



DAYTON CITY COUNCIL
111 S. 1st Street, Dayton, WA 99328

PRELIMINARY AGENDA
REGULAR MEETING
Monday, **November 28, 2016**
6:00 p.m.
Craig George, Mayor

1. **CALL TO ORDER**
 - A. Roll Call
2. **CONSENT AGENDA – Action**
 - A. Council Minutes
 - i. September 12, 2016 City Council Meeting
 - ii. October 10, 2016 City Council Meeting
 - iii. November 14, 2016 City Council Meeting
 - B. Authorize Voucher Warrants as audited by the Finance Committee
 - C. Authorize Payroll Warrants for November 15, 2016
 - D. Authorize Resolution 1295- Authorizing Settlement of all Claims Against Columbia County, Washington, Related to Case Number 16-2-00059-1, City of Dayton V. Columbia County, Washington Et Al.
 - E. Authorize Resolution No. 1296 - Authorizing the Mayor to Sign An Agreement for Prosecutorial Services With Bell, Brown & Rio, PLLC
3. **SPECIAL GUESTS AND PUBLIC COMMENT**
 - A. Public Hearing – Receive public input on the 2017 Final Budget
4. **COMMITTEE/BOARD/COMMISSION REPORTS**
5. **REPORTS OF CITY OFFICERS**
 - A. Report on Transportation Improvement Board’s 2018 Project Selection – Trina Cole
6. **UNFINISHED BUSINESS**
 - A. ACTION: Authorize Ordinance No. 1905 - Amending Ordinance 1896, Section 06 Of Title 1 Chapter 2 Of The Dayton Municipal Code, Open To The Public; And, Amending Ordinance No. 1872, Section 04 Of Title 1 Chapter 2 Of The Dayton Municipal Code, Regular Meetings
7. **NEW BUSINESS**
 - A. ACTION: Authorize Resolution No. 1297 - Authorizing Application with The State Of Washington Drinking Water State Revolving Fund Loan Program to aid in the Construction of the City of Dayton D-1 – North 5th Street and Patit Avenue Project
 - B. ACTION: Authorize Ordinance No. 1906 – Amending Water Rates and Sewer Rates to allow adoption by resolution

- C. ACTION: Authorize Resolution No. 1298 – Amending Resolution No. 1290, Section 10, Utility Charges – Billing and Collection to include Water and Sewer Rates and Fee Schedules

8. EXECUTIVE SESSION:

- A. RCW 42.30.110(1) (i): To discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

9. FINAL PUBLIC COMMENT

10. ADJOURN

RESOLUTION NO. 1295

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING SETTLEMENT OF ALL CLAIMS AGAINST COLUMBIA COUNTY, WASHINGTON, RELATED TO CASE NUMBER 16-2-00059-1, CITY OF DAYTON V. COLUMBIA COUNTY, WASHINGTON ET AL.

WHEREAS, the City of Dayton (the "City") is authorized under Revised Code of Washington 35A.11.010 to "sue and be sued in all courts and proceedings;" and

WHEREAS, the City is a plaintiff in the matter identified as 16-2-00059-1; and

WHEREAS, the City and Columbia County have agreed to an out-of-court settlement of the claims alleged by the City against the County in the above-referenced matter; and

WHEREAS, an out-of-court settlement will reduce potential liability in the litigation and eliminate the need for a trial.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the Mayor is hereby authorized to settle all claims against Columbia County, a political subdivision of the State of Washington, in Case Number 16-2-00059-1 such that the parties will negotiation an amendment to the Interlocal Agreement Between Columbia County and City of Dayton Regarding Court Services,

Columbia County will pay to the City an amount commensurate with the attorney's fees incurred by the City to date in the above-referenced lawsuit, there is no admission of liability or fault by any party, and each party otherwise bears its own costs and attorneys' fees, in substantial conformity with the copy attached hereto, marked Exhibit "A" and incorporated herein by this reference.

Section 2. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 28th day of November, 2016.

CITY OF DAYTON

CRAIG GEORGE, MAYOR

ATTEST:

Trina Cole, City Clerk

APPROVED AS TO FORM:

Quinn N. Plant, City Attorney

SETTLEMENT AGREEMENT

This settlement agreement is made and entered into by and between the City of Dayton, a Washington municipal corporation (the "City") and Columbia County, a political subdivision organized under the laws of the State of Washington (the "County").

