



CITY OF BLACK DIAMOND
March 7, 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: None

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None

UNFINISHED BUSINESS:

- 1.) **AB13-018A** – Ordinance Adopting Revisions to the Cemetery Code Mr. Bacha

NEW BUSINESS:

- 2.) **AB13-019** – Resolution Expressing Opposition to a Portion of King County Ordinance
No. 17845 Councilmember Goodwin
- 3.) **AB13-020** – Resolution Awarding 5th Avenue Watermain Project Mr. Williamson

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

- 4.) **Claim Checks** – March 7, 2013, Check No. 39403 through 39451 (voided checks Nos. 39338, 39405) in the amount of \$64,192.39
- 5.) **Minutes** – Council Meeting of February 21, 2013

EXECUTIVE SESSION:

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Ordinance No. 13-999, revisions to Black Diamond Cemetery Code, section 12.12 are needed, as state law has been revised since adoption in 1978 and an untapped resource in providing funding and future maintenance is potentially available.	Agenda Date: March 7, 2013	
	AB13-018A	
	Department/Committee/Individual	
	Mayor - Rebecca Olness	X
	Community Devel – Steve Pilcher	
	City Attorney –Chris Bacha	X
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher, PE	
	Ec Development – Andy Williamson	
Cost Impact: N/A	Police – Jamey Kiblinger	
Fund Source: N/A	Court – Stephanie Metcalf	
Timeline: N/A	Parks/Natural Resources – Aaron Nix	X
Attachments: Proposed Ordinance No. 13-999		
SUMMARY STATEMENT: In reviewing the current BDMC, section 12.12, entitled Cemetery, it was observed that the current language did not meet state law and was outdated as it was enacted, via Ordinance #201, in 1978. These changes are timely as a renewed interest in the Black Diamond Cemetery has been shown by the public and staff is regularly contacted by interested parties on volunteer projects that benefit the property as a Historic Landmark within the City. In order to meet current code requirements, a Cemetery Advisory Board would have the ability to provide their input into Cemetery operations, offer suggestions and build on the momentum that has been generated in bringing the facility up to acceptable standards. With the recent acquisition of grant money (4Culture Grant 2012) and the replacement of the existing water service through the Cemetery, the frequency of visits by the public to the facility, an Advisory Board could be an advocate for the Cemetery and future operations as resources are limited and the City maintains the responsibility for upkeep in perpetuity with its acquisition in the late 1970's.		
COMMITTEE REVIEW AND RECOMMENDATION: Initial discussion of the revised code occurred at the October 18, 2012 Parks/Cemetery Committee meeting with deferral to a Council study session held on January 17, 2013. At the Council study session, staff was advised to bring back the code to the full City Council with answers to questions brought up during the work study session in order for the Council to consider adoption of the revisions. At February 21, 2013 Council meeting a motion was made to postpone action and set up a workstudy to discuss this item further.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 13-999, amending BDMC 12.12 to meet current state law, establishing an Advisory Board to the Mayor and City Council in providing recommendations for administration of the Black Diamond Cemetery.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
January 17, 2013	Tabled	Consensus (5 members present)
February 21, 2013	Postponed to Workstudy on Mar 7	4-0
March 7, 2013		

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 13-999

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO ESTABLISHMENT AND
ADMINISTRATION OF PUBLIC CEMETERIES;
REPEALING AND RE-ENACTING CHAPTER 12.12 BDMC
TO RE-ESTABLISH A CEMETERY BOARD AND TO
CONFORM THIS CHAPTER TO APPLICABLE STATE
LAW; PROVIDING FOR VESTED RIGHTS AND RIGHT
OF DESCENT AND SURVIVORSHIP; PROVIDING FOR
TRANSFER OF OWNERSHIP; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, RCW 35A.68.010 provides that the City may exercise the powers to acquire, own, improve, manage, operate and regulate real and personal property for the operation of a city cemetery or other place for the burial of the dead, to create cemetery boards or commissions, to establish and manage funds for cemetery improvement and care and to make all necessary or desirable rules and regulations concerning the control and management of burial places and the investment of funds relating thereto and accounting therefor, all as authorized by Chapter 68.52 RCW; and

WHEREAS, the City Council in 1978 enacted Ordinance No. 210, codified at BDMC Chapter 12.12, establishing the Black Diamond Cemetery as a non-endowment cemetery pursuant to the provisions of Chapter 68.40 RCW, and providing for the creation of a cemetery board, and establishing the duties and obligations of the cemetery board, and providing for the administration of the Black Diamond Cemetery; and

WHEREAS, former RCW Chapter 68.40 RCW is no longer applicable to the administration of the Black Diamond Cemetery and it necessary to re-establish the Black Diamond Cemetery pursuant to Chapter 68.52 RCW, and

WHEREAS, the City desires to amend the City Cemetery Code to conform to the current requirements of Chapter 68.52 RCW and other applicable state laws; and

WHEREAS, the City Council desires to dissolve the non-functioning cemetery board and create a cemetery advisory board solely as an advisory body to the Mayor and City Council; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to amend the Cemetery Code as set forth herein;

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

Section 1. Repeal and Re-Enactment of Article I of Chapter 12.12 BDMC (Regulations).
Article 1, Chapter 12.12 of the Black Diamond Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

12.12.010 - Cemetery established.

There is established the Black Diamond cemetery, the site thereof to be the present site of the cemetery, at one time operated and maintained by the Black Diamond cemetery association, with full power of acquisition of additional land for burial purposes when the same is deemed necessary. It is the purpose of the cemetery to honor those interred.

12.12.020 - Intent.

It is the intent of the ordinances codified in this chapter to comply with the provisions of Chapter 68.52 RCW regarding the creation, administration, and maintenance of a municipal cemetery and the provisions of Chapter 68.32 regarding the right and title to cemetery lots and rights of interment.

12.12.030 - Maintenance and improvement.

It is the purpose and policy of the city council to maintain the cemetery as a public burial ground with care thereof, and the grave lots therein, and to keep the same as a burial tract with grass, shrubs and trees as shall be provided by the city council in the budget.

12.12.040 – Advisory Board—Membership.

There is created a cemetery advisory board consisting of five members, all of whom shall be appointed by the mayor, and who shall hold office at his/her pleasure, with the provision that two members shall serve for an initial term of one year, one member for an initial term of two years, one member for an initial term of three years and one member for an initial term of four years, and that thereafter each term shall be for four years, and that the members may be appointed by the mayor from the members of the city council, the qualified voters of the city or residents of adjacent territory who have a historical linkage to the cemetery.

12.12.050 - Board—Duties.

A. It shall be the duty of the cemetery advisory board:

1. To organize and plan for open public meetings as necessary, to develop a public notification process for such meetings in consultation with the city clerk, and to provide a

report on such meetings at the next regular meeting of the city council parks and cemetery committee or its successor.

2. To study, consider and recommend changes to the mayor and city council on cemetery policies, beautification, maintenance and or upkeep.

3. To advocate for and encourage continuing volunteer efforts to maintain and repair cemetery grounds and works, including but not limited to landscaping, headstone maintenance and historical documentation, all within any general guidelines set forth by the city.

B. Nothing in this Section gives the cemetery advisory board the power to direct staff, expend funds of the city or to obligate a particular course of action on behalf of the city. The cemetery advisory board shall have no authority or responsibility for the care or operation of Black Diamond Cemetery, the management or investment of sums received from the sale of lots, or for keeping books of account of such sums received.

12.12.060 – Ownership, descent, and transfer.

A. Right to Use of Cemetery Lot and Right of Interment. The right and title to cemetery lots and rights of interment shall be governed by Chapter 68.32 RCW, as now or may hereafter be amended, including but not limited to; the presumption of ownership as separate property; the vested right of placement of spouses and registered domestic partners; descent of title to spouses, registered domestic partners, and heirs; the right of survivorship of joint tenants; and, waiver of the right of placement.

B. Use of the Unoccupied Portions of Lot. If the owner of the lot(s) or right of interment is deceased, the City is authorized to permit the use of the unoccupied portions of the lot or right of interment by the person entitled to the use of it, only upon submission of an affidavit in conformance with RCW 68.32.050, as now or may hereafter be amended.

C. Transfer of Lot or Right of Interment. Any person(s) owning a lot(s) or right(s) of interment in the cemetery will not be permitted to transfer the lot(s) or right(s) of interment except upon the prior written consent of the City, by and through the Mayor or his/her designee. The City may not withhold its consent to transfer an individual lot or right of interment unless the City agrees to purchase the owner's right, title and interest to the lot or right of interment for an amount equal to the current rate set forth in the City Code for a comparable lot or right of interment, less a ten (10) percent administrative fee. In the event that the City grants its consent to the transfer, such transfer shall not be effective unless and until the owner pays the transfer fee and submits a completed and notarized notice and approval of transfer upon forms approved by the City. Approved transfer forms are available from the city clerk's office during regular business hours. The amount of the transfer fee shall be set by resolution or ordinance of the City Council. The provisions of this subsection shall not alter the vested rights granted pursuant to Chapter 68.32 RCW.

D. Deposit of Funds. Funds received from the sale of lots will be paid to the city clerk-treasurer, who shall keep a record thereof, and who will deposit such funds to the cemetery improvement fund.

12.12.070 - Abandoned lots.

A. As provided in the laws of the state, the ownership of or right in or to unoccupied space in the cemetery shall, upon abandonment, be subject to forfeiture and sale by the city.

B. The continued failure by an owner to maintain or care for an unoccupied cemetery lot, unoccupied part of a lot, unoccupied lots or parts of lots for a period of five years creates and establishes a presumption that the same has been abandoned. The city council has the necessary power and authority to take the necessary action for forfeiture and sale of any such lots according to and as provided by law.

12.12.080 - Violation—Penalty—Incorporation by Reference.

The City hereby incorporates by this reference as though fully set forth herein, RCW 68.56.010 (Unlawful damage to graves, markers, shrubs, etc. — interfering with funeral), as now or may be hereafter amended.

Section 2. 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 3. 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 ____ DAY OF _____, 20__.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

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		
SUBJECT: Resolution No. 13-857, expressing opposition to that portion of KC Ord 17845 approving amendments to the KCC authorizing consideration of annual amendments to the KC Comp Plan allowing mining site conversion demonstration projects	Agenda Date: March 7, 2013	
	AB13-019	
	Councilmember Goodwin	X
	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:	Police – Jamey Kiblinger	
Fund Source:	Court – Stephanie Metcalf	
Timeline:	Comm. Dev. – Steve Pilcher	
Attachments: Proposed Resolution No. 13-857		
SUMMARY STATEMENT: Councilmember Goodwin will be addressing this item.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-857, expressing opposition to that portion of King County Ordinance No. 17845 approving amendments to the King County Code authorizing consideration of annual amendments to the King County Comprehensive Plan allowing mining site conversion demonstration projects.		
RECORD OF COUNCIL ACTION		
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
March 7, 2013		

CITY OF BLACK DIAMOND WASHINGTON

RESOLUTION NO. 13-857

A RESOLUTION OF THE CITY OF BLACK DIAMOND, WASHINGTON, EXPRESSING OPPOSITION TO THAT PORTION OF KING COUNTY ORDINANCE NO. 17845 APPROVING AMENDMENTS TO THE KING COUNTY CODE AUTHORIZING CONSIDERATION OF ANNUAL AMENDMENTS TO THE KING COUNTY COMPREHENSIVE PLAN ALLOWING MINING SITE CONVERSION DEMONSTRATION PROJECTS

WHEREAS, as required by the Growth Management Act, King County has adopted procedural requirements relating to amendments to the King County Comprehensive Plan which requirements are codified at King County Code (“**KCC**”) Ch. 20.18; and

WHEREAS, on December 3, 2012, the King County Council adopted Ordinance No. 17485 amending the procedures applicable to annual amendments to the King County Comprehensive Plan (the “**Comprehensive Plan**”) as set forth at KCC 20.18.030; and

WHEREAS, in particular, the amendments to KCC 20.18.030 approved by the King County Council expand the categories of amendments to the KC Comprehensive Plan that may be considered on an annual basis to include amendments necessary to implement a Mining Site Conversion Demonstration Project; and

WHEREAS, prior to approval of this amendment, an amendment to the Comprehensive Plan necessary to allow a Mining Site Conversion for residential uses could only be considered during the four year Comprehensive Plan amendment Cycle; and

WHEREAS, the amendments approved on December 3, 2012 now allow the King County Council to consider such amendments to the Comprehensive Plan on an annual basis; and

WHEREAS, the adoption of this amendment has the potential to hamper and dilute the long-term growth management and planning process that is necessary for thoughtful and careful consideration of amendments to the Urban Growth Area Boundaries and, in particular, amendments that would affect industrial land uses that have substantial and long-term impacts upon the environment and the community such as mining and forestry; and

WHEREAS, allowing consideration of such significant and far-reaching amendments on an annual basis will be a drain on local resources and the public and will result in reactionary responses rather than long-term growth management and planning; and

WHEREAS, several mines surround our community and could be subject to these new provisions, including the Reserve Silica mine which is located within ¼ mile of our City’s current UGA boundaries; and

WHEREAS, the City Council understands that the owners/representatives of the Reserve Silica mine have been actively seeking a rezone of their 402 acre property from Mining (or Forestry following reclamation) to Rural Area 10, which would allow one home per 10 acre lot and could potentially allow approximately 50 homes to be constructed on this site; and

WHEREAS, conversion of mining and forestry resource properties for residential use is inconsistent with the County's goal of protection and preservation of such resource properties; and

WHEREAS, the City is circumspect of mining site conversion projects for residential uses that may serve primarily to reduce the financial obligations of the mine owners associated with the requirements for reclamation and conversion to forestry use and increase their property value; and

WHEREAS, such projects should be subject to long-term planning as is evidenced by the potential for the mining sites near, but outside of, Black Diamond to be developed without the urban services and infrastructure that will be required by the residents of such a development; and

WHEREAS, the need for long-term planning and growth management is further evidenced by the process engaged in by the City of Black Diamond and King County, dating back to the signing of the Black Diamond Urban Growth Area Agreement between the City, Plum Creek Timber and King County in 1996, and the subsequent environmental impact statements, annexation agreements and the open space area agreement also signed by the City of Black Diamond, Plum Creek Timber, the Cascade Land Conservancy and King County in 2005; proceeding with a rezone at the neighboring mining sites would ignore this important history and precedence; and

WHEREAS, allowing such annual consideration of Comprehensive Plan amendments also ignores the importance of this open space for the long-term water-quality health of our City which was recognized in the establishment of King County open space areas protecting Ravensdale Lake and Ravensdale Creek, and ignores the importance of Ravensdale Creek as a current important salmon spawning stream for winter run Coho from the Green River and as a watershed draining into Lake Sawyer; and

WHEREAS, Silica mining properties are located immediately adjacent to and drain directly into Ravensdale Lake and Ravensdale Creek; thus, development of this site could result in adverse impacts on Lake Sawyer and salmon spawning in Ravensdale Creek, and including increases in phosphorus loading into Lake Sawyer which has already suffered from historically high levels, which the City has worked hard to address in the Development Agreement with Yarrow Bay and with King County in its designation of Ravensdale Creek for purposes of meeting anti-degradation standards; and

WHEREAS, the Black Diamond Open Space Areas Agreement set aside 1,500 + acres of Ravensdale Ridge surrounding the Reserve Silica site as conservation forest land, which was an important part of the open space buffer provided as part of the Black Diamond UGA; and

WHEREAS, the set aside contemplated that the Reserve Silica site would be reclaimed and converted to forestry purposes; and

WHEREAS, the City Council finds that for the foregoing reasons, it does not in principle support, and opposes, the amendments to KCC 20.18.030 approved by the King County Council pursuant Ordinance No. 17485 allowing consideration of amendments to the King County Comprehensive Plan on an annual basis to implement Mining Site Conversion Demonstration Projects;

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

Section 1. That, for the reasons above-stated, the amendments to KCC 20.18.030 approved by the King County Council pursuant Ordinance No. 17485 allowing consideration of amendments to the King County Comprehensive Plan on an annual basis to implement Mining Site Conversion Demonstration Projects are contrary to the best interest of the City of Black Diamond, contrary to the goals of the City and King County to engage in long-term growth management and planning; and may result in significant adverse impacts to the community and the environment.

