this base rate analysis. Periodic rate reviews will be updated to monitor rates as growth occurs and future capital projects are added.

No Sewer rate increase is recommended at this time.

City of Black Diamond, Washington  
 Stormwater Utility Fund  
 Five Year Cash Flow -One Scenario

No MPD Growth

Draft 6/3/2013

Stormwater Fund	2013 Budget	2013 Proposed	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
<b>Possible Monthly Rates</b>	<b>14.00</b>	<b>14.00</b>	<b>15.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>
Operating Begin Cash Bal	80,250	82,436	90,318	102,690	105,383	108,167	111,056	114,057
Capital & Reserve Cash Bal	1,750	(436)	6,481	(21,632)	5,617	24,403	34,348	35,261
<b>Total Beg Cash &amp; Inv.</b>	<b>82,000</b>	<b>82,000</b>	<b>96,779</b>	<b>81,058</b>	<b>109,106</b>	<b>128,726</b>	<b>139,551</b>	<b>141,396</b>
Operating Revenue-City	280,000	306,000	328,240	328,240	328,240	328,240	328,240	328,240
Operating possible Rate Inc.				109,280	109,280	109,280	109,280	109,280
Misc Revenue	300	300	300	300	300	300	300	300
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth		672	1,512	2,880	5,280	7,680	10,320	13,200
Infill Connection Charges								
<b>Total Stormwater Fund Source</b>	<b>341,225</b>	<b>354,522</b>	<b>345,552</b>	<b>440,700</b>	<b>443,100</b>	<b>445,500</b>	<b>448,140</b>	<b>451,020</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	55
<b>Stormwater Fund Expenditures</b>								
Salaries	118,148	119,933	123,531	127,237	131,054	134,986	139,035	143,206
Benefits	54,053	54,299	56,471	58,730	61,079	63,522	66,063	68,706
City Adm (2015 FT/Pt. Sr Acct)				20,639	21,877	23,190	24,581	26,056
Supplies	14,000	14,000	14,560	15,142	15,748	16,378	17,033	17,714
Services & Charges	89,190	89,190	91,420	93,705	96,048	98,449	100,910	103,433
B&O & Util Tax	35,610	42,321	65,291	87,199	87,674	88,150	88,672	89,243
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>321,001</b>	<b>329,743</b>	<b>361,273</b>	<b>412,652</b>	<b>423,480</b>	<b>434,675</b>	<b>446,295</b>	<b>458,359</b>
Loan -from Sewer	30,500	10,000						
<b>Sub total Debt Service</b>	<b>30,500</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Street Sweep/Cln/Debre dis			35,000	35,900	36,800	37,700	38,600	39,600
Capital Projects	0	0	0	0	0	0	0	0
<b>Total Stormwater Fund Uses</b>	<b>351,501</b>	<b>339,743</b>	<b>361,273</b>	<b>412,652</b>	<b>423,480</b>	<b>434,675</b>	<b>446,295</b>	<b>458,359</b>
Change in Cash & Inv	(10,276)	14,779	(15,721)	28,048	19,620	10,825	1,845	(7,339)
Ending Cash & Invest Bal	<b>71,724</b>	<b>96,779</b>	<b>81,058</b>	<b>109,106</b>	<b>128,726</b>	<b>139,551</b>	<b>141,396</b>	<b>134,057</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
 Note Beginning Cash & Investment Balance

Stormwater analysis includes the adopted 2013 and 2014 rates, and anticipated an approximate \$5.00 per month increase in 2015.  
 \$2.00 of the increase will be needed to cover the Catch basin Cleaning, Street Sweeping, storage and disposal that had been covered by a DOE grant in the past.

Please publish in the next two (2) consecutive editions of the Reporter

**CITY OF BLACK DIAMOND  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Black Diamond City Council will be conducting a public hearing regarding possible increases in the water, sewer and stormwater rates. The hearing will take place on Thursday, June 20, 2013 at 7:00 p.m. at the Black Diamond City Council Chambers, 25510 Lawson Street, Black Diamond, WA. The purpose of the hearing is to hear public testimony on the above listed subject. Written comments may be submitted to the Clerk's office at 24301 Roberts Drive, PO Box 599, Black Diamond, WA, 98010 no later than 5:00 p.m. on June 20, 2013, otherwise they must be submitted at the hearing. Information is also available on the City's website [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us) under "Public Notices". For further information please contact May Miller, Finance Director at 360-886-5700.

Dated this 4th day of June, 2013  
Brenda L. Martinez, CMC  
Asst. City Admin/City Clerk

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1002, relating to controlled substances; amending BDMC to conform to amendments to state law resulting from passage of Initiative 502</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-037A</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	<b>X</b>
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
<b>Attachments: Proposed Ordinance No.13-1002</b>		
<p><b>SUMMARY STATEMENT:</b></p> <p>At the May 2, 2013 regular meeting Council postponed this ordinance to a future meeting.</p> <p>Ordinance No. 13-1002 is intended to implement changes to state law resulting from the passage of I-502. The proposed ordinance makes amendments to BDMC Chapter 9.90 to address changes in the paraphernalia and possession laws. Because Black Diamond has specific code provisions addressing some of these issues new code language was needed to fix conflicts we have under state law.</p>		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<p><b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-1002, relating to controlled substances; amending BDMC 9.90.020 and 9.90.170 and adding new section 9.90.200 BDMC to conform to amendments to state law resulting from passage of Initiative 502; providing for severability; and establishing an effective date.</b></p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
May 2, 2013	Postponed to a meeting in the future	Passed 3-0

**CITY OF BLACK DIAMOND**  
**WASHINGTON**  
**ORDINANCE NO. 13-1002**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, RELATING TO CONTROLLED  
SUBSTANCES; AMENDING BDMC 9.90.020 AND 9.90.170  
AND ADDING NEW SECTION 9.90.200 BDMC TO  
CONFORM TO AMENDMENTS TO STATE LAW  
RESULTING FROM PASSAGE OF INITIATIVE 502;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING  
AN EFFECTIVE DATE**

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WHEREAS, the passage of Initiative 502 (“I-502”) has resulted in amendments to Chapter 69.51A RCW that include, among other things, legalization of the possession and private recreational use of marijuana and drug paraphernalia, and authorizes, subject to further regulation, the manufacture, packaging, distribution and retail sale of cannabis; and

WHEREAS, I-502 Section 21, also provides that it is unlawful, and constitutes a civil infraction for a person to open a package containing marijuana, or to consume marijuana or a marijuana-infused product in view of the general public; and

WHEREAS, Chapter 9.90 of the Black Diamond Municipal Code establishes the provisions of the criminal code prohibiting use of controlled substances and drug paraphernalia; and

WHEREAS, passage of I-502 makes it necessary now to amend BDMC Ch.9.90 to conform the City Code to changes in state law; and

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amending BDMC 9.90.020 (Drug paraphernalia—Possession prohibited).  
Section 9.90.020 of the Black Diamond Municipal Code is hereby amended (amendments shown in legislative revisions marks) to read as follows:

9.90.020 - Drug paraphernalia—Possession prohibited.

It is unlawful for any person to possess drug paraphernalia, as defined in RCW 69.50.102, as amended, except that,

a. It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases. A person who violates this section shall be guilty of a misdemeanor; and

b. It is not unlawful for any person to possess drug paraphernalia used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, marijuana.\*

\*See, RCW 69.50.412 as amended by I-502.

Section 2. Amending Section 9.90.170 BDMC (Possession of forty grams or less of marijuana – Penalty). Section 9.90.170 of the Black Diamond Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

9.90.170 - Possession of forty grams or less of marijuana—Penalty.

The city adopts by reference as though fully set forth herein RCW Section 69.50.4014 as currently existing or as hereafter amended; provided that, the possession, by a person twenty-one years of age or older, of usable marijuana or marijuana-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section.\*

\*See, RCW 69.50.4013 as amended by I-502.

Section 3. Adding new Section 9.90.200 BDMC (Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public Penalty). Chapter 9.90 of the Black Diamond Municipal Code is hereby amended by the addition of new Section 9.90.200, to read as follows:

9.90.200 - Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public — Penalty.

The city adopts by reference as though fully set forth herein RCW Section 69.50.445 as currently existing or as hereafter amended.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 20TH DAY OF JUNE, 2013.

CITY OF BLACK DIAMOND

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Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

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Brenda L. Martinez, City Clerk

Approved as to form:

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Chris D. Bacha,  
Kenyon Disend PLLC  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date:

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1003, relating to civil infractions</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-038A</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	<b>X</b>
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
<b>Attachments: Proposed Ordinance No. 13-1003</b>		
<p><b>SUMMARY STATEMENT:</b></p> <p>At the May 2, 2013 regular meeting Council postponed this ordinance to a future meeting.</p> <p>This ordinance is in conjunction with Ordinance No. 13-1002. Because open consumption is a civil infraction the proposed ordinance adopts a civil infraction system giving the municipal court authority to hear civil infractions.</p>		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<p><b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-1003, relating to civil infractions; amending BDMC 1.12.010 to establish authority for issuance and enforcement of civil infraction notices; amending BDMC 2.36.020 granting jurisdiction to the Municipal Court to hear and determine civil infraction violations; providing for severability; and establishing an effective date.</b></p>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
May 2, 2013	Postponed to a future meeting.	Passed 3-0

**CITY OF BLACK DIAMOND  
WASHINGTON**

**ORDINANCE NO. 13-1003**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, RELATING TO CIVIL INFRACTIONS;  
AMENDING BDMC 1.12.010 TO ESTABLISH AUTHORITY  
FOR ISSUANCE AND ENFORCEMENT OF CIVIL  
INFRACTION NOTICES; AMENDING BDMC 2.36.020  
GRANTING JURISDICTION TO THE MUNICIPAL  
COURT TO HEAR AND DETERMINE CIVIL  
INFRACTION VIOLATIONS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE**

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WHEREAS, the City desires to create a uniform system of civil infractions to be heard by the Black Diamond Municipal Court pursuant to and under authority of RCW Chapter 7.80 and the Infractions Rules for Courts of Limited Jurisdiction; and

WHEREAS, the City Council finds that implementation of such a uniform system of civil infractions will better protect the public and will aid and streamline enforcement; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety and welfare to amend BDMC Ch. 1-12 as set forth herein;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amending Section 1.12.010 BDMC (Violations of the municipal code—Penalty). Section 1.12.010 of the Black Diamond Municipal Code is hereby amended (amendments shown in legislative revisions marks) to read as follows:

1.12.010 - Violations of the municipal code—Penalty.

A. Unless otherwise provided in the penalty provisions of a specific section of the municipal code, any violation of the requirements of the municipal code, including any code, regulation or statute adopted into the municipal code by reference, shall be a gross misdemeanor punishable by a fine of up to five thousand dollars or imprisonment of up to one year, or by both such fine and imprisonment.

B. Each separate day or portion thereof during which a violation exists shall constitute a separate violation.

C. Unless otherwise prohibited by law, a violation of the municipal code may, at the discretion of the city attorney or his or her designee, be treated as a civil violation subject to a monetary penalty of five hundred dollars.

D. Consistency with State Law. Notwithstanding any other provisions in the Black Diamond Municipal Code or the non-codified ordinances of the City, the maximum penalty for any act or omission constituting a criminal offense under the Black Diamond Municipal Code or the non-codified ordinances of the City, shall be the same as the maximum penalty provided in Washington State law for the same or similar offense, and where the maximum penalty provided under the Black Diamond Municipal Code or the non-codified ordinances of the City is inconsistent with the maximum penalty as provided pursuant to State law, such maximum penalty as provided under State law shall prevail. The purpose and intent of this provision is to comply with RCW 35.21.163 and 35A.11.020 as now or may be hereinafter amended.

#### E. Civil Infractions

1. What Constitutes. Any act or omission that is designated in the Black Diamond Municipal Code or the non-codified ordinances of the City as a civil infraction shall be and does hereby constitute a civil infraction within the meaning of RCW Chapter 7.80 and the Infraction Rules for Courts of Limited Jurisdiction.

2. Issuance. A code enforcement officer, the City Prosecutor, and the Municipal Court shall have authority to issue a notice of infraction for each civil infraction committed in accordance with the provisions, and under authority of RCW Chapter 7.80 and pursuant to the Infraction Rules for Courts of Limited Jurisdiction.

3. Procedures – Municipal Court - Exclusions. It is the intent of this Chapter that civil infractions may be heard and determined by the Black Diamond Municipal Court in accordance with the provisions, and under authority, of RCW Chapter 7.80 and pursuant to the Infraction Rules for Courts of Limited Jurisdiction; provided that, traffic and vehicle infractions provided for pursuant to Title 7 of the Black Diamond Municipal Code are specifically excluded from this Chapter.

4. “Enforcement Officer” or “Code Enforcement Officer” means, for purposes of this Chapter, RCW Ch. 7.80 and the Infraction Rules for Courts of Limited Jurisdiction, a person authorized to enforce the provisions of the Black Diamond Municipal Code in which a civil infraction is established.

5. Monetary Penalties – Restitution. All persons deemed or found to have committed a civil infraction shall be subject to assessment and payment of monetary penalties and restitution as follows, unless otherwise provided by law:

a. The maximum penalty and the default amount for a civil infraction designated as a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments;

b. The maximum penalty and the default amount for a civil infraction designated as a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

c. The maximum penalty and the default amount for a civil infraction designated as a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

d. The maximum penalty and the default amount for a civil infraction designated as a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

e. All civil infractions which are not classified in the Black Diamond Municipal Code as class 1, class 2, class 3 or class 4 civil infractions, are hereby designated as class 1 civil infractions.

6. Restitution. The court may also order a person found to have committed a civil infraction to make community restitution.

7. When Payment Due. Whenever a monetary penalty is assessed by a court for a violation or violations constituting a civil infraction under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the City Attorney of the failure to pay.

8. Failure to Respond - Misdemeanor. Any person who, after receiving a statement of the options provided in RCW Ch. 7.80 for responding to a notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. A notice of civil infraction may be complied with by an appearance by counsel.

9. Prohibited acts Include Causing and Permitting. Whenever in the Black Diamond Municipal Code or the non-codified ordinances of the City, any act or omission constitutes a civil infraction, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

10. Separate offense. Every act or omission which constitutes a civil infraction under the Black Diamond Municipal Code, shall constitute a separate violation for each and every day during any portion of which the act or omission constituting the violation is committed, continued or permitted.

Section 2. Amending Section 2.36.020 BDMC (Jurisdiction). Section 2.36.020 of the Black Diamond Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

2.36.020 - Jurisdiction.

A. The municipal court shall have exclusive original jurisdiction over traffic infractions and civil infractions arising under city ordinances, and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city. The municipal court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes.

B. The municipal court is empowered to forfeit cash bail, or bail bonds, and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions and civil infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF JUNE, 2013.**

CITY OF BLACK DIAMOND

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Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

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Brenda L. Martinez, City Clerk

Approved as to form:

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Chris D. Bacha,  
Kenyon Disend PLLC  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date:

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Resolution No. 13-878, adopting Six-Year Transportation Improvement Program</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-048</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
Cost Impact: Planning for yearly budgets	Public Works – Seth Boettcher	X
Fund Source: Various	Police – Jamey Kiblinger	
Timeline: As per individual project schedules	Court – Stephanie Metcalf	
	Comm. Dev. – Stacey Welsh	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 13-878; Six-Year Transportation Improvement Program</b>		
<b>SUMMARY STATEMENT:</b>  The City is required to update its Six Year Transportation Improvement Program (TIP) per RCW 35.77.010 and file the TIP with the Washington State Department of Transportation.  Most all grant programs require projects to be on the City’s Six Year Transportation Improvement Program. The City is required by State law to update the Transportation Improvement Program prior to July 1 <sup>st</sup> of each year.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b>		
<b>RECOMMENDED ACTION: Motion to adopt Resolution No. 13-878, approving the 2014-2019 Six Year Transportation Improvement Program</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**RESOLUTION NO. 13-878**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
APPROVING THE 2014-2019 SIX YEAR  
TRANSPORTATION IMPROVEMENT PROGRAM**

**WHEREAS**, per RCW 35.77.010, the City is required to annually update its Six Year Transportation Improvement Program (TIP) before July 1<sup>st</sup> of each year and file the updated TIP with the Washington State Department of Transportation within thirty days of its adoption; and

**WHEREAS**, per RCW 35.77.010, the purpose of the requirement for annual updates is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program; and

**WHEREAS**, it is also an eligibility requirement of many grant programs that the City update its Transportation Improvement Program as required by RCW 35.77.010; and

**WHEREAS**, per RCW 35.77.010, a public hearing was held on the proposed updates to the Transportation Improvement Program;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council does hereby approve the 2014-2019 Six Year Transportation Improvement Program, a copy of which is attached as Exhibit "A" and incorporated herein by reference.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20<sup>TH</sup> DAY OF JUNE, 2013.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

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

2014-2019 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM  
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
1	2014	General Street Improvement	N/A	N/A	Chip sealing, crack sealing, patch work, addressing minor safety problems	N/A	\$30,000/year; \$180,000 total	Local City Funds
2	2014	Street Signs Replacement	N/A	N/A	Replace various street signs to meet retroreflectivity requirements	N/A	\$ 20,923	Grant/WSDOT Local Programs
3	2014	Roberts Drive/SR 169 Roundabout	N/A	N/A	Two lane Roundabout	N/A	\$ 7,070,000	Developer Mitigation and Grant
4	2015	Roberts Drive Rehabilitation	Rock Creek Bridge	S.R. 169	Grind, patch, replace panels, crack sealing, shoulder reinforcement	1.09	\$ 366,000	PWTF Loan
5	2014	Grant Matching Fund	N/A	N/A	Matching funds for grants	N/A	\$40,000/year; \$240,000 total	Local City Funds
6	2015	Rock Creek Bridge	N/A	N/A	Replace barriers, add lead in guard rails, concrete surface treatment and attached pedestrian walkway	N/A	\$ 291,000	Bridge Grant, Developer Mitigation, Local City Funds
7	2015	Lawson Street Sidewalk	Newcastle Drive	S.R. 169	5-foot sidewalk on the north side of Lawson Street	0.28	\$ 850,000	Grant/ TIB, Grant/Safe Routes to School, Developer Mitigation
8	2014	Jones Lake Road	S.R. 169	Railroad Ave.	Patching and overlay	0.29	\$ 122,000	Grant/ TIB, Local City Funds
9	2016	228th/224th/216th Chip Seal	SE 312th St.	Covington-Sawyer Road	Patching and chip sealing (excluding in front of Kentlake Highlands & Fire Station)	1.46	\$ 129,000	Grant/ TIB, Local City Funds

2014-2019 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM  
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
10	2017	5th Ave. Reconstruction	Lawson St.	Baker St.	Grinding, excavating, preparing base, and overlaying 5th and a portion of Baker St. (5th to 6th)	0.28	\$ 267,000	Local City Funds
11	2017	232nd Ave. SE Overlay	SE 288th St.	SE 293rd St.	Patching and overlay	0.29	\$ 143,000	Grant/ TIB, Local City Funds
12	2019	216th Ave. SE Overlay	Covington-Sawyer Road	SE 288th St.	Patching and overlay	0.22	\$ 136,000	Local City Funds
13	2018	1st/Railroad/Miner Improvements	N/A	N/A	Grading and paving un paved streets	0.38	\$ 188,000	Local City Funds
14	2019	5th & Pacific Improvements	Lawson St.	South end of streets	Patching, grading, and overlay	0.3	\$ 93,000	Grant/ TIB
15	2014	Improvements in Morganville Neighborhood	N/A	N/A	Acquire easements and construct new intersection radii.	8 inter-sections	\$ 100,000	Local City Funds
16	2015	Sidewalk Extension Morgan Creek Neighborhood Roads Preservation	N/A	N/A	General Sidewalk extension	0	\$ 360,000	Local City Funds Sidewalk Grant; Local City Funds
17	2015	Plass Road Improvements	N/A	N/A	Seal Coat	1.19	\$ 97,000	Local City Funds
18	2015		Private Road	South City Limits	Patching, clearing, and install turnaround	0.23	\$ 25,000	Local City Funds
<b>TOTAL ALL PROJECTS</b>							<b>\$ 10,677,923</b>	

## Brenda Martinez

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**From:** Seth Boettcher  
**Sent:** Friday, June 07, 2013 4:58 PM  
**To:** Andy Williamson; Brenda Martinez; Mark Hoppen  
**Cc:** Scott Hanis  
**Subject:** FW: TIB's FY 2015 Call for Projects

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I think that this e-mail would be helpful for the council to understand that there at least some money out there. I would suggest that we include this e-mail in the 6 year tip packet.

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**From:** Weston-Smart, Andrea (TIB) [<mailto:AndreaW@tib.wa.gov>]  
**Sent:** Thursday, June 06, 2013 11:01 AM  
**To:** Seth Boettcher  
**Subject:** TIB's FY 2015 Call for Projects

The Transportation Improvement Board (TIB) is pleased to announce its FY 2015 Call for Projects. Grant applications are now [available](#). Completed applications must be postmarked by Friday, August 23, 2013, and grant awards will be announced after the November 22, 2013 board meeting.

Funding levels for each program are:

<b>Program</b>	<b>Amount</b>
Urban Arterial Program	\$84.0 million
Small City Arterial Program	\$10.0 million
Urban Sidewalk Program	\$5.0 million
Small City Sidewalk Program	\$3.0 million
Small City Pavement Preservation Program	\$2.5 million
Arterial Preservation Program	\$7.0 million
<b>TOTAL</b>	<b>\$111.5 million</b>

Interested agencies are encouraged to attend a TIB funding workshop currently being held throughout the state. If you're not able to attend one of our in-person workshops, a webinar will be provided for both urban agencies and small cities on June 19, 2013. Workshops provide information about the various funding programs, the scoring criteria for each program and the application process.

For more information on current and past funding programs, click [here](#) or visit [www.tib.wa.gov](http://www.tib.wa.gov).