WHEREAS, in January 2007 the City and Columbia County entered into an Interlocal Agreement Between Columbia County and City of Dayton Regarding Court Services (hereinafter "Interlocal Agreement"), and;

WHEREAS, under the Interlocal Agreement, the County agreed to provide court services to the City for the prosecution, defense and adjudication of non-juvenile infractions, misdemeanor and gross misdemeanor offenses committed within the City's jurisdictional boundaries, and;

WHEREAS, by letter dated August 31, 2016, County Prosecuting Attorney Rea Culwell notified the City that, effective September 6, 2016, "the Columbia County Prosecuting Attorney's Office will no longer prosecute non-domestic violence, non-DUI/physical control matters on behalf of the City of Dayton"; and

WHEREAS, on September 13, 2016, the City initiated a lawsuit in Columbia County Superior Court and named the County and County Prosecuting Attorney Rea Culwell as defendants. The City requested a declaratory ruling and injunctive relief; and

WHEREAS, on September 14, 2016, the Dayton County Superior Court orally issued a temporary restraining order requiring the County to provide municipal prosecution services to the City as required by the Interlocal Agreement. The temporary restraining order was issued in written form on October 20, 2016, issued *nunc pro tunc* to September 14, 2016; and

WHEREAS, on September 28, 2016, the City and County Prosecuting Attorney Rea Culwell reached an agreement whereby County Prosecuting Attorney Rea Culwell agreed to resume providing the prosecution service required by the Interlocal Agreement for a period of 90 days; and

WHEREAS, the City and the County have negotiated a resolution and wish to resolve their disputes without the need for further litigation. The Prosecuting Attorney is not a party to this agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the County agree as follows:

1. The City will contract with a private attorney for the provision of municipal prosecution services effective December 1, 2016. The City will allow the County to review a contract for municipal prosecution services before such a contract is approved by the City. The

County will discontinue providing prosecution services on behalf of the City pursuant to the Interlocal Agreement on the date the new prosecuting attorney commences work on behalf of the City.

2. The County shall pay the costs incurred by the City pursuant to the contract for municipal prosecution services entered into pursuant to Section 1 of this agreement, in an amount not to exceed \$2,000 per month, until an amendment to the Interlocal Agreement is negotiated and executed by the City and the County.
3. Upon execution of this agreement, the City and the County will negotiate in good faith an amendment to the Interlocal Agreement. Until an amended Interlocal Agreement is executed by the City and the County, the City shall continue to pay to the County each month the amount it currently pays for County court services, including prosecution services, under the Interlocal Agreement. In the event the City and the County are unable to reach agreement on the terms of an amended Interlocal Agreement, the City and the County agree to pursue arbitration in the manner contemplated by Section 6.B.1.c.iii of the Interlocal Agreement.
4. Upon the final execution of an amended Interlocal Agreement by the City and the County, the City shall cease paying the County each month the amount it currently pays to the County for court services and shall instead pay to the County each month such amount as set forth in the amended Interlocal Agreement. Upon the final execution of an amended Interlocal Agreement by the City and the County, the County shall no longer be responsible for the costs of municipal prosecution services as set forth in Section 2 of this agreement.
5. Within seven (7) days of the execution of this agreement by all parties, the County shall pay to the City an amount equal to the attorney's fees and costs incurred by the City in Columbia County Superior Court Cause No. 16-2-0059-1, in amount not to exceed \$15,000.00.
6. For and in consideration of the above, the City, on the terms and conditions set forth herein, does release the County from any and all actions and causes of action, rights, suits, covenants and demands whatsoever in law or in equity, which have been or may be prosecuted by the City or by any and all other persons, associations, and corporations, whether named or not, arising out of the Prosecuting Attorney's refusal to provide municipal prosecution services as required by the Interlocal Agreement.
7. That the parties shall jointly stipulate to the dismissal of the City's claims against the County in Columbia County Superior Court Cause No. 16-2-00059-1 with prejudice and without costs to any party not later than ten (10) days after tender of the payment of reasonable attorney's fees and costs pursuant to Section 5 of this agreement.