Section 2. That the King County Council is encouraged to amend KCC 20.18.030 by repeal of those provisions allowing Mining Site Conversion Demonstration Projects to be considered on an annual basis.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 7TH DAY OF MARCH, 2013.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris Bacha, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:
Date Posted:

**CITY OF BLACK DIAMOND
WASHINGTON**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BLACK DIAMOND,
WASHINGTON, EXPRESSING OPPOSITION TO THAT
PORTION OF KING COUNTY ORDINANCE NO. 17845
APPROVING AMENDMENTS TO THE KING COUNTY
CODE AUTHORIZING CONSIDERATION OF ANNUAL
AMENDMENTS TO THE KING COUNTY
COMPREHENSIVE PLAN ALLOWING MINING SITE
CONVERSION DEMONSTRATION PROJECTS**

WHEREAS, as required by the Growth Management Act, King County has adopted procedural requirements relating to amendments to the King County Comprehensive Plan which requirements are codified at King County Code (“KCC”) Ch. 20.18; and

WHEREAS, on December 3, 2012, the King County Council adopted Ordinance No. 17485 amending the procedures applicable to annual amendments to the King County Comprehensive Plan (the “**Comprehensive Plan**”) as set forth at KCC 20.18.030; and

WHEREAS, in particular, the amendments to KCC 20.18.030 approved by the King County Council expand the categories of amendments to the KC Comprehensive Plan that may be considered on an annual basis to include amendments necessary to implement a Mining Site Conversion Demonstration Project; and

WHEREAS, prior to approval of this amendment, an amendment to the Comprehensive Plan necessary to allow a Mining Site Conversion for residential uses could only be considered during the four year Comprehensive Plan amendment Cycle; and

WHEREAS, the amendments approved on December 3, 201~~0~~² now allow the King County Council to consider such amendments to the Comprehensive Plan on an annual basis; and

WHEREAS, the adoption of this amendment has the potential to hamper and dilute the long-term growth management and planning process that is necessary for thoughtful and careful consideration of amendments to the Urban Growth Area Boundaries and, in particular, amendments that would affect industrial land uses that have substantial and long-term impacts upon the environment and the community such as mining and forestry; and

WHEREAS, allowing consideration of such significant and far-reaching amendments on an annual basis will be a drain on local resources and the public and will result in reactionary responses rather than long-term growth management and planning; and

WHEREAS, ~~many sand and gravel~~ several mines surround our community and could be subject to these new provisions, including ~~two other major mines directly adjacent to or within ¼ mile of our City's current UGA boundaries—the John Henry mine and~~ the Reserve Silica mine ~~which is located within ¼ mile of our City's current UGA boundaries;~~ and

WHEREAS, the City Council understands that the owners/representatives of the Reserve Silica mine have been actively seeking a rezone of their 402 acre property from Mining (or Forestry following reclamation) to Rural Area 10, which would allow one home per 10 acre lot and could potentially allow approximately 50 homes to be constructed on this site; and

WHEREAS, conversion of mining and forestry resource properties for residential use ~~based upon short term economic conditions~~ is inconsistent with the County's City Council's goal of protection and preservation of such resource properties; and

WHEREAS, the City is circumspect of mining site conversion projects for residential uses ~~because such projects circumvent the condition of the original mining permit to reclaim the mined property for forestry use and, instead of serving the long term growth and planning needs of the surrounding community, that~~ may serve primarily to reduce the financial obligations of the mine owners associated with the requirements for reclamation and conversion to forestry use and increase their property value; and

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WHEREAS, such projects should be subject to long-term planning as is evidenced by the potential for the mining sites near, but outside of, Black Diamond to be developed without the urban services and infrastructure that will be required by the residents of such a development; and

WHEREAS, the need for long-term planning and growth management is further evidenced by the process engaged in by the City of Black Diamond and King County, dating back to the signing of the Black Diamond Urban Growth Area Agreement between the City, Plum Creek Timber and King County in 1996, and the subsequent environmental impact statements, annexation agreements and the open space area agreement also signed by the City of Black Diamond, Plum Creek Timber, the Cascade Land Conservancy and King County in 2005; proceeding with a rezone at the neighboring mining sites would ignore this important history and precedence; and

WHEREAS, allowing such annual consideration of Comprehensive Plan amendments also ignores the importance of this open space for the long-term water-quality health of our City ~~was~~ has which was been recognized in the establishment of King County open space areas protecting Ravensdale Lake and Ravensdale Creek, and ignores the importance of Ravensdale Creek as a current important salmon spawning stream for winter run Coho from the Green River and as a watershed draining into Lake Sawyer; and

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WHEREAS, Silica mining properties are located immediately adjacent to and drain directly into Ravensdale Lake and Ravensdale Creek; thus, development of this site could result in adverse impacts on Lake Sawyer and salmon spawning in Ravensdale Creek, ~~and~~ including increases in phosphorus loading into Lake Sawyer which has already suffered from historically high levels, which the City has worked hard to address in the Development Agreement with

Yarrow Bay and with King County in its designation of Ravensdale Creek for purposes of meeting anti-degradation standards; and

WHEREAS, the Black Diamond Open Space Areas Agreement set aside 1,500 + acres of Ravensdale Ridge surrounding the Reserve Silica site as conservation forest land, which was an important part of the open space buffer provided as part of the Black Diamond UGA; and

WHEREAS, the set aside contemplated that the Reserve Silica site would be reclaimed and converted to forestry purposes; and

WHEREAS, the City Council finds that for the foregoing reasons, it does not in principle support, and opposes, the amendments to KCC 20.18.030 approved by the King County Council pursuant Ordinance No. 17485 allowing consideration of amendments to the King County Comprehensive Plan on an annual basis to implement Mining Site Conversion Demonstration Projects;

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

Section 1. That, for the reasons above-stated, the amendments to KCC 20.18.030 approved by the King County Council pursuant Ordinance No. 17485 allowing consideration of amendments to the King County Comprehensive Plan on an annual basis to implement Mining Site Conversion Demonstration Projects are contrary to the best interest of the City of Black Diamond, contrary to the goals of the City and King County to engage in long-term growth management and planning; and may result in significant adverse impacts to the community and the environment.

Section 2. That the King County Council is encouraged to amend KCC 20.18.030 by repeal of those provisions allowing Mining Site Conversion Demonstration Projects to be considered on an annual basis.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 20____.

CITY OF BLACK DIAMOND

, Mayor

ATTEST/AUTHENTICATED:

, City Clerk

Approved as to form:

Chris Bacha, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:
Date Posted:

DRAFT

Brenda Martinez

From: Craig Goodwin
Sent: Friday, February 15, 2013 8:56 AM
To: Carol Benson; Ron Taylor; Tamie Deady; Rebecca Olness
Cc: Andy Williamson; Steve Pilcher; Aaron Nix; Brenda Martinez; Chris Bacha
Subject: Reserve Silica
Attachments: Reserve Silica Land Use Proposal CG 02-14-13.pdf; King County Reserve Silica Amendment.pdf; Reserve Silica Response to King County.pdf

Attached for your review and input please find several documents concerning the proposed residential development by Reserve Silica located along Black Diamond - Ravensdale Road. I am planning to introduce a Resolution for Council consideration and action at the scheduled March 7 City Council Meeting. Councilmember Taylor has expressed his support for having this placed on the agenda by Council. Let me know if you have further questions. I will be working on Resolution wording next week.

Craig

February 14, 2013

City of Black Diamond
24301 Roberts Drive
Black Diamond, WA 98010

Subject: Reserve Silica & Proposed King County Rezone

Dear Honorable Councilmembers, Mayor and Citizens of Black Diamond:

In December 2012, the King County Council adopted a very significant change in County Comprehensive Plan policy **with potential major adverse impacts on our community of Black Diamond**. In short, the adopted Amendment as I understand it (copy attached) would allow substantial changes in Urban Growth Area boundaries to be considered on an annual basis specifically for reclaimed mine sites (currently amendments may be considered only every fourth year). In addition to the many sand and gravel mines that now surround our community and could be subject to these new provisions, there are two other major mines directly adjacent to or within ¼ mile of our City's current UGA boundaries – the John Henry mine and the Reserve Silica mine.

Owners of the Reserve Silica mine have been actively lobbying for some time to allow a rezone of their 402 acre property from Mining (or Forestry following reclamation) to Rural Area 10, which would allow one home per 10 acre lot. Considering their proposed use of clustering (into 2 ½ acre residential lots), Reserve Silica wishes to develop approximately 50 home sites on their property. Mining at the site apparently is no longer active and the site is in process of reclamation. A copy of Reserve Silica's report to King County is attached for your reference.

As a matter of policy, I have serious concerns with allowing any annual amendments or changes in county UGA boundaries. An important reason for why we have County Comprehensive Planning and UGA's is to promote long-term growth management and planning. As industries, mining and forestry are both long-term endeavors by nature and require management for the long-term. Opening the door to annual changes is unnecessary and puts us back again into a reactionary mode without the benefit of the "big picture" to guide us. In addition, our goal within King County should be the protection and preservation of Resource properties for mining and forestry – not facilitating their conversion to residential use based on short term economic urgencies.

There may also be significant unintended consequences to such change. For example, the costs of mine site reclamation following cessation of mining activities can be quite large. There is a big incentive on the part of mine owners to delay and mitigate this expense whenever or however possible. Based on testimony by Reserve Silica representatives before the King County Rural Forest Commission, finding ways to reduce their cost of reclamation is a big reason behind their current proposal. Apparently the cost of reclamation for forest use, which is a

condition of their original mining permit, is considerably higher than if the Reserve Silica property were permitted to be developed for residential use.

Reserve Silica further argues that timber yields from reclaimed land at their site would be significantly lower than that of surrounding forest properties, including Ravensdale Ridge which is now operating as part of a Forest Conservation easement managed by Forterra (formerly the Cascade Land Conservancy). Apparently it is not unusual for the reclamation process at some sites to result in significant long term degradation of the land and resulting loss of forest productivity, which seems to be the case here.

So, now you have the potential to substantially reduce mine reclamation costs and develop the property for higher value residential use. Talk about a winning formula for owners of mining real estate close to urban areas. Is this the result that County Council intended?

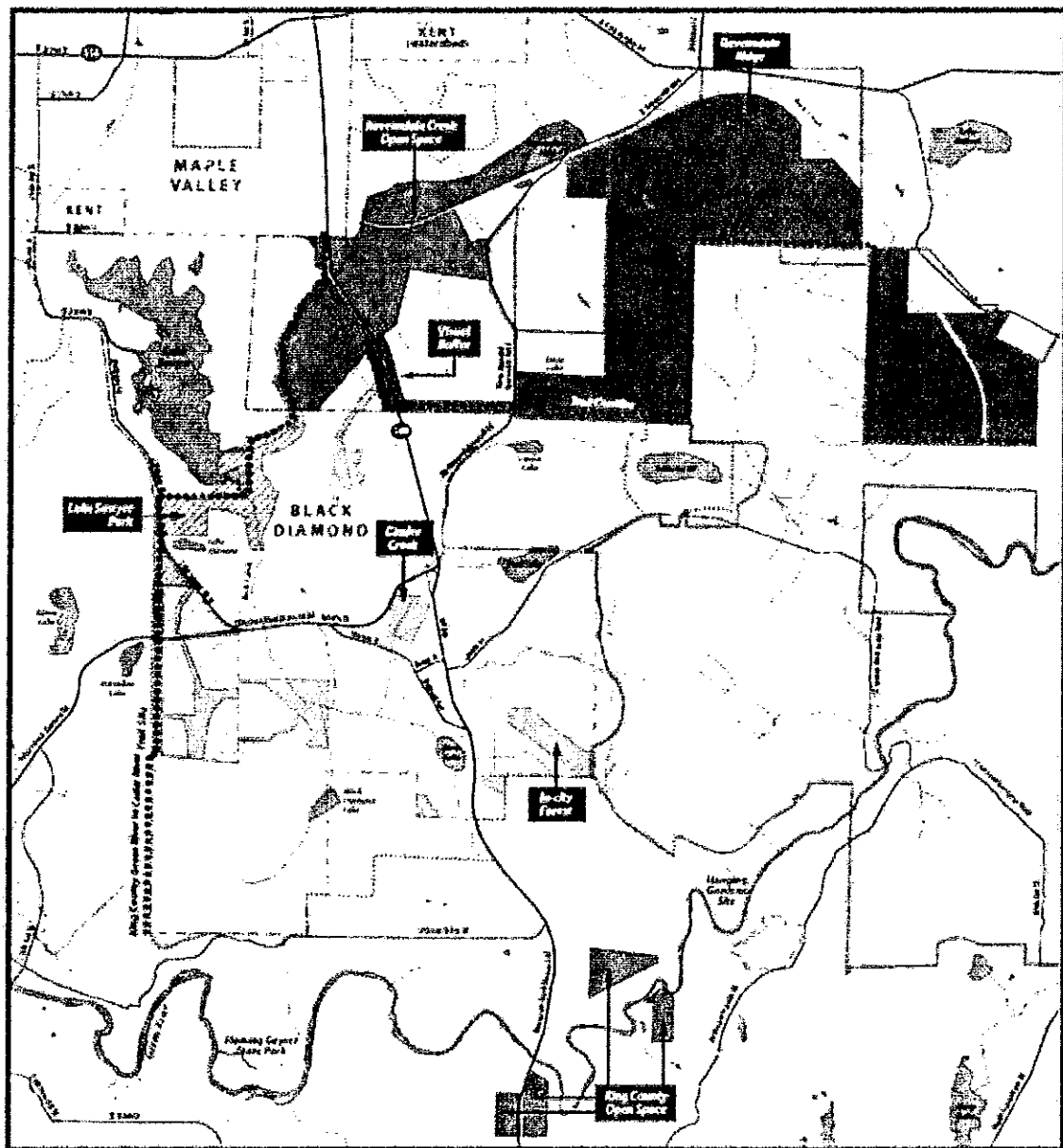
There may well be merit to the practice of clustering to preserve open space and avoid large lot residential sprawl on some rural properties, but the Reserve Silica property would seem to represent the poster child for where this practice **should not be used**. Consider the following:

- Reserve Silica is located a very short distance from the City of Black Diamond Urban Growth Boundary, yet seeks to place 50 homes here without providing the urban services that will be required by these residents. If there has been a city at “ground zero” in the growth management debates within the county over the last several years, we are likely it. After all of the energy and attention placed on providing the needed infrastructure to support growth in our community, significant concerns remain particularly about schools and traffic. And then to have King County ignore this need and citizen concerns with a rezone right next door, it is hard to understand, to say the least.
- Establishment of the Black Diamond UGA has been a long term process, dating back to signing of the Black Diamond Urban Growth Area Agreement between the City, Plum Creek Timber and King County in 1996. This was followed by subsequent Environmental Impact Statements, Annexation Agreements and an Open Space Area Agreement also signed by the City of Black Diamond, Plum Creek Timber, the Cascade Land Conservancy and King County in 2005. Proceeding with a rezone at Reserve Silica would ignore this important history and precedence. A copy of the June 7, 2005 press release announcing this new “Landmark Agreement” may be found at <http://your.kingcounty.gov/exec/news/2005/0607blackdiamond.htm>
- Perhaps most important of this open space for the long-term water-quality health of our City was the establishment of King County open space areas protecting Ravensdale Lake and Ravensdale Creek. Ravensdale Creek serves as one of two sub-watersheds that feed Lake Sawyer and is the most critical considering both flows and water quality. Ravensdale Creek is also a current important salmon spawning stream for winter run Coho from the Green River. Reserve Silica properties are located immediately adjacent

to and drain directly into Ravensdale Lake and Ravensdale Creek. Thus, the potential adverse impact on Lake Sawyer and salmon spawning in Ravensdale Creek from this development is substantial.

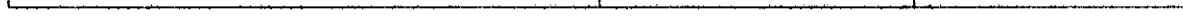
- Yarrow Bay and the City of Black Diamond have gone to great lengths to insure that stormwater from Yarrow Bay's Master Planned Development will have no adverse impact on Lake Sawyer water quality. We now have specific agreement with Yarrow Bay that no net new phosphorus loading to the lake will result from their development. You might recall that Lake Sawyer was historically highly impaired due to King County's failed sewer treatment plant in the early 1980' and the excessively high phosphorus loading that it created. A 50 home Reserve Silica subdivision offers no such guarantee and is outside of the City of Black Diamond's ability to regulate or influence.
- For the last two years, our City's Natural Resource Director, Aaron Nix, has been seeking help from King County to have Ravensdale Creek designated as a Tier 3 stream for purposes of meeting anti-degradation standards. Tier 3 represents the highest level of protection possible. Thus far we have made little progress. County staff has adopted the position that such higher level of protection is not really needed. Unfortunately, current events seem to prove otherwise. If not this, then what next?
- The set aside of Ravensdale Ridge at 1,500 + acres as Conserved Forest Land was an important part of the Black Diamond Open Space Areas Agreement. It surrounds the property of Reserve Silica. It was intended, along with the adjacent mining areas, to provide a big open space buffer to the Black Diamond UGA. With Reserve Silica's proposed residential development located just inside of Ravensdale Ridge, this buffer is essentially lost.
- Rural "clustering" into 2 ½ acre lots hardly qualifies, at least in my experience, of clustering done right to protect and preserve open space. ½ acre lots are the largest lots I have seen in such developments.

The following map illustrates properties impacted by the Black Diamond Area Open Space Agreement. The Reserve Silica property is located in the beige area just below Ravensdale Lake in the upper middle part of the map.



It also worth noting that maps provided by Reserve Silica as part of their proposal incorrectly identify the King County Open Space area surrounding Ravensdale Lake and Ravensdale Creek as being zoned RA-10. In fact, the lake and creek are both left off the maps altogether (see Fig. 1 and Fig. 3 maps prepared by R.W. Thorpe & Associates). This error grossly misrepresents the proximity of their property to these critical sensitive areas.

King County recently published an update regarding water quality at area streams. Ravensdale Creek drains to Lake Sawyer which drains to Covington Creek which drains to Soos Creek – all part of the Green River watershed (WRIA9). Based on recent 2012 TMDL testing by King County, the area above Ravensdale Lake, which would appear to largely come from Reserve





The mine's processing area, settling ponds and other mine processing facilities are located directly across the railroad tracks from Ravensdale Lake.

And lastly from a citizen's perspective and that of an elected public official here in Black Diamond, I understand that there may be more to Reserve Silica's proposal than is currently publicly available.

For example, I have heard that Reserve Silica's latest proposal includes a provision that Transfer Development Rights (TDR's) would be used by the County to facilitate the increase in residential density sought by Reserve Silica. There is a clear problem here based at least on what I have been told. The property owner seeking to transfer development rights (Weyerhaeuser Co.) has property located within the Cedar River Watershed (WRIA8), while the receiving area is located within the Green River Watershed. So we have the TDR sending area in one watershed and the receiving area in another watershed. I doubt that Black Diamond, Lake Sawyer residents and WRIA9 watershed constituents would be pleased to have their water quality impaired so that residents elsewhere in the county could benefit. As a friend of mine told me rather undiplomatically; "It's kind of like having your next door neighbor dump all of his trash into your back yard. His place looks great but you are now left to clean up his mess."

I therefore respectfully recommend and request that the King County Council table further consideration of amendments to County Growth Management Boundaries specific to Reserve Silica's proposal until further debate, discussion and fact finding can occur.

