

RESOLUTION NO. 219

RESOLUTION OF TOWN COUNCIL, TOWN OF SKYKOMISH

WHEREAS, heretofore on the twelfth day of March, 2007 the Town of Skykomish enacted Ordinance No. 385 being an ordinance adopting a General Sewer and Facilities Plan; and

WHEREAS, the Washington State Department of Ecology (Ecology) is providing funding from the Toxics Cleanup Fund for design and construction of Phases I and II of the Plan, and additional funding is available under the Natural Resource Damages provisions of the Consent Decree between Ecology and BNSF Railway Co. regarding the Former BNSF Former Maintenance and Fueling Facility at Skykomish (entered October 18, 2007, hereafter, “the Consent Decree”); and

WHEREAS, the Consent Decree sets forth various terms and conditions for the use of state grant and NRD funds in the development of the wastewater system; and

WHEREAS, the Town of Skykomish will need to enact an ordinance for the development, operation and maintenance of the community wastewater system, and the Town Council desires to set forth certain guidelines and recommendations regarding the content of the ordinance, NOW, THEREFORE,

The Town Council hereby adopts the following resolution:

A. The Mayor, or her designee, shall prepare for consideration by the Town Council a sewer utility ordinance for the installation, operation, maintenance and finance of the Town of Skykomish community wastewater system. The Mayor may begin procurement of a professional services contract for utility financial planning and rate-setting services in support of this effort.

B. In the course of preparing the sewer utility ordinance and rate schedules, the Mayor shall consider the following policies:

1. The system should be developed for the benefit of the entire Town (Phases I, II and III as defined in the General Sewer and Facilities Plan).

2. The system should be developed consistent with the schedule of the Final Cleanup Action Plan for the BNSF Railway Former Fueling and Maintenance Facility at Skykomish, as established under the provisions of the Washington Model Toxics Control Act (hereafter, “the MTCA Cleanup”).

3. Funds from the State Toxics Cleanup Fund will be used to construct only Common facilities, STEP/STEG tanks and collection pipelines in the Phase I and Phase II areas. Common facilities are the community lift station, the wastewater conveyance pipeline, the

wastewater treatment plant, the effluent conveyance pipeline, the drainfield disposal facility, and all appurtenances to those facilities. The completion of Phase III will be dependent upon acquisition of appropriate funding.

4. Any capital funding required in addition to the State Toxics Cleanup Fund grant and NRD funds should be obtained as advantageously as possible.

5. Existing buildings in Phase I and II will receive free sewer hookups (including STEP/STEG tanks and related equipment) consistent with the Consent Decree and according to the MTCA Cleanup schedule, to the extent that grant money or other funding is available to the Town.

6. Consistent with requirements set forth in the Consent Decree, within the BNSF cleanup area, Toxics Cleanup Fund and/or NRD funds for sewer system development will not be available for onsite improvements to properties whose owners do not grant full access for the MTCA Cleanup.

7. Commercial, institutional or industrial wastewater generators will pay the cost of any required pre-treatment equipment and operations (e.g., grease traps) for their building.

8. Sewer assessments will be mandatory for all existing and future buildings in the Town (whether or not they are connected to the system), once sewer lines have been constructed and are operational in the adjacent right-of-way

9. Very low-income users may receive rate relief; the cost of such subsidy should be shared equitably by all other system users.

TOWN OF SKYKOMISH

BY: Charlotta M. Mackenzie
Mayor

Attest:



Clerk

Passed: 12/10/2007