8. Except as otherwise provided herein, each party shall bear its own costs and attorneys' fees.
9. Except as otherwise provided herein, this agreement covers any and all actions, causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands, including attorneys' fees, that the City or County may possess relative to each other, arising out of County Prosecuting Attorney Rea Culwell's refusal to provide municipal prosecution services as required by the Interlocal Agreement. This agreement does not cover, and shall not prejudice, claims of the County against County Prosecuting Attorney Rea Culwell arising out of County Prosecuting Attorney Rea Culwell's refusal to provide municipal prosecution services as required by the Interlocal Agreement.
10. The parties acknowledge full and final settlement for any claims against each other arising out of County Prosecuting Attorney Rea Culwell's refusal to provide municipal prosecution services as required by the Interlocal Agreement, and that such settlement shall not be treated as evidence of liability or an admission of liability or responsibility at any time or in any matter.
11. This agreement will be governed by the laws of the State of Washington.
12. The parties represent that they have relied upon the advice of their attorneys, who are attorneys of their own choice, and that the terms of this agreement have been completely read and explained to them by their attorneys, and that those terms are fully understood and voluntarily accepted by them.
13. The parties agree to cooperate fully and to execute any and all supplementary documents and to take all additional actions that may be necessary or appropriate to give full force to the basic terms and intent of this agreement and which are not inconsistent with its terms.
14. The parties hereby warrant to each other that each has full power and authority to enter into this agreement and to undertake the actions contemplated herein, and that this agreement is enforceable in accordance with its terms.
15. The obligations in this agreement may be modified only by written agreement of the parties and signed by duly authorized representatives of each.
16. This agreement shall become effective immediately following execution by the last of each of the parties hereto.

ACCEPTANCE OF SETTLEMENT AGREEMENT

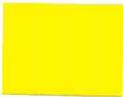
organized under the laws of the State of Washington, and he executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said entity for the uses and purposes therein mentioned.

DATED this _____ day of November, 2016.

←print name

Notary Public in and for the State of Washington.
My appointment expires:
Residing at:

2E



RESOLUTION NO. 1296

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR PROSECUTORIAL SERVICES WITH BELL, BROWN & RIO, PLLC

WHEREAS, the City of Dayton (the "City") has identified a need to procure municipal prosecution services in the near term while a request for proposals is issued and a new contract for prosecutorial services is negotiated; and

WHEREAS, the law firm of Bell, Brown & Rio, PLLC, has proposed to provide municipal prosecutorial services for the City commencing December 1, 2016, for a period of two months, on the terms and conditions identified on the agreement for prosecutorial services attached hereto as Exhibit A; and

WHEREAS, the City Council of the City of Dayton finds that entering into a short-term contract for municipal prosecutorial services with Bell, Brown & Rio, PLLC, is in the best interest of the City of Dayton and will promote the general health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Dayton an Agreement for Prosecutorial Services with Bell, Brown & Rio, PLLC, in the form attached hereto as Exhibit "A."

Section 2. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 28th day of November, 2016.

CITY OF DAYTON

CRAIG GEORGE, MAYOR

ATTEST:

Trina Cole, City Clerk

APPROVED AS TO FORM:

Quinn N. Plant, City Attorney

AGREEMENT FOR PROSECUTORIAL SERVICES

THIS AGREEMENT is entered into by and between the CITY OF DAYTON, hereinafter referred to as "DAYTON," and Bell, Brown & Rio, PLLC, hereinafter referred to as "Prosecutor," for the purpose of providing prosecutorial services for the City of Dayton.

1. PROSECUTOR SHALL:

- A. Provide complete misdemeanor, and gross misdemeanor prosecution, for all cases filed in the Columbia County District Court and other related services including:
 1. Arraignment Docket representation
 2. Negotiation of sentences with defense counsel
 3. Bench Trials and hearings
 4. Pre-trial hearings
 5. Jury Trials and Trial Readiness Hearings
 6. Post-trial motions and hearings
 7. Appeals
 8. Response to criminal-related questions from the public that cannot be answered by administrative staff.
- B. Be prompt in attendance for all required dockets, hearings and trials on the first and third Tuesdays in December 2016 and January 2017. Trial dates and times shall be set with written notice from Columbia County District Court. The dates and times for trial may differ from the first and third Tuesday schedule above. Further, such schedule may be changed from time to time to meet the needs of the Court upon mutual agreement of the parties.
- C. Michael Rio, 509-628-4700 is the contact who shall be responsible for:
 1. Complaint review and response
 2. Review and evaluation of quality of service
 3. Periodic reports to the City administration upon request
- D. Personally provide the prosecution services and divide the representation to ensure full-time coverage as well as substitute, conflict, and additionally required coverage to allow multiple actions to proceed when necessary. In the event Prosecutors wish to hire additional attorneys other than James Bell, Bronson Brown, Michael Rio, and Jared Hanson to perform services, Prosecutors shall obtain advance approval from Dayton. This provision shall not apply in the event of unforeseen circumstances where Prosecutors are temporarily unable to perform. Prosecutors shall be responsible for assuring that qualified attorneys are present in Court at all times necessary.