Respectfully,

Craig Goodwin
Black Diamond City Council Position No. 2

cc: King County Executive
King County Council

1 December 2012

I2

khm/rb

Sponsor: _____

Proposed No.: 2012-0103

1 **AMENDMENT TO PROPOSED ORDINANCE 2012-0103, VERSION 3**

2 On Attachment A, page 11-4, delete I-203 and insert the following:

3 "I-203 Except as otherwise provided in this policy, the annual cycle shall not
4 consider proposed amendments to the King County Comprehensive Plan
5 that require substantive changes to comprehensive plan policies and
6 development regulations or that alter the Urban Growth Area (UGA)
7 **Boundary.** Substantive amendments and changes to the UGA **Boundary**
8 may be considered in the annual amendment cycle only if the proposed
9 amendments are necessary for the protection and recovery of threatened
10 and endangered species, or to implement;

11 **a. A ((a)) proposal for a ((4-to-1)) Four-to-One project; or**

12 **b. Changes related to a mining site conversion demonstration**

13 **project. The demonstration project shall evaluate and address:**

14 **1. potential options for the use of a reclaimed mine site,**

15 **including the feasibility of residential use and/or long-term**

16 **forestry on the demonstration project site;**

17 2. the impacts to carbon sequestration as a result of
18 reforestation, and for residential use, the impacts to carbon
19 sequestration when implementing modified standards for lot
20 clustering or transfer of development rights;
21 3. the need for a site design that compatibly integrates any
22 proposed residential development on the demonstration project
23 site with uses occurring on the adjacent rural or forest
24 production district lands, especially if the proposed residential
25 development utilizes modified standards for lot clustering
26 and/or transfer of development rights;
27 4. the levels and standards for reclamation of mining sites that
28 are appropriate to their use either for long-term forestry and/or
29 for residential development; and
30 5. the need to ensure that the demonstration project provides
31 an overall public benefit by providing permanent protection, as
32 designated park or open space, of lands in the vicinity of the
33 demonstration project site that form the headwaters of critical,
34 high valued habitat areas; or that remove the development
35 potential from nonconforming legal parcels in the forest
36 production district; or that provide linkages with other forest
37 production district lands."

Effect: Adds a new subsection b. to allow a demonstration project in an annual update cycle; provided the demonstration project addresses:

- **Long-term feasibility of forestry on the project site**
- **Ensures compatibility with adjacent FPD lands**
- **Carbon sequestration through reforestation, lot clustering and use of TDRs**
- **Mining site reclamation appropriate to the long-term use of the demonstration project site**
- **Permanent protection of nearby lands that are the headwaters of critical habitats, that remove development potential from nonconforming lots or that provide linkages between FPD lands**

**Morgan
Creek
City of Black Diamond**

READ
0221069001
F
RA-10



**RESPONSE TO KING COUNTY'S
PROPOSED FOREST RESOURCE
CLASSIFICATION**

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FIGURES

1. RA-10 Zoning Request
2. Vicinity Map
3. Existing Comp Plan Map
4. Existing Zoning Map
5. Site Aerial Photo
6. Existing Site Conditions
7. Photographic Illustration
8. Conservation Easement Map
9. Forestry Analysis Subareas
10. Conceptual Site Plan

EXHIBITS

- A. Request Letter from Carl Sanders
- B. Request Letter from Hal and Joan Read
- C. International Forestry Consultants Report
- D. Holcim/Reserve Silica Easement Agreement
- E. Fred Wagner Letter
- F. Black Diamond Conservation Easement
- G. UW Forestry Report

I. INTRODUCTION

A. Reserve Silica's Request

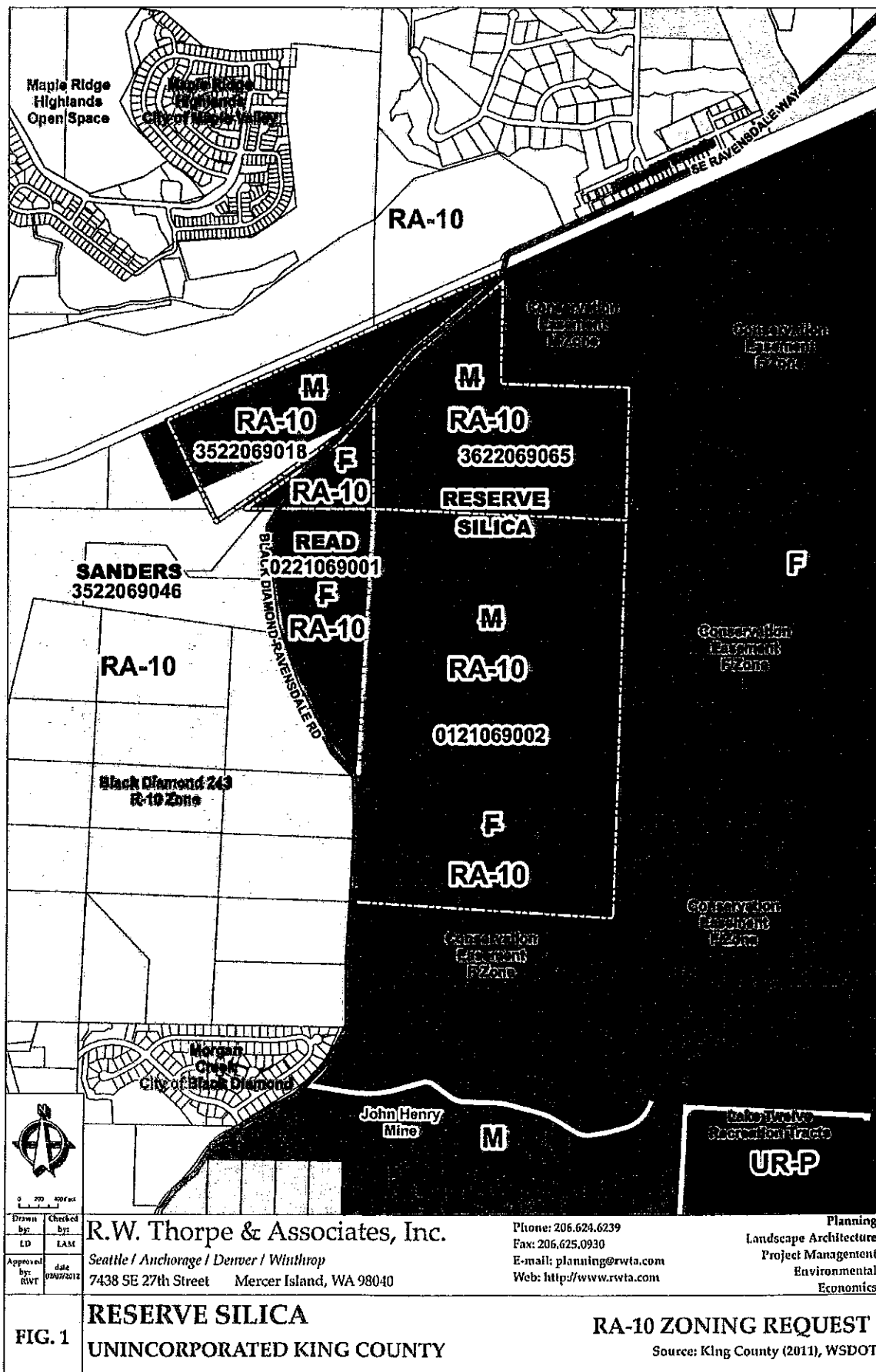
In 2010, Reserve Silica ("RS") submitted a request to modify the Plan designation and Zoning classification for its 402-acre silica/sand mining site. The site is currently in reclamation and reclamation is expected to be completed sometime before 2020. Specifically, RS requested the Plan designation of Mining affecting 322 acres be changed to Rural and the zoning be changed from Mining to Rural Area (10-acre minimum lot size) – the lowest density rural zone. RS requested that the remaining 80 acres of the site change from Forest Zoning to RA-10.

B. County Executive Proposal

In September 2011, the County Executive released his recommendation on the RS request. The proposal recommended by County staff is to reject RS's request and instead include the entire site in the Forest Production District and classify it entirely in the Forest Zone. The rationale presented by staff was that the RS proposal could result in conflicts with adjacent forest and mining activity and may pressure other resource designated properties to convert to residential use. Staff concluded that the property should be reclaimed for forest uses and replanted for timber production.

C. Reserve Silica's Response

Reserve Silica requests again that its entire 402 acre property, Parcel Nos. 3622069065, 0121069002 and 3522009018, all be included in the RA-10 zoning classification. In addition, two neighboring property owners, Carl Sanders and Hal Read, also request that each of their parcels be classified RA-10. This request is illustrated in Figure 1 and letters from Mr. Sanders and Mr. and Mrs. Read are included at Exhibits A and B. A conceptual site plan can be found at Exhibit 10 and is discussed in Section VII of this Report.



II. EXISTING SITE CONDITIONS

Vicinity, Comprehensive Plan and Zoning Maps are included as Figures 2, 3 and 4. An aerial photo of the vicinity can be found at Figure 5. The site conditions for the Reserve Silica, Sanders and Read Parcels are shown in Figure 6.

A. Reserve Silica Parcels

The Reserve Silica property has been used as a quarry since the turn of the last century. At first, coal was mined; and subsequently, since the early 60's, silica sand has been extracted. It has continuously produced minerals for well over 100 years. Figure 6 depicts existing site conditions. Photos of existing and historic conditions are included as Figure 7.

Forty percent of the site has experienced intensive mining. Twelve percent of the site contains an extensive wetland system. Six percent is in a Bonneville Transmission Easement. Activities in the easement cannot exceed twenty-five feet in height. The balance of the site, slightly over forty percent, is vegetated. For analysis purposes, this vegetated area has been divided into 6 subareas. *See* Figure 9. These subareas are described in detail in the International Forestry Consultants ("IFC") Report found at Exhibit C.

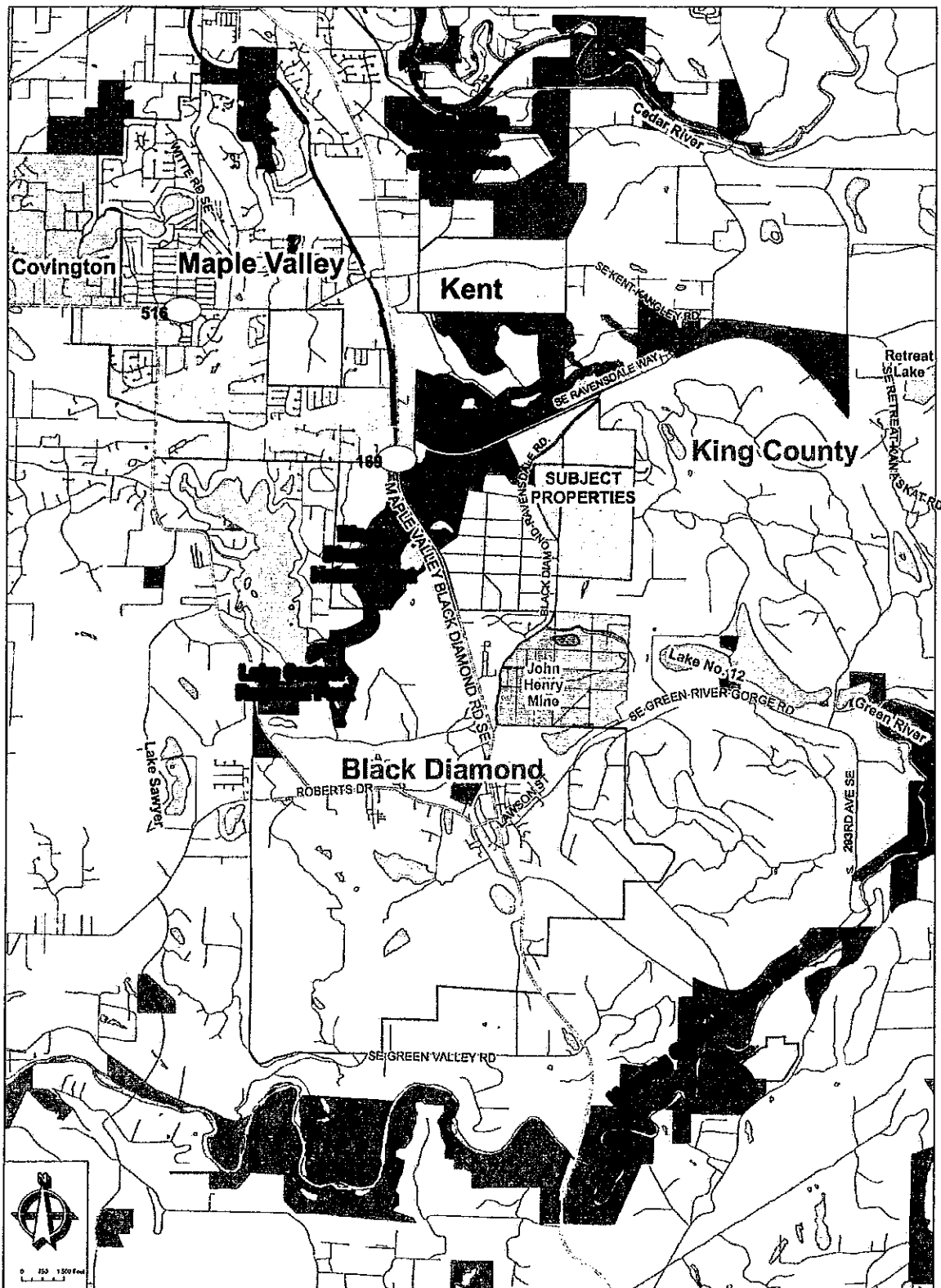
Two areas of the site (approximately 46 acres) are devoted to remediation and are controlled and managed by Holcim. Portions of these two areas have been capped and are regulated by the Department of Ecology. The remediation areas are depicted in yellow on the Existing Conditions Map (Figure 6). Specific maintenance activities must be conducted by Holcim for these areas, including regular mowing to prevent trees and brush from being established. These practices are conducted pursuant to a 2008 Inspection and Maintenance Plan prepared by Golder Associates Inc. The Holcim/Reserve Silica Agreement is included at Exhibit D.

B. Sanders Parcel

The property owned by Carl Sanders (Parcel No. 3522069046) lies east of the Reserve Silica site. It is approximately thirteen acres in size with a dwelling and outbuildings. It is being used for rural residential uses and as a wood lot. *See*, Figure 6 and Exhibit C.

C. Read Parcel

The property owned by Hal and Joan Read (Parcel No. 0221069001) also is directly east of the RS site. It is slightly under 39 acres in size with 9 acres in the Bonneville easement. It is being used for forestry activities. Again, see Figure 6 and Exhibit C.



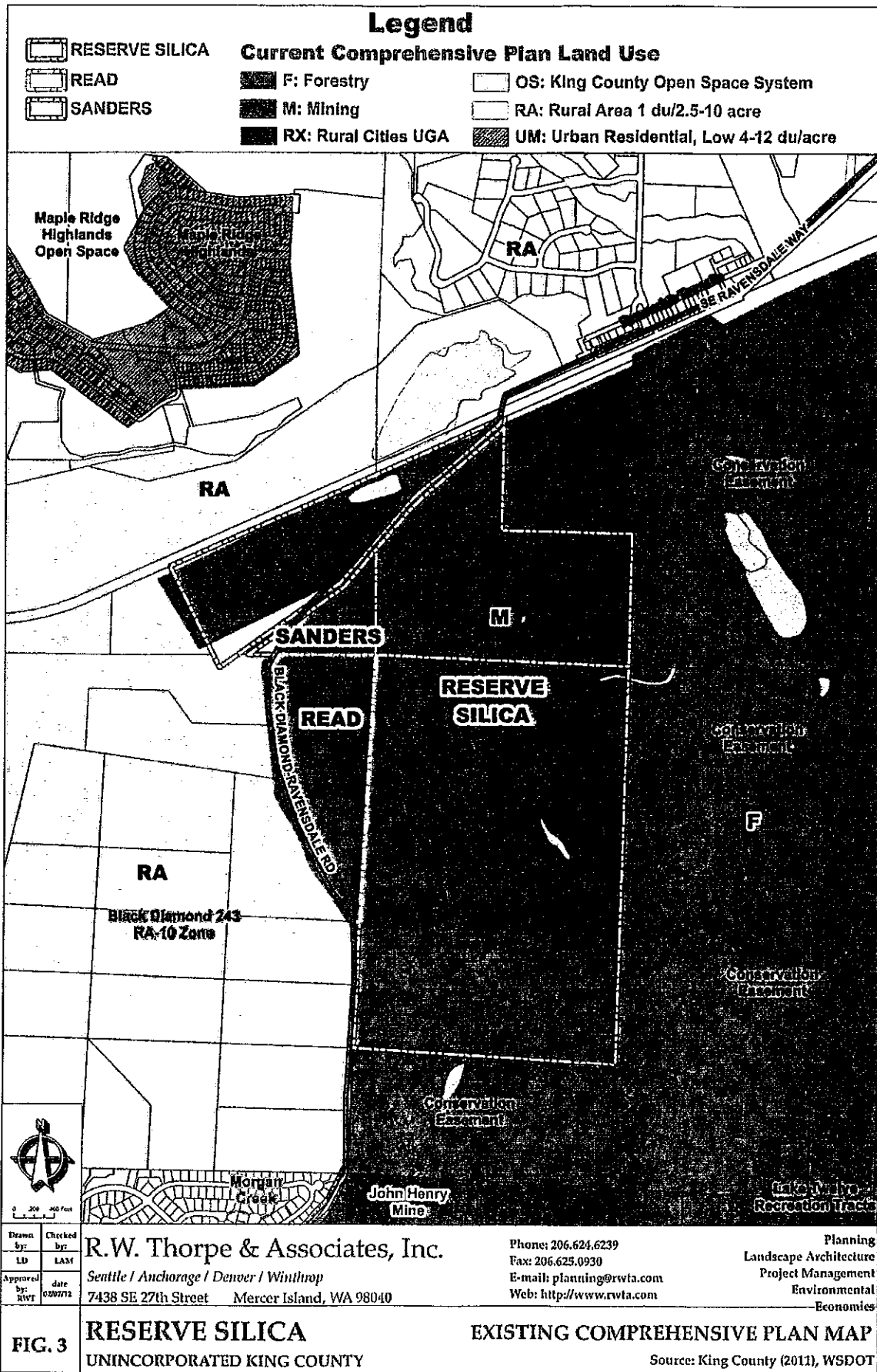
Drawn by:	Checked by:
LD	LAM
Approved by:	Date:
DWY	02/09/12