*Andrea Weston-Smart*

Administrative Assistant

(360) 586-1157

Transportation Improvement Board

PO Box 40901

Olympia, WA 98504-0901

[www.tib.wa.gov](http://www.tib.wa.gov)

[Click here to register for TIB Funding Workshops](#)

June 6, 2013

To: Black Diamond City Council  
Subject: Six-Year 2014-2019 Transportation Improvement Plan (TIP)

Herein please find detailed comments related to the City of Black Diamond's proposed 6-Year 2014-2019 Transportation Improvement Plan (TIP). Please include these in the official record for the TIP Public Hearing held on June 6, 2013 before the City Council.

## General Comments

The TIP is an important planning tool that helps the City identify needs, timing, and funding sources for major transportation projects. The City is required to update its 6-Yr TIP per *RCW 35.77.010 -- Perpetual advanced six-year plans for coordinated transportation program expenditures* and submit it to the Washington State Department of Transportation (WSDOT).

The proposed TIP appears over reliant on Grant monies to fund needed improvements. This in light of the fact that both County and State monies are extremely tight and even major projects--repair, maintenance, and new construction--are not receiving monies needed. It is recommended that the City conduct risk analyses to determine the downstream impact of delayed or cancelled projects.

In fact, in looking at the 2013-2018 Capital Improvement Plan (CIP)--the most recent available--nearly 72% (\$13.495M/\$18.79) of needed funding for all transportation projects is made up of Grants! Another element of risk is that nearly 80% (\$10.695M/\$13.495M) of this Grant money is *back-ended* into the 2nd half of the 6-Yr CIP.

The 2009 Black Diamond Comprehensive Plan (BDCP) as updated through December 2012 still shows the 2010-2015 TIP as Table 7-6 in Chapter 7--Transportation.

Consequently, the City's transportation infrastructure is at risk.

***The proposed CIP and TIP are proposing a higher local effort to fund street projects than in previous years. Grants are shown at a \$3,446,923 level and the entire 6 year TIB cost is \$10,577,923 total. So the real number is 32% grants. Considering that the City received almost \$1.9 million in the last 6 years for 6 different transportation projects, the current plan is optimistic but not by much.***

## Specific Comments

### 1. Item #3 Roberts Drive / SR-169 Two-Lane Roundabout

The Two-Lane Roundabout planned for the Roberts Drive / SR-0169 intersection conflicts with the overall MPD plan to first construct a One-Lane Roundabout to eventually be replaced (expanded) to a Two-Lane Roundabout--the trigger of which is ~3,000 ERUs.

While we have proposed this in past documentation and believe this makes more sense than the original MPD plan to first construct a one-lane Roundabout, which would then be “upgraded” to a two-lane Roundabout, it does present a conflict between the TIP and the MPD plan.

Again, what are the sources of the planned “Grant” monies? Certainly not from the state that won't allow local jurisdictions to tax themselves for road maintenance and improvements and has fracture-critical bridges falling down that do not even appear on its replacement list of structurally unsound facilities.

**We agree that this is an important project and have included this project in the City's TIP to potentially move this project forward at an earlier time frame. Please note that the Transportation improvement board is just one source of funding.**

## 2. Item #6 -- Rock Creek Bridge

The overall estimate of \$291K to “widen to standard width and provide pedestrian facilities” looks low in light of several elements that are required:

- a. Parametrix's Austin Fisher's estimate for an “independent walkway” was \$152K (ref.: *The Villages Preliminary Plat Phase A (PP1A), Exhibit 193*). **The City's estimate is for the bridge rehabilitation, guard rails and the pedestrian walkway.**
- b. The City's Hearing Examiner's Condition #7 in his PP1A Decision addresses the possible need for an Hydraulic Project Approval (HPA) permit primarily due to creek bank protection:

*“SEPA Checklist A.10 shall be revised to provide that an HPA permit “may” be required for pedestrian improvements across Rock Creek Bridge. The checklist shall be sent to WDFW along with an invitation to comment within ten days. The SEPA Responsible Official is authorized to impose additional MDNS mitigation measures as reasonably necessary to address any impacts identified by WDFW. Except for WDFW comment and response, this condition shall not be construed as re-opening the SEPA review process.”*

**These types of details are never included in these general planning documents. These types of details are dealt with in the preliminary design phase of a project.**

- c. Accommodation eventually must be made for the attachment of water, sewer, and utility lines.

**These types of details are never included in these general planning documents. These types of details are dealt with in the preliminary design phase of a project.**

- d. Roberts Drive is planned to be widened, but only up to the bridge. Eventually, to ensure Auburn-Black Diamond Road can adequately convey its anticipated future traffic loads, the bridge cannot be allowed to become a “choke point” and will require future widening. This most assuredly would require a brand new bridge built to today’s higher standards.

**The wider road section planned east of the Rock Creek bridge is to accommodate left hand turns. Roberts Drive is planned as a two lane road at Black Diamond buildout.**

Last year’s 2013-2018 TIP showed \$510K, consistent with last year’s 2013-2018 Capital Improvement Plan (CIP). The ‘13-’18 CIP shows \$510K (‘14--\$80K and ‘15--\$430K) split between Impact Fees (\$100K); State Transportation Improvement Board (TIB) Grant (\$370K); and City Matching Funds (\$40K). There are two concerns with the “Grant” monies listed here:

**The proposed 6 year TIP will never be the same as the previous year TIP or CIP as it is an update that reflects the latest information and circumstances of the City.**

1. The Rock Creek Bridge project is not listed on the TIB Project site: [www.tib.wa.gov/projects/Search.cfm](http://www.tib.wa.gov/projects/Search.cfm) and

**Correct. The City has not applied for a grant for this project yet.**

2. Again, there is little to no County or State grants funds available.

**Funds are tight but funds are available. The City was able to find \$1.9 million in grants in the last 6 years.**

The ‘14-’19 TIP shows \$291K with no breakout by year; no breakout by funding source, while listing lists same sources as in 13-’18 CIP.

Without a Work Statement (e.g., Plan) for the Rock Creek Bridge project, the fidelity of any of these estimates cannot be ascertained.

**The 6 year TIP shows the start year. The CIP shows a possible funding scenario and more detail about the project. The City is not bound by the suggested funding scenario proposed in the CIP. The City may be able to find a grant that funds close to 90% of the project, that would change the funding mix. The City could apply for bridge and pedestrian funding. The 6 year TIP and CIP are not intended to be a rigid detail specific documents that will not allow the City flexibility at the budget or implementation phase of a project.**

### **3. PP1A Auburn-Black Diamond Road Intersections:**

The three planned PP1A ingress/egress intersections along Auburn-Black Diamond Road do not appear in the 14-’19 TIP.

The City’s Hearing Examiner in his PP1A Decision established the following Conditions:

#17: Prior to issuance of certificates of occupancy for the 726<sup>th</sup> ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the realigned intersection of Lake Sawyer Rd. SE and SE Auburn-Black Diamond Rd. (Roberts Dr.)

#18: Prior to issuance of certificates of occupancy for the 327<sup>th</sup> ERU (equivalent residential unit), the proponent shall install a traffic signal at the intersection of SE Auburn-Black Diamond Rd. (Roberts Dr.) and Village Pl. SE (aka Main St.).

#19: Prior to the issuance of certificates of occupancy for the 1,128<sup>th</sup> ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the intersection of SE Auburn-Black Diamond Rd. (Roberts Dr.) and Villages Parkway SE (aka Community Connector "A").

**These projects serve no current need or obligation of the City. These projects are to be funded and constructed by the developer at the developers cost and at the developers timing. Since the City does not have any funding or management of the projects they are not included in the TIP which includes public projects. The projects listed above are private developer mitigation or frontage improvement projects, and therefore are not included in the public transportation planning document.**

Based on current plans, it appears these all should fall within the 6-yr 14-'19 TIP timeframe. For reference, PP1A has a total of 1,192 ERUs with one ERU equivalent to, on average, one single-family residence, two multi-family residences, 150 sq ft of retail space, or 600 sq ft of office space.

Please feel free to contact the Citizens' Technical Action Team (TAT) should you have any questions about our comments contained herein.

Peter Rimbo  
Leader and Transportation Focal,  
Citizens' Technical Action Team (TAT)  
[primbos@comcast.net](mailto:primbos@comcast.net)  
425-432-1332  
19711 241st Ave SE  
Maple Valley, WA 98038

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Resolution No. 13-879 authorizing the Mayor and City Council to approve the "Tough Mudder" Special Event</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-049</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: None	Police – Jamey Kiblinger	
Fund Source: N/A	Court – Stephanie Metcalf	
Timeline: 10/5/13-10/6/13	Comm. Dev. –S. Welsh/Amy Donlan	<b>X</b>
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input checked="" type="checkbox"/> Committee Chair <input type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 13-879, Application Documents, Maps</b>		
<b>SUMMARY STATEMENT:</b>  <p>The Tough Mudder event is a 10-12 mile foot race with military obstacles planned to take place on lands owned by Palmer Coking Coal and a portion of the Lake Sawyer Regional Park. This will be the second Tough Mudder event to occur in the Pacific NW and event organizers are expecting a large turnout (up to 9,400 participants and 3,290 spectators and 300 volunteers). Since this is a two-day event, City Council approval of a special event permit is required (BDMC 2.59.040).</p> <p>City staff reviewed the proposal, made initial comments and event organizers made modifications/ clarification to the event that have satisfied staff's concerns. BDMC 2.59.080 lists reasons for which a Special Event permit could be denied. Staff did not find that any of these reasons could result in a need for permit denial. Therefore, staff is recommending approval of the special events permit, with the conditions noted as attached.</p> <p>Tough Mudder has requested this early Council consideration so they may have adequate time to begin advertising the event.</p>		
<b>COMMITTEE REVIEW AND RECOMMENDATION: The Planning &amp; Community Services Committee has reviewed the application, walked the proposed course sections in the Lake Sawyer Regional Park, and agreed to place this on the June 20<sup>th</sup> Council meeting agenda.</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-879, approving the Tough Mudder Special Event permit SEP13-0006.</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**RESOLUTION NO. 13-879**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
AUTHORIZING THE CITY COUNCIL TO APPROVE THE  
TOUGH MUDDER SPECIAL EVENT SEP13-0006**

**WHEREAS**, Tough Mudder LLC has proposed a two-day athletic event to occur on private property and a portion of Lake Sawyer Regional Park within the city limits on October 5<sup>th</sup> and 6<sup>th</sup>, 2013; and

**WHEREAS**, Black Diamond Municipal Code 2.59.040(B) requires the City Council to approve any special event that exceeds one day in duration; and

**WHEREAS**, City staff has reviewed the proposed activity and recommends it be approved, subject to conditions;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute the approval of special event permit SEP13-0006 for the Tough Mudder event to be held on October 5<sup>th</sup> and 6<sup>th</sup>, 2013.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20th DAY OF JUNE  
2013.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

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



# CITY OF BLACK DIAMOND

24301 Roberts Drive P.O. Box 599 - BLACK DIAMOND, WA 98010  
PHONE: (360) 886-2560 - FAX: (360) 886-2592

Permit #: SEP13-0006

## SPECIAL EVENTS PERMIT

### PRIMARY CONTACT & INFORMATION:

TOUGH MUDDER  
LAURA DELUCIA

### EVENT INFORMATION

Name of Event: TOUGH MUDDER  
Date of Event: 10/5 & 10/6  
Time/Length of Event: 6AM-7PM  
Location of Event: 31407 3RD AVE  
Estimated Attendance: 12900  
Insurance Company: SCOTTISH AMERICAN RISK SERVICES

### CONDITIONS OF PERMIT

- No tree removal without a permit. Please try to limit the amount of vegetation removal.
- A Tough Mudder staff person will need to be posted at the Ravensdale Creek crossing during the event. The trail must be marked and signed so that people do not leave the trail and enter the water.
- Tough Mudder will be required to pay the City for a staff member to mow the City Park prior to the event.
- The applicant is required to accommodate all participant's and spectators' vehicles on site. The City requires that the overflow parking area be designated as parking only. The overflow parking shall provide a minimum of 500 parking spots.
- "No Parking" signs shall be placed by Tough Mudder along SR169/3rd Ave as determined by City staff. Staff review of sign placement will be billed to Tough Mudder.
- Spill kits must be on site to protect a very shallow groundwater table.
- City Police Officers will direct traffic in and out of the site at the public street entrances. Traffic flow inside property will be handled by Tough Mudder staff. Traffic control staff must remain on site until all participant and spectator vehicles have been exited from the site.
- Use of amplified audio equipment shall only occur between the hours of 7am and 7pm.
- If any portion of the course may infringe on sensitive areas or their buffers, a sensitive areas permit will be required. Alternatively, the course may be re-routed to avoid sensitive areas. Please contact City Staff and they would be happy to assist with any questions.
- All off-limits areas of the property shall be marked with signage or barriers. Additionally, maps of the site that are distributed to participants and spectators should indicate off-limit areas.
- Two weeks prior to the event, Tough Mudder shall provide written notice to residential property owners within 300 feet of the site detailing the who, what, when and where of the event.
- Fire Department access to site must be maintained. Traffic and back up of vehicles must not hinder fire department access and a 20 foot dedicated access must be maintained into the site at all times.
- An additional engine and crew will be required to be paid for by Tough Mudder to provide for protection of the community during this event to avoid traffic delays and additional event required service demands.

- Inspections of all tents, cooking and equipment fueling areas will be required. This inspection will occur prior to the event during your setup.
- Communications and a dedicated Command Post location will need to be approved by the Fire Department to allow for coordination in the event of a serious incident requiring Fire Department command and control.
- City staff shall perform a walk-through of the site during the week prior to the event to verify that sensitive areas are protected and so that emergency services can familiarize themselves with the course.
- 
- 
- THE FOLLOWING ITEMS MUST BE SUBMITTED TO THE CITY FOR STAFF REVIEW NO LESS THAN 30 DAYS PRIOR TO THE EVENT:
  - 1. Provide a detailed parking plan with dimensions to show the area can accommodate adequate parking and maneuvering areas for the estimated cars per day.
  - 2. Provide a complete course map.
  - 3. Per BDMC 2.59.070 provide certificate of insurance with an endorsement for the City.
  - 4. Provide a site plan indicating the location of restrooms, quantity of units (standard and accessible), and hand washing stations.
  - 5. Provide information about stands/tents and other structures such as types, location on property and set up information.
  - 6. Provide a narrative describing any proposed vegetation disturbance.
  - 7. Event staff (crowd management) will be required as per Chapter 4 of the IFC for public events. Discussion on the training requirements for these staff members will be required to be held and approved by the Fire Department in accordance with the IFC. Schedule this with Fire Dept.
  - 8. A Puget Sound Clear Air approval/permit is required if you intend to have a fire obstacle.

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Signature

---

Date



**SPECIAL EVENT APPLICATION**

PERMIT# SEP 13-0004

**EVENT INFORMATION**

EVENT NAME: Tough Mudder Seattle 2013

EVENT LOCATION: Palmer Coking Coal Company, 31407 Highway 169, Black Diamond, WA 90810  
*(If structures will be erected and/or street ROW used, please attach (3) drawings noting locations and dimensions.)*

EVENT TYPE:  Exhibition  Protest  Run/Walk  Dance  Festival  Concert  Party  
*(Check all that apply)*  Wedding  Drama  Parade  Other  Obstacle course challenge/run

DATE OF EVENT: Saturday, October 5 & Sunday, October 6, 2013 HOURS: 6:00AM - 7:00PM (Sat.) 7:00AM-5:00PM (Sund)

PURPOSE OF EVENT: Ten to twelve mile obstacle course challenge run

EST. ATTENDANCE: Participants 9,400 total Spectators 3,290 Volunteers/Personnel Approx 300  
CITY BUS. LICENSE #: \_\_\_\_\_ *(participating commercial vendors will also require a City license)*

PARKING PLANS: Please see attached.  
*(Please provide a drawing unless you are using an existing parking lot with sufficient stalls.)*

FACILITIES TO BE USED:  City Park  Lake Sawyer  Sidewalk  Street  Private Property  
*(If using private property, you must provide proof that you have permission unless you are the owner.)*

CITY ASSISTANCE REQUIRED:  Police  Fire  Public Works  Other \_\_\_\_\_

Describe: Police are requested for traffic control. Fire requested for event safety at fire walker obstacle, if approved.  
*(Police and Fire services require a written agreement that must be submitted with the event application.)*

INSURANCE COMPANY: Scottish American Risk Services  
*(Proof of Ins. required naming City of Black Diamond as co-insured if event is taking place on City property.)*

FOOD TO BE SERVED:  YES  NO If yes, provide copy of Health Dept approval/license.

SOUND SYSTEM:  YES  NO  
*(If liquor and music are provided a Cabaret license may be required.)*

SANITATION PLANS (Sani-cans, hand washing stations, etc): Hand sanitizers in each toilet. Hand washing stations, if necessary

PRODUCTS OR SERVICES TO BE SOLD:  YES  NO If yes, what? Merchandise (t-shirts, hats, etc.) and food & beverage

ADMISSION FEE:  YES  NO If yes, how much? \$85 to \$200 per person

HAS THE EVENT BEEN PREVIOUSLY PRODUCED?  YES  NO PREVIOUS DATE: September 29 & 30, 2012

ANY CHANGES FROM PREVIOUS EVENT?  YES  NO If yes, list changes:

Request to use two gravel paths on public land, in the Lake Sawyer Regional Park, as well as a request to use fire obstacle on private land, if approved by the Fire Department.

APPLICANT INFORMATION

APPLICANT: Laura Delucia ORGANIZATION: Tough Mudder LLC

MAILING ADDRESS: 63 Pearl Street, #221, Brooklyn, NY 11201

CONTACT PHONE: 718-414-6724 FAX 347-227-0220

EMAIL ADDRESS: laura.delucia@toughmudder.com

EMERGENCY CONTACT James Kuhl PHONE 718-213-4921

*Laura Delucia*

5/2/13

SIGNATURE OF APPLICANT

DATE

*Additional information or requirements may be requested. Please allow 3 - 4 weeks for processing.*



## **Tough Mudder Seattle 2013 City of Black Diamond Special Events Proposal**

### **What is Tough Mudder?**

Tough Mudder is an endurance run on foot across ten to twelve miles, featuring 20-25 military style obstacles.

### **Estimated attendance?**

Participants: 9,400(Saturday: 7,900; Sunday: 1,500)

Spectators: 3,500 (Saturday: 3,000; Sunday: 500)

Total: 12,900 participants and 2,000 spectators (both days)

**Date:** October 5<sup>th</sup> and October 6<sup>th</sup>, 2013

**Location:** Palmer Coking Coal Company, 31407 Highway 169 Black Diamond, WA 98010

### **Proposed Changes from 2012 Event:**

Tough Mudder has contracted to use private land owned by Palmer Coking Coal Company for its event scheduled October 5-6, 2013 just as in 2012. Additionally, Tough Mudder is proposing to utilize two gravel roads in Lake Sawyer Regional Park for conduits between separate PCCC lots.

Use of the public land would entail foot traffic by participants and spectators on a trail approximately ten feet wide. No obstacles, aid stations, toilets or other facilities will be placed on public land. Utility vehicles would only be used as necessary for event set up and emergency safety purposes. Impact to the land would be minimal and Tough Mudder would work with the City of Black Diamond to restore the land to its original state and mitigate any issues.

Proposed path #1 starts in Palmer Coking Coal Company property and crosses Ravensdale Creek along a gravel road for approximately 701 feet on public land and back onto Palmer Coking Coal Company land. The trail will be clearly marked with barricade tape to eliminate any participant deviation from the

gravel road. Event participants would then travel back on to park land along proposed path #2 traveling south for approximately 2,856 feet on a gravel road west of Frog Lake.

In total, the course would cover approximately 3,557 feet of public land, or .67 of a mile, which would be approximately 6.7% of the total course distance (estimated at ten miles). Absolutely no land clearing would take place on public land. Participants are released from the start area in waves of 500 every 20 minutes to minimize bunching and backlogs.

Spectators, including the public, would be able to view the course within the City Park. Access points would be established on private land to check for Spectator entry wristbands for those Spectators entering back on private land.

Tough Mudder will demarcate the boundaries of the path with posts connected by rope or highly visible tape and signs leading to sensitive crossings at Ravensdale Creek to keep participants on the appropriate path. Any other potential chokepoints will be identified prior to the event with the Parks Director Aaron Nix and marked to keep runners out of sensitive park areas.

See Exhibit A & B. (Proposed Path)

Additionally, Tough Mudder also proposes to include an obstacle featured in many of its events, called "Fire Walker" on private land, if approved by the Fire Department. The fire is contained and monitored by staff and Tough Mudder will implement any personnel or engine required by the Fire Department. The obstacle would not affect public land.

See Exhibit C (Fire Walker diagram)

#### **Safety Plan Overview:**

Tough Mudder contracts with a national medical services provider, who will provide thirty to forty First Aid, EMT and medical staff personnel. Tough Mudder will coordinate with the medical services provider to designate access for emergency vehicles, as well as helicopter landing zones if necessary. Four first aid stations will be staged along the course, EMT staff will be roaming the course on utility vehicles, and a base tent or trailer will be set up and staged in the Post Party area. 6-10 water rescue technicians and lifeguards will also be contracted to ensure water safety at the event. Comprehensive Event Safety and Emergency Action Incident Plans will be developed closer to the event date.

#### **Communications:**

Incident Command System used. Handheld two-way radios will be ordered and used with designated channels for Tough Mudder Staff, Event Staff, Medical and Security.

#### **Trash Removal:**

Trash removal will happen all day during the event on both Saturday and Sunday. Special care will be made to keep volunteers at the entrances on to City Park land to monitor that no trash is being carried over from PCCC land. Additionally, Tough Mudder will place portable toilets on PCCC land before crossing in to Lake Sawyer Park. Saturday night there will be a significant clean up as well as one Sunday

after the event, and again on Monday. Dumpsters, trash cans, and a large trash management labor force will be utilized to accomplish this.

Tough Mudder will also take care of litter the event may cause along the municipal ingress and egress roads (i.e. Route 169, Lake Sawyer Road, and SE Auburn – Black Diamond Road). We will contract through the third-party event staffing company Labor Ready.

**Accommodations for Disabled Visitors:**

We will provide reserved parking spaces and ADA portable toilets.

**Power Requirements:**

Small generators will be brought in to power small PA systems; power will also be pulled from buildings where possible.