- E. Use established practices and policies to recommend utilization of alternatives to incarceration as appropriate. Such alternatives shall include but not be limited to electronic home monitoring, work crew, etc. Prosecutors shall obtain Dayton's approval prior to implementing any program for alternate dispositions involving charitable contributions.
- F. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court.

2. DAYTON SHALL:

- A. Provide all police reports to Prosecutor in a timely manner.
- B. Pay all subpoena and service costs and costs of required reports for prosecution.
- C. Pay to Prosecutor the sum of Two Thousand Dollars (\$2,000) per month for the months of December 2016 and January 2017. Payments shall be due on or before the 10th day following each calendar month. Payments shall be prorated for a partial month.

3. TERM:

The term of this Agreement shall be for two months, beginning December 1, 2016, and ending January 31, 2017.

4. INDEPENDENT CONTRACTORS:

Prosecutors shall be independent contractors and not employees of Dayton.

5. INSURANCE AND INDEMNIFICATION:

During the term of this Agreement, the Prosecutors shall maintain errors and omissions insurance coverage and shall include anyone else acting for or on behalf of the Prosecutors in the performance of this Agreement as an additional named insured on any such policy. Such insurance shall be obtained from any insurance company authorized to do business as such in the State of Washington, and shall have policy limits of Two Hundred Fifty Thousand Dollars (\$250,000.00) or more.

CITY OF DAYTON

Craig George, Mayor

Date

Approved as to form:

Quinn Plant, Dayton City Attorney

Date

PROSECUTOR

Michael J Rio, Attorney at Law
Bell, Brown & Rio, PLLC

Date

High Points of the Dayton City 2017

Budget Emphasis for 2017 – Infrastructure is the focus for 2017

The 2017 Dayton budget was developed following meetings with all six of the City Council Committees and Staff. Great input was received from everyone.

1. Some of the 2017 Budget highlights:

- Total budget for 2017 - \$ 6,803,300
2016 \$ 5,765,300

Approximately 18% increase from 2016. Increase is a result of the S. 1st Street Reconstruction project which includes both grant and loan proceeds to improve the street, water and sewer infrastructure.

- Current expense increase by less than 1% or .57%
- There are proposed water and sewer utility rate increases totaling \$5.65 for a ¾” meter, inside city limits, residential unit (Sewer = \$2.25, Water = \$3.40)

Last increase – Water: 2014 Sewer: 2015

Purpose for increases – To make major capital improvements and provide for ongoing maintenance of the facilities

- Proposed Property Tax increase of 1% or
- Revenues

Current Expense:

Gambling

1% Real & Personal Property Tax increase

Sales & Use Tax

B & O Taxes

Excise Taxes

Totaling: \$706,000

Streets:

Motor Vehicle Fuel Taxes

Sales & Use Taxes

Totaling: \$188,000

Hotel/Motel Excise Tax Fund:

Hotel/Motel

Totaling: \$51,000

Capital Improvements Fund:

Transportation Benefit District

Real Estate Excise Tax

Totaling \$70,000

- Expenditures - Important Programs:
 1. S. 1st Street Reconstruction Project
 2. E. Patit Avenue Water Main Line Replacement Project
 3. High School Water Main Project
 4. Additional staff position to assist with customer service needs, website management, potentially social media tools, and other administrative assistant needs.
 5. Continue working on a street financing plan that includes water and sewer improvements as necessary and that capitalizes on outside resources
 6. Complete the Water Utility Rate Study
 7. Research funding options to implement the design of the levee deficiency correction program allowing construction to begin in 2017 or 2018.
 8. Coordinate the Wastewater Treatment Plant Construction Project efforts. Work with state and local agencies to reduce

the costs associated with the project or obtain financial assistance

9. Establish new city codes to allow code compliance in areas that are not currently covered.
10. Promote the "See Something Say Something" campaign locally
11. Address vegetation overgrowth along the public right of ways
12. Begin the Dayton Comprehensive Plan Periodic Update
13. Develop informational assistance bulletins to assist citizens viewing the City website and provide information associated with zoning, building, historic preservation and shorelines management topics.
14. Revise Historic Preservation bylaws and application forms for consistency with new 2016 policies and codes.
15. Update Historic Preservation Records on new WADAHP WISAARD and City Inventory.
16. Create City Property GIS Overlay Map
17. Replacing/relocating street signs.
18. Perform alley re-conditioning to repair potholes
19. Create and implement a scheduled street cleaning/sweeping program.
20. Perform major crack seal repairs to various city streets and the levee trail.
21. Conduct a loss prevention inventory of all city sidewalks

AGENDA ITEM NO. 3(A) – FINAL BUDGET PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Monday, November 28, 2016 at 6:00 p.m.**, or soon thereafter at a regular meeting of the City Council of the City of Dayton to receive public input on the City of Dayton 2017 Final Budget.