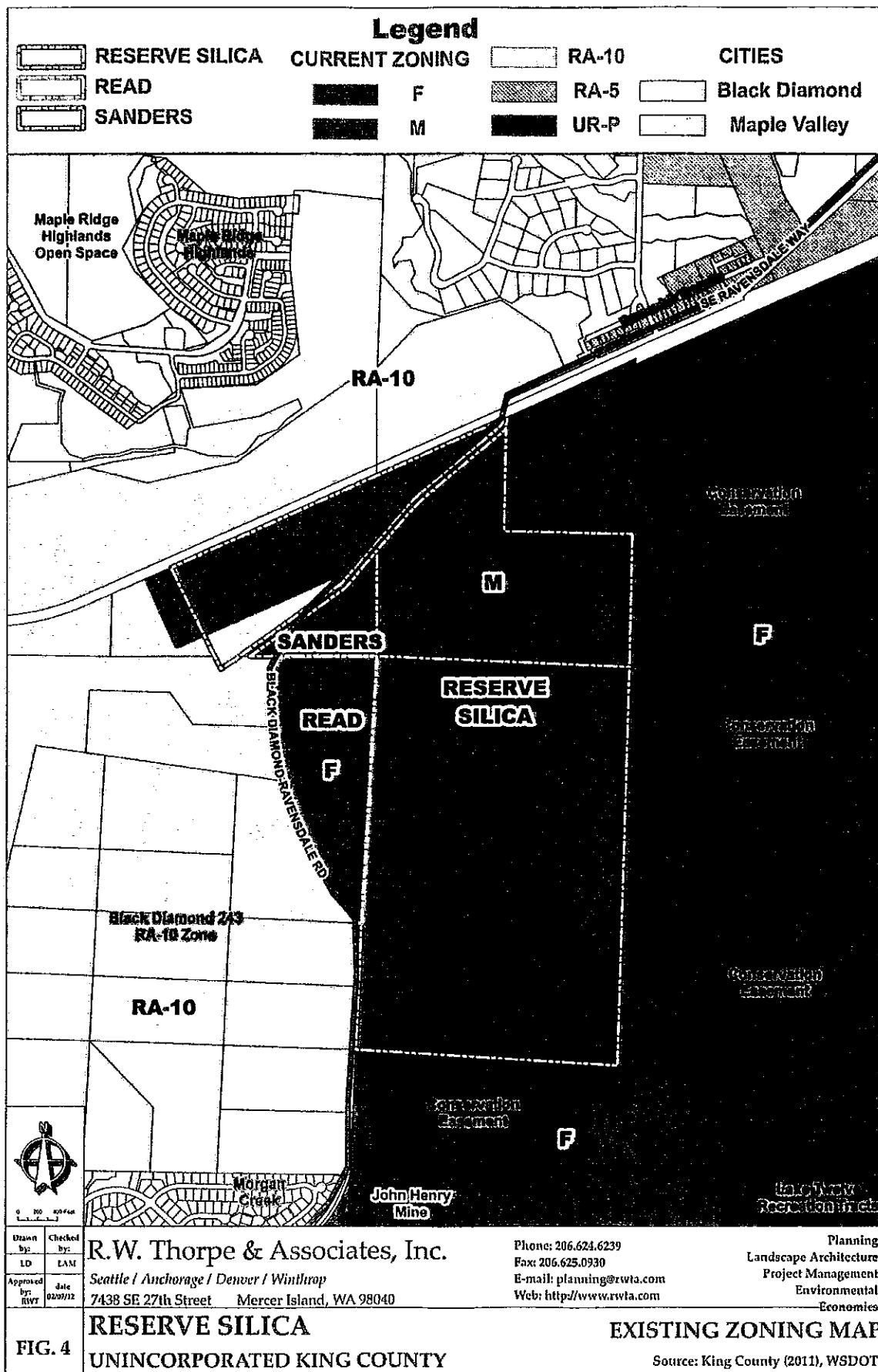
R.W. Thorpe & Associates, Inc.
 Seattle / Anchorage / Denver / Winthrop
 7438 SE 27th Street Mercer Island, WA 98040

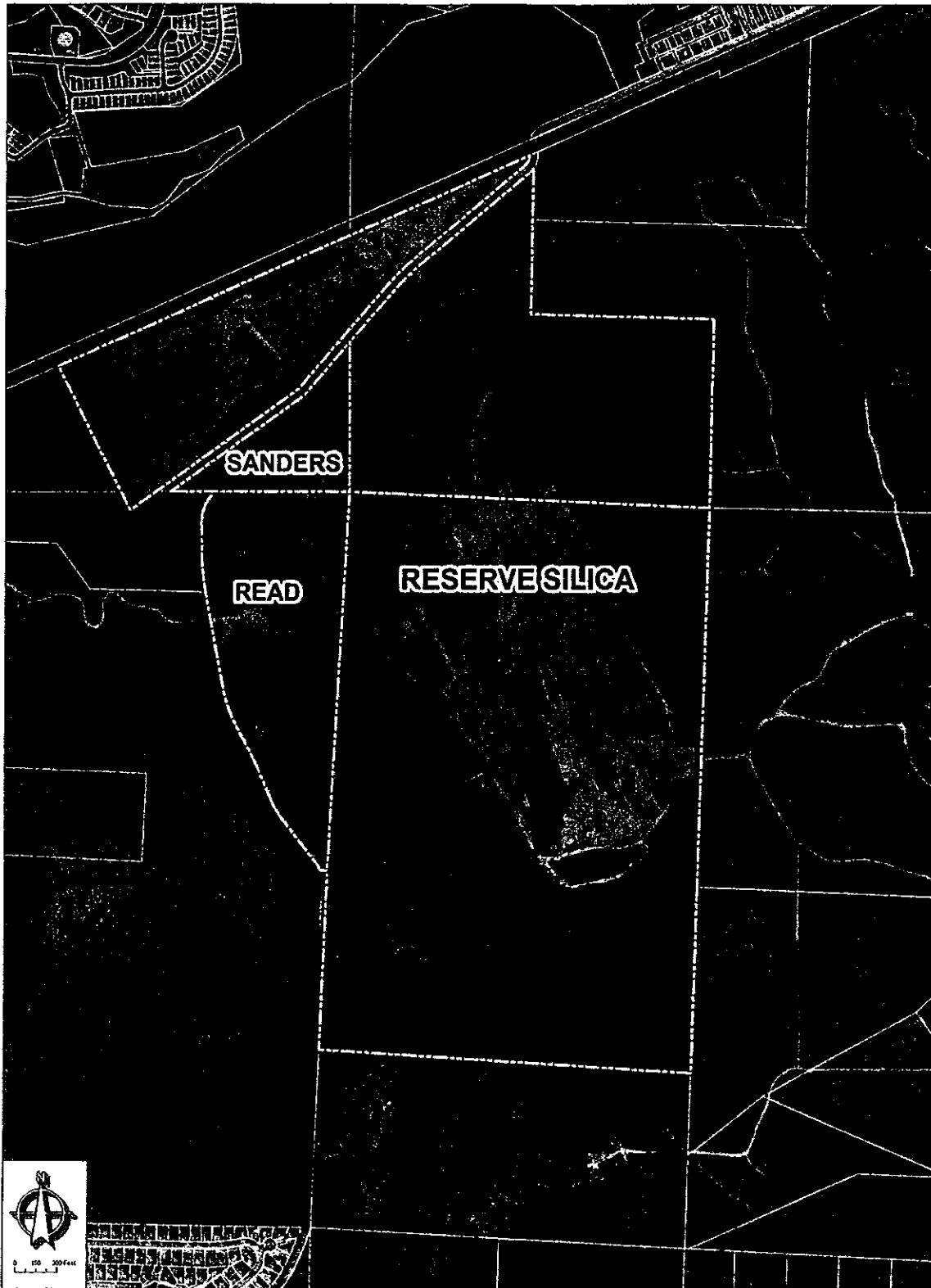
Phone: 206.624.6239
 Fax: 206.625.0930
 E-mail: planning@rwta.com
 Web: <http://www.rwta.com>

Planning
 Landscape Architecture
 Project Management
 Environmental
 Economics

FIG. 2	RESERVE SILICA UNINCORPORATED KING COUNTY	VICINITY MAP Source: King County (2011), WSDOT
---------------	--	--







Drawn by: LD	Checked by: LAM
Approved by: RWT	date 02/27/12

R.W. Thorpe & Associates, Inc.
 Seattle / Anchorage / Denver / Winthrop
 7438 SE 27th Street Mercer Island, WA 98040

Phone: 206.624.6239
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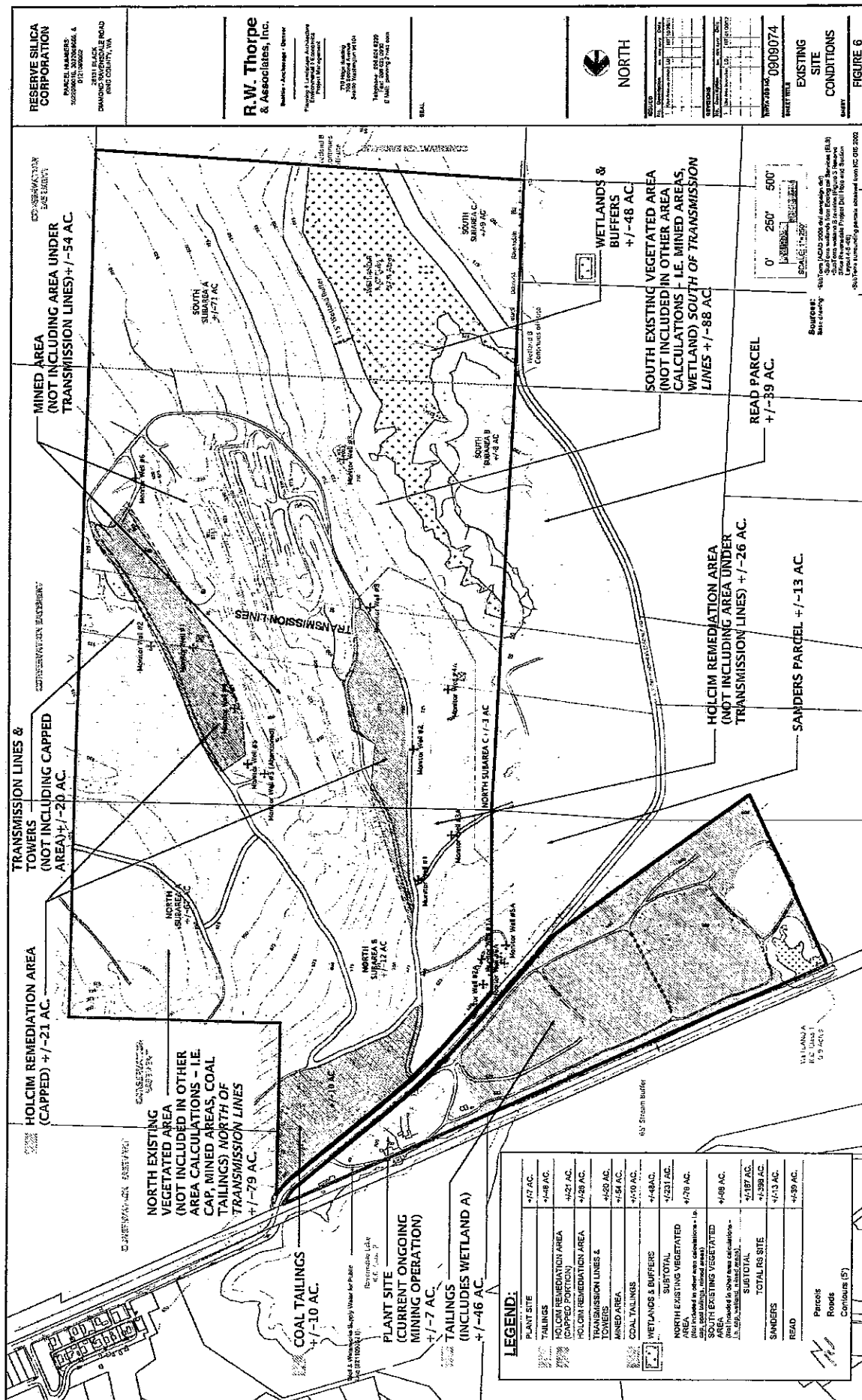
Planning
 Landscape Architecture
 Project Management
 Environmental
 Economics

FIG. 5

RESERVE SILICA
 UNINCORPORATED KING COUNTY

AERIAL MAP

Source: King County (2007), WSDOT



PATCEL NUMBER:
22258018, 202306465, A
0121015002

Medizin • Anästhesiologie • Dermatologie

Championing the cause of the American
flower is authoring a book on the
"New Wave" in American
flower design.

7400 E. 20th Avenue
Denver, Colorado 80231

[illegible]

745

NORTH

[illegible]