**Environmental Concerns:**

Tough Mudder recognizes that several areas of the proposed site are designated as "Sensitive Areas"; specifically Rock Creek and Oak Lake. Tough Mudder is familiar with the City of Black Diamond Municipal Code Chapter 19.10: Sensitive Areas.

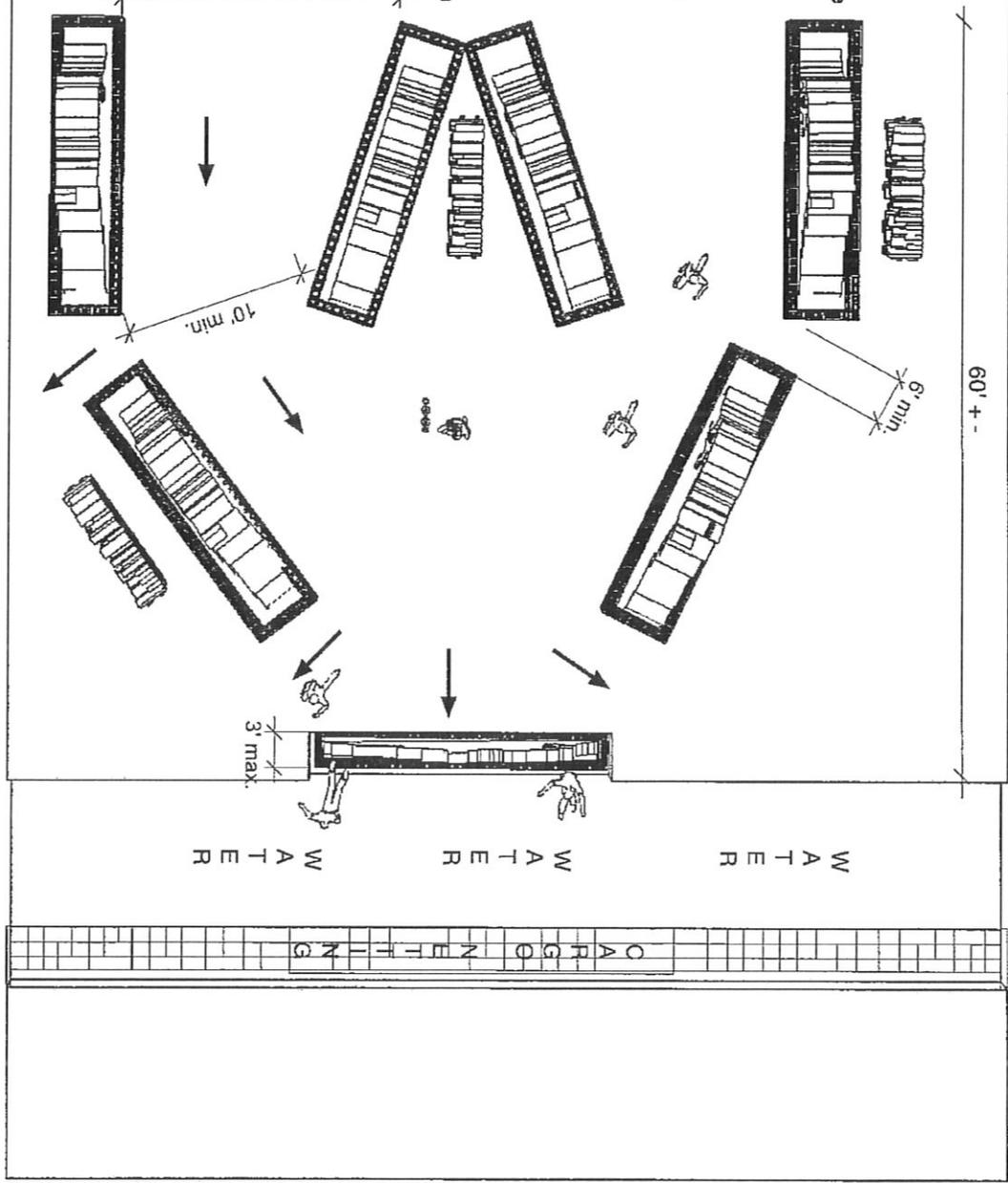
There will be no surface water discharge as a result of our event. We do use water to create mud pits, however, following the event they will be allowed to dry and will be filled in.

Tough Mudder will not use any chemicals for any portion of our event. Gasoline and oil will be used to fuel utility access vehicles and generators. All gas and oil will be stored inside containers, provided fueling tanks and oil shacks.

Tough Mudder will have spill kits on hand in the case of any unanticipated fluid spills.

**Notes:**

1. Mortarless 8"x16" CMU Block Typical fire pits.
2. Rebar #4 Typical.
3. All rebar must be anchored at a min. depth of 1' and extend to a height 4' above grade or greater with the exception of the recessed fire pit where all rebar must be bent at 180 degrees or cut flush with top of CMU.
4. Min. of one (1) rebar section required per block.
5. 6" of play sand or equal to line fire pit.
6. Combustible materials shall not protrude above fire pit at any time.
7. Combustible material has not yet been specified. Assume full cords of seasoned firewood capable of producing 3' open flame over 8 hours.
8. Additional information is required for the operation of this obstacle.
9. Proper placement of each pit must be coordinated with TM project manager.
10. Water pit depth shall be maintained at a min. 4'
11. Min. one (1) section of #4 rebar to be used for each course of CMU block, sand fill as required.
12. Standby medical and fire professionals required.
13. Use of design predicated on regulating authority approval.

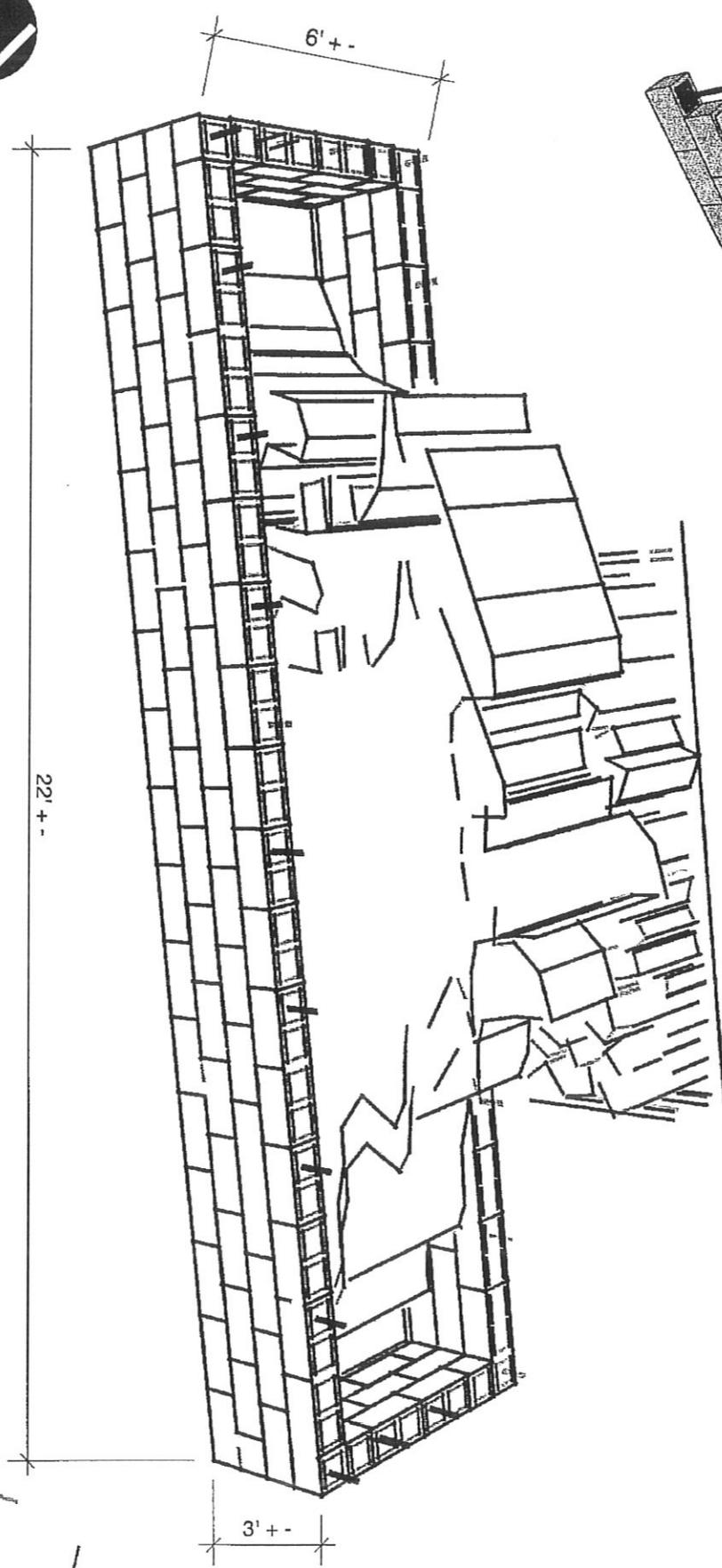
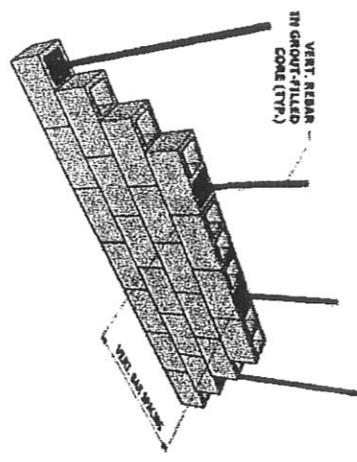


**FIRE WALKER CONCEPT  
NOT FOR CONSTRUCTION  
FOR BIDDING PURPOSES ONLY**



REVISIONS		REMARKS
1	MM/DD/YY	12/14/12
2		BID DRAWING
3		
4		
5		

**A 001**



FIRE PIT

FIRE WALKER CONCEPT  
NOT FOR CONSTRUCTION  
FOR BIDDING PURPOSES ONLY

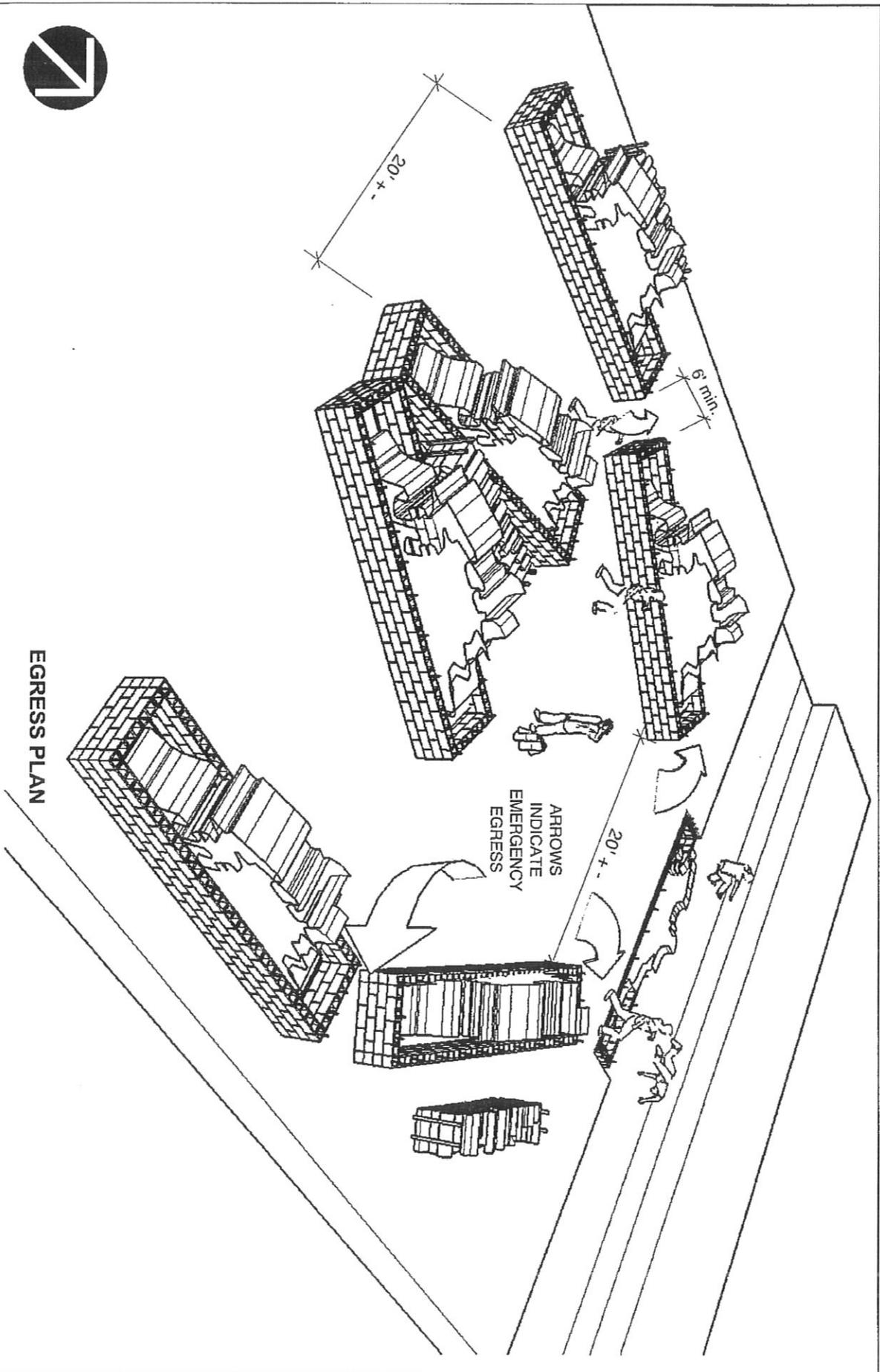


**TOUGH MUDDER LLC**

REVISIONS

NO.	DATE	REVISIONS
1	12/14/12	BID DRAWING
2		
3		
4		
5		

A 001



EGRESS PLAN

FIRE WALKER CONCEPT  
NOT FOR CONSTRUCTION  
FOR BIDDING PURPOSES ONLY



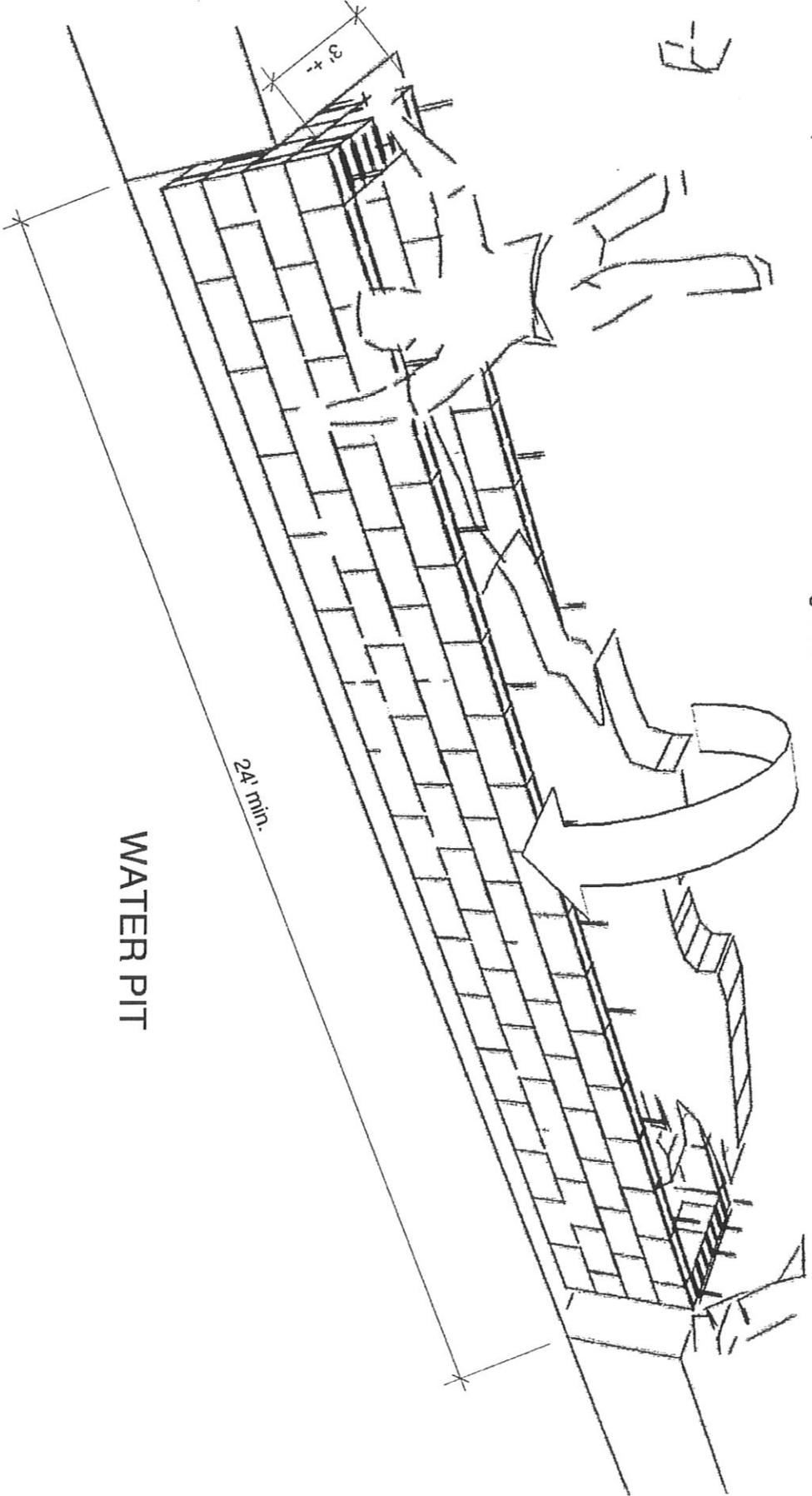
**TOUGH MUDDER LLC**

REVISIONS

	DATE	REMARKS
1	12/14/12	BID DRAWING
2	-	-
3	-	-
4	-	-
5	-	-

A 001

Note: All exposed rebar to be cut flush or bent 180 degrees



WATER PIT

4' water depth to be maintained

FIRE WALKER CONCEPT

NOT FOR CONSTRUCTION

FOR BIDDING PURPOSES ONLY



**TOUGH MUDDER LLC**

REVISIONS

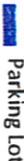
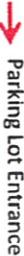
	DATE/NO./YR	REMARKS
1	12/4/12	BID DRAWING
2	---	---
3	---	---
4	---	---
5	---	---

001

A

2012 Plan  
Reference only

# TOUGH MUDDER WASHINGTON Parking Plan

Key	
	Base Area
	Parking Lot
	Parking Lot Entrance
	Traffic Flow
	No Entrance

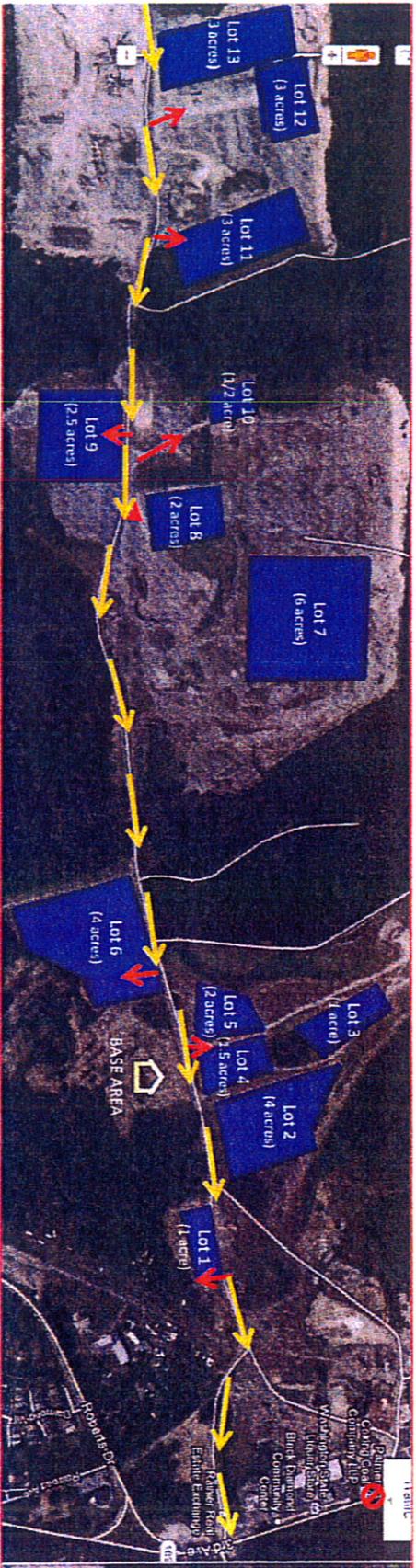
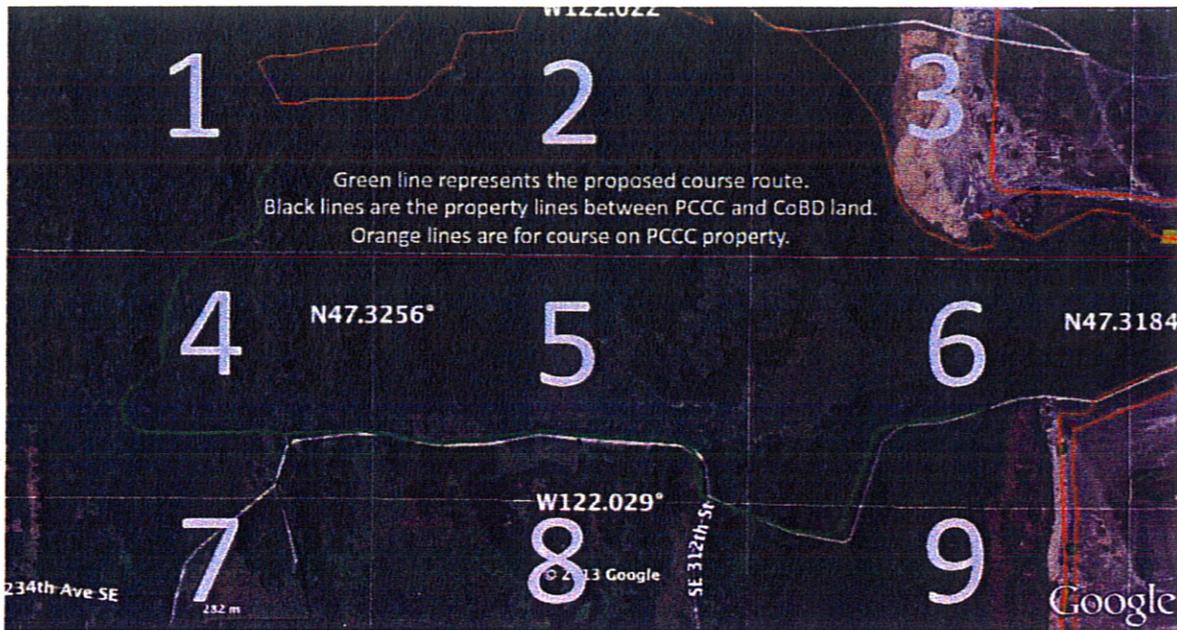