5(A)

From: Draggie, Christa (TIB)
To: tcole@daytonwa.com
Subject: FY 2018 TIB Project Selection
Date: Tuesday, November 22, 2016 8:57:34 AM

Transportation Improvement Board (TIB)

To: Trina Cole
City of Dayton

Congratulations! The Transportation Improvement Board selected the following project for funding at the November 18, 2016 meeting:

W Main St (SR 12) - N Pine St to Touchet River Bridge

TIB Project #P-E-924(P01)-1

Total TIB funds for this project are **\$245,700**. TIB staff will mail the project selection letter and associated documentation to The Honorable Craig George.

Before you can start work on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Sign both copies of the Fuel Tax Grant Distribution Agreement;
- Include your adopted Six-Year Transportation Improvement Plan (TIP) showing the selected project; and
- Return the above items to TIB.

After you receive approval from TIB, you may incur reimbursable expenses for your project.

In accordance with RCW 47.26.84, you must certify full funding by November 18, 2017 or the Board may terminate your grant. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

I look forward to working with you on this important improvement. Please contact me if you have any questions.

Christa Draggie, PE

TIB Project Engineer

Transportation Improvement Board

Post Office Box 40901 ♦ Olympia, WA 98504-0901

Phone (360) 586-1147

GA



ORDINANCE NO. 1905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AMENDING ORDINANCE 1896, SECTION 06 OF TITLE 1 CHAPTER 2 OF THE DAYTON MUNICIPAL CODE, OPEN TO THE PUBLIC; AND, AMENDING ORDINANCE NO. 1872, SECTION 04 OF TITLE 1 CHAPTER 2 OF THE DAYTON MUNICIPAL CODE, REGULAR MEETINGS

NOW, THEREFORE, THE CITY COUNCIL OF CITY OF DAYTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT. Ordinance No. 1872, Section 04 of Title 1, Chapter 2 of the Dayton Municipal Code are hereby amended to read as follows:

1-2.04 - Regular meetings. The regular meeting of the City Council for the City of Dayton, Washington shall be held on the second and fourth Monday of each month, except for December's City Council meetings which shall be held on the first and third Monday of that month. Should any meeting fall on a legal holiday, then such meeting shall be held the next regular business day at the same date, time and location.

SECTION 2. AMENDMENT. Ordinance No. 1896 and Section 06 of Title 1, Chapter 2 of the Dayton Municipal Code are hereby amended to read as follows:

1-2.06 - Open to the public. All regular meetings of the City Council of the City of Dayton shall be held in the Council Chambers of the City Hall unless otherwise specified, at seven o'clock p.m. and shall be open to the public.

SECTION 3. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force January 1, 2017.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE
CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS
_____ DAY OF _____, 2016.

City of Dayton

By: Craig George, Mayor

Attested By:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Berry, LLP

By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE 1896; AMENDING ORDINANCE NO. 1872, SECTION 06 OF TITLE 1 CHAPTER 2 OF THE DAYTON MUNICIPAL CODE, OPEN TO THE PUBLIC; AND, AMENDING ORDINANCE NO. 1872, SECTION 04 OF TITLE 1 CHAPTER 2 OF THE DAYTON MUNICIPAL CODE, REGULAR MEETINGS

SECTION 1. REPEALS.
SECTION 2. AMEND.
SECTION 3. SEVERABILITY.
SECTION 4. EFFECTIVE DATE.