STUDENT HOME

0909074

Photographic
Illustrations

FIG. 7

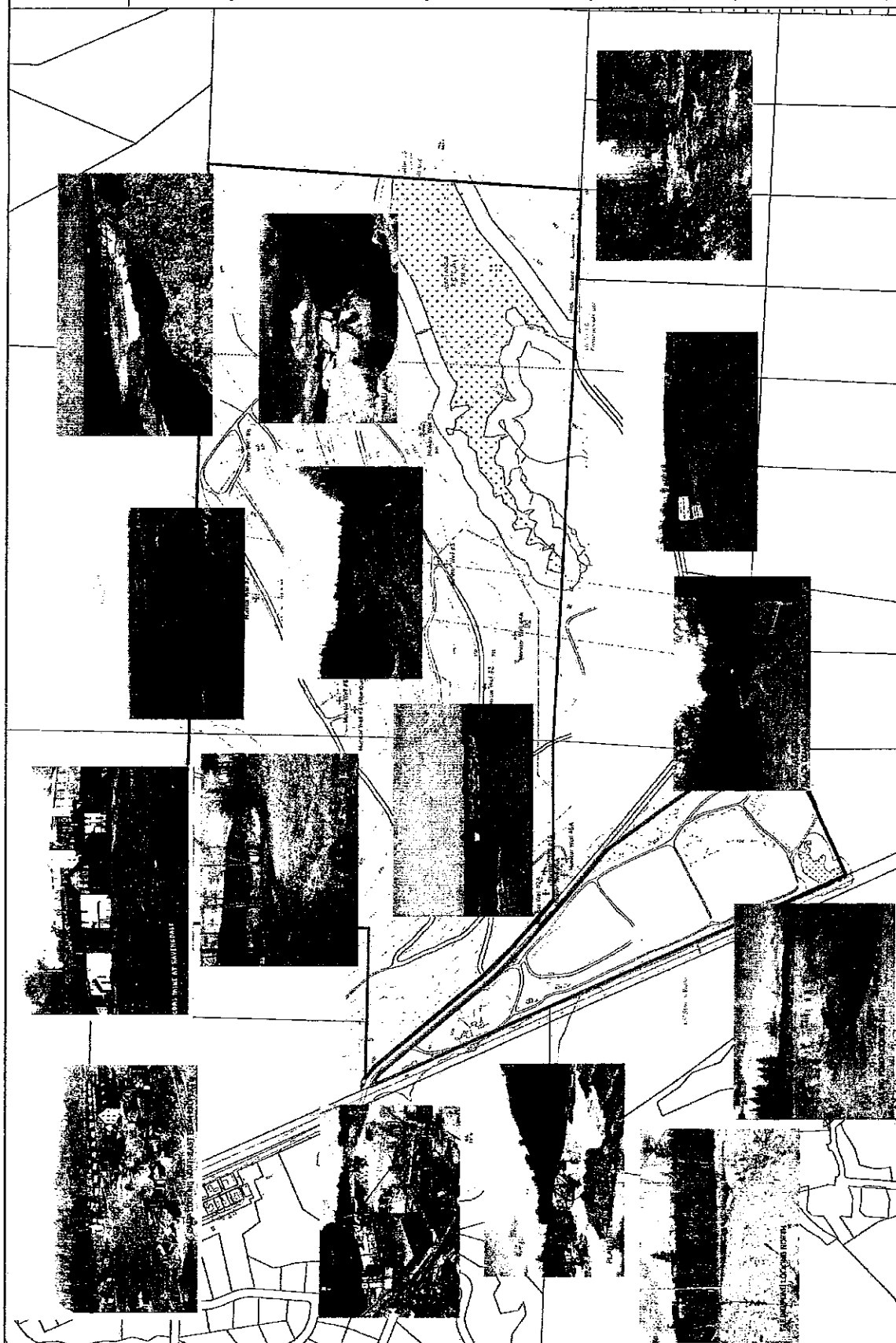


FIG. 7

III. OFFSITE CONDITIONS

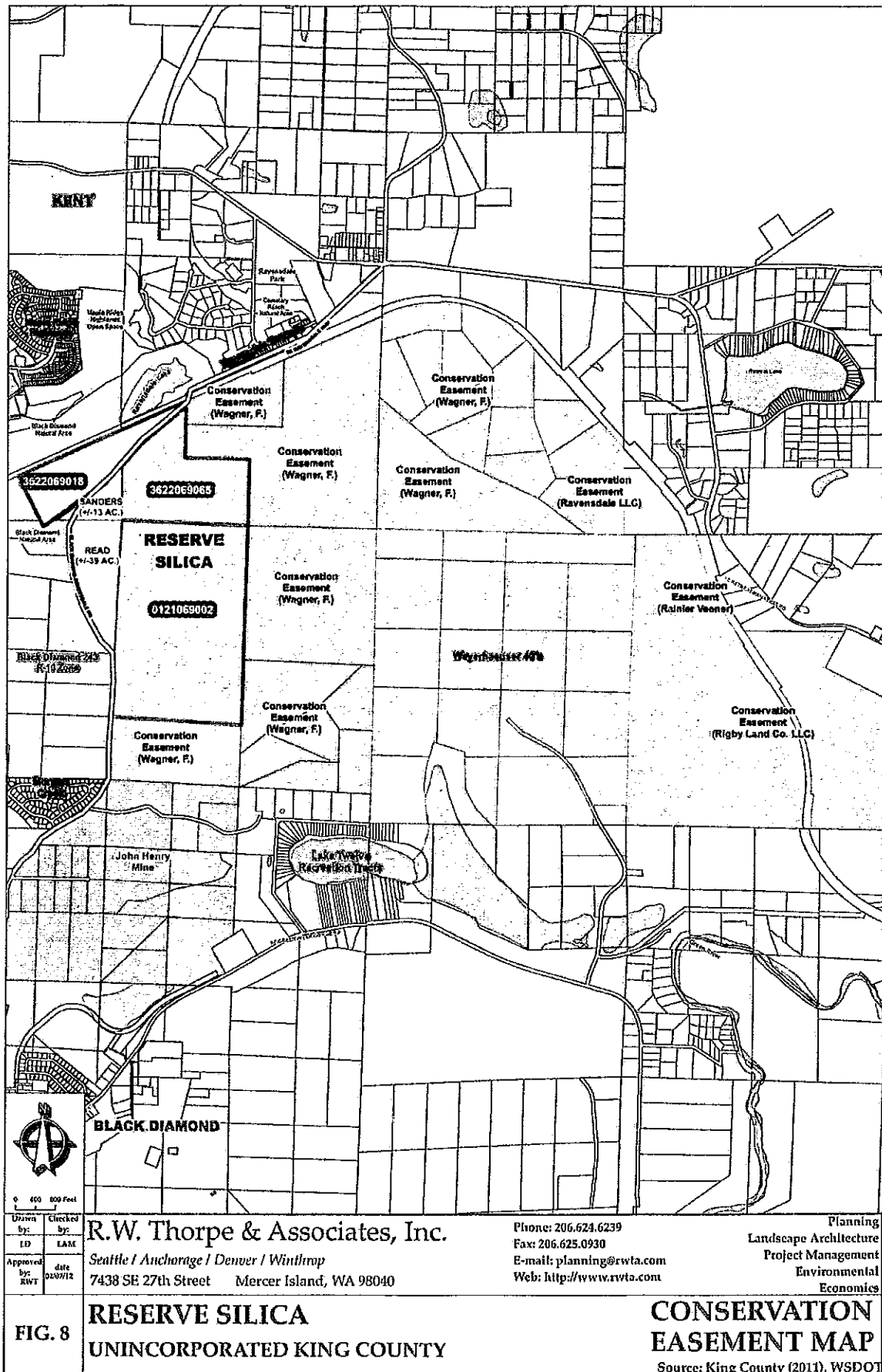
A. Adjacent Ownerships

King County's Area Zoning Study for the Reserve Silica proposal states that if the RA-10 zoning is granted that the residential uses could be incompatible with ongoing forestry operations in the vicinity. Fred Wagner, the owner of all of the parcels of land lying north, east and south of the RS site does not agree. Mr. Wagner's letter is included at Exhibit E.

A conservation easement with Black Diamond covers all of Mr. Wagner's properties. The easement and other nearby ownerships are depicted in Figure 8. The conservation easement commits all of these parcels to forestry use and does not allow residential or mining uses. Therefore zoning the RS, Sanders and Read properties RA-10 can have no effect on the continued use of the Wagner Parcels for forestry. One of the Wagner Parcels is zoned for mining. However, it has never been used for this use. We could find no County records to determine why this parcel was zoned for mining. Further, the Conservation Easement does not permit mining activities. The recorded Easement is included at Exhibit F.

B. Regional Context

Maple Valley and Black Diamond are the cities closest to the subject properties. Black Diamond is the closest city -- less than ¼ mile southwest. Undeveloped RA-10 zoned properties are directly west. RA-10 zoned property is also to the north and northeast. The open space that was required for approval of the Maple Ridge Highlands development abuts the northern boundary of the RS plant site. Ravensdale Lake and Ravensdale are northeast. The Lake Twelve potential annexation area is located southwest of the subject properties. The other large landowner in the vicinity has divided its property into 40-acre tracts.



IV. COMMERCIAL FOREST RESOURCE POTENTIAL

Two studies of the commercial forest potential for the RS, Sanders and Read properties were commissioned. International Forestry Consultants ("IFC") has completed its review and its report can be found at Exhibit C. A second opinion is being prepared by Gordon Bradley of the University of Washington. It will not be available until early March.

IFC divided the properties into analysis areas that correspond to the areas shown in the Existing Conditions Map (Figure 6). IFC's conclusions are discussed in detail in its report. A summary of the ICF findings can be found on Tables 8 and 9 of the report.

IFC has determined that one 67-acre area (17% of the RS ownership) has timber production potential. This area is referred to as Stand 9 on Exhibit 9 or north subarea A on the Existing Conditions Map (Exhibit 6). IFC completed a net present value ("NPV") analysis for the RS parcel and found an average per acre value of \$689 or a total NPV of slightly over \$276,000 if classified Forestry. This figure is the price a knowledgeable commercial forester would pay for the RS parcels. It should be noted that IFC found none of the area currently zoned forestry to have commercial forest potential.

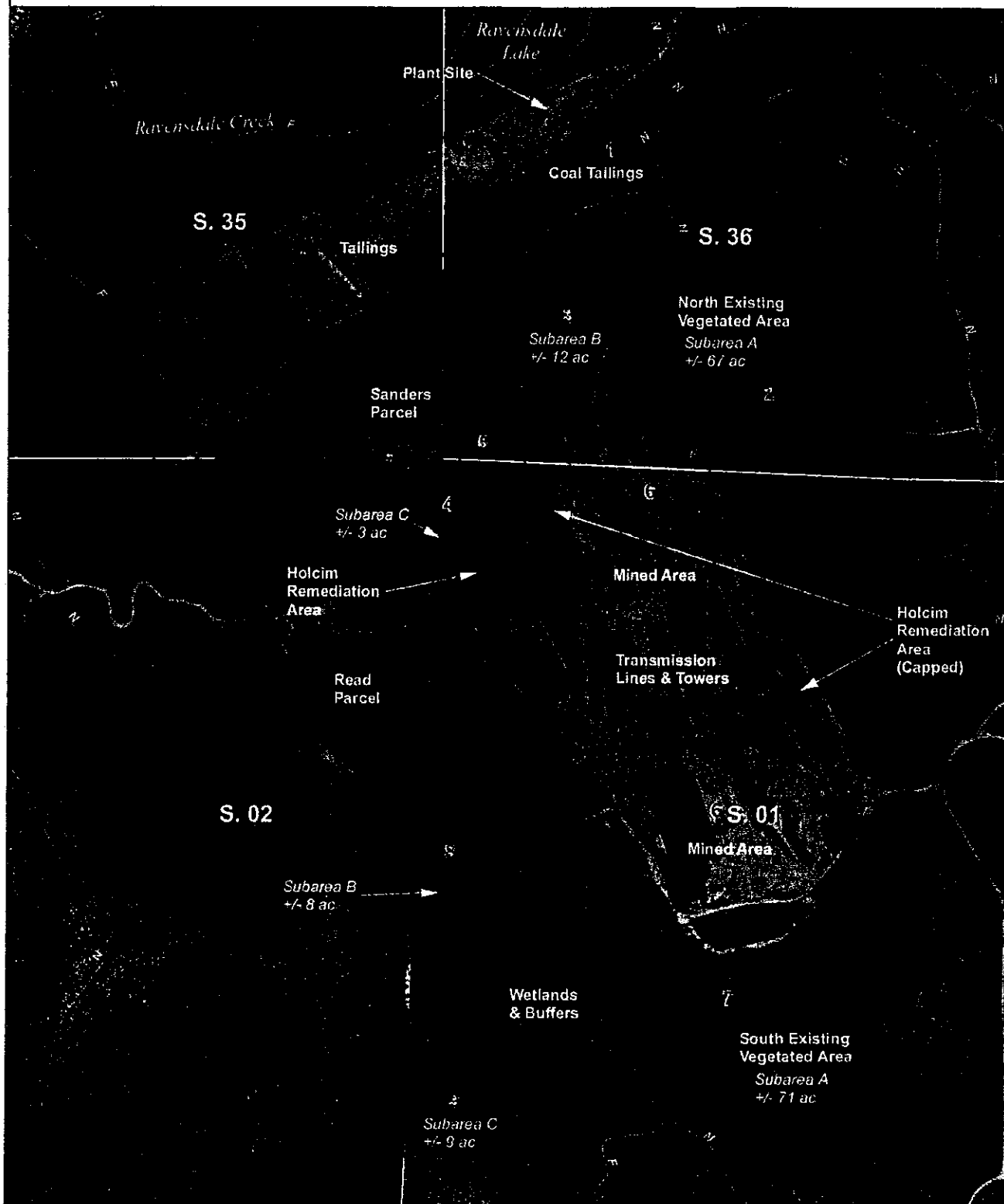
IFC also evaluated the long term commercial significance of the subject properties. None of the properties are being used for industrial scale forestry. Both Sanders and Read use their parcels for forest uses typically found in the Rural Area, not the Forest Production District ("FPD"). And the RS parcels have never been managed for commercial forestry and only a small portion have commercial forest potential. IFC found that subject parcels would not likely be purchased for commercial forestry.

Reserve Silica

Sec 35 & 36 - T 22 N, R 6 E, Sec 1 - T 21 N, R 6 E

Figure 9

FORESTRY ANALYSIS SUB-AREAS



1 inch = 800 feet

0 800 Feet



International Forestry
CONSULTANTS, INC.

Map date: 2/13/2012

Forest Assessment Area bdy.
Section line

2009 orthophoto

V. KING COUNTY'S COMPLIANCE WITH GMA REQUIREMENTS

Natural Resource Lands are protected under the Growth Management Act ("GMA") to ensure the viability of resource-based industries. *Redmond v. CPSGMHB*, 136 Wn.2d 38, 959 P.2d 1091 (1998). One of the GMA requirements is to designate forest land of long term commercial significance. To qualify as GMA forest resource land both definitions must be satisfied.

Both the terms 'forest land' and 'long term commercial significance' are defined by the GMA. RCW 36.70A.030(8) and (10). WAC 365-195-060 establishes guidelines that counties must consider in actions to designate forest lands of long term commercial significance.

In 1994, the GMA definition of forest land was amended significantly. The amendment is set forth below:

"Forest land" means land primarily devoted to useful for growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production, the following factors shall be considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

King County considers lands located within the Forest Production District ("FPD") to be GMA forest lands of long terms commercial significance. The FPD was established for the first time in the 1985 Comprehensive Plan. The FPD was carried over without significant change in the County's GMA Comprehensive Plan. No analysis has been located to explain how or why the 1985 FDP conforms to GMA designation requirements.

The 1985 Plan described four factors that were used to determine FPD boundaries. They are:

1. Natural features including soils, topography, and climate are suited to commercial forest production;
2. The predominant land use is forestry;
3. The predominant parcel size is 80 acres or larger, allowing efficient forest management, and
4. Residential development is scarce adjacent to the district, and adjacent lot sizes enable siting of future dwellings to limit adverse impacts to forestry.

These four factors were not restated in the County's GMA Comp Plan or in any of the subsequent updates. The '85 Plan refers to a technical appendix for a more detailed discussion of these four factors. This appendix has not been located. The '85 Plan did include the RS, Sanders and Read properties in the FPD. However, clearly this was in error. The predominant use of the RS parcels was not then and is not forestry and neither the Sanders nor Read parcels are over 80 acres in size. It should be noted the current FPD includes only the south 80 acres of the RS parcels.

There are many Growth Board and Court decisions regarding the GMA requirements to designate resource lands. While some resource land questions are still unresolved, it has been clearly established that the phrase "primarily devoted to" means the land is within an area that is actually used or is capable of being used for resource production of long term commercial significance. *See Redmond* at page 53. Based on the IFC analysis, only 17% of the RS parcels (67 acres) is capable of being used for commercial forestry.

Lewis County v. WWGMHB, 157 Wn.2d 488, 139 P.3d 1096 (2006) is also relevant to the County's forest land designation. While it addressed agricultural lands and not forest lands, the Supreme Court did hold that the factors included in the WAC guidelines must be considered in determining which lands are of long term commercial significance. While the County has a clear and admirable commitment to protect resource lands, it does not appear that it has ever

completed an analysis to determine whether lands within the FPD are properly classified under the GMA as lands of long term commercial significance.

Both IFC and Gordon Bradley of the University of Washington have been asked to review GMA requirements and the WAC guidelines and make an independent and detailed determination whether the RS, Sanders and Read parcels should be classified resource lands of long term commercial significance. The IFC Report is at Exhibit C and summarized in Section IV of this Report.

VI. COMPLIANCE WITH KC COMPREHENSIVE PLAN AND ZONING

All three property owners, Reserve Silica, Sanders and Read are requesting that each owners' property be classified RA-10. Both Sanders and Read are currently located in the Forest Production District ("FPD"). Eighty acres of the Reserve Silica property is located within the FPD - the balance of the property (320 acres) is outside the FPD.

A. Sanders and Read Parcels

As discussed in Section II of this Report, both Sanders and Read own parcels that are 13 acres and 39 acres, respectively. Neither parcel satisfies the 1985 80-acre size criterion. Further, the IFC analysis demonstrates that neither parcel qualifies as forest land of long term commercial significance.

B. Reserve Silica Parcels

The County's Area Zoning Study states that the RS parcels are a logical addition to the FPD because the result will be a more regular FPD boundary. Of course, the FPD boundary would be just as logical if the RS, Sanders and Read parcels are not included in the FPD.

Comprehensive Plan Policy R 658 applies to the decision regarding the 320+ acres of the Reserve Silica parcels that are currently zoned for mining. This policy states expressly that for mining sites located outside the FPD, the appropriate zoning classification should be one compatible with surrounding properties. As mentioned in Section III, none of the adjacent land owners are concerned about compatibility. All have reviewed RS's conceptual site plan (Figure 10).

The GMA and the County both require that residential property owners must execute acknowledgments that adjacent forest activities are permitted and will be ongoing. All of the adjacent commercial forest activities are being conducted on lands included within the Black Diamond Conservation Easement. These uses are committed in perpetuity. Therefore, there is no likelihood that RA-10 zoning will create either a precedent or pressure to convert these properties to residential uses.

The south 80 acres of the RS property is also not appropriately classified as forest land of long term commercial significance. Reasons for this conclusion are discussed in Sections IV and V.

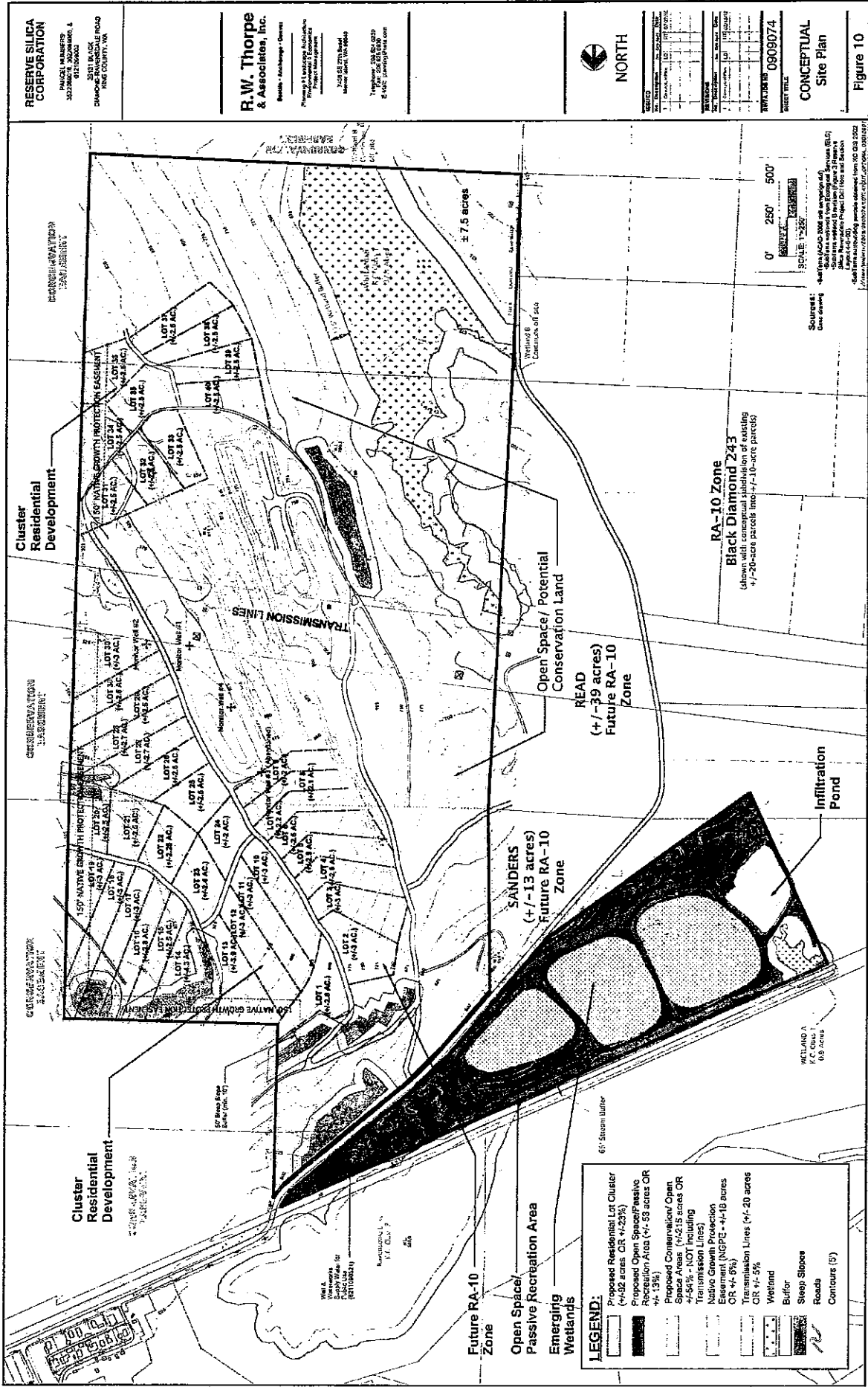


Figure 10

VII. CONCLUSION

A. Conceptual Site Plan

The Conceptual Site Plan included as Figure 10 was prepared to show the RS parcels could be developed in a manner that provides significant environmental benefits and also buffer resource activities that may occur on properties protected by the Black Diamond Conservation Easement.