Exhibit A: Proposed Path through Lake Sawyer Regional Park

Tough Mudder / Lake Sawyer Regional Park: Proposed Course



# Black Diamond Park Use



4/24/2013

Course Department

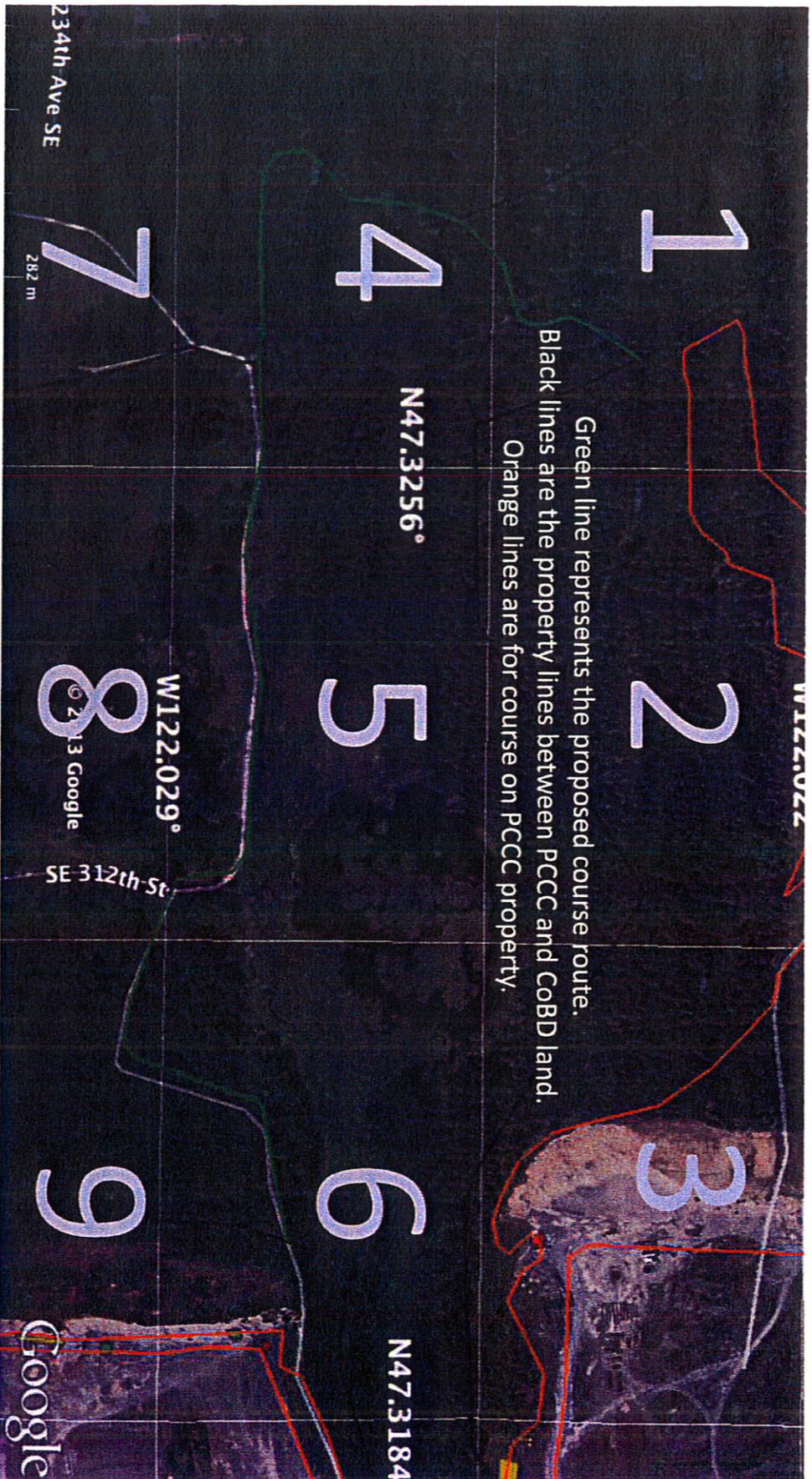
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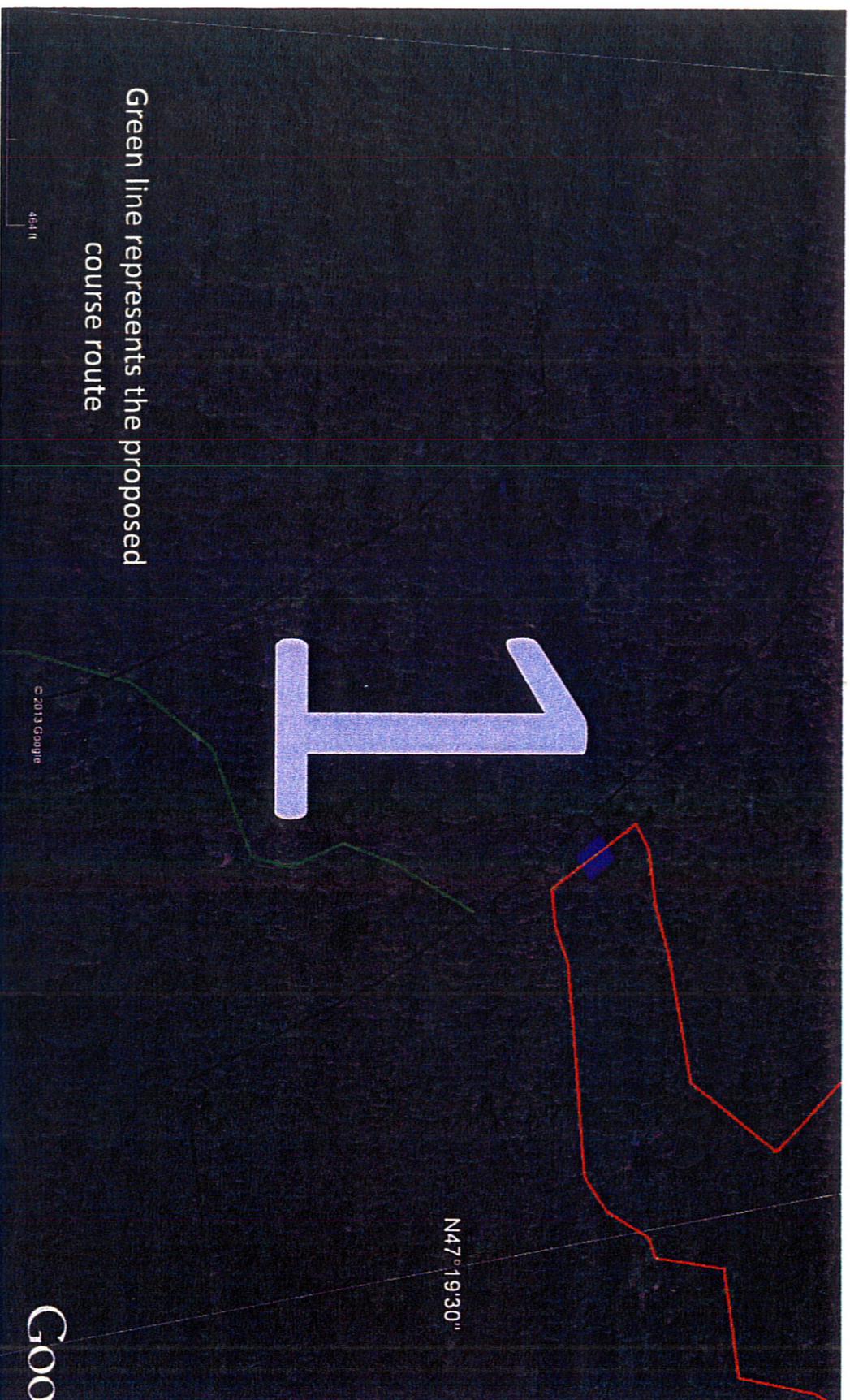
BD Park Use (1).pdf

Slides in the PDF above show zoomed parcel images of the proposed course route in order of participant travel (Zones 1, 4, 5, 8, 9, and 6). This should provide the enhanced views that the Councilors desired after their walk-through of the path.

# Black Diamond Park Use

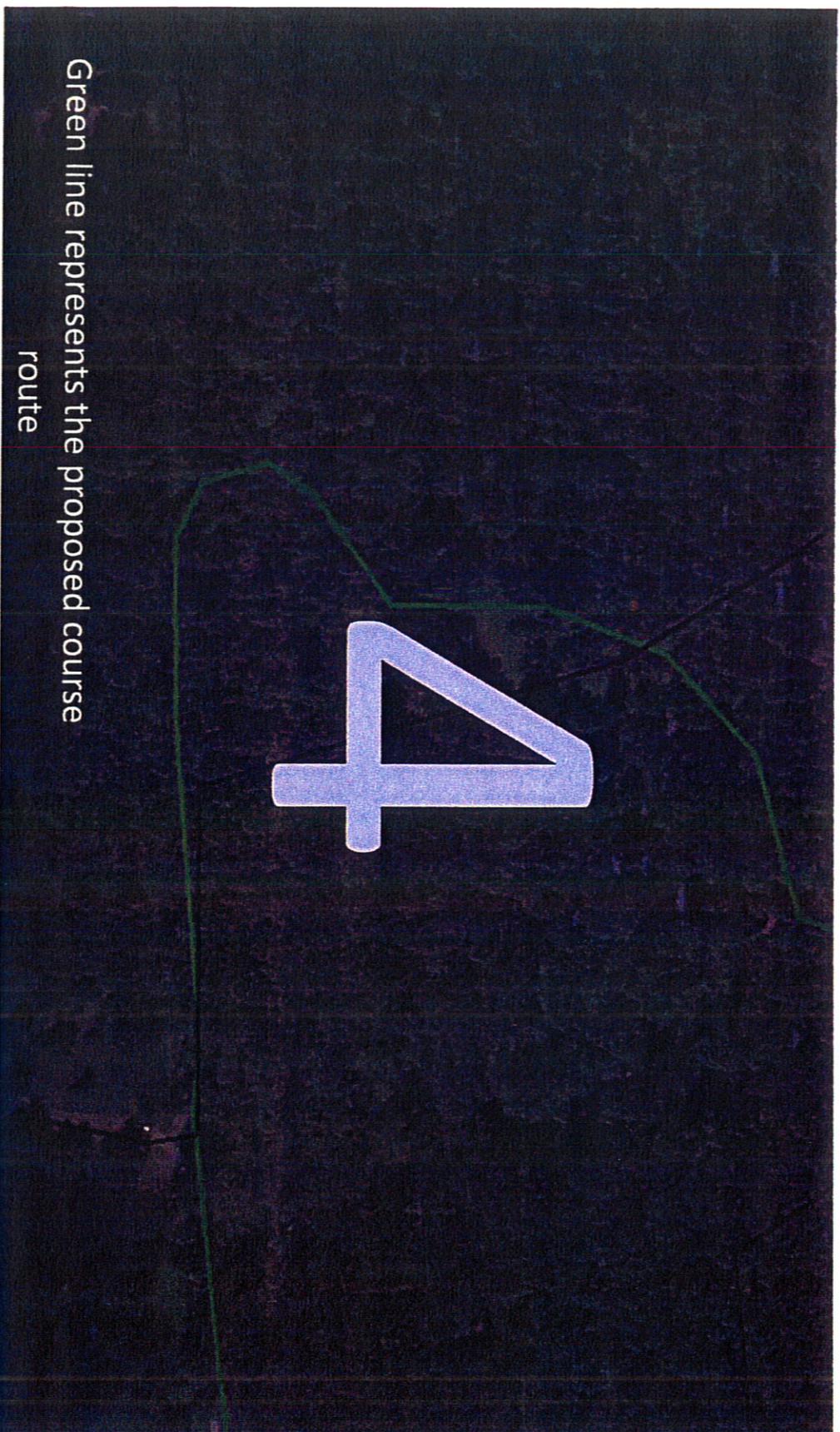


# Black Diamond Park Use



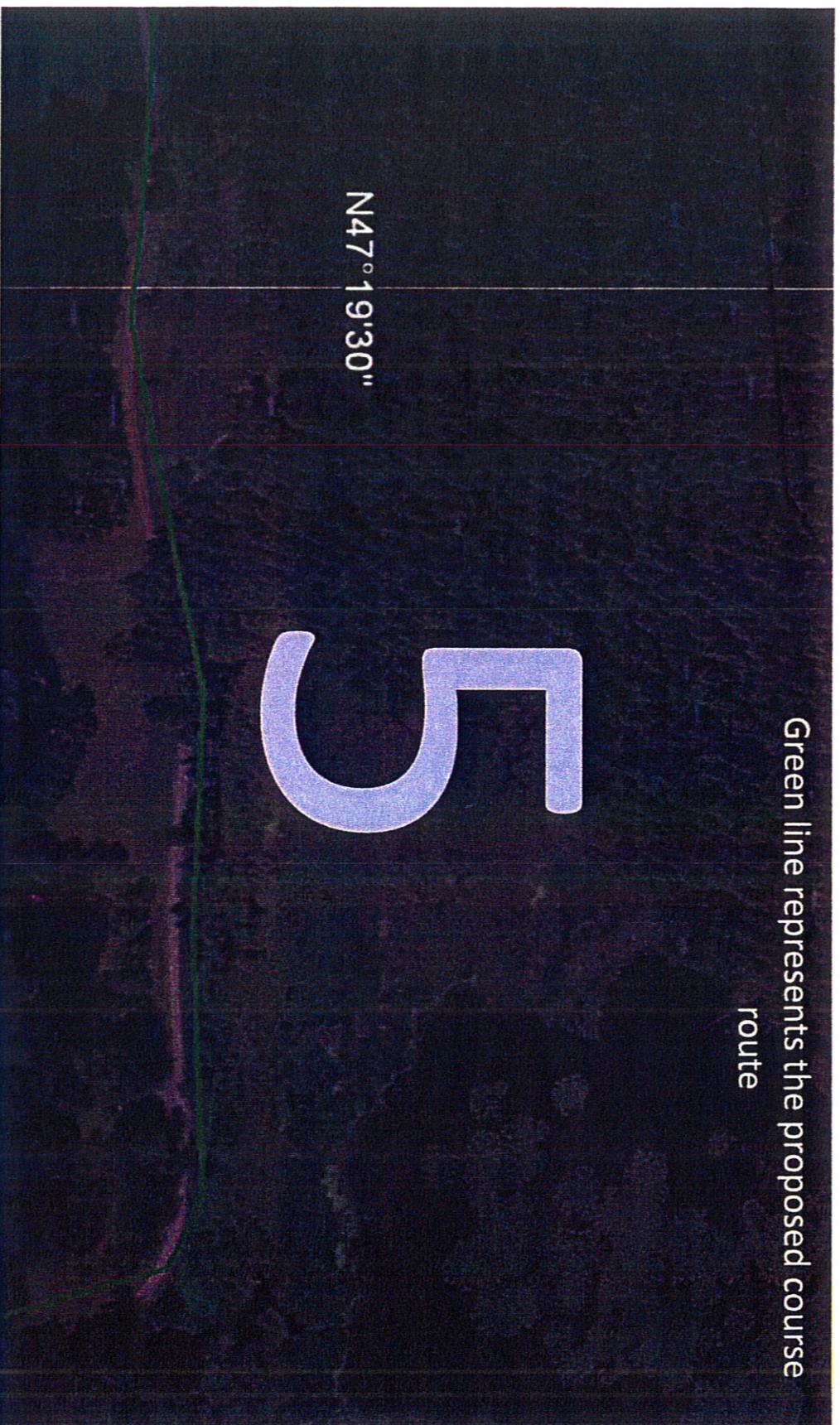
# Black Diamond Park Use

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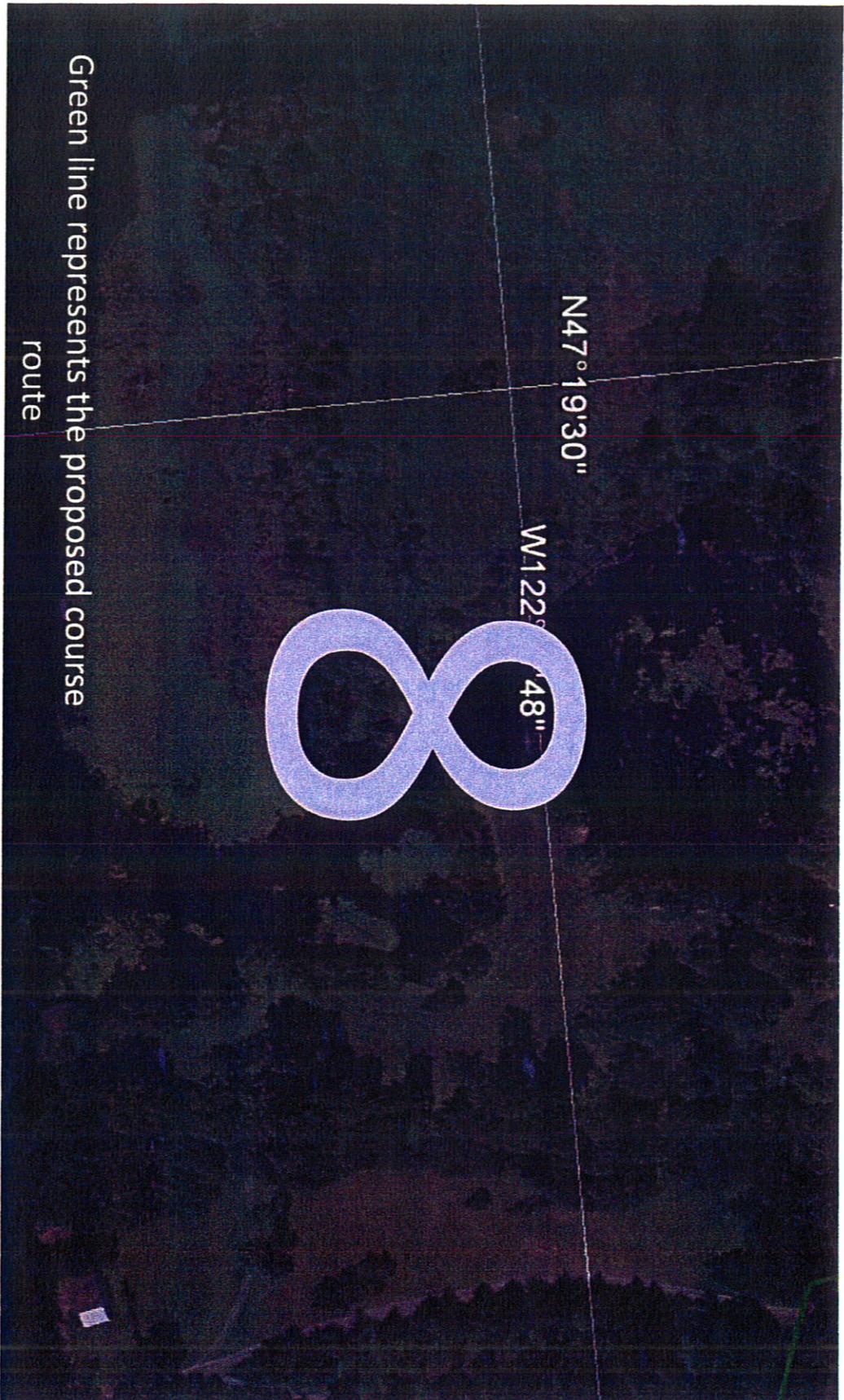


