

RESOLUTION NO. 14-053

RESOLUTION AMENDING RESOLUTION 07-45 TO ADJUST THE SEWER RATES FOR RESIDENTIAL AND NONRESIDENTIAL USERS WITH THE CITY OF WILLISTON.

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF WILLISTON, NORTH DAKOTA, AS FOLLOWS:

WHEREAS Section 17-110 of the Code of Ordinances by the City of Williston provides that the Board of City Commissioners shall be authorized to amend by resolution the surcharge rate structure for above normal strength wastes, the rate schedule, and the wastewater facilities replacement fund schedule as those fees relate to the City of Williston Sewer System;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the City of Williston as follows:

1. The surcharge rate structure for above normal strength wastes in the City of Williston shall be as follows:

The City of Williston or its Engineer shall determine the average total Suspended Solids (SS) and 5-day Biochemical Oxygen Demand (BOD) daily loadings for the average residential user or in lieu of such a determination shall consider the average residential strength wastes to be 200 mg/l BOD and 250 mg/l SS. The City of Williston or its Engineer shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and SS strengths greater than the average residential user. Such users will pay an additional service charge of \$2.10 per 100 cubic feet for each 25 mg/l over 200 mg/l of BOD and \$1.14 per 100 cubic feet for each 25 mg/l over 250 mg/l SS.

2. The rate schedule for sewer services in the City of Williston shall be as follows:
 - a. Residential users shall be considered one class of user and assessed a charge based on sewage flow as follows:

0-3,000 cubic feet	\$ 1.09/100 cubic feet
3,000 cubic feet	\$.85/100 cubic feet

For the months of November, December, January, February, March and April the sewage flow will be determined to be equal to the user's water consumed, but shall not be less than the user's sewer average. For the months of May, June, July, August, September and October the sewage flow will be determined to be the user's sewer average.

A credit shall be given for senior citizens or disabled persons based upon the percentage of credit equivalent to the percentage of property tax credit set forth in the Office of State Tax Commissioner brochure "Property Tax Credit for Senior Citizens or Disabled Persons". This credit shall apply only to the commodity charge for sewage flow above the sewer average.

- b. Nonresidential users with BOD and TSS flows no greater than the average residential user's strength of 200 ppm BOD and 250 ppm TSS shall be assessed a charge based on sewage flow as follows:

0-3000 cubic feet	\$ 1.09/100 cubic feet
3,000 cubic feet	\$.85/100 cubic feet

The sewage flow will be determined to be equal to the user's water consumed, but shall not be less than the user's sewer average. Any nonresidential user with BOD and TSS greater than the average user's strength of 200 ppm BOD and 250 ppm TSS shall pay a surcharge in accordance with the rates shown in the surcharge rate schedule.

3. For the purposes of this resolution, *sewer average* shall mean the average number of units of water consumed by the user and measured by the user's water meter for the three months of January, February, and March. This sewer average shall be used for the twelve months following that three month period.
4. The wastewater facilities' replacement fund schedule shall be reenacted as follows:
- The reserve fund called the Wastewater Facilities Replacement Fund established within the wastewater utility fund as an interest-bearing account shall be funded by a deposit of \$25,000 per year obtained from the wastewater utility fund at the end of each fiscal year.
5. Ten percent of the revenues from sewer services shall be designated for capital improvements.
6. The aforementioned rates in this resolution shall be effective January 1, 2015.

DATED at Williston, North Dakota this 28th day of October, 2014.

This resolution was proposed and read by Commissioner Piesik who moved its adoption. The motion was seconded by Commissioner Cymbaluk and upon being put to vote, the following Commissioners voted "AYE": Cymbaluk, Brostuen, Bekkedahl, Piesik and Klug; and the following Commissioners voted "NAY": None. Abstained: None.

HOWARD KLUG, President
Board of Commissioners

ATTEST:

JOHN KAUTZMAN, City Auditor