The site plan illustrates a resource land buffer of 150 feet, protection of wetlands and tributary areas to the wetlands and conversion of the Plant Site and Tailings Ponds to wetland dominated open space and passive recreation. Since reclamation is not likely to be completed before 2020, it is not logical to condition a change in zoning to a specific site plan. However, area zoning conditions can certainly be fashioned to ensure the environmental and resource protection benefits illustrated by the site plan. It should also be noted that the same environmental benefits would not likely be achieved if the property is classified in the Forest Zone.

B. Suitability for Commercial Forest Use

Only a very small portion of the RS parcels is suitable for commercial forestry -- 17% / 67 acres. While the ownership is large (402 acres), historic mining activity; the configuration of the major wetland on the property; and the Bonneville Easement substantially reduce the commercial forestry potential. The net present value of \$689 per acre calculated by IFC clearly illustrates the lack of forest resource potential. Typical forest land has twice the net present value calculated for the RS parcels.

C. Compatibility with Adjacent Uses

The Black Diamond Conservation illustrated on Figure 8, ensures that virtually all the lands within the FPD located east and south of the Black Diamond/Ravensdale Road will remain in forest resource use in perpetuity. Development of the subject properties can therefore have no affect on these resource uses. Further, for the same reason, classifying the Sanders, Read and RS parcels in the RA-10 zone will set no precedent for conversion of these lands protected by the Conservation Easement.

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION		
SUBJECT: Resolution No. 13-858, awarding a construction contract to Iversen and Sons, Inc. for the 5th Avenue Water Main Replacement project	Agenda Date: March 7, 2013	
	AB13-020	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator –Mark Hoppen	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Cost Impact: \$158,146.58	Economic Devel. – Andy Williamson
Fund Source: CDBG Grant & REET II	Police – Jamey Kiblinger	
Timeline: April 2013	Court – Stephanie Metcalf	
	Comm. Dev. – Steve Pilcher	
Attachments: Resolution No. 13-858, Bid and contract form, bid tabulation, CIP Budget Page, Project Budget Summary		
SUMMARY STATEMENT: <u>Bid Process:</u> The City advertised in the Daily Journal of Commerce, The Covington/Maple Valley Reporter, and the Seattle Medium. We received 15 bids. Iversen and Sons, Inc. was the lowest responsive bidder at \$158,146.58. Scotty's General Construction had a lower bid but exceeded the 8% maximum allowed for Mobilization and was deemed a non-responsive bidder. <u>Contractor:</u> Iversen and Sons, Inc. has performed several water main projects similar to this project. Reference checks were conducted and no issues were found. <u>Schedule:</u> Once the contractor has submitted all of the bonds, insurance and required paperwork; the City will be able to issue a Notice to Proceed in early April, 2013. The project must be complete by the end of September. <u>Inspection and Project Management:</u> City staff and CDBG will provide the inspections and project management services.		
COMMITTEE REVIEW AND RECOMMENDATION:		
RECOMMENDED ACTION: MOTION to adopt Resolution No. 13-858, authorizing the Mayor to execute a contract with Iversen and Sons, Inc. for the 5th Avenue Water Main Replacement project.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
March 7, 2013		

RESOLUTION NO. 13-858

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
AWARDING THE LOW BID ON THE 5TH AVENUE WATER
MAIN REPLACEMENT PROJECT TO IVERSEN AND
SONS, INC.**

WHEREAS, The City received a Community Development Block Grant (CDBG); and

WHEREAS, The City has planned and budgeted for the 5th Avenue Water Main Replacement project; and

WHEREAS, The City has coordinated the design and preparation of the plans, specifications and contract documents with Roth Hill, LLC and has received CDBG approval to advertise the project; and

WHEREAS, The City has received 15 bids on February 7, 2013; and

WHEREAS, Iversen and Sons, Inc. was the lowest responsive bidder and has met all conditions of providing a responsible bid;

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

Section 1. The Mayor is hereby authorized to award the bid of the 5th Avenue Water Main Replacement project to Iversen and Sons, Inc. in the amount of \$158,146.58 for the construction of the 5th Avenue Water Main Replacement project and authorize the Mayor to execute a contract for the same in the form substantially attached hereto as Exhibit A..

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF MARCH, 2013.

CITY OF BLACK DIAMOND:

Rebecca Olness, Mayor

Attest:

Brenda L. Martinez, City Clerk

5TH AVENUE WATER MAIN REPLACEMENT

SECTION 00500 – AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2013, by and between The City of Black Diamond, hereinafter called "City" and _____, hereinafter called "Contractor".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor shall commence and complete the construction of the 5th Avenue Water Main Replacement project (the "Project") in accordance with the Contract Documents.
2. The Contractor shall provide all labor, materials, tools, equipment, transportation, supplies and any other services necessary for the construction and completion of the Project.
3. The Contractor shall substantially complete (Substantial Completion) all physical Work required by the Contract Documents not later than September 30, 2013 or within 40 working days of the date when on-site Work begins, whichever occurs earlier; unless the period for completion is extended otherwise in accordance with the Contract Documents.
4. The City and Contractor recognize that time is of the essence of this Agreement and that the City will suffer financial loss and inconvenience if the Work is not completed within the time specified in Section 3 of this Agreement, plus any extensions allowed by the Contract Documents. They also recognize the delays, expense and the difficulties involved in proving in a legal proceeding the actual loss suffered by the City if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City and Contractor agree that as liquidated damages for delay (but not as a penalty) the Contractor shall pay the City \$400.00 for each calendar day that expires after the contracted date for substantial completion of the Work until substantial completion is obtained.
5. The Contractor agrees to perform all of the Work described in the Contract Documents and comply with the terms therein for the principal sum of sum of \$ _____ plus Washington State sales tax (8.6%) of _____ for a total amount of _____.
6. The term "Contract Documents" means and includes the following: Advertisement for Bids, Instructions to Bidders, Addenda, Bid, Bid Bond, Payment Bond, Performance and Warranty Bond, this Agreement, General Requirements, Special Provisions, King County Housing and Community Development Supplemental Construction Contract Conditions, Technical Specifications, Drawings, Notice of Award, Notice to Proceed, Change Orders.
7. The City shall pay to the Contractor in the manner and at such times as set forth in the Contract Documents such amounts as required by the Contract Documents.
8. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

5TH AVENUE WATER MAIN REPLACEMENT

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement of which shall be deemed an original on the date first above written.

Signature

City Of Black Diamond – Mayor

Print Name

Print Company Name and Title

[END OF SECTION 00500]

5TH AVENUE WATER MAIN REPLACEMENT

BID FORM

For the complete performance of all Work required by Contract Documents for that project entitled "5th Avenue Water Main Replacement (KC CDBG Project No. C12226)" the following Bid is submitted.

UNIT PRICES:

Note: Unit prices for all items, all extensions, and the total amount of bid must be shown. Show unit prices in both words and figures, and where conflict occurs, the written description shall prevail. Where conflict occurs between the unit price and the total amount named for any item the unit price shall prevail, and totals shall be corrected to conform thereto.

Item No.	Item Description	Estimated Quantity	Unit Price Dollars/ Cents	Amount Dollars/ Cents
1.	Mobilization/Demobilization (8% Maximum) \$Seven thousand five hundred Per LS Unit Price in Words	1 LS	\$ 7,500.00	\$ 7,500.00
2.	Temporary Water Pollution/Erosion Control \$five hundred Per LS Unit Price in Words	1 LS	\$ 500.00	\$ 500.00
3.	Temporary Traffic Control \$One thousand Per LS Unit Price in Words	1 LS	\$ 1,000.00	\$ 1,000.00
4.	Trench Shoring and Safety Systems \$One thousand Per LS Unit Price in Words	1 LS	\$ 1,000.00	\$ 1,000.00
5.	Removal of Obstructions and Existing Structures, Facilities, & Pavements \$Two thousand five hundred Per LS Unit Price in Words	1 LS	\$ 2,500.00	\$ 2,500.00
6.	Crushed Surfacing Top Course (CSTC) \$Seventeen Per TON Unit Price in Words	925 TON	\$ 17.00	\$ 15,725.00
7.	Gravel Borrow (As Required)* \$Twelve Per TON Unit Price in Words	30 TON	\$ 12.00	\$ 360.00
8.	Foundation Gravel (As Required)* \$Fourteen Per TON Unit Price in Words	50 TON	\$ 14.00	\$ 700.00

BID FORM

00300-1

5TH AVENUE WATER MAIN REPLACEMENT

Item No.	Item Description	Estimated Quantity	Unit Price Dollars/ Cents	Amount Dollars/ Cents
9.	Controlled Density Fill (CDF) \$ Seventy-five _____ Per CY Unit Price in Words	30 CY	\$ 75.00	\$ 2,250.00
10	Hot Mix Asphalt for Permanent Trench Patch \$One hundred thirty-five _____ Per TON Unit Price in Words	90 TON	\$ 135.00	\$ 12,150.00
11.	Sawcutting \$ Fifty cents _____ Per LF Unit Price in Words	3,400 LF	\$ 0.50	\$ 1,700.00
12.	8-inch Ductile Iron Pipe, Class 52, Incl. Fittings \$ Fifty-four _____ Per LF Unit Price in Words	947 LF	\$ 54.00	\$ 51,138.00
13.	Additional Ductile Iron Fittings (As Required)* \$ Two _____ Per LB Unit Price in Words	600 LB	\$ 2.00	\$ 1,200.00
14.	Connection to Existing Water Main \$One thousand _____ Per EA Unit Price in Words	4 EA	\$ 1,000.00	\$ 4,000.00
15	Coupling, 6-Inch Diameter \$Two hundred fifty _____ Per EA Unit Price in Words	1 EA	\$ 250.00	\$ 250.00
16	End Cap Coupling Romac Style "EC501", 6-Inch Diameter \$Three hundred _____ Per EA Unit Price in Words	1 EA	\$ 300.00	\$ 300.00
17	End Cap Coupling Romac Style "EC501", 4-Inch Diameter \$Two hundred seventy-five _____ Per EA Unit Price in Words	2 EA	\$ 275.00	\$ 550.00
18.	8-inch Gate Valve Assembly \$ One thousand one hundred _____ Per EA Unit Price in Words	3 EA	\$ 1,100.00	\$ 3,300.00

BID FORM
00300-2

5TH AVENUE WATER MAIN REPLACEMENT

Item No.	Item Description	Estimated Quantity	Unit Price Dollars/ Cents	Amount Dollars/ Cents
19	4-inch Gate Valve Assembly \$Six hundred fifty Per EA Unit Price in Words	2 EA	\$ 650.00	\$ 1,300.00
20.	Fire Hydrant Assembly, 5.25-Inch MVO \$Four thousand two hundred Per EA Unit Price in Words	2 EA	\$ 4,200.00	\$ 8,400.00
21	Permanent Blow-off Assembly \$Two thousand five hundred Per EA Unit Price in Words	1 EA	\$ 2,500.00	\$ 2,500.00
22.	Water Service, 3/4-Inch \$One thousand two hundred Per EA Unit Price in Words	8 EA	\$ 1,200.00	\$ 9,600.00
23.	Relocate Water Meter Box & Meter Setter \$Seven hundred fifty Per EA Unit Price in Words	4 EA	\$ 750.00	\$ 3,000.00
24.	Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch \$Five hundred Per EA Unit Price in Words	1 EA	\$ 500.00	\$ 500.00
25.	Property Restoration \$Two Thousand five hundred Per LS Unit Price in Words	1 LS	\$ 2,500.00	\$ 2,500.00
26.	Miscellaneous Work (Force Account)* \$Eleven Thousand seven hundred Per FA Unit Price in Words	1 FA	\$11,700.00	\$11,700.00

* Denotes contingent items of work

\$One hundred forty-five thousand six hundred twenty-three
Subtotal (in words)

Subtotal: \$ 145,623.00
(in figures)

\$Twelve thousand five hundred twenty-three and fifty-eight cents
8.6% Washington State Sales Tax (in words)

8.6% Sales Tax: \$ 12,523.58
(in figures)

\$One hundred fifty-eight thousand one hundred forty-six and fifty-eight cents
Total with Sales Tax (in words)

Total w/Tax: \$ 158,146.58
(in figures)

BID FORM


00300-3

5TH AVENUE WATER MAIN REPLACEMENT

Receipt of Addenda No(s). 1, 2, & 3 is hereby acknowledged.

Iversen and Sons, Inc.

CONTRACTOR (Firm Name)


By (signature)

Seth Iversen, President

Name and title of person signing bid

Corporation

(Indicate whether Contractor is Partnership,
Corporation, or Sole Proprietorship)

February 7, 2013

Date

IVERSSI935DW

Washington State Contractor's
Registration Number

132,709-00

Contractor's Industrial Insurance
Account Number

365-278-003

Employment Security Identification
Number

602-636-883

Uniform Business Identification
(UBI) Number

Contractor's Address:

PO Box 1034

360.858.7230

Telephone Number

Rochester, WA 98579

360.858.7268

Fax Number



info@iversenandsonsinc.com
EMAIL

END OF BID SCHEDULE

[END OF SECTION 00300]

BID FORM

00300-4

Provided to Builders Exchange of WA, Inc. For usage Conditions Agreement see www.bxwa.com - Always Verify Scale

5TH AVENUE WATER MAIN REPLACEMENT

SECTION 00310 - BID SECURITY

BID SECURITY DESCRIPTION

This Section contains a form that may be used by the Bidder for the Bid Security. Refer to the Instructions to Bidders for specific requirements.

BID GUARANTY BOND

KNOW ALL PERSONS BY THESE PRESENTS THAT: Iversen & Sons, Inc., hereinafter called "Principal", and Western Surety Company, hereinafter called the "Surety", are jointly and severally held and firmly bound unto the City of Black Diamond, hereinafter called "Owner", in the penal sum of five percent (5%) of the aggregate of the Bid proposal of Principal for the Work, this sum not to exceed 5% Five percent of total amount bid dollars lawful money of the United States, for the payment whereof unto Owner, Principal and Surety jointly and severally bind themselves forever firmly by these presents.

WHEREAS, said Principal is herewith submitting a Bid for the fulfillment of all Work required for the 5th Avenue Water Main Replacement Project (KC CDBG Project No. C12226).

NOW, THEREFORE, the condition of this obligation is such that if Principal is awarded a contract for the Work, and if Principal within the time specified in the Contract Documents enters into, executes, and delivers to Owner a signed Agreement and the Performance Bond, Payment Bond and appropriate insurance certificates as required by the Contract Documents, then this obligation shall be void. If, however, the Principal fails or refuses to furnish, execute and deliver to Owner said Agreement, Performance Bond, Payment Bond and appropriate insurance certificates as required, and within the time required, by the Contract Documents, then Principal and Surety shall forfeit to Owner the penal sum hereof.

AND IT IS HEREBY DECLARED AND AGREED the Surety shall be liable under this obligation as Principal, and that nothing of any kind or nature whatsoever that will not discharge Principal shall operate as a discharge or a release of liability of Surety.

IT IS HEREBY FURTHER DECLARED AND AGREED that this obligation shall be binding upon and inure to the benefit of Principal, Surety and Owner and their respective heirs, executors, administrators, successors and assigns.

SIGNED AND SEALED THIS 7th day of February, 20 13.

Seal

Iversen & Sons, Inc.
Name of Contractor

By: [Signature]
Signature

Seth P. Iversen
Print Name

Its: [Signature]

5TH AVENUE WATER MAIN REPLACEMENT

Seal

Western Surety Company

Name of Surety

By:

Chris A. Fix

Signature

Chris A. Fix

Print Name

Its: Attorney in Fact

[Power of Attorney Must be Attached]

CB&MS of WA., INC.

PO Box 75715

Seattle, WA 98175

Surety's Mailing Address

206-361-9693

206-365-5014

Surety's Phone and Fax Number

BID SECURITY DEPOSIT STATEMENT

Herewith find the deposit in the form of a certified check, cashiers check or cash in the amount of \$ _____, which amount is not less than five percent (5%) of the total Bid.

Name of Contractor

By:

Signature

Print Name

Its: _____

[END OF SECTION 00310]

BID SECURITY
00310-2

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 71374053

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint CHRIS A. FIX

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Iversen & Sons, Inc.

Obligee: City of Black Diamond

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of May 7, 2013, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 7th day of February, 2013.

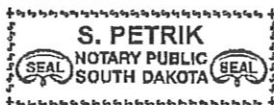


WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

On this 7th day of February, in the year 2013, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



My Commission Expires August 11, 2016

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 7th day of February, 2013.

WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

SECTION 00320 - LIST OF SUBCONTRACTORS

Each Bidder shall submit with the Bid, or within one (1) hour after the time for submittal of sealed Bids, the names of all Subcontractors whose subcontract will amount to 10% or more of the total Bid. The list shall contain the name of the Subcontractor, the category of work to be performed by the Subcontractor, and the percentage of the total Bid price which is comprised of the Subcontractor's work.