Green line represents the proposed course route

# Black Diamond Park Use

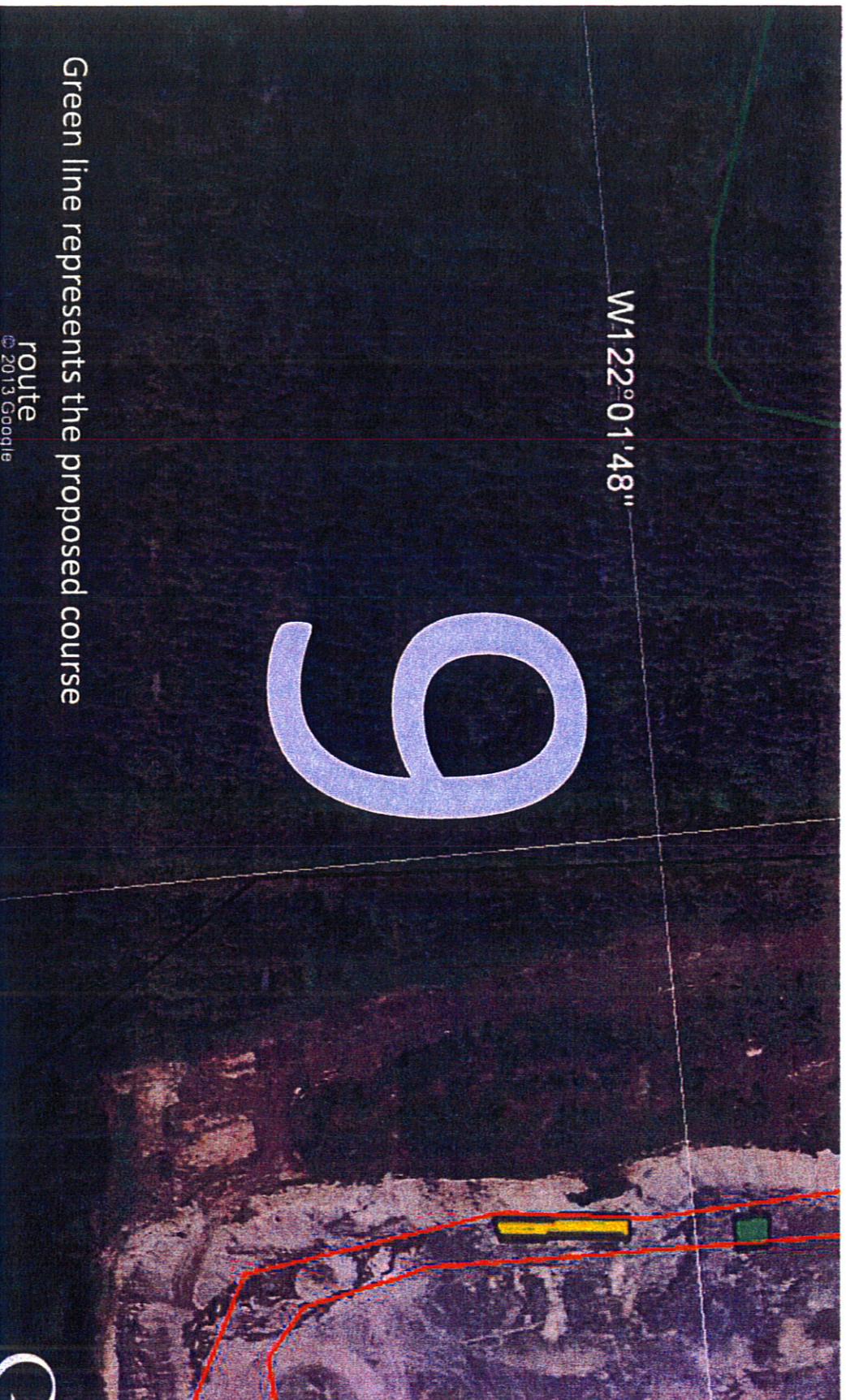


# Black Diamond Park Use



Green line represents the proposed course route

# Black Diamond Park Use



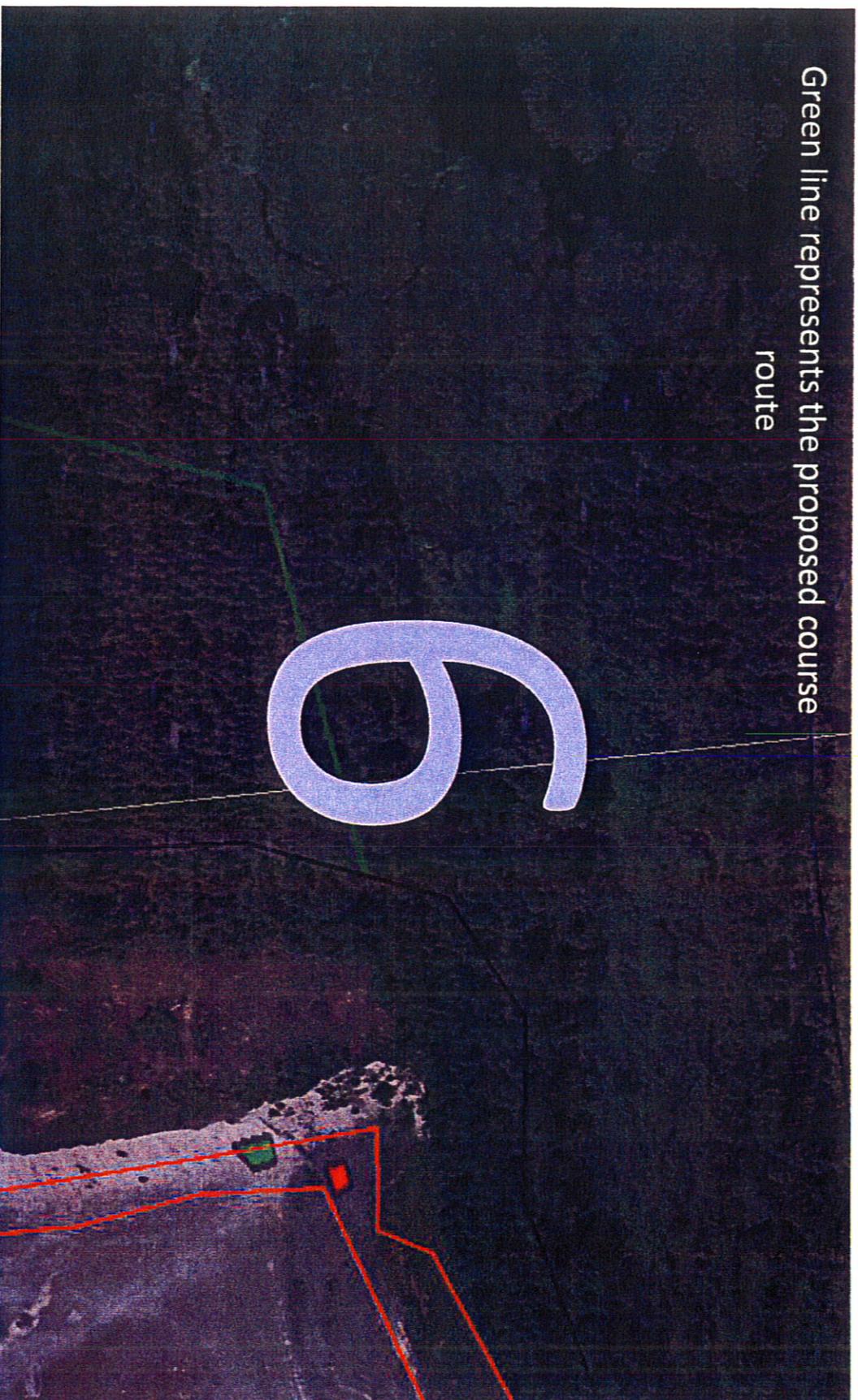
Green line represents the proposed course

route  
© 2013 Google

# Black Diamond Park Use



Green line represents the proposed course route



# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Resolution No. 13-880,</b> <b>Special Event Permit for the Lake Sawyer Community Club's use of Lake Sawyer Regional Park as a base for its annual 4<sup>th</sup> of July fireworks display and a portion of the June 29<sup>th</sup> fun run.</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-050</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Police – Jamey Kiblinger		
Court – Stephanie Metcalf		
Comm. Dev. – S. Welsh/Amy Donlan	<b>X</b>	
Cost Impact: None		
Fund Source: N/A		
Timeline: 6/29, 7/3-7/5		
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Resolution No. 13-880, Permit and Application Documents</b>		
<b>SUMMARY STATEMENT:</b> Since this is a two-day event, City Council approval of a special event permit is required (BDMC 2.59.040).  <u>6/29/13</u> LSCC will conduct their annual fun run around Lake Sawyer using City streets, private property and the Lake Sawyer Park. The course has been slightly modified this year coming off 312th and turning on 224th.  <u>7/3/13-7/5/13</u> The Lake Sawyer Community Club (LSCC) has requested to use the Regional Park as a staging area for its annual 4 <sup>th</sup> of July fireworks display. This will require use of a portion of the park over a period of three days. On Wednesday July 3 <sup>rd</sup> , floating rafts will be moved to the park area and basic fireworks launching pads would be constructed. On July 4 <sup>th</sup> , Mountain View Fireworks Display will load the launching tubes and fireworks during the day and at approx. 7:00pm, the rafts will be towed to the center of the lake in preparation for the display. After the fireworks display the rafts would be returned to the park. On July 5 <sup>th</sup> , the fireworks launching pads will be disassembled at the park and the rafts will be removed.  Last year, the City Council approved a similar request. There were no reported or observed adverse impacts associated with use of the regional park. Staff is recommending approval of the Special Event permit, with the conditions noted as attached.		
<b>COMMITTEE REVIEW AND RECOMMENDATION: N/A</b>		
<b>RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-880, approving Special Event Permit SEP13-0009 for the Lake Sawyer Community Club's 4<sup>th</sup> of July Activities.</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**RESOLUTION NO. 13-880**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON  
APPROVING SPECIAL EVENT PERMITS FOR THE LAKE  
SAWYER COMMUNITY CLUB 4<sup>th</sup> OF JULY ACTIVITIES**

**WHEREAS**, the City regulates special events that occur on public property in order to protect the public health, safety and welfare; and

**WHEREAS**, Black Diamond Municipal Code 2.59.040 requires City Council approval for any special event that exceeds one day in duration and

**WHEREAS**, the Lake Sawyer Community Club has also requested to use Lake Sawyer Regional Park as a staging area for its annual fireworks show, which will require use of the Park over a period of three days (SEP13-0009); and

**WHEREAS**, City staff has reviewed the proposed activities and placed conditions on the permits to protect the public interest and recuperate City expenses; and

**WHEREAS**, the City Council recognizes the importance of events sponsored by community organizations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Mayor is hereby authorized to execute the approval of Special Event Permit SEP13-0009 for the Lake Sawyer Community Club 4<sup>th</sup> of July activities.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 20TH DAY OF JUNE,  
2013.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Rebecca Olness, Mayor

Attest:

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



# CITY OF BLACK DIAMOND

24301 Roberts Drive P.O. Box 599 - BLACK DIAMOND, WA 98010  
PHONE: (360) 886-2560 - FAX: (360) 886-2592

Permit #: SEP13-0009

## SPECIAL EVENTS PERMIT

### PRIMARY CONTACT & INFORMATION

LAKE SAWYER COMMUNITY CLUB  
STEVEN FRANK  
30248 225TH AVE SE  
BLACK DIAMOND, WA 98010  
(206) 795-2873

### EVENT INFORMATION

Name of Event: LSCC 4TH OF JULY ACTIVITIES  
Date of Event: 6/29 & 7/4  
Time/Length of Event: 8AM-11PM  
Location of Event: LAKE SAWYER  
Estimated Attendance: 200  
Insurance Company: CANFIELD

### CONDITIONS OF PERMIT

- Fun Run: Maintain FD Access to Community Center Bldg.
- Fireworks: A separate fire permit is required for the fireworks display.
- Please try to limit the amount of debris and trash created by the firework's display and other 4th of July activities.
- Contact Community Development Staff to acquire the key to the gate at the end of 312th Street by July 3rd and return it as soon as possible that following Monday, July 8.
- Car/truck traffic allowed into the park is limited to vehicles necessary to set up the fireworks display.
- No parking along 312th Street as parking is restricted in this area in accordance with City code.
- The police department requires the following for this event. Per contract, there is a minimum 3 hour billing.
- Saturday, June 29th
- -Fun Run (9:30 am-12:30 pm): One officer assigned-\$75.00/hour x 3 hours = \$225.00
- Thursday, July 4th
- -Waterboard/Ski Competition (7:30 am-11:30 am): One officer assigned - \$75.00/hour x 4 hours = \$300.00
- -Parade of Boats: Commander Goral assigned- community participation, no charge.
- -Fireworks Show (9:00 pm-midnight): Two officers assigned - \$75.00 x 6 =450.00
- TOTAL CHARGE = \$975.00

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



SPECIAL EVENT APPLICATION

PERMIT# SEP13-6009

EVENT INFORMATION

EVENT NAME: Lake Sawyer Community Club July 4th Activities

EVENT LOCATION: Lake Sawyer (If structures will be erected and/or street ROW used, please attach (3) drawings noting locations and dimensions.)

EVENT TYPE: [X] Exhibition [ ] Protest [X] Run/Walk [ ] Dance [ ] Festival [ ] Concert [ ] Party [ ] Wedding [ ] Drama [X] Parade [ ] Other [X] Fireworks

DATE OF EVENT: July 4th 2013 HOURS: 8:00AM to 11 PM

PURPOSE OF EVENT: July 4th Independence Day Celebration, fun on water ski, boat parade, paddle boat race, fireworks display

EST. ATTENDANCE: Participants varies Spectators varies Volunteers/Personnel 15 CITY BUS. LICENSE #: NA (participating commercial vendors will also require a City license)

PARKING PLANS: NA (Please provide a drawing unless you are using an existing parking lot with sufficient stalls.)

FACILITIES TO BE USED: [X] City Park [X] Lake Sawyer [ ] Sidewalk [ ] Street [ ] Private Property (If using private property, you must provide proof that you have permission unless you are the owner.)

CITY ASSISTANCE REQUIRED: [X] Police [X] Fire [ ] Public Works [ ] Other fireworks approval Describe: Marine police (Police and Fire services require a written agreement that must be submitted with the event application.)

INSURANCE COMPANY: Canfield / American Alternative Ins Co (Proof of ins. required naming City of Black Diamond as co-insured if event is taking place on City property.)

FOOD TO BE SERVED: [ ] YES [X] NO If yes, provide copy of Health Dept approval/license.

SOUND SYSTEM: [ ] YES [X] NO (If liquor and music are provided a Cabaret license may be required.)

SANITATION PLANS (Sani-cans, hand washing stations, etc): NA

PRODUCTS OR SERVICES TO BE SOLD: [ ] YES [ ] NO If yes, what?

ADMISSION FEE: [ ] YES [ ] NO If yes, how much?

HAS THE EVENT BEEN PREVIOUSLY PRODUCED? [X] YES [ ] NO PREVIOUS DATE: 40 years

ANY CHANGES FROM PREVIOUS EVENT? [ ] YES [X] NO If yes, list changes:

APPLICANT INFORMATION

APPLICANT: Steven Frank ORGANIZATION: Lake Sawyer Community Club MAILING ADDRESS: Steven m frank @ comcast.net

CONTACT PHONE: 206 795 2873 FAX \_\_\_\_\_

EMAIL ADDRESS: 30248 225th Ave SE Black Diamond 98010

EMERGENCY CONTACT Monica Stewart PHONE 360 886 1910

*Steve M. Grant*  
SIGNATURE OF APPLICANT

5/27/13  
DATE

*Additional information or requirements may be requested. Please allow 3 - 4 weeks for processing.*

**Lake Sawyer July 4, 2013 Celebration**  
**Boat Parade Theme: "Team Sports Fly Your Colors"**

**Saturday, June 29<sup>th</sup>**

**Annual Fun Run, Walk, Bike**

**10:00 AM**

**LSCC Clubhouse  
29006 216<sup>th</sup> Ave SE**

Join us for the 18<sup>th</sup> annual Fun Run, Walk or Bike around Lake Sawyer. The course is 5.2 miles long; the race is held rain or shine, and begins promptly at 10:00 AM so come early to check in and sign up. Children under age 10 must be accompanied by an adult and all cyclists must adhere to the rules of the road and wear helmets. Bikers will begin first with runners and walkers following. Participants will be asked to sign a liability waiver at check-in and a parent must sign for minors. Please contact an LSCC board member for information or if you wish to help. LSCC members will participate for free with non-members paying \$5. T-shirts will be provided courtesy of the LSCC.

Each year LSCC seeks the permission of the landowners and residents at the southeast end of the Lake for permission to use their property for the annual Fun Run around the lake. Palmer Coking Coal Co. has once again graciously agreed. Please remember that this land is private and there is no permission to use this route other than the June Fun Run date provided through a Special Use Permit. At all other times during the year please respect their property and privacy rights. Please note NO SMOKING will be permitted on Palmer land. Thank you.

**Thursday, July 4<sup>th</sup>**

**Waterski/Wakeboard Event**

**8:00 – 11:00 AM**

**South End of the Lake**

This is a great way to start your 4<sup>th</sup> of July. Break-out your slalom ski and join us for some turns on glassy-smooth water, or strap on your wakeboard and show us some big air! Everyone is welcome; meet the group near Duck Island at the southeast end of the lake at 8am. The action is first come, first served; skiers go first, followed by wake boarders, and wake surfers. Bring your friends and family, tie-up with your fellow LSCC members and take it all in. Spectators are welcome and encouraged, this is a fun time and we want to see you out there, but no wake please. Participants have to sign a liability waiver and a parent has to sign for those under 18. Because we're tearing it up before normal speeding hours, the Lake Sawyer Community Club arranges a special permit with the City of Black Diamond for this event. The tow boat is allowed to exceed the normal 5 MPH speed limit, but anyone else over 5 MPH will be chased down by the officer in charge, get a talking to, and possibly even get his autograph, so go slow. For more information or to pre-register, contact Jeff Merrill 253-350-2553.

## Thursday, July 4<sup>th</sup>

**Paddleboat, Canoe/Kayak Race& Long Boards      3:30 PM      Between Big Islands**

Trying to stay current with all the new water toys we are adding a new race category, Standup Boards. Three races will be held, one for the paddleboats, one for the canoes and kayaks and one for Long Boards. Race individually or as a team. Meet between the two big islands in front of Sunrise Resort at 3:15 PM. Race starts at 3:30 PM. There is no need to register, just show up and race.

**Parade of Boats      5:00 PM      Dock#121**

“Sports Team Fly Your Colors” is the theme for this year’s Parade of Boats. Special prizes will be awarded for the best decorated boat, best theme, and the most original. Boats need to be off Fred and Patty Weston’s dock #121 at 4:50 PM. The parade will be led by the Black Diamond Marine Patrol boat. The parade will proceed counter clockwise around the lake. Uncle Sam has promised to attend this year with candy for the kids. Let’s set a record for the number of boats in the parade!

**House and Yard Decorations      2:00 – 5:00 PM**

Prizes will be awarded for the best patriotic house and yard decorations. Judging will take place between 2:00 and 3:00 PM with prizes awarded during the Parade of Boats.

**Fireworks Extravaganza      10:15 PM      Middle of the Lake**

The perfect ending to a perfect day. The display will be as close to the center of the lake as possible to optimize viewing for everyone. The location of the raft is chosen for maximum safety and in an area where most residents can view the display. Remember, if you plan to view the fireworks by boat, you must stay at least 400 feet from the raft. **Please utilize your navigation lights!** State law mandates that all motorized vessels shall display red and green side lights and an all-round white light. Manual powered vessels (canoes, kayaks, rowboats, etc.) must at a minimum have a white light displayed which is visible in all directions (flashlight or lantern). The Black Diamond Marine Patrol will be present to ensure the safety of all observers and enforce a safe distance from the fireworks raft.

**Fishing Derby      5:00AM to 5:00PM      Lake Sawyer**

We are bringing back an old event, the fishing derby!! The largest top three fish caught, any species, in two age categories will receive prizes. The two age groups will be under 14 and 14 and older. **Dock #20** will be the official weight and measure station and will have a posting throughout the day of the biggest fish caught. Final prizes will be awarded at **Dock#20** at the close of the derby 5:00PM. Come join the fishermen and women award ceremony!!!

Questions concerning the 4<sup>th</sup> of July activities should be directed to a member of the LSCC board unless otherwise noted.

## **South end Lake Sawyer Regional Park multiday use request**

The central event for the Lake Sawyer Community Club July 4th activities is the fireworks display. We have contracted with Homeland Fireworks Display to put on the event. This will be the fourth year they have done so. As we did last year we are requesting the use of the regional park for the purposes of loading and unloading the two docks for the fireworks display.

**On Tuesday, July 3<sup>rd</sup>, 2013** we would move the four floating rafts to the park at the south end of Lake Sawyer and moor them in the approximate location as marked on the attached map. Mountain View Fireworks Display would add plywood to the top surfaces of the floating rafts and the load the empty launching tubes (sewer pipes) to the floating rafts. They will remain empty overnight and nothing of value would be on the rafts.

**On Wednesday July 4<sup>th</sup>, 2013** Mountain View Fireworks Display would load the tubes with the actual fireworks and wire the igniters. The floating rafts with fireworks would be attended by Charlie Wilson and his staff the entire day. At approximately 7:00pm the floating rafts would be towed to the center of the lake and anchored. After the fireworks display the rafts would be returned to the park.

**On Thursday July 5<sup>th</sup>, 2013** the launching tubes and plywood would be removed from the rafts. The rafts would then be returned to their home base.

# Non Profit Insurance Program

## CERTIFICATE OF INSURANCE

Issue Date: 05/21/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONVEYS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain coverage may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	COMPANIES AFFORDING COVERAGE
Canfield 451 Diamond Drive Ephrata, WA 98823	<b>GENERAL LIABILITY</b> American Alternative Insurance Corporation  <b>AUTOMOBILE LIABILITY</b> American Alternative Insurance Corporation
INSURED	<b>PROPERTY</b> American Alternative Insurance Corporation Torus Specialty Insurance Company  <b>MISCELLANEOUS PROFESSIONAL LIABILITY</b>
Lake Sawyer Community Club PO Box 191 Black Diamond, WA 98010	

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE COVERAGE PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF DATE	POLICY EXP DATE	DESCRIPTION	LIMITS
<b>GENERAL LIABILITY</b>					
COMMERCIAL GENERAL LIABILITY OCCURRENCE FORM INCLUDES STOP GAP	N1-A2-RL-0000013-05	06/01/2013	06/01/2014	PER OCCURRENCE PER MEMBER AGGREGATE PRODUCT-COMP/OP PERSONAL & ADV. INJURY ANNUAL POOL AGGREGATE	\$5,000,000 \$10,000,000 \$5,000,000 \$5,000,000 \$50,000,000
(LIABILITY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS)					
<b>AUTOMOBILE LIABILITY</b>					
ANY AUTO	N1-A2-RL-0000013-05	06/01/2013	06/01/2014	COMBINED SINGLE LIMIT ANNUAL POOL AGGREGATE	\$5,000,000 NONE
(LIABILITY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS)					
<b>PROPERTY</b>					
	N1-A2-RL-0000013-05 47192A122ALI	06/01/2013	06/01/2014	ALL RISK PER OCC EXCL EQ & FL EARTHQUAKE PER OCC FLOOD PER OCC ANNUAL POOL AGGREGATE	\$50,000,000 \$1,000,000 \$1,000,000 NONE
(PROPERTY IS SUBJECT TO A \$50,000 SIR PAYABLE FROM PROGRAM FUNDS)					
<b>MISCELLANEOUS PROFESSIONAL LIABILITY</b>					
		06/01/2013	06/01/2014	PER CLAIM ANNUAL POOL AGGREGATE	
(LIABILITY IS SUBJECT TO A SIR PAYABLE FROM PROGRAM FUNDS)					

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS**

Regarding the 4th of July event. City of Black Diamond is named as an Additional Insured regarding this event only and is subject to policy terms, conditions, and exclusions. Additional Insured endorsement is attached.

**CANCELLATION**  
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

CERTIFICATE HOLDER	AUTHORIZED REPRESENTATIVE
City of Black Diamond P.O. Box 599 Black Diamond, WA 98010	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

### SCHEDULE

COMMERCIAL GENERAL LIABILITY COVERAGE PART

Name Of Additional Insured Person(s) Or Organization(s)
<p>City of Black Diamond P.O. Box 599 Black Diamond, WA 98010</p>
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.



**CITY OF BLACK DIAMOND**  
Service Agreement

City Assistance required from (department):

Black Diamond Fire Department

Organization/Person requesting Assistance:

Lake Sawyer Community Club/ Steven Frank President 2013

Event:

July 4<sup>th</sup> Fireworks on Lake Sawyer

Date:

July 4<sup>th</sup> 2013

Please describe the event and what services will be needed:

Fire Department regulating our use of fireworks on City of Black Diamond property

The City of Black Diamond agrees to provide these services on the requested date(s). The City of Black Diamond will bill for all services on an hourly basis per the adopted fee schedule. Per contract many city services require a 3 hour minimum billing.

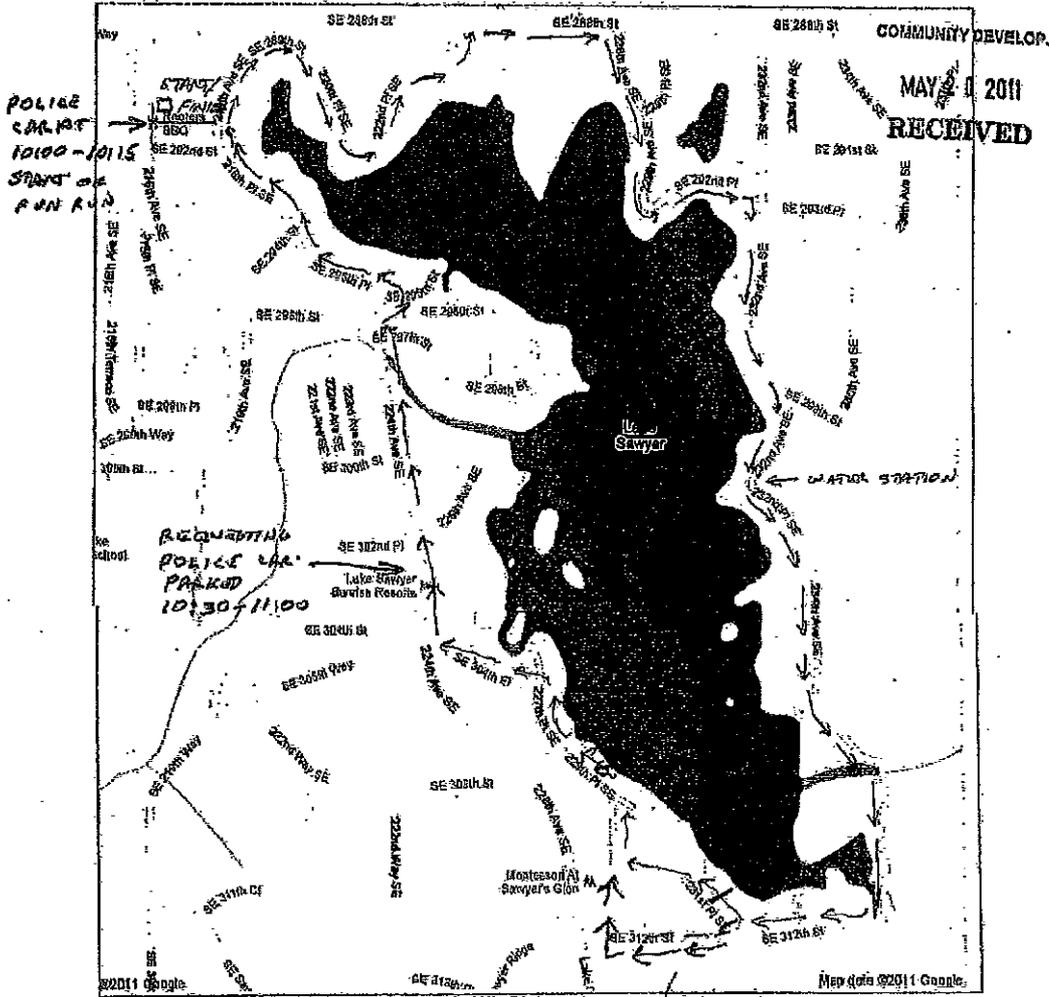
<i>[Signature]</i> City Staff Signature, Title	<i>[Signature]</i> Fire Chief	<i>6/12/13</i> Date
---	-------------------------------	------------------------

\_\_\_\_\_ agrees to pay for the services the City of Black Diamond is providing.

<i>[Signature]</i> Applicant Signature, Title	<i>Steven M Frank</i> President LSCC	<i>5/27/13</i> Date
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Google maps Address Lake Sawyer  
Black Diamond, WA 98010

Notes Lake Sawyer Community Club  
Fun Run, Bike or Walk  
Saturday ~~June 29th~~ June 29th, 2013  
Starts at 10:00am  
From the LSCC Clubhouse



Bikes only

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1005, amending the 2013 Budget Ordinance No. 12-994 to reflect changes in revenues and expenditures.</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-051</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	<b>X</b>
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: \$385,601	Police – Jamey Kiblinger	
Fund Source: \$385,601 various funds	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Ordinance No. 13-1005 and detailed worksheets</b>		
<b>SUMMARY STATEMENT:</b> 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 or when carry-over balances or projects need to be added to the current year budget. The law does not require budget amendments for reductions, but those adjustments are included to clarify reporting and preparation of trend information.		
This technical housekeeping budget change is the first adjustment for 2013 for a total of \$385,601. The budget change primarily adjusts the beginning Cash and Investment balance to the exact actual balances that carried over from December 2012 to January 2013. The balances are trued-up with the first budget change of each year. The changes primarily carry over capital project balances.		
The General Fund reduction in Beginning Cash & Investment balance from \$426,508 to \$396,125 reflects the December 2012 budget change that needed to cover unbudgeted 2012 expenditures for Hearing Examiner Costs, CFD and Declaratory Judgment costs that decreased the ending 2012 Cash & Investment Balance. The 2013 General Fund budgeted Cash and Investment balance is still \$549, 556. The General Fund budget change also included a portion of the Funding Agreement revenue reduction of \$66,500 and an offsetting \$66,500 General Fund reduction in Code Enforcement expenditures and Community Development Planner and pay differential in Community Development Director pay differential expenditures.		
The balance of the funding agreement of \$55,500 revenue reduction is allocated among the street, water, sewer and stormwater funds. The reduction of revenue in those funds were covered by their increased Beginning Cash & Investment balances and or reduction in their expenditures and did not reduce their Ending Fund Balance, with the exception of the Stormwater Fund which reduced Ending from \$91,623 to \$85,256. This amount still exceeds the 3 month recommended amount by \$2,800.		
All other changes are minor technical corrections. All budget changes are covered by revenue or Ending Cash & Investment balances in each fund.		

RECOMMENDED ACTION: **MOTION** to adopt Ordinance No. 13-1005 amending the 2013 Budget Ordinance No 12-994 to reflect changes in revenues and expenditures.

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**ORDINANCE NO. 13-1005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING THE BUDGET FOR CALENDAR YEAR 2013 AS ADOPTED BY ORDINANCE 12-994 MEANS OF APPROPRIATIONS, ADJUSTMENTS AND TRANSFERS WITHIN VARIOUS FUNDS IN ACCOUNTS IN THE 2013 BUDGET**

**WHEREAS**, the amounts of dollars actually received within the accounts of various funds in the 2013 budget vary from the amounts set forth in Ordinance No. 12-994; and

**WHEREAS**, it is necessary to make adjustments to those accounts and/or funds by means of appropriation adjustments and transfers to the 2013 Budget;

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

**Section 1.** Section 2 of Ordinance 12-994 is hereby amended with the following additions and reductions:

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***City of Black Diamond, Washington***

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**A. Estimated Expenditures by Fund**

Fund #	Fund Title	Ordinance 13-1005 Budget Amendment  2013
Fund 001	General Fund	(80,059)
Fund 101	Street Fund	(9,170)
Fund 104	REET I	1,109
Fund 105	REET II	672
Fund 310	General Govt CIP Fund	185,119
Fund 320	Street CIP Fund	181,022
Fund 401	Water Fund	(2,821)
Fund 402	Water Supply Facility Fund	35
Fund 404	Water Capital Fund	(118,550)
Fund 407	Wastewater Fund	(3,086)
Fund 408	Wastewater Capital Fund	214,788
Fund 410	Stormwater Fund	(5,330)
Fund 510	Equipment Replacement Fund	21,872
<b>Total</b>		<b>\$ 385,601</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 20th day of June, 2013.

Passed by a majority of the City Council at a meeting held on the 20th day of June 2013.

\_\_\_\_\_  
Mayor Rebecca Olness

Attest:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Chris Bacha, City Attorney

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

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

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

City of Black Diamond, Washington

**June 2013 Budget Adjustment Summary**

Exhibit A

**A. Estimated Expenditures by Fund**

Fund #	Fund Title	Ordinance	Ordinance	Total Budget
		12-994	13-1005	
		Budget	Budget Amendment	
		2013	2013	2,013
Fund 001	General Fund	5,907,237	(80,059)	5,827,178
Fund 101	Street Fund	404,944	(9,170)	395,774
Fund 104	REET I	325,875	1,109	326,984
Fund 105	REET II	373,502	672	374,174
Fund 310	General Govt CIP Fund	541,150	185,119	726,269
Fund 320	Street CIP Fund	220,000	181,022	401,022
Fund 401	Water Fund	1,428,141	(2,821)	1,425,320
Fund 402	Water Supply Facility Fund	344,976	35	345,011
Fund 404	Water Capital Fund	859,825	(118,550)	741,275
Fund 407	Wastewater Fund	919,948	(3,086)	916,862
Fund 408	Wastewater Capital Fund	811,546	214,788	1,026,334
Fund 410	Stormwater Fund	507,441	(5,330)	502,111
Fund 510	Equipment Replacement Fund	201,178	21,872	223,050
<b>Total</b>		<b>\$ 12,845,763</b>	<b>\$ 385,601</b>	<b>\$ 13,231,364</b>

# Budget Change Detail Worksheet - June 2013

		REVENUE			EXPENSES		
		Was	Should Be	Difference	Was	Should Be	Difference
1	<b>General Fund</b>						
2	Beg C&I-Gen Govt-HE/CFD/Dec Judgmt	426,508	396,125	(30,383)			
3	Beg C&I-Cemetery		1,292	1,292			
4	Beg C&I-Yarrow Bay	245,687	261,219	15,532			
5	<b>Yarrow Bay Reduction</b>						
6	Gen Gov Yarrow Bay-Rev Reduction	1,579,940	1,513,440	(66,500)	16,500		(16,500)
7	Code Enf Exp-12 Mo				178,111		(50,000)
8	Comm Dev Dir pay dfff/Planner-5 mo				194,611	128,111	(66,500)
9	<b>Sub Total</b>	<b>2,252,135</b>	<b>2,172,076</b>	<b>(80,059)</b>	<b>194,611</b>	<b>128,111</b>	<b>(66,500)</b>
10	Ending C&I bal				579,939	549,556	(30,383)
11	Ending C&I Bal-Cemetery					1,292	1,292
12	Ending C&I bal-Yarrow bay				245,587	261,119	15,532
13	<b>Sub Total End C&amp;I</b>				<b>825,526</b>	<b>811,967</b>	<b>(13,559)</b>
14	<b>Total General Fund</b>	<b>2,252,135</b>	<b>2,172,076</b>	<b>(80,059)</b>	<b>1,020,137</b>	<b>940,078</b>	<b>(80,059)</b>
15	<b>Street Fund 101</b>						
16	Beg C&I	258,379	262,584	4,205			
17	Yarrow Bay Reduction-Revenue-alloc	60,695	47,320	(13,375)			
18	Corr MDRT Exp-prev alloc to street				176,683	173,233	(3,450)
19	Ending C&I				258,379	252,659	(5,720)
20	<b>Total Street Fund</b>	<b>319,074</b>	<b>309,904</b>	<b>(9,170)</b>	<b>435,062</b>	<b>425,892</b>	<b>(9,170)</b>
21	<b>REET 1 104</b>						
22	Beg C&I	282,875	283,984	1,109			
23	End C&I				212,725	213,834	1,109
24	<b>Total REET I</b>	<b>282,875</b>	<b>283,984</b>	<b>1,109</b>	<b>212,725</b>	<b>213,834</b>	<b>1,109</b>
25	<b>REET 2 105</b>						
26	Beg C&I	329,002	329,674	672			
27	Ending Fund Balance				293,502	294,174	672
28	<b>Total REET II</b>	<b>329,002</b>	<b>329,674</b>	<b>672</b>	<b>293,502</b>	<b>294,174</b>	<b>672</b>

# Budget Change Detail Worksheet - June 2013

		REVENUE			EXPENSES		
		Was	Should Be	Difference	Was	Should Be	Difference
29	Capital Imp Fund 310						
30	BEG C&I Remodel		39,469	39,469		39,469	39,469
31	Remodel		17,500	17,500		17,500	17,500
32	Beg C&I Fire Station Site Study		33,283	33,283		33,283	33,283
33	Fire Station Site Study		74,769	74,769		84,769	74,769
34	BEG C&I Trails		4,792	4,792	10,000	21,092	4,792
35	Trails		2,095	2,095	16,300	22,095	2,095
36	BEG C&I Gr Matching		11,484	11,484	20,000	22,095	2,095
37	# Grant matching		1,727	1,727		11,484	11,484
38	BEG C&I IT-Police						
39	# It Police						
40	BEG C&I It Gen Gov						
41	# It Gen Gov						
42	BEG C&I Parks Signs						
43	Parks Signs						
44	Gbeg C&I Tree Mitigation						
45	# Tree Mitigation						
46	<b>Total Capt Imp 310</b>		185,119	185,119	47,300	232,419	185,119
47	Capital Imp Fund 320						
48	BEG C&I St Pres		58,274	58,274		71,774	58,274
49	# Street Preservation Rev		63,211	63,211	13,500	103,211	63,211
50	BEG C&I PW Grant Matching		36,526	36,526	40,000	36,526	36,526
51	# Lawson & Newcastle		11,603	11,603		11,603	11,603
52	Beg C&I Roberts Sidewalks		11,408	11,408		11,408	11,408
53	# TIB Grant Robts-Morg/Lib						
54	Beg C&I Abrams						
55	Abrams Project						
56	Beg C&I Disaster Clean-up						
57	Disaster Clean-up Project						
58	<b>Total Capt Imp 320</b>		181,022	181,022	53,500	234,522	181,022

# Budget Change Detail Worksheet - June 2013

		REVENUE			EXPENSES		
		Was	Should Be	Difference	Was	Should Be	Difference
59	Water Fund						
60	Beg C&I	97,428	107,982	10,554			
61	Yarrow Bay Rev Reduction-alloc	60,695	47,320	(13,375)			
62	Corr MDRT Exp-prev alloc to water				175,241	169,593	(5,648)
63	Increase End C&I-Water				69,271	72,098	2,827
64	<b>Total Water Fund</b>	<b>158,123</b>	<b>155,302</b>	<b>(2,821)</b>	<b>244,512</b>	<b>241,691</b>	<b>(2,821)</b>
65	WSFFA Fund 402						
66	Beg C&I WSFFA Deposit	70,000	70,000				
67	Beg C&I WSFFA Springs	49,976	50,011	35			
68	Springs Expenditures				225,000	225,035	35
69	<b>Total WSFFA Fund 402</b>	<b>119,976</b>	<b>120,011</b>	<b>35</b>	<b>225,000</b>	<b>225,035</b>	<b>35</b>
70	Water Capt Fund 404						
71	Beg Water Capt & Res C&I	649,825	524,475	(125,350)			
72	Beg Water Meters C&I		5,519	5,519			
73	Water Meters Expenditures					5,519	
74	Beg Water-CBDG Grant-5th Ave Wtr		(27,150)	(27,150)			
75	CBDG Grant Reimbursement	160,000	187,150	27,150			
76	Beg Water Study		1,281	1,281			
77	Water Study Expenditures				519,825	399,994	(119,831)
78	End C&I						
79	<b>Total Water Capt Fund 404</b>	<b>809,825</b>	<b>691,275</b>	<b>(118,550)</b>	<b>519,825</b>	<b>406,794</b>	<b>(118,550)</b>
80	Sewer Fund 407						
81	Beg C&I	77,449	87,738	10,289			
82	Yarrow Bay Rev Reduction-alloc	60,695	47,320	(13,375)			
83	Corr MDRT Exp-prev alloc to Sewer				172,201	166,553	(5,648)
84	Increase End C&I				63,948	66,510	2,562
85	<b>Total Sewer Fund</b>	<b>138,144</b>	<b>135,058</b>	<b>(3,086)</b>	<b>236,149</b>	<b>233,063</b>	<b>(3,086)</b>

# Budget Change Detail Worksheet - June 2013

		REVENUE			EXPENSES		
		Was	Should Be	Difference	Was	Should Be	Difference
86	Sewer Capt Fund 408						
87	Beg C&I-Sewer Capt & Res	655,766	684,630	28,864			
88	Beg C&I-Sewer I & I		27,360	27,360			
89	Beg C&I-WW Lawson Lift Station		50,000	50,000			
90	Lawson Lift Station Project					50,000	50,000
91	Beg C&I-Sewer Preservation		24,456	24,456			
92	Preserve Waste Water Project					24,456	24,456
93	Beg C&I-Swere Study		4,108	4,108			
94	Wastewater Study					4,108	4,108
95	Beg C&I-Morgan Lift Station		80,000	80,000			
96	Sewer Morgan Lift Station					80,000	80,000
97	End C&I				696,546	752,770	56,224
98	<b>Total Watewtr Capt Fund</b>	<b>655,766</b>	<b>870,554</b>	<b>214,788</b>	<b>696,546</b>	<b>911,334</b>	<b>214,788</b>
99	Stormwater Fund 410						
100	Beg C&I	80,840	82,200	1,360			
101	Yarrow Bay Rev Reduction-alloc	60,695	47,320	(13,375)			
102	Corr MDRT Exp-prev alloc to Sewer				172,201	166,553	(5,648)
103	End C&I Stormwater				91,623	85,256	(6,367)
104	Beg C&I Stormwater DOE Grant Proj		(53,015)	(53,015)			
105	Stormwater DOE Grant Reimbursement	70,576	130,276	59,700			
106	Stormwater DOE Grant Exp-Adj				70,576	77,261	6,685
107	<b>Total 410</b>	<b>212,111</b>	<b>206,781</b>	<b>(5,330)</b>	<b>334,400</b>	<b>329,070</b>	<b>(5,330)</b>
108	Internal Service Fund 510-Equip Replace						
109	BFB-Fire Eq		1,378	1,378			
110	Fire Surplus Eq Costs					1,378	1,378
111	BFB-PW Equip	140,878	150,321	9,443			
112	PW surplus costs				30,000	37,943	7,943
113	PW Equipment Replacement						
114	Beg C&I Police Equip		11,051	11,051			
115	Police Equip Surplus Costs					1,500	1,500
116	Ending Police C&I				30,000	9,551	9,551
117	<b>Total 510</b>	<b>140,878</b>	<b>162,750</b>	<b>21,872</b>	<b>30,000</b>	<b>51,872</b>	<b>21,872</b>
118							
119	<b>Total BC</b>	<b>5,417,909</b>	<b>5,803,510</b>	<b>385,601</b>	<b>4,348,658</b>	<b>4,739,778</b>	<b>385,601</b>

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1006, adopting water rate increases for the years of 2013, 2014, and 2015.</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-052</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	<b>X</b>
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: Revenue Increase	Police – Jamey Kiblinger	
Fund Source: Water	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Ordinance No.13-1006 and supporting documentation</b>		
<b>SUMMARY STATEMENT:</b> During the 2013 budget development last year, Council was briefed on the potential of water Utility Fund rate increase. At that time, the previous City Administrator proposed that any increase be delayed until a future rate study was conducted to document the possible amount and need for the increase.  On April 4, 2013, Council approved Resolution No. 13-864 authorizing Mr. Ashley M. Emery, owner of Peninsula Financial Consulting, to conduct Utility Fund rate studies. He developed computer models outlining the financial adequacy of the water funds rates.  On June 6, 2013, at a Council Workstudy meeting, Mr. Emery reviewed the complex computer models showing the multi-year projections and the need for water fund rate increases. Per RCW Ch. 35.92 the city may not charge water utility service rates that are less than the cost of the water Operation and debt service costs. The consultant forecasts that the total annual water utility system revenue in years 2013 and in each succeeding year will be less that the annual cost to cover costs and maintain a cash & Investment balance needed to cover debt service and operating reserves. The Financial model demonstrated that rates are currently insufficient and need to be increased to meet the water funds legal obligation to adequately fund the on-going costs and meet the service obligations to water utility system customers.  Mr. Emery demonstrated several possible rate increases, which included a 2013 increase with the earliest possible implementation effective August 1, 2013, which would result in only four months of collection for 2013. A combination of rate increases is needed for 2013, 2014 and 2015. The Water Financial model only included Maintenance and Operations and debt service costs and did not include any future Capital Improvements for the next five years. Capital costs were not added to the base model in an effort to keep the rate increases as low as possible. A growth version demonstrated that as growth occurs, the city can begin replacing the 40-50 year old water lines that will then be 45-55 years old as we begin 20 years of replacement.  Attached is a five year water fund financial forecast with one possible rate increase combination of three 15% increases and a worksheet showing the dollar effect it would have on a customer who used 1000 cu ft. of water. Also attached are comparable rates with other jurisdictions.		