[illegible]

LIST OF SUBCONTRACTORS
00320-1

5TH AVENUE WATER MAIN REPLACEMENT

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LIST OF SUBCONTRACTORS

00320-2

5TH AVENUE WATER MAIN REPLACEMENT

SECTION 00340 - NON-COLLUSION AFFIDAVIT

This form must be submitted by all Bidders with their Bid. Failure to submit this form may cause the Bid to be determined non-responsive and, therefore, void.

STATE OF WASHINGTON }
COUNTY OF Thurston } ss

Seth Iversen, being first duly sworn, on her/his oath says that the Bid above submitted is a genuine and not a sham or collusive Bid, or made in the interest or on behalf of any person not therein named; and he/she further says that the said Bidder has not directly or indirectly induced or solicited any Bidder on the above Work or supplies for the Work to put in a sham Bid, or any other person or entity to refrain from bidding; and that said Bidder has not in any manner sought by collusion to secure itself an advantage over any other Bidder or Bidders.



Signature

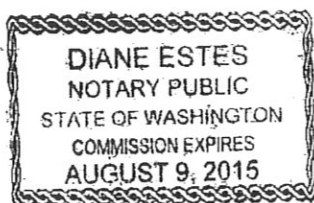
Seth R Iversen

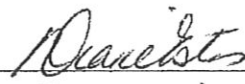
Print Name

Pres. Iversen & Sons Inc

Print Title and Company Name

Subscribed and Sworn to before me this 28th day of January, 2013




Diane Estes
[Print Name]

Notary Public in and for the State of Washington
Residing at Rochester
Appointment Expires 8-9-15

[END OF SECTION 00340]

NON-COLLUSION AFFIDAVIT
00340-1

5TH AVENUE WATER MAIN REPLACEMENT

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NON-COLLUSION AFFIDAVIT

00340-2

Provided to Builders Exchange of WA, Inc. For usage Conditions Agreement see www.bxwa.com - Always Verify Scale

ADDENDUM No. 1

Date: **January 31, 2013**

To: **ALL PLAN HOLDERS**

From: **Seth Boettcher, Project Manager**

Subject: **Addendum No.1 to Contract Documents
City of Black Diamond 5th Avenue Water Main Replacement (King
County CDBG Project No. C12226)**

The following changes and or deletions are hereby made part of the Contract Documents for the construction of the subject project as fully and completely as if they were fully set forth therein.

Item 1) In the Division 1 General Requirements, under Section 1-05.9 Equipment (Special Provisions - Page 11), add the following text after the first sentence:

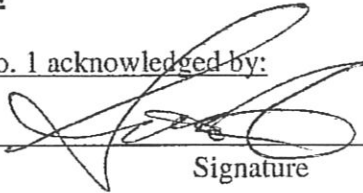
“Authorization may be granted if special provisions are implemented by the Contractor, at the Contractor’s sole expense, that protect the concrete or asphalt pavement from damage. Contractor shall assume all risk and make repairs at Contractor’s sole expense to concrete or asphalt pavement damaged by metal tracked equipment.”

Item 2) In the Division 1 General Requirements, under Section 1-07.18(5)F Excess or Umbrella Liability (Special Provisions - Page 22), delete the first sentence and replace it with the following sentence:

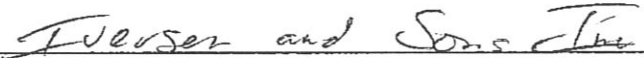
“The Contractor shall provide Excess or Umbrella Liability coverage limits of \$2,000,000 per occurrence and annual aggregate.”

All Bidders must sign the addendum in the space provided and attach to the Formal Bid Proposal.

Addendum No. 1 acknowledged by:



Signature



Company

ADDENDUM No. 2

Date: **January 31, 2013**

To: **ALL PLAN HOLDERS**

From: **Seth Boettcher, Project Manager**

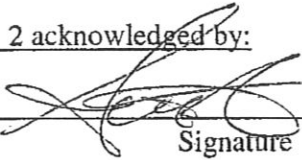
Subject: **Addendum No. 2 to Contract Documents**
City of Black Diamond 5th Avenue Water Main Replacement (King
County CDBG Project No. C12226)

The following changes and or deletions are hereby made part of the Contract Documents for the construction of the subject project as fully and completely as if they were fully set forth therein.

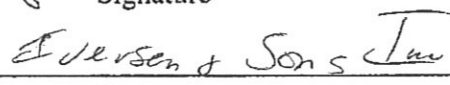
- Item 1) In the Division of the Technical Specifications, Section 7-05.1, page 7-12, 3rd paragraph, 2nd sentence, delete the sentence : "Equivalent fire hydrants shall utilize parts and tools as required for the M&H hydrants in order to facilitate operations and maintenance."**

All Bidders must sign the addendum in the space provided and attach to the Formal Bid Proposal.

Addendum No. 2 acknowledged by:



Signature



Company

ADDENDUM No. 3

Date: **February 1, 2013**

To: **ALL PLAN HOLDERS**

From: **Seth Boettcher, Project Manager**

Subject: **Addendum No. 3 to Contract Documents**
City of Black Diamond 5th Avenue Water Main Replacement (King
County CDBG Project No. C12226)

The following changes and or deletions are hereby made part of the Contract Documents for the construction of the subject project as fully and completely as if they were fully set forth therein.

- Item 1) In the Division 0 CONDITIONS OF THE CONTRACT, King County Housing and Community Development Supplemental Construction Contract Conditions, Section 17. A; delete line number 6 that reads: "Property Insurance: One hundred percent replacement value of funded structure."**
- Item 2) In the Division 0 CONDITIONS OF THE CONTRACT, King County Housing and Community Development Supplemental Construction Contract Conditions, Section 17.B; delete the last portion of the second sentence that reads "and as Named Insureds on Builders Risk"**
- Item 3) In the Division 0 CONDITIONS OF THE CONTRACT, King County Housing and Community Development Supplemental Construction Contract Conditions, Section 17. B; delete line number 4 that reads: "Builder's Risk Insurance: One hundred percent replacement cost value."**

All Bidders must sign the addendum in the space provided and attach to the Formal Bid Proposal.

Addendum No. 3 acknowledged by:



Signature



Company

General/Specialty Contractor
A business registered as a construction contractor with L&I to perform construction work within the scope of its specialty. A General or Specialty construction Contractor must maintain a surety bond or assignment of account and carry general liability insurance.

Business and Licensing Information			
Name	IVERSEN AND SONS INC	UBI No.	602636883
Phone	3608587230	Status	Active
Address	P.O. Box 1034	License No.	IVERSSI935DW
Suite/Apt.		License Type	Construction Contractor
City	Rochester	Effective Date	3/16/2007
State	WA	Expiration Date	3/24/2013
Zip	98579	Suspend Date	
County	Thurston	Specialty 1	General
Business Type	Corporation	Specialty 2	Unused
Parent Company			

Business Owner Information

Name	Role	Effective Date	Expiration Date
IVERSEN, SETH R	President	03/16/2007	
IVERSEN, RICHARD D	Vice President	03/16/2007	

Bond Information

Bond	Bond Company Name	Bond Account Number	Effective Date	Expiration Date	Cancel Date	Impaired Date	Bond Amount	Received Date
2	OLD REPUBLIC INS CO	YLI263091	08/11/2008	Until Cancelled			\$12,000.00	10/29/2008
1	OLD REPUBLIC INS CO	YLI263091	03/15/2007	08/11/2008			\$6,000.00	03/16/2007

Assignment of Savings Information No records found for the previous 6 year period

Insurance Information

Insurance Company Name	Policy Number	Effective Date	Expiration Date	Cancel Date	Impaired Date	Amount	Received Date
5 OHIO SECURITY INS CO	BLS54584705	03/15/2011	03/15/2014			\$1,000,000.00	02/07/2013
4 Liberty Northwest Ins Corp	BHO53604469	03/15/2011	03/15/2012			\$1,000,000.00	02/10/2011
3 OHIO CAS INS CO	BHO1153604469	03/15/2010	03/15/2011			\$1,000,000.00	03/01/2010
2 OHIO CASUALTY INS CO	BHO0953604469	03/15/2008	03/15/2010			\$1,000,000.00	02/15/2009
1 OHIO CAS INS CO	BHO0853604469	03/15/2007	03/15/2008			\$1,000,000.00	03/16/2007

Summons/Complaint Information

Cause	County	Complaint	Judgment	Status	Payment	Paid By
10-2-01414-2		Date: 10/25/2010				
STEVE & ANN LEAL	LEWIS	Amount: \$0.00	Date:	Dismissed	Date:	
InterPlead: No		Bond(s): YLI263091	Amount: \$0.00		Amount:	

Warrant Information No unsatisfied warrants on file within prior 6 year period

Infractions/Citations Information No records found for the previous 6 year period

City of Black Diamond
PO Box 599
Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

BASE BID		Bidder & Address	Qty.	Scotty's General Const. Inc 20405 SE 244th St. Auburn, WA 98092		Iversen and Sons, Inc. PO Box 1034 Rochester, WA 98579		Archer Construction Inc. 7855 So. 206th St. Kent, WA 98032-1354	
Item	Item Description			Unit	Amount	Unit Bid	Amount	Unit Bid	Amount
1	Mobilization/Demobilization (8% Maximum)		1	LS	*\$12,000.00	\$7,500.00	\$7,500.00	\$7,756.00	\$7,756.00
2	Temporary Water Pollution/Erosion Control		1	LS	\$800.00	\$500.00	\$500.00	\$1,853.00	\$1,853.00
3	Temporary Traffic Control		1	LS	\$8,100.00	\$1,000.00	\$1,000.00	\$3,813.00	\$3,813.00
4	Trench Shoring and Safety Systems		1	LS	\$500.00	\$1,000.00	\$1,000.00	\$1,340.00	\$1,340.00
5	Removal of Obstructions & Existing Structures		1	LS	\$500.00	\$2,500.00	\$2,500.00	\$1,609.00	\$1,609.00
6	Crushed Surfacing Top Course (CSTC)		925	TON	\$16.50	\$15,725.00	\$17.00	\$16.00	\$14,800.00
7	Gravel Borrow (As Required)		30	TON	\$20.00	\$600.00	\$12.00	\$12.75	\$382.50
8	Foundation Gravel (As Required)		50	TON	\$25.00	\$1,250.00	\$14.00	\$18.50	\$925.00
9	Controlled Density Fill (CDF)		30	CY	\$86.00	\$2,580.00	\$75.00	\$136.00	\$4,080.00
10	Hot Mix Asphalt for Permanent Trench Patch		90	TON	\$120.00	\$10,800.00	\$135.00	\$130.00	\$11,700.00
11	Sawcutting		3400	LF	\$1.00	\$3,400.00	\$0.50	\$1.70	\$5,780.00
12	8-Inch Ductile Iron Pipe, Class 52, Incl. Fittings		947	LF	\$34.00	\$32,198.00	\$54.00	\$55.00	\$52,085.00
13	Additional Ductile Iron Fittings (As Required)		600	LB	\$2.83	\$1,698.00	\$2.00	\$4.25	\$2,550.00
14	Connection to Existing Water Main		4	EA	\$2,000.00	\$8,000.00	\$1,000.00	\$1,336.00	\$5,344.00
15	Coupling, 6-Inch Diameter		1	EA	\$300.00	\$300.00	\$250.00	\$204.00	\$204.00
16	End Cap Coupling Romac Style "EC501", 6-Inch Diameter		1	EA	\$200.00	\$200.00	\$300.00	\$185.00	\$185.00
17	End Cap Coupling Romac Style "EC501", 4-Inch Diameter		2	EA	\$190.00	\$380.00	\$275.00	\$165.00	\$330.00
18	8-Inch Gate Valve Assembly		3	EA	\$1,065.00	\$3,195.00	\$1,100.00	\$1,009.00	\$3,027.00
19	4-Inch Gate Valve Assembly		2	EA	\$580.00	\$1,160.00	\$650.00	\$555.00	\$1,110.00
20	Fire Hydrant Assembly, 5.25-Inch MVO		2	EA	\$4,360.00	\$8,720.00	\$4,200.00	\$4,265.00	\$8,530.00
21	Permanent Blow-Off Assembly		1	EA	\$2,490.00	\$2,490.00	\$2,500.00	\$2,318.00	\$2,318.00
22	Water Service, 3/4-Inch		8	EA	\$850.00	\$6,800.00	\$1,200.00	\$977.00	\$7,816.00
23	Relocate Water Meter Box & Meter Setter		4	EA	\$100.00	\$400.00	\$750.00	# \$625.00	\$2,500.00
24	Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch		1	EA	\$565.00	\$565.00	\$500.00	\$925.00	\$925.00
25	Property Restoration		1	LS	\$5,700.00	\$5,700.00	\$2,500.00	\$2,160.00	\$2,160.00
26	Miscellaneous Work (Force Account)		1	FA	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

BASE BID TOTAL	
8.6% WASHINGTON STATE SALES TAX	
TOTAL CONTRACT AMOUNT BID	

denotes mathematical error, errors did not change the outcome of the bid

City of Black Diamond
PO Box 599
Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

City of Black Diamond PO Box 599 Black Diamond, WA 98010			Bidder & Address		Ponderosa Pacific Inc. 31444 Rosewood Dr. Sultan, WA 98294		MVG, LLC 22630 SE 268th St. Maple Valley, WA 98038		Johansen Excavating PO Box 674 Buckley, WA 98321	
Project: 5th Avenue Water Main Replacement Bid Opening: February 7, 2013										
BASE BID										
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount	
1	Mobilization/Demobilization (8% Maximum)	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	*\$12,000.00	\$12,000.00	
2	Temporary Water Pollution/Erosion Control	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	
3	Temporary Traffic Control	LS	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$15,225.00	\$15,225.00	
4	Trench Shoring and Safety Systems	LS	1	\$100.00	\$100.00	\$100.00	\$500.00	\$1,000.00	\$1,000.00	
5	Removal of Obstructions & Existing Structures	LS	1	\$2,000.00	\$2,000.00	\$2,000.00	\$1,000.00	\$4,100.00	\$4,100.00	
6	Crushed Surfacing Top Course (CSTC)	TON	925	\$7.50	\$6,937.50	\$15.00	\$13,875.00	\$13.10	\$12,117.50	
7	Gravel Borrow (As Required)	TON	30	\$1.00	\$30.00	\$0.10	\$3.00	\$11.75	\$352.50	
8	Foundation Gravel (As Required)	TON	50	\$1.00	\$50.00	\$0.10	\$5.00	\$29.50	\$1,475.00	
9	Controlled Density Fill (CDF)	CY	30	\$75.00	\$2,250.00	\$100.00	\$3,000.00	\$123.50	\$3,705.00	
10	Hot Mix Asphalt for Permanent Trench Patch	TON	90	\$137.00	\$12,330.00	\$100.00	\$9,000.00	\$123.00	\$11,070.00	
11	Sawcutting	LF	3400	\$0.50	\$1,700.00	\$1.00	\$3,400.00	\$1.20	\$4,080.00	
12	8-Inch Ductile Iron Pipe, Class 52, Incl. Fittings	LF	947	\$80.00	\$75,760.00	\$70.00	\$66,290.00	\$35.80	\$33,902.60	
13	Additional Ductile Iron Fittings (As Required)	LB	600	\$1.00	\$600.00	\$0.10	\$60.00	\$5.25	\$3,150.00	
14	Connection to Existing Water Main	EA	4	\$1,000.00	\$4,000.00	\$1,000.00	\$4,000.00	\$2,350.00	\$9,400.00	
15	Coupling, 6-Inch Diameter	EA	1	\$120.00	\$120.00	\$150.00	\$150.00	\$183.00	\$183.00	
16	End Cap Coupling Romac Style "EC501", 6-Inch Diameter	EA	1	\$160.00	\$160.00	\$200.00	\$200.00	\$225.50	\$225.50	
17	End Cap Coupling Romac Style "EC501", 4-Inch Diameter	EA	2	\$120.00	\$240.00	\$150.00	\$300.00	\$187.25	\$374.50	
18	8-Inch Gate Valve Assembly	EA	3	\$1,200.00	\$3,600.00	\$1,200.00	\$3,600.00	\$1,312.00	\$3,936.00	
19	4-Inch Gate Valve Assembly	EA	2	\$700.00	\$1,400.00	\$800.00	\$1,600.00	\$900.00	\$1,800.00	
20	Fire Hydrant Assembly, 5.25-inch MVO	EA	2	\$4,700.00	\$9,400.00	\$5,000.00	\$10,000.00	\$4,280.00	\$8,560.00	
21	Permanent Blow-Off Assembly	EA	1	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$2,220.00	\$2,220.00	
22	Water Service, 3/4-Inch	EA	8	\$700.00	\$5,600.00	\$1,200.00	\$9,600.00	\$810.00	\$6,480.00	
23	Relocate Water Meter Box & Meter Setter	EA	4	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$430.00	\$1,720.00	
24	Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch	EA	1	\$200.00	\$200.00	\$500.00	\$500.00	\$482.50	\$482.50	
25	Property Restoration	LS	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$6,000.00	\$6,000.00	
26	Miscellaneous Work (Force Account)	FA	1	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	

City of Black Diamond PO Box 599 Black Diamond, WA 98010 Project: 5th Avenue Water Main Replacement Bid Opening: February 7, 2013											
BASE BID		Bidder & Address		Ponderosa Pacific Inc. 31444 Rosewood Dr. Sultan, WA 98294		MVG, LLC 22630 SE 268th St. Maple Valley, WA 98038		Johansen Excavating PO Box 674 Buckley, WA 98321			
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount		
	BASE BID TOTAL				\$155,677.50		\$155,783.00		* \$156,259.10		
	8.6% WASHINGTON STATE SALES TAX				\$13,388.27		\$13,397.34		\$13,438.28		
	TOTAL CONTRACT AMOUNT BID				\$169,065.77		\$169,180.34		* \$169,697.38		