COMMITTEE REVIEW AND RECOMMENDATION: Council Reviewed Financial models prepared by rate consultant Mr. Ashley M. Emery at a workstudy on June 6, 2013. A Public Hearing was held on June 20, 2013. The Finance Committee reviewed the proposed Ordinance at their June 13<sup>th</sup> meeting and is recommending 15% increases for the years 2013, 2014, and 2015 for Council consideration.

RECOMMENDED ACTION: **MOTION to adopt Ordinance No. 13-1006, adopting water rate increases for the years of 2013, 2014, and 2015.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**CITY OF BLACK DIAMOND  
WASHINGTON**

**ORDINANCE NO. 13-1006**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON; RELATING TO WATER UTILITY RATES; AMENDING SECTION 13.04.280(A) OF THE BLACK DIAMOND MUNICIPAL CODE; IMPLEMENTING A RATE INCREASE IN YEARS 2013, 2014 AND 2015 TO MEET WATER SERVICE OBLIGATIONS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE**

---

**WHEREAS**, the City of Black Diamond is a municipal corporation operating under the laws of the state of Washington as a code city pursuant to Chapter 35A of the Revised Code of Washington; and

**WHEREAS**, as a code city, the legislative body of the City of Black Diamond is vested with all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

**WHEREAS**, RCW Ch. 35.92 authorizes the City of Black Diamond to construct, condemn and purchase, acquire, add to, alter, maintain, and operate waterworks, and establish the rates therefore, and further provides, among other things, that the City may not charge water utility service rates that are less than the cost of the water and service; and

**WHEREAS**, the City has established a water utility system and regulations governing rates and charges for water utility services codified at Chapter 13.04 of the Black Diamond Municipal Code; and

**WHEREAS**, pursuant to Resolution No. 13-864 the City Council authorized a contract with Ashley M. Emery of Peninsula Financial Consulting (the "Consultant") to conduct a cost-of-service study to determine whether existing water rates are adequate to recover the cost of providing water and service; and

**WHEREAS**, the Consultant has, together with Finance Department and other City staff, analyzed and processed available data relating to water utility system maintenance and operations,

including revenues, expenditures, debt service obligations, and certain future capital needs, as well as planned growth and impacts upon water utility service and usage, and utilizing this, and other data, has forecast total water utility system cash flows and expenditures for future years utilizing proprietary computer modeling; and

**WHEREAS**, Consultant forecasts that the total annual water utility system revenues in year 2013 and in each succeeding year will be less than the annual cost to provide water and service and that water utility cash reserves are insufficient to sustain near-term and long-term water utility service and to meet future capital needs; and

**WHEREAS**, based upon the foregoing, the City Council has determined that the current monthly water utility system rates are insufficient to fund the on-going maintenance, operational and capital costs of the water system utility; and

**WHEREAS**, the City Council has determined that a rate increase is necessary in order to meet its legal obligation to adequately fund the on-going maintenance, operational and capital costs of the water utility system and to meet its service obligations to water utility system customers; and

**WHEREAS**, in consideration of the report and recommendation of Consultant, projected future growth, and future anticipated on-going operational, maintenance and capital costs of the water utility system, the City Council finds that the amendments to BDMC Ch. 13.04 increasing the water utility system rates as set forth herein are reasonable and necessary to meet revenue requirements to cover the costs necessary to maintain a self-supporting and financially viable water utility system;

**WHEREAS**, the City Council finds that it is in the public interest to implement the water rate increases as set forth herein in order to ensure that the water utility has sufficient revenue to be self-supporting and financially viable;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The above-stated recitals are incorporated by this reference as though fully set forth herein and are adopted as the findings and conclusions of the City Council.

**Section 2. Amendment of BDMC 13.04.280(A) (Rates – Consumption and meter installation).** Section 13.04.280(A) of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

13.04.280 - Rates—Consumption and meter installation.

- A. 1. The water service rates for customers of the city's water utility shall be as set forth in subsections (2) through (8) below, plus ~~one dollar and eighty-two cents~~ \_\_\_\_\_ per one hundred cubic feet of water used, for water consumption ranging between zero to six hundred cubic feet of water, per month, plus ~~two dollars and nine cents~~ \_\_\_\_\_ per one hundred cubic feet of water used, for water

consumption ranging between six hundred one to one thousand two hundred cubic feet of water per month, plus two dollars and forty cents per one hundred cubic feet of water used, for consumption greater than one thousand two hundred cubic feet of water per month.

2. All five-eighths-inch and three-fourths-inch meters shall be charged a minimum fee of ~~twenty-three dollars and forty-three cents~~ \_\_\_\_\_ per month. Each additional dwelling/business served from the above described meter shall be charged ~~fourteen dollars and ninety-five cents~~ \_\_\_\_\_ for each additional unit for each month inside the city limits and ~~twenty-nine dollars and ninety cents~~ \_\_\_\_\_ for each additional unit for each month outside the city limits.

3. All one-inch meters shall be charged ~~twenty-nine dollars and sixty-two~~ \_\_\_\_\_ cents per month plus the additional amount per unit served by such meter as established in subsection (A)(2) above.

4. All one and one-half-inch meters shall be charged ~~thirty-one dollars and ninety-five cents~~ \_\_\_\_\_ per month plus the additional amount per unit served as established in subsection (A)(2) above.

5. All two-inch meters shall be charged ~~fifty-five dollars and seventy-six cents~~ \_\_\_\_\_ per month plus the additional amount per unit served as established in subsection (A)(2) above.

6. All three-inch meters shall be charged a minimum of ~~sixty-seven dollars and sixty-five cents~~ \_\_\_\_\_ per month plus the additional amount per unit served as established in subsection (A)(2) above.

7. All four-inch meters shall be charged a minimum of ~~one hundred twenty-seven dollars and four cents~~ \_\_\_\_\_ per month. For additional dwellings, apartments, or units, there shall be a minimum charge of fourteen dollars and ninety-five cents per month for each additional dwelling, apartment or unit, and fourteen dollars and ninety-five cents for each additional commercial use.

8. All six-inch meters shall be charged a minimum of ~~three hundred twenty-eight dollars and fifty-two cents~~ \_\_\_\_\_ per month. For additional dwellings, apartments, or units, there shall be a minimum charge of ~~fourteen dollars and ninety-five cents~~ \_\_\_\_\_ per month for each additional dwelling, apartment, or unit, and ~~fourteen dollars and ninety-five cents~~ \_\_\_\_\_ for each additional commercial use.

9. Effective 12:01 a.m. January 1, 2014, the flow rates set forth in Subsection (A)(1) of this section and the minimum charges set forth in Subsections (A)(2) through (A)(8) of this section, shall be increased by \_\_\_\_\_ percent ( % .00). Fractions shall be rounded to the nearest whole number.

10. Effective 12:01 a.m. January 1, 2015, the flow rates set forth in Subsection (A) (1) of this section, as adjusted pursuant to Section (A) (9) of this section, and the minimum charges set forth in Subsections (A) (2) through (A) (8) of this section, as adjusted pursuant to Section (A) (9) of this section, shall be increased by \_\_\_\_\_ percent (% .00). Fractions shall be rounded to the nearest whole number.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect on **August 1, 2013**. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

**Section 4. Severability.** If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF JUNE, 2013.**

\_\_\_\_\_  
Mayor, Rebecca Olness

Attested:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Chris Bacha  
Kenyon Disend, PLLC  
City Attorney

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

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

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

City of Black Diamond, Washington  
 Water Utility Fund  
 Five Year Cash Flow -One Scenario

NO MPD Growth

Draft 5/28/2013

Water Fund	2013 Budget	2013 Proposed	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
Possible Rate Increase	adj.	07/13 15%	01/14 15%	01/15 15%				
<b>Operating Begin Cash Bal</b>	107,982	107,982	105,974	118,396	122,677	127,105	131,771	136,740
<b>Capital &amp; Reserve Cash Bal</b>	531,275	531,275	381,156	285,144	114,976	111,859	103,657	96,514
<b>Total Beg Cash &amp; Inv.</b>	<b>639,257</b>	<b>639,257</b>	<b>487,130</b>	<b>403,540</b>	<b>237,653</b>	<b>238,964</b>	<b>235,428</b>	<b>233,254</b>
Operating Revenue	430,000	430,000	430,000	430,000	430,000	430,000	430,000	430,000
Operating possible Rate Inc.		21,324	134,533	218,500	218,500	218,500	218,500	218,500
Misc. Revenue	18,275	18,275	18,823	19,388	19,970	20,569	21,186	21,821
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth		1,576	3,767	8,073	14,800	21,527	28,927	37,000
Infill Connection Charges	20,000	17,900	23,868	29,835	59,670	59,670	65,637	71,604
<b>Total Water Fund Sources</b>	<b>529,200</b>	<b>536,625</b>	<b>626,491</b>	<b>705,796</b>	<b>742,940</b>	<b>750,266</b>	<b>764,250</b>	<b>778,925</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	49
<b>Water Fund Expenditures</b>								
Salaries	120,942	122,727	126,409	130,201	134,107	138,130	142,274	146,542
Benefits	54,299	54,299	56,471	58,730	61,079	63,522	66,063	68,706
City Adm (2015 FT/Pt. Sr Acct)			0	20,639	21,877	23,190	24,581	26,056
Supplies	31,050	31,500	32,760	34,070	35,433	36,851	38,325	39,858
Services & Charges	136,626	136,626	140,042	143,543	147,131	150,810	154,580	158,444
B&O & Util Tax	49,500	50,100	62,900	72,700	73,900	74,600	75,500	76,500
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>402,417</b>	<b>405,252</b>	<b>428,581</b>	<b>469,883</b>	<b>483,528</b>	<b>497,103</b>	<b>511,323</b>	<b>526,106</b>
PWTF Net Debt Svs	234,600	234,600	232,600	230,500	217,700	216,300	214,700	203,200
Water Meters- Sewer Loan	47,944	48,900	48,900	48,900				
Loan to begin Wtr Main 2020								
New Debt Ser-Res Paint				40,400	40,400	40,400	40,400	40,400
<b>Sub total Debt Service</b>	<b>282,544</b>	<b>283,500</b>	<b>281,500</b>	<b>319,800</b>	<b>258,100</b>	<b>256,700</b>	<b>255,100</b>	<b>243,600</b>
Water Comp Plan				82,000				
<b>Total Water Fund Uses</b>	<b>684,961</b>	<b>688,752</b>	<b>710,081</b>	<b>871,683</b>	<b>741,628</b>	<b>753,803</b>	<b>766,423</b>	<b>769,706</b>
Change in Cash & Inv	(155,761)	(152,127)	(83,590)	(165,887)	1,312	(3,537)	(2,173)	9,219
Ending Cash & Invest Bal	<b>483,496</b>	<b>487,130</b>	<b>403,540</b>	<b>237,653</b>	<b>238,964</b>	<b>235,428</b>	<b>233,254</b>	<b>242,474</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
 Note Beginning Cash & Investment Balance

Capital and Reserve Cash & Investment Balance should be maintained to cover next year's debt payment per best practices and fiscal responsibility. Note Beginning cash & Investment Balance.

Rates need to be adjusted to provide revenue sufficient to cover the cost of Maintenance and Operation costs and debt service. To keep rate increases at the lowest possible amount, all Capital costs for replacement of 40-50 year old water lines, have been funded from Grants or Real Estate Excise Tax or deferred beyond five years.

Mr. Ashley Emery, of Peninsula Financial Consulting, demonstrated his financial rate analysis at the June 6, 2013 Council Workstudy meeting. To financially stabilize the water fund, one possible combination is a 15% rate increase for mid-2013, another 15% effective January 1, 2014 and the final increase of 15% effective January 1, 2015. Increases are needed to provide Water Revenue amounts needed to cover the cost of operating and debt service for the next five years. Periodic rate reviews will be updated to monitor rates as growth occurs and allows the addition of Capital costs for water line replacement projects.

**City of Black Diamond  
Possible Three Year Rate Comparison of monthly Water bill**

		15% 2013		15% 2014		15% 2015	
Rate Comparison for 1000 cu ft. Water		Rate Comparison for 1000 cu ft. Water		Rate Comparison for 1000 cu ft. Water		Rate Comparison for 1000 cu ft. Water	
	Current	Mid 2013	Dec-13	Jan-14	Jan-14 Increase	Jan-15	Jan-15 Increase
Water	\$42.71	\$49.08	\$49.08	\$56.42	\$7.34	\$66.79	\$10.37
Metro Sewer	\$39.79	\$39.79	\$39.79	\$39.79	\$0.00	\$44.25	\$4.46
City Sewer	\$19.16	\$19.16	\$19.16	\$19.16	\$0.00	\$19.16	\$0.00
Stormwater	\$14.00	\$14.00	\$14.00	\$15.00	\$1.00	\$15.00	\$0.00
Total	\$115.66	\$122.03	\$122.03	\$130.37	\$8.34	\$145.20	\$14.83
	<b>Increase of 21 cents a day</b>		<b>Increase of 28 cents a day</b>		<b>Increase of 49 cents a day</b>		

\*\* Structure of rate increase between, base, and different commodities will be reviewed and probably add levels and lower base and/or lower user commodity charges, & possibly reduce the \$66.79 for 1,000 cu feet users.

**Rate Comparison for 1000 cu ft. Lifeline customer**

		2013		2013		2013	
Rate Comparison for 1000 cu ft. Lifeline customer		Rate Comparison for 1000 cu ft. Lifeline customer		Rate Comparison for 1000 cu ft. Lifeline customer		Rate Comparison for 1000 cu ft. Lifeline customer	
	Current	Mid 2013	2013	Jan-13	Jan-13 Increase	Jan-14	Jan-15 Increase
Water	\$21.36	\$24.54	\$24.54	\$28.21	\$3.67	\$33.40	\$5.19
Metro Sewer	\$39.79	\$39.79	\$39.79	\$39.79	\$0.00	\$44.25	\$4.46
City Sewer	\$9.58	\$9.58	\$9.58	\$9.58	\$0.00	\$9.58	\$0.00
Stormwater	\$7.00	\$7.00	\$7.00	\$7.50	\$0.50	\$7.50	\$0.00
Total	\$77.73	\$80.91	\$80.91	\$85.08	\$4.17	\$94.73	\$9.65
	<b>Increase of 11 cents a day</b>		<b>Increase of 14 cents a day</b>		<b>Increase of 32 cents a day</b>		

\*\* Structure of rate increase between, base, and different commodities will be reviewed and probably add levels and lower base and/or lower user commodity charges, & possibly reduce the \$33.40 for 1,000 cu feet users.

## Water Utility Rates for Comparable Cities

City/Town	Population	County	Approx. Connections	Water Rate	Overage Rates /100c.f.	Water Bill of 1,000 cf
Black Diamond	4,170	King	860	\$23.43	0-600= \$1.82 601-1200= \$2.09 Over 1200= \$2.40	\$42.71
Black Diamond (15% Increase)	4,170	King	860	\$26.94	0-600= \$2.09 601-1200= \$2.40 Over 1200= \$2.76	\$49.08
City/Town	Population	County	Connections	Water Rate	Overage Rates /100c.f.	Water Bill of 1,000 cf
Cities with similar population to Black Diamond						
Algona (253) 833-2897	3,070	King	1,032	\$22.54 first 5 units	\$2.00 per unit after	\$32.54
Buckley (360) 829-1921	4,365	Pierce	1,500	\$19.81	2-7 ccf= \$1.96 7.01-15 ccf= \$2.56 Over 15 ccf= \$3.29	\$37.29
Gig Harbor (253) 851-8136	7,340	Pierce	2,000	\$16.61	\$2.17	\$38.31
Pacific (253) 929-1100	6,620	King/Pierce	1,849	\$16.00	1-7 ccf= \$1.30 8-14 ccf= \$2.30 Over 14.1 ccf = \$3.30	\$32.00
Milton (253) 922-8733	6,985	King/Pierce	2,800	\$24.27	0-800= \$2.41 801-1000= \$2.61 Over 1001= \$2.81	\$48.77
City/Town	Population	County	Approx. Connections	Water Rate	Overage Rates /100c.f.	Water Bill of 1,000 cf
Nearby Jurisdictions						
Enumclaw (360) 825-3591	15,283	King	8,109	\$13.75	0-7.5 ccf= \$1.95 7.5-20 ccf= \$2.58 Over 20 ccf= \$3.22	\$34.82
Covington Water District (253) 631-0565		King	16,700	\$18.50	0-8 ccf= \$2.70 9-14 ccf= \$3.95 15-20 ccf= \$6.70 21-34 ccf= \$8.50 over 34 ccf= \$9.90	\$48.00
Soos Creek Water & Sewer (253) 630-9900		King	17,000	\$13.25	0-500= \$1.70 501-1000= \$3.40 1001- 1500= \$4.30 Over 1500= \$4.85	\$38.75
Water District #111 (Lake Meridian) 253-631-3770	18,000	King	6,000	\$29.42	0-12 ccf= \$2.39 13-19 ccf= \$3.57 20-28 ccf= \$4.78 Over 29 ccf= \$5.91	\$53.32

Algona - A flat rate charge of \$22.54 is billed per month. Please note that actual water consumption is billed every other month for the last TWO MONTHS of water service. An additional \$2.00 is charged for every 100 cubic feet (c.f.) of water consumed in in excess of 1000 cubic feet.

Buckley - for the base (minimum) service, including water usage from zero to 200 cubic feet per month. For usage above 200 cubic feet, the following rates are imposed for each 100 cubic feet of usage

Gig Harbor - bi-monthly charge, with a commodity charge (per ccf)

Pacific - Charges include a base charge depending on the meter size and a volume charge based on number of hundred cubic feet (CCF) consumption.

Milton Water Rates: Current rates for residential are \$24.27 per month base, plus a new tiered rate.

Enumclaw - Charges include a base charge depending on the meter size and a volume charge based on consumption. Single family residential customers are now subject to an increasing block volume charge rate structure. All other customer classes have a standard volume rate for all consumption. Annual increase.

Covington Water District - 1ccf = 100 cubic feet = 748 gallons

Soos Creek Water & Sewer - One hundred cubic feet of water = 748 gallons

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1007, adopting sewer rate increase.</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-053</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	<b>X</b>
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: Revenue Increase	Police – Jamey Kiblinger	
Fund Source: Sewer	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Proposed Ordinance No.13-1007 and supporting documentation</b>		
<b>SUMMARY STATEMENT:</b>  During the 2013 budget development last year, Council was briefed on the potential of Sewer Utility Fund rate increase. At that time, the previous City Administrator proposed that any increase be delayed until a future rate study was conducted to document the possible amount and need for the increase.  On April 4, 2013, Council approved Resolution No. 13-864 authorizing Mr. Ashley M. Emery, owner of Peninsula Financial Consulting, to conduct Utility Fund rate studies. He developed computer models outlining the financial adequacy of the Sewer funds rates.  On June 6, 2013, at a Council Workstudy meeting, Mr. Emery reviewed the complex computer models showing the multi-year projections and the financial forecast for the next five years. The model demonstrated that an immediate rate increase is not needed, but one will be needed in the next few years. Council discussed the possibility of an annual COLA type increase.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Council Reviewed Financial models prepared by rate consultant Mr. Ashley M. Emery at a Workstudy meeting June 6, 2013. A Public Hearing was held on June 20, 2013. The Finance Committee reviewed the proposed Ordinance and is recommending for Council consideration a yearly COLA be adopted for the sewer fund starting in 2014.		
<b>RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-1007, adopting sewer rate increase.</b>		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**CITY OF BLACK DIAMOND  
WASHINGTON**

**ORDINANCE NO. 13-1007**

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**AN ORDINANCE OF THE CITY OF BLACK  
DIAMOND, KING COUNTY, WASHINGTON;  
RELATING TO SANITARY SEWER UTILITY  
RATES; AMENDING SECTION 13.24.010 OF THE  
BLACK DIAMOND MUNICIPAL CODE;  
IMPLEMENTING A RATE INCREASE IN YEARS  
2013, 2014 AND 2015 TO MEET SANITARY SEWER  
SERVICE OBLIGATIONS; PROVIDING FOR  
SEVERABILITY; ESTABLISHING AN EFFECTIVE  
DATE**

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**WHEREAS**, the City of Black Diamond is a municipal corporation operating under the laws of the state of Washington as a code city pursuant to Chapter 35A of the Revised Code of Washington; and

**WHEREAS**, as a code city, the legislative body of the City of Black Diamond is vested with all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

**WHEREAS**, RCW Ch. 35.92 and Ch. 35.67 authorizes the City of Black Diamond to construct, condemn and purchase, acquire, add to, alter, maintain, and operate sanitary sewer systems, and establish the rates therefore; and

**WHEREAS**, the City has established a sanitary sewer utility system and regulations governing rates and charges for sanitary sewer utility services codified at Chapter 13.20, 13.24 and 13.26 of the Black Diamond Municipal Code; and

**WHEREAS**, BMDC 13.24.030 provides that the fees established by BDMC Ch. 13.24 shall be reviewed periodically by the city council, and that, as part of such review, the city's finance department shall present to the city council proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the city's sewer utility system; and

**WHEREAS**, pursuant to Resolution No. 13-864 the City Council authorized a contract with Ashley M. Emery of Peninsula Financial Consulting (the "Consultant") to conduct a cost-of-service

study to determine whether existing sanitary sewer utility rates are adequate to recover the cost of providing sanitary sewer service; and

**WHEREAS**, the Consultant has, together with Finance Department and other City staff, analyzed and processed available data relating to sanitary sewer utility system maintenance and operations, including revenues, expenditures, debt service obligations, and certain future capital needs, as well as planned growth and impacts upon sanitary sewer utility service, and utilizing this, and other data, has forecast total sanitary sewer utility system cash flows and expenditures for future years utilizing proprietary computer modeling; and

**WHEREAS**, Consultant forecasts that the total annual sanitary sewer utility system revenues in year 2013 and in each succeeding year will be less than the annual cost to provide sanitary sewer utility service and that sanitary sewer utility cash reserves are insufficient to sustain near-term and long-term sanitary sewer utility service and to meet future capital needs; and

**WHEREAS**, based upon the foregoing, the City Council has determined that the current monthly sanitary sewer utility system rates are insufficient to fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system; and

**WHEREAS**, the City Council has determined that a rate increase is necessary in order to meet its obligation to adequately fund the on-going maintenance, operational and capital costs of the sanitary sewer utility system, to meet its service obligations to sanitary sewer utility system customers, and to protect the public health, safety and welfare; and

**WHEREAS**, in consideration of the report and recommendation of Consultant, projected future growth, and future anticipated on-going operational, maintenance and capital costs of the sanitary sewer utility system, the City Council finds that the amendments to BDMC Ch. 13.24 increasing the sanitary sewer utility system rates as set forth herein are reasonable and necessary to meet revenue requirements to cover the costs necessary to maintain a self-supporting and financially viable sanitary sewer utility system;

**WHEREAS**, the City Council finds that it is in the public interest to implement the sanitary sewer utility system rate increases as set forth herein in order to ensure that the sanitary sewer utility has sufficient revenue to be self-supporting and financially viable;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The above-stated recitals are incorporated by this reference as though fully set forth herein and are adopted as the findings and conclusions of the City Council.

**Section 2. Amendment of BDMC 13.24.010 (Monthly rates designated).** Section 13.24.010 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

13.24.010 - Monthly rates designated.

~~Effective January 1, 2013~~ Sewer service charges shall be as follows:

A. For residential customers served by a single meter to the residence, ~~fifty-eight dollars and ninety-five~~ \_\_\_\_\_ cents;

B. For residential customers served by a single meter who have been approved under the Lifeline Utility Program, will receive a discount on the city share of the sewer rate as shown in the city fee schedule.

C. For all other users, including but not limited to commercial users, multi-family residences and mobile home parks, served by a single water meter, ~~fifty-eight dollars and ninety-five~~ \_\_\_\_\_ cents per month for the first unit, plus ~~ten~~ \_\_\_\_\_ dollars for each additional unit served by that water meter, plus ~~five dollars and ninety-one cents~~ \_\_\_\_\_ for each one hundred cubic feet of water consumed per month in excess of seven hundred fifty cubic feet. For purposes of this section, the word "unit" shall be defined as any dwelling unit, home, condominium, mobile home, manufactured home or location at which business is conducted.

D. Any user subject to an overage charge may apply to the city for installation of a separate meter to monitor water usage solely for irrigation and landscaping purposes. The individual or entity requesting such a meter shall pay the city for the cost of the meter and cost of installation. Water consumed for these purposes shall not be subject to the overage charge.

E. For purposes of this chapter home occupations shall not be considered a second use.

F. Federal, state and local taxes, where applicable, shall be added to the sums as set forth above

G. Effective 12:01 a.m. January 1, 2014, the sewer service charges set forth in Subsections (A) and (C) of this section, shall be increased by \_\_\_\_\_ percent (% .00). Fractions shall be rounded to the nearest whole number.

H. Effective 12:01 a.m. January 1, 2015, the sewer service charges set forth in Subsections (A) and (C) of this section, as adjusted pursuant to Section (G) of this section, shall be increased by \_\_\_\_\_ percent (% .00). Fractions shall be rounded to the nearest whole number.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect on **August 1, 2013**. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

**Section 4. Severability.** If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF JUNE, 2013.

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Mayor, Rebecca Olness

Attested:

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Brenda L. Martinez,  
City Clerk

APPROVED AS TO FORM:

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Chris Bacha  
Kenyon Disend, PLLC  
City Attorney

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

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

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

City of Black Diamond, Washington  
Sewer Utility Fund  
Five Year Cash Flow -One Scenario

No MPD Growth

Draft 6/3/2013

Sewer Fund	2013 Budget	2013 Proposed	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
City Monthly Sewer Rate	19.16	19.16	19.16	19.16	19.16	19.16	19.16	19.16
Operating Begin Cash Bal	80,991	80,987	83,958	91,506	94,324	97,458	100,437	102,963
Capital & Reserve Cash Bal	710,009	727,550	741,846	650,258	550,168	400,202	238,272	40,732
<b>Total Beg Cash &amp; Inv.</b>	<b>791,000</b>	<b>808,537</b>	<b>825,804</b>	<b>741,764</b>	<b>644,492</b>	<b>497,660</b>	<b>338,709</b>	<b>143,695</b>
Operating Revenue-City	206,600	206,600	206,600	206,600	206,600	206,600	206,600	206,600
Operating Revenue-Metro	486,400	477,400	478,900	535,200	541,000	553,000	563,000	570,900
Operating possible Rate Inc.								
Misc Revenue	3,574	3,574	3,681	3,792	3,905	4,023	4,143	4,268
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth-City Sewer only		690	1,610	2,760	5,060	7,360	9,890	12,650
Infill Connection Charges		4,800	6,400	8,000	16,000	16,000	17,600	19,200
<b>Total Sewer Fund Sources</b>	<b>757,499</b>	<b>740,614</b>	<b>712,691</b>	<b>756,352</b>	<b>772,565</b>	<b>786,983</b>	<b>801,233</b>	<b>813,618</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	55
<b>Sewer Fund Expenditures</b>								
Salaries	119,476	121,261	124,899	128,646	132,505	136,480	140,575	144,792
Benefits	54,239	54,239	56,409	58,665	61,011	63,452	65,990	68,630
City Adm (2015 FT/Pt. Sr Acct)			0	20,639	21,877	23,190	24,581	26,056
Supplies	13,350	13,350	13,884	14,439	15,017	15,618	16,242	16,892
Services & Charges	85,697	85,697	87,839	90,035	92,286	94,593	96,958	99,382
B&O & Util Tax	51,200	49,400	52,800	53,600	54,600	56,500	57,400	56,100
Metro Reimbursement	494,000	477,400	478,900	535,200	541,000	553,000	563,000	570,900
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>827,962</b>	<b>811,347</b>	<b>824,731</b>	<b>911,224</b>	<b>928,297</b>	<b>952,833</b>	<b>974,747</b>	<b>992,752</b>
Loan Income-Technology	(40,000)	(40,000)						
Loan Income-Stormwater	(30,000)	(30,000)	(10,000)					
Loan Income-Water Meters	(48,000)	(48,000)	(48,000)	(48,000)				
Loan Income-Wtr Paint Res.				(40,400)	(40,400)	(40,400)	(40,400)	(40,400)
New Debt Ser-Morgan Cr.						1,200	28,800	28,800
New Debt Ser-Cedarbrook						15,300	15,300	15,300
<b>Sub total Debt Service</b>	<b>(118,000)</b>	<b>(118,000)</b>	<b>(58,000)</b>	<b>(88,400)</b>	<b>(40,400)</b>	<b>(39,200)</b>	<b>(11,600)</b>	<b>(11,600)</b>
Infiltration & Inflow	30,000	30,000	30,000	30,800	31,500	32,300	33,100	33,900
<b>Total Water Fund Uses</b>	<b>739,962</b>	<b>723,347</b>	<b>796,731</b>	<b>853,624</b>	<b>919,397</b>	<b>945,933</b>	<b>996,247</b>	<b>1,015,052</b>
Change in Cash & Inv	17,537	17,267	(84,040)	(97,273)	(146,832)	(158,951)	(195,014)	(201,435)
Ending Cash & Invest Bal	<b>808,537</b>	<b>825,804</b>	<b>741,764</b>	<b>644,492</b>	<b>497,660</b>	<b>338,709</b>	<b>143,695</b>	<b>(57,739)</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
Note Beginning Cash & Investment Balance

Capital and Reserve Cash & Investment Balance begins to decline in 2014 but still retains a sufficient balance until 2017.  
Growth will help offset this decline, but the financial stability needs to be monitored over the next few years.

Only Infiltration & Inflow Capital costs are included in this base rate analysis. Periodic rate reviews will be updated to monitor rates as growth occurs and future capital projects are added.

No Sewer rate increase is recommended at this time.

# CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
<b>SUBJECT:</b> <b>Ordinance No. 13-1008, adopting an increase for the Stormwater rate.</b>	<b>Agenda Date: June 20, 2013</b>	
	<b>AB13-054</b>	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	<b>X</b>
	Natural Resources/Parks – Aaron Nix	
	Economic Devel. – Andy Williamson	
Cost Impact: Revenue Increase	Police – Jamey Kiblinger	
Fund Source: Water	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Stacey Welsh	
<b>Agenda Placement:</b> <input type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Ordinance No. 13-1008 and supporting documentation</b>		
<b>SUMMARY STATEMENT:</b> During the 2013 budget development last year, Council was briefed on the potential of City portion of a Stormwater Utility Fund rate increase. At that time, the previous City Administrator proposed that any increase be delayed until a future rate study was conducted to document the possible amount and need for the increase.  On April 4, 2013, Council approved Resolution No. 13-864 authorizing Mr. Ashley M. Emery, owner of Peninsula Financial Consulting, to conduct Utility Fund rate studies. He developed computer models outlining the financial adequacy of the Stormwater funds rates.  On June 6, 2013, at a Council Workstudy meeting, Mr. Emery reviewed the complex computer models showing the multi-year projections and the financial forecast for the next five years. The model demonstrated that an immediate rate increase is not needed, since council has already increased and set rates for 2013 and 2014. The Financial model did show that a rate increase will definitely be needed by 2015 to cover the cost of operation. Council looked at a possible rate increase to \$20.00 a month for 2015 to cover costs of maintenance and operations. If council chose to modify the 2013 or 2014 rates the decrease for 2015 could be reduced. The earliest possible implementation date would be August 1, 2013 which would result in 4 month of revenue collection.  Capital costs were not included in the model to keep the rates increases as low as possible. A growth version demonstrated that as growth occurs, the city may be able to reduce the amount of future rate increases and begin to add capital projects for the Stormwater fund.  Attached is a five year Stormwater fund financial forecast showing the adopted rate increases for 2013 and 2014 and a possible increase to \$20.00 a month in 2015.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> Council Reviewed Financial models prepared by rate consultant Mr. Ashley M. Emery at a Workstudy meeting June 6, 2013. A Public Hearing was held on June 20, 2013. The Finance Committee reviewed the material at their June 13 meeting and recommend to Council for consideration a \$16 monthly rate starting in 2014.		

RECOMMENDED ACTION: **MOTION** to adopt Ordinance No. 13-1008, adopting a stormwater rate increase.

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
June 20, 2013		

**CITY OF BLACK DIAMOND  
WASHINGTON**

**ORDINANCE NO. 13-1008**

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**AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON; RELATING TO STORM WATER AND SURFACE WATER SEWER UTILITY RATES; AMENDING SECTION 14.02.110 OF THE BLACK DIAMOND MUNICIPAL CODE; IMPLEMENTING A RATE INCREASE IN YEAR(S) 20\_\_ TO MEET STORM WATER AND SURFACE WATER SEWER SERVICE OBLIGATIONS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, the City of Black Diamond is a municipal corporation operating under the laws of the state of Washington as a code city pursuant to Chapter 35A of the Revised Code of Washington; and

**WHEREAS**, as a code city, the legislative body of the City of Black Diamond is vested with all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

**WHEREAS**, RCW Ch. 35.92 and Ch. 35.67 authorizes the City of Black Diamond to construct, condemn and purchase, acquire, add to, alter, maintain, and operate storm and surface water sewer systems, and establish the rates therefore; and

**WHEREAS**, the City has established a storm water and surface water sewer utility system and regulations governing rates and charges for storm water and surface water sewer utility services codified at Chapter 14.02, of the Black Diamond Municipal Code; and

**WHEREAS**, BMDC 14.02.130 provides that the fees established by BDMC Ch. 14.02.110 shall be reviewed periodically by the Mayor City Council, and that, as part of such review, the City's finance department shall present to the City Council proposed amendments to any rates and charges necessary to enable the city to pay all costs to be incurred by the city's storm water and surface water utility system; and

**WHEREAS**, pursuant to Resolution No. 13-864 the City Council authorized a contract with Ashley M. Emery of Peninsula Financial Consulting (the “Consultant”) to conduct a cost-of-service study to determine whether existing storm water and surface water sewer utility rates are adequate to recover the cost of providing storm water and surface water sewer service; and

**WHEREAS**, the Consultant has, together with Finance Department and other City staff, analyzed and processed available data relating to storm water and surface water utility system maintenance and operations, including revenues, expenditures, debt service obligations, and certain future capital needs, as well as planned growth and impacts upon storm water and surface water sewer utility service, and utilizing this, and other data, has forecast total storm water and surface water sewer utility system cash flows and expenditures for future years utilizing proprietary computer modeling; and

**WHEREAS**, Consultant forecasts that the total annual storm water and surface water sewer utility system revenues in year \_\_\_\_\_ and in each succeeding year will be less than the annual cost to provide storm water and surface water sewer utility service and that storm water and surface water sewer utility cash reserves are insufficient to sustain near-term and long-term storm water and surface water sewer utility service and to meet future capital needs; and

**WHEREAS**, based upon the foregoing, the City Council has determined that beginning in year \_\_\_\_\_ the monthly storm water and surface water sewer utility system rates will be insufficient to fund the on-going maintenance, operational and capital costs of the storm water and surface water sewer utility system; and

**WHEREAS**, the City Council has determined that a rate increase is necessary in order to meet its obligation to adequately fund the on-going maintenance, operational and capital costs of the storm water and surface water sewer utility system, to meet its service obligations to storm water and surface water sewer utility system customers, and to protect the public health, safety and welfare; and

**WHEREAS**, in consideration of the report and recommendation of Consultant, projected future growth, and future anticipated on-going operational, maintenance and capital costs of the storm water and surface water sewer utility system, the City Council finds that the amendments to BDMC Ch. 14.02.110 increasing the storm water and surface water sewer utility system rates as set forth herein are reasonable and necessary to meet revenue requirements to cover the costs necessary to maintain a self-supporting and financially viable storm water and surface water sewer utility system;

**WHEREAS**, the City Council finds that it is in the public interest to implement the storm water and surface water sewer utility system rate increases as set forth herein in order to ensure that the storm water and surface water sewer utility has sufficient revenue to be self-supporting and financially viable;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
KING COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The above-stated recitals are incorporated by this reference as though fully set forth herein and are adopted as the findings and conclusions of the City Council.

**Section 2. Amendment of BDMC 14.02.110 (Service charge rates).** Section 14.02.110 of the Black Diamond Municipal Code is hereby amended (*amendments shown in legislative revision marks*) to read as follows:

14.02.110 - Service charge rates.

A. Service charges are hereby imposed on each parcel of real property within the city served by or to which is available for service the stormwater and surface water management utility.

B. The following service charge rate is hereby established for all parcels of real property in the city, subject to any credits as described in subsection (C), below:

1. Fourteen dollars per ERU per month.

2. Effective January 1, 2014, the service charge rate shall increase to fifteen dollars per ERU per month.

3. Effective January 1, 2015, the service charge rate shall increase by \_\_\_\_\_ percent (% \_\_\_\_\_) per ERU per month. Fractions shall be rounded to the nearest whole number.

C. Credits. Where applicable, the following credits may be applied in calculating the service rate for a parcel of real property within the City of Black Diamond:

1. Department of Ecology permit credit. Any customer within the City of Black Diamond that is required to obtain a general or individual wastewater permit from the Washington State Department of Ecology shall receive a credit, prorated monthly, in the amount paid each year for such permit toward the amount owed to the City of Black Diamond under this chapter. In order to qualify for this credit, the business must provide the city with a copy of the department of ecology permit and proof of payments along with a letter to the city utility clerk requesting the credit.

2. Storm pond investment credit. Any customer that is assessed a stormwater utility fee under Section 14.02.070.B.4 and that constructs and has approved by the city a storm water detention/retention facility shall be eligible for a credit toward the storm water utility rate for the site served by the facility, subject to the following:

(a) To qualify for a credit, the detention/retention pond and associated facilities must adequately perform storm water treatment functions through the use of such methods as oil/water separators, bioswales, wet ponds, cartridge filter systems, or other means. The city may revoke any credit granted under this section upon a determination that the facilities are out of compliance with this section.

(b) The owner of record must provide the city's public works department with a copy of the facility's "as built" plans, stamped and signed by the owner's engineer, to verify that the drainage system has adequate capacity to meet the design criteria for which the owner is requesting a credit. The engineer shall also provide a stamped and signed operations manual for the retention/detention pond. New capacity calculations, "as built" plans, and a new operations manual shall be provided to the city if the retention/detention pond is increased or decreased in size.

(c) Annually by January 1 of the year preceeding the year for which the credit is being requested, each owner of record shall provide a certified statement on a form provided by the city verifying that all required maintenance has been performed in accordance with the operations manual. Once every five years, the certified statement shall be stamped and signed by the owner's engineer.

(d) The owner of record shall provide the city with a "hold harmless" statement on a form provided by the city that indemnifies the city from any loss arising from the construction and maintenance and operation of the retention/detention pond and associated private drainage facilities for both the quantity and quality of water runoff from the owner's property. This statement shall be signed by the owner and will be recorded with the county auditor by the owner of record. The owner of record shall provide a copy to the city showing the county auditor's recording number stamped on it before the credit will be given by the city.

(e) Each owner of record must enter into an agreement that allows the city to enter upon the owner's property to inspect the retention/detention pond and associated drainage facilities and verify all information submitted by the owner and his or her engineer. The agreement shall be on a form provided by the city and shall be recorded with the county auditor by the owner. The owner shall provide a copy to the city showing the county auditor's recording number stamped on it before the credit will be given by the city.

(f) Credit shall be given as follows:

(1) Retention facilities:

- a. One hundred-year storage: Eighty-five percent credit.
- b. Fifty-year storage: Forty percent credit.
- c. Twenty-five-year storage: Twenty percent credit.
- d. Ten-year storage: Ten percent credit.

(2) Detention facilities:

- a. One hundred-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Eighty-five percent credit.
- b. Fifty-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Forty percent credit.

- c. Twenty-five-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Twenty percent credit.
- d. Ten-year storage facility with release rate of fifty percent of the predevelopment discharge rate for a two-year storm: Ten percent credit.

**Section 3. Effective Date.** This Ordinance shall be in full force and effect on **August 1, 2013**. A summary of this Ordinance may be published in lieu of publishing the ordinance in its entirety.

**Section 4. Severability.** If any provision of this ordinance, or ordinance modified by it is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF JUNE, 2013.

\_\_\_\_\_  
Mayor, Rebecca Olness

Attested:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Chris Bacha  
Kenyon Disend, PLLC  
City Attorney

Published: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

City of Black Diamond, Washington  
 Stormwater Utility Fund  
 Five Year Cash Flow -One Scenario

No MPD Growth

Draft 6/3/2013

Stormwater Fund	2013 Budget	2013 Proposed	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget
<b>Possible Monthly Rates</b>	<b>14.00</b>	<b>14.00</b>	<b>15.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>	<b>20.00</b>
Operating Begin Cash Bal	80,250	82,436	90,318	102,690	105,383	108,167	111,056	114,057
Capital & Reserve Cash Bal	1,750	(436)	6,481	(21,632)	5,617	24,403	34,348	35,261
<b>Total Beg Cash &amp; Inv.</b>	<b>82,000</b>	<b>82,000</b>	<b>96,779</b>	<b>81,058</b>	<b>109,106</b>	<b>128,726</b>	<b>139,551</b>	<b>141,396</b>
Operating Revenue-City	280,000	306,000	328,240	328,240	328,240	328,240	328,240	328,240
Operating possible Rate Inc.				109,280	109,280	109,280	109,280	109,280
Misc Revenue	300	300	300	300	300	300	300	300
Funding Reimbursement	60,925	47,550	15,500	0	0	0	0	0
Infill Growth		672	1,512	2,880	5,280	7,680	10,320	13,200
Infill Connection Charges								
<b>Total Stormwater Fund Source</b>	<b>341,225</b>	<b>354,522</b>	<b>345,552</b>	<b>440,700</b>	<b>443,100</b>	<b>445,500</b>	<b>448,140</b>	<b>451,020</b>
New Infill ERU's per Year	3	3	4	5	10	10	11	12
Cum Per Capita Other Growth			7	12	22	32	43	55
<b>Stormwater Fund Expenditures</b>								
Salaries	118,148	119,933	123,531	127,237	131,054	134,986	139,035	143,206
Benefits	54,053	54,299	56,471	58,730	61,079	63,522	66,063	68,706
City Adm (2015 FT/Pt. Sr Acct)				20,639	21,877	23,190	24,581	26,056
Supplies	14,000	14,000	14,560	15,142	15,748	16,378	17,033	17,714
Services & Charges	89,190	89,190	91,420	93,705	96,048	98,449	100,910	103,433
B&O & Util Tax	35,610	42,321	65,291	87,199	87,674	88,150	88,672	89,243
Transfers to Cap Equip	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
<b>Sub Total Operating Uses</b>	<b>321,001</b>	<b>329,743</b>	<b>361,273</b>	<b>412,652</b>	<b>423,480</b>	<b>434,675</b>	<b>446,295</b>	<b>458,359</b>
Loan -from Sewer	30,500	10,000						
<b>Sub total Debt Service</b>	<b>30,500</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Street Sweep/Cln/Debre dis			35,000	35,900	36,800	37,700	38,600	39,600
Capital Projects	0	0	0	0	0	0	0	0
<b>Total Stormwater Fund Uses</b>	<b>351,501</b>	<b>339,743</b>	<b>361,273</b>	<b>412,652</b>	<b>423,480</b>	<b>434,675</b>	<b>446,295</b>	<b>458,359</b>
Change in Cash & Inv	(10,276)	14,779	(15,721)	28,048	19,620	10,825	1,845	(7,339)
Ending Cash & Invest Bal	<b>71,724</b>	<b>96,779</b>	<b>81,058</b>	<b>109,106</b>	<b>128,726</b>	<b>139,551</b>	<b>141,396</b>	<b>134,057</b>

Cash & Investment Balance needs to cover three months of operating expenditures per city resolutions No. #08-850 & 13-866.  
 Note Beginning Cash & Investment Balance

Stormwater analysis includes the adopted 2013 and 2014 rates, and anticipated an approximate \$5.00 per month increase in 2015. \$2.00 of the increase will be needed to cover the Catch basin Cleaning, Street Sweeping, storage and disposal that had been covered by a DOE grant in the past.