* denotes 8% maximum (excluding WSST & BI 26) for Mobilization was exceeded, rendering bidder non-

denotes mathematical error, errors did not change the outcome of the bid

City of Black Diamond
PO Box 599
Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

BASE BID		Bidder & Address	Aurora Engineering Inc. PO Box 1089 Monroe, WA 98272		Hoffman Const., Inc. PO Box 845 Enumclaw, WA 98022		NPM Construction Co. PO Box 1229 Maple Valley, WA 98038	
Item	Item Description		Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount
1	Mobilization/Demobilization (8% Maximum)	LS	1		\$11,000.00	\$11,000.00	*\$13,100.00	\$13,100.00
2	Temporary Water Pollution/Erosion Control	LS	1		\$1,000.00	\$1,000.00	\$2,640.00	\$2,640.00
3	Temporary Traffic Control	LS	1		\$4,800.00	\$4,800.00	\$13,525.00	\$13,525.00
4	Trench Shoring and Safety Systems	LS	1		\$1,000.00	\$1,000.00	\$250.00	\$250.00
5	Removal of Obstructions & Existing Structures	LS	1		\$2,000.00	\$2,000.00	\$7,890.00	\$7,890.00
6	Crushed Surfacing Top Course (CSTC)	TON	925		\$16.95	\$15,678.75	\$0.01	\$9.25
7	Gravel Borrow (As Required)	TON	30		\$10.00	\$300.00	\$0.01	\$0.30
8	Foundation Gravel (As Required)	TON	50		\$12.00	\$600.00	\$0.01	\$0.50
9	Controlled Density Fill (CDF)	CY	30		\$120.00	\$3,600.00	\$107.00	\$3,210.00
10	Hot Mix Asphalt for Permanent Trench Patch	TON	90		\$169.00	\$15,210.00	\$145.00	\$13,050.00
11	Sawcutting	LF	3400		\$2.50	\$8,500.00	\$0.01	\$34.00
12	8-Inch Ductile Iron Pipe, Class 52, Incl. Fittings	LF	947		\$58.00	\$54,926.00	\$73.05	\$69,178.35
13	Additional Ductile Iron Fittings (As Required)	LB	600		\$2.00	\$1,200.00	\$0.01	\$6.00
14	Connection to Existing Water Main	EA	4		\$2,600.00	\$10,400.00	\$1,300.00	\$5,200.00
15	Coupling, 6-Inch Diameter	EA	1		\$150.00	\$150.00	\$235.00	\$235.00
16	End Cap Coupling Romac Style "EC501", 6-Inch Diameter	EA	1		\$200.00	\$200.00	\$266.00	\$266.00
17	End Cap Coupling Romac Style "EC501", 4-Inch Diameter	EA	2		\$180.00	\$360.00	\$177.00	\$354.00
18	8-Inch Gate Valve Assembly	EA	3		\$1,000.00	\$3,000.00	\$1,212.00	\$3,636.00
19	4-Inch Gate Valve Assembly	EA	2		\$650.00	\$1,300.00	\$775.00	\$1,550.00
20	Fire Hydrant Assembly, 5.25-Inch MVO	EA	2		\$3,900.00	\$7,800.00	\$5,155.00	\$10,310.00
21	Permanent Blow-Off Assembly	EA	1		\$2,100.00	\$2,100.00	\$3,720.00	\$3,720.00
22	Water Service, 3/4-Inch	EA	8		\$750.00	\$6,000.00	\$1,150.00	\$9,200.00
23	Relocate Water Meter Box & Meter Setter	EA	4		\$450.00	\$1,800.00	\$375.00	\$1,500.00
24	Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch	EA	1		\$400.00	\$400.00	\$460.00	\$460.00
25	Property Restoration	LS	1		\$4,000.00	\$4,000.00	\$3,670.00	\$3,670.00
26	Miscellaneous Work (Force Account)	FA	1		\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00

City of Black Diamond PO Box 599 Black Diamond, WA 98010 Project: 5th Avenue Water Main Replacement Bid Opening: February 7, 2013 BASE BID		Bidder & Address	Aurora Engineering Inc. PO Box 1089 Monroe, WA 98272		Hoffman Const., Inc. PO Box 845 Enumclaw, WA 98022		NPM Construction Co. PO Box 1229 Maple Valley, WA 98038	
Item	Item Description		Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount
	BASE BID TOTAL					\$169,024.75	* \$174,694.40	* \$182,328.00
	8.6% WASHINGTON STATE SALES TAX					\$14,536.13	\$15,023.72	\$15,680.21
	TOTAL CONTRACT AMOUNT BID					\$183,560.88	* \$189,718.12	* \$198,008.21

* denotes 8% maximum (excluding WSST & BI 26) for Mobilization was exceeded, rendering bidder non-

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City of Black Diamond
PO Box 599
Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

Item		Item Description	Bidder & Address		Henderson Partners LLC 11302 Burnham Dr. NW Gig Harbor, WA 98332		Site Development Inc. 9721 19th Avenue East Tacoma, WA 98445		Nor Tec Construction Inc. 6319 - 112th St. E. #101 Puyallup, WA 98373	
Item			Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount
1		Mobilization/Demobilization (8% Maximum)	LS	1	*\$16,000.00	\$16,000.00	\$11,500.00	\$11,500.00	*\$15,000.00	\$15,000.00
2		Temporary Water Pollution/Erosion Control	LS	1	\$1,200.00	\$1,200.00	\$8,200.00	\$8,200.00	\$1,100.00	\$1,100.00
3		Temporary Traffic Control	LS	1	\$16,000.00	\$16,000.00	\$2,500.00	\$2,500.00	\$4,500.00	\$4,500.00
4		Trench Shoring and Safety Systems	LS	1	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$400.00	\$400.00
5		Removal of Obstructions & Existing Structures	LS	1	\$4,350.00	\$4,350.00	\$5,600.00	\$5,600.00	\$1,000.00	\$1,000.00
6		Crushed Surfacing Top Course (CSTC)	TON	925	\$23.00	\$21,275.00	\$16.00	\$14,800.00	\$17.60	\$16,280.00
7		Gravel Borrow (As Required)	TON	30	\$20.00	\$600.00	\$25.00	\$750.00	\$1.00	\$30.00
8		Foundation Gravel (As Required)	TON	50	\$20.00	\$1,000.00	\$25.00	\$1,250.00	\$1.00	\$50.00
9		Controlled Density Fill (CDF)	CY	30	\$125.00	\$3,750.00	\$100.00	\$3,000.00	\$100.00	\$3,000.00
10		Hot Mix Asphalt for Permanent Trench Patch	TON	90	\$150.00	\$13,500.00	\$175.00	\$15,750.00	\$162.00	\$14,580.00
11		Sawcutting	LF	3400	\$1.00	\$3,400.00	\$1.00	\$3,400.00	\$1.00	\$3,400.00
12		8-Inch Ductile Iron Pipe, Class 52, Incl. Fittings	LF	947	\$56.00	\$53,032.00	\$61.00	\$57,767.00	\$84.90	\$80,400.30
13		Additional Ductile Iron Fittings (As Required)	LB	600	\$4.50	\$2,700.00	\$3.50	\$2,100.00	\$3.85	\$2,310.00
14		Connection to Existing Water Main	EA	4	\$700.00	\$2,800.00	\$1,625.00	\$6,500.00	\$1,800.00	\$7,200.00
15		Coupling, 6-Inch Diameter	EA	1	\$225.00	\$225.00	\$250.00	\$250.00	\$135.00	\$135.00
16		End Cap Coupling Romac Style "EC501", 6-Inch Diameter	EA	1	\$302.00	\$302.00	\$300.00	\$300.00	\$165.00	\$165.00
17		End Cap Coupling Romac Style "EC501", 4-Inch Diameter	EA	2	\$260.00	\$520.00	\$250.00	\$500.00	\$126.50	\$253.00
18		8-Inch Gate Valve Assembly	EA	3	\$1,454.00	\$4,362.00	\$1,300.00	\$3,900.00	\$1,200.00	\$3,600.00
19		4-Inch Gate Valve Assembly	EA	2	\$987.00	\$1,974.00	\$850.00	\$1,700.00	\$650.00	\$1,300.00
20		Fire Hydrant Assembly, 5.25-Inch MVO	EA	2	\$4,932.00	\$9,864.00	\$4,500.00	\$9,000.00	\$4,500.00	\$9,000.00
21		Permanent Blow-Off Assembly	EA	1	\$2,616.00	\$2,616.00	\$3,200.00	\$3,200.00	\$3,000.00	\$3,000.00
22		Water Service, 3/4-Inch	EA	8	\$914.00	\$7,312.00	\$1,200.00	\$9,600.00	\$1,000.00	\$8,000.00
23		Relocate Water Meter Box & Meter Setter	EA	4	\$367.00	\$1,468.00	\$300.00	\$1,200.00	\$100.00	\$400.00
24		Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch	EA	1	\$563.00	\$563.00	\$650.00	\$650.00	\$400.00	\$400.00
25		Property Restoration	LS	1	\$2,500.00	\$2,500.00	\$7,900.00	\$7,900.00	\$500.00	\$500.00
26		Miscellaneous Work (Force Account)	FA	1	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00

City of Black Diamond PO Box 599 Black Diamond, WA 98010		Bidder & Address		Henderson Partners LLC 11302 Burnham Dr. NW Gig Harbor, WA 98332	Site Development Inc. 9721 19th Avenue East Tacoma, WA 98445	Nor Tec Construction Inc. 6319 - 112th St. E. #101 Puyallup, WA 98373
Project: 5th Avenue Water Main Replacement Bid Opening: February 7, 2013		Unit Qty.		Unit Bid Amount	Unit Bid Amount	Unit Bid Amount
BASE BID						
Item Item Description						
BASE BID TOTAL				* \$183,513.00	\$184,517.00	* \$187,703.30
8.6% WASHINGTON STATE SALES TAX				\$15,782.12	\$15,868.46	\$16,142.48
TOTAL CONTRACT AMOUNT BID				* \$199,295.12	\$200,385.46	* \$203,845.78

* denotes 8% maximum (excluding WSST & BI 26) for Mobilization was exceeded, rendering bidder non-

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City of Black Diamond
PO Box 599
Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement
Bid Opening: February 7, 2013

Bidder & Address		Kar-Vel Construction PO Box 58275 Renton, WA 98058		Northwest Cascade, Inc. PO Box 73399 Puyallup, WA 98373		NOVA Contracting, Inc. 10615 Delphi Rd. SW Olympia, WA 98512		City Estimate	
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount	Unit Bid	Amount
1	Mobilization/Demobilization (8% Maximum)	LS	1	\$14,000.00	\$14,000.00	\$12,000.00	\$12,000.00	\$11,371.00	\$11,371.00
2	Temporary Water Pollution/Erosion Control	LS	1	\$3,000.00	\$3,000.00	\$7,750.00	\$7,750.00	\$1,000.00	\$1,000.00
3	Temporary Traffic Control	LS	1	\$3,600.00	\$3,600.00	\$18,500.00	\$18,500.00	\$9,700.00	\$9,700.00
4	Trench Shoring and Safety Systems	LS	1	\$100.00	\$100.00	\$17,500.00	\$17,500.00	\$947.00	\$947.00
5	Removal of Obstructions & Existing Structures	LS	1	\$3,000.00	\$3,000.00	\$16,000.00	\$16,000.00	\$4,500.00	\$4,500.00
6	Crushed Surfacing Top Course (CSTC)	TON	925	\$2.00	\$1,850.00	\$20.50	\$18,962.50	\$21.00	\$19,425.00
7	Gravel Borrow (As Required)	TON	30	\$2.00	\$60.00	\$18.00	\$540.00	\$20.00	\$600.00
8	Foundation Gravel (As Required)	TON	50	\$2.00	\$100.00	\$20.00	\$1,000.00	\$22.00	\$1,100.00
9	Controlled Density Fill (CDF)	CY	30	\$75.00	\$2,250.00	\$130.00	\$3,900.00	\$110.00	\$3,300.00
10	Hot Mix Asphalt for Permanent Trench Patch	TON	90	\$155.00	\$13,950.00	\$135.00	\$12,150.00	\$115.00	\$10,350.00
11	Sawcutting	LF	3400	\$0.10	\$340.00	\$1.35	\$4,590.00	\$1.20	\$4,080.00
12	8-Inch Ductile Iron Pipe, Class 52, Incl. Fittings	LF	947	\$78.00	\$73,866.00	\$34.50	\$32,671.50	\$52.00	\$49,244.00
13	Additional Ductile Iron Fittings (As Required)	LB	600	\$0.10	\$60.00	\$4.50	\$2,700.00	\$2.50	\$1,500.00
14	Connection to Existing Water Main	EA	4	\$4,000.00	\$16,000.00	\$5,350.00	\$21,400.00	\$1,000.00	\$4,000.00
15	Coupling, 6-Inch Diameter	EA	1	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
16	End Cap Coupling Romac Style "EC501", 6-Inch Diameter	EA	1	\$300.00	\$300.00	\$250.00	\$250.00	\$200.00	\$200.00
17	End Cap Coupling Romac Style "EC501", 4-Inch Diameter	EA	2	\$200.00	\$400.00	\$210.00	\$420.00	\$160.00	\$320.00
18	8-Inch Gate Valve Assembly	EA	3	\$1,400.00	\$4,200.00	\$1,350.00	\$4,050.00	\$1,150.00	\$3,450.00
19	4-Inch Gate Valve Assembly	EA	2	\$800.00	\$1,600.00	\$925.00	\$1,850.00	\$700.00	\$1,400.00
20	Fire Hydrant Assembly, 5.25-Inch MVO	EA	2	\$6,000.00	\$12,000.00	\$4,000.00	\$8,000.00	\$4,250.00	\$8,500.00
21	Permanent Blow-Off Assembly	EA	1	\$3,500.00	\$3,500.00	\$2,650.00	\$2,650.00	\$1,900.00	\$1,900.00
22	Water Service, 3/4-Inch	EA	8	\$1,500.00	\$12,000.00	\$900.00	\$7,200.00	\$1,500.00	\$12,000.00
23	Relocate Water Meter Box & Meter Setter	EA	4	\$300.00	\$1,200.00	\$825.00	\$3,300.00	\$200.00	\$800.00
24	Reconnect Existing Water Service Line, 3/4-Inch or 1-Inch	EA	1	\$1,100.00	\$1,100.00	\$720.00	\$720.00	\$625.00	\$625.00
25	Property Restoration	LS	1	\$8,000.00	\$8,000.00	\$5,450.00	\$5,450.00	\$3,000.00	\$3,000.00
26	Miscellaneous Work (Force Account)	FA	1	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,500.00	\$11,500.00

Black Diamond, WA 98010

Project: 5th Avenue Water Main Replacement

Bid Opening: February 7, 2013

City of Black Diamond PO Box 599 Black Diamond, WA 98010 Project: 5th Avenue Water Main Replacement Bid Opening: February 7, 2013 BASE BID	Bidder & Address	Kar-Vel Construction PO Box 58275 Renton, WA 98058	Northwest Cascade, Inc. PO Box 73399 Puyallup, WA 98373	NOVA Contracting, Inc. 10615 Delphi Rd. SW Olympia, WA 98512	City Estimate		
		Unit Bid	Unit Bid	Unit Bid			
		Amount	Amount	Amount			
Item	Item Description	Unit	Qty.	Unit Bid	Amount	Unit Bid	Amount
	BASE BID TOTAL			\$188,376.00	\$215,454.00	* \$253,548.00	\$165,012.00
	8.6% WASHINGTON STATE SALES TAX			\$16,200.34	\$18,529.04	\$21,805.13	\$14,191.03
	TOTAL CONTRACT AMOUNT BID			\$204,576.34	\$233,983.04	* \$275,353.13	\$179,203.03

* denotes 8% maximum (excluding WST & BI 26) for Mobilization was exceeded, rendering bidder non-

denotes mathematical error, errors did not change the outcome of the bid

Capital Improvement Plan 2013 - 2018

Project for the

Water Department

W3

PROJECT TITLE

5th Ave Water Main Replacement

DESCRIPTION

Replace 850 feet of 4 inch dead end asbestos concrete water main from 5th Ave intersection with Lawson St. South to the end of the road. Two fire hydrants also need to be replaced.

BACKGROUND

There is a lack of fire flow in this area and with low quality water pipe on a dead end line the service reliability is also very low. The City was selected for a CDBG Grant for this project in 2011. The grant agreement is expected in May or June of 2012. The City is trying to expedite the project so as to complete the construction while Lawson Creek is dried up.

COMMENTS

This project might be delayed to 2013 if it cannot be completed while Lawson Creek is dry in the summer of 2012 and is also shown in the 2013 budget year.

CAPITAL PROJECT COSTS

Construction Engineering
Construction Costs

TOTAL COSTS

REQUESTED FUNDING

Grants

REET II

TOTAL SOURCES

Total \$ Requested 2013-2018	Capital Plan 2013 - 2018					
	2013	2014	2015	2016	2017	2018
15,000	15,000					
160,000	160,000					
175,000	175,000	-	-	-	-	-
Total \$ Requested 2013-2018	2013	2014	2015	2016	2017	2018
	2013	2014	2015	2016	2017	2018
160,000	160,000					
15,000	15,000					
175,000	175,000	-	-	-	-	-



Fire Hydrant on Fifth Ave.

5TH AVENUE WATER MAIN REPLACEMENT PROJECT
BUDGET SUMMARY

DESIGN COSTS

CDBG Environmental Review:	\$4,000.00
Roth Hill (Design):	\$40,438.48
APS (Potholing):	\$1,920.00
Total Design:	\$46,358.48

CONSTRUCTION

Bid Advertisements:	\$2,671.90
Iversen and Sons, Inc. Bid:	\$158,146.58
Total Construction:	\$160,818.48

TOTAL PROJECT COSTS: **\$207,176.96**

CDBG Grant:	\$160,000.00
REET II:	<u>\$47,176.96</u>
TOTAL PROJECT COST:	\$207,176.96)