The full text of Ordinance 1905 adopted the 28th day of November, 2016 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday - Thursday, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn Plant, City Attorney

Published:
Dayton Chronicle, December 7, 2016

ORDINANCE NO. 1906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE NO. 1731; REPEALING ORDINANCE NO.1846; REPEALING ORDINANCE NO. 1871; AMENDING THE TITLE OF SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, ALLOWING WATER RATES AND OTHER WATER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; AMENDING THE TITLE OF SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, ALLOWING SEWER RATES AND OTHER SEWER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

WHEREAS, various ordinances adopted by the City Council of the City of Dayton have adopted fee schedules for certain actions and services;

WHEREAS, certain fees and rates charged by the City of Dayton have been organized and consolidated for ease-of-use;

WHEREAS, the City has determined that all fees and rates should be set by resolution to maintain organization and consolidation of fees and rates;

WHEREAS, it is necessary to amend certain section 8 of Title 4, Chapter 3 of the City of Dayton Municipal Code in order to allow for the City Council to adopt water rates and other water-related charges by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALING AN ORDINANCE. Ordinance No. 1731 is hereby repealed in its entirety.

SECTION 2. REPEALING AN ORDINANCE. Ordinance No. 1846 is hereby repealed in its entirety.

SECTION 3. REPEALING AN ORDINANCE. Ordinance No. 1871 is hereby repealed in its entirety.

SECTION 4. DAYTON MUNICIPAL CODE SECTION 4-3.08 IS AMENDED TO READ AS FOLLOWS:

4-3.08 - WATER RATES.

Water rates and other related fees shall be set, and may be changed from time to time as determined by resolution of the city council.

SECTION 5. DAYTON MUNICIPAL CODE SECTION 4-5.88 IS AMENDED TO READ AS FOLLOWS:

4-5.88 - SEWER RATES.

Sewer rates and other related fees shall be set, and may be changed from time to time as determined by resolution of the city council.

SECTION 6. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force January 1, 2017.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS _____ DAY OF _____, 2016.

City of Dayton

By: Craig George, Mayor

Attested By:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP

By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE NO. 1731; REPEALING ORDINANCE NO.1846; REPEALING ORDINANCE NO. 1871; AMENDING THE TITLE OF SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, ALLOWING WATER RATES AND OTHER WATER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; AMENDING THE TITLE OF SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, ALLOWING SEWER RATES AND OTHER SEWER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

SECTION 1. REPEALING AN ORDINANCE.

SECTION 2. REPEALING AN ORDINANCE.

SECTION 3. REPEALING AN ORDINANCE.

SECTION 4. AMENDING DAYTON MUNICIPAL CODE SECTION 4-3.08.

SECTION 5. AMENDING DAYTON MUNICIPAL CODE SECTION 4-5.88.

SECTION 6. SEVERABILITY.

SECTION 7. EFFECTIVE DATE.

The full text of Ordinance 1906 adopted the 28th day of November, 2016 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday - Thursday, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to form: /s/ Quinn Plant, City Attorney

Published:

Dayton Chronicle 12/7/2016

REPORT TO THE CITY COUNCIL

DATE: November 23, 2016
TO: City Council Preliminary Agenda Packet for 11/28/2016
FROM: Trina Cole, City Clerk-Treasurer

RE: Agenda Item No. 7 (A) – Consideration of authorizing Resolution No. 1297, Authorizing Application with The State Of Washington Drinking Water State Revolving Fund Loan Program (DWSRF) to aid in the Construction of the City of Dayton D-1 – North 5th Street and Patit Avenue Project

ISSUE: Shall the City Council authorize Resolution No. 1297, authorizing a DWSRF Loan Application for water system improvements?

BACKGROUND/DISCUSSION: The 2015 Water System Plan, adopted by the City Council on May 9, 2016, established a Capital Improvement Program (Attachment 1) for the City's water system. Priority D-1 – N. 5th Street and Patit Avenue Project (D-1 Project) was determined to be the most critical deficiency within our water system. The Capital Improvement Program also established that this Project would be completed not later than 2017. Of course, the Water System Plan serves as a planning tool; however, throughout Washington State Department of Health's review, the City was unofficially urged to move towards correcting the system's deficiencies, more specifically the Priority 1 projects. In an effort to meet DOH's urgings, the City has been researching various funding sources and DWSRF is one option.

DWSRF loan applications were due on September 30, 2016. One of the requirements for submittal was approval of the application for the project by City Council. At the time, it was determined that the resolution authorizing the Water System Plan would be sufficient evidence that the Council supported outside funding for the D-1 Project. However, the City received an email stating otherwise (Attachment 2). If the Council chooses to reject Resolution No. 1297, the application that was submitted in September, the City will contact DWSRF and pull the application.

It is important to mention that Resolution No. 1297 does not obligate the City to accept the loan proceeds if granted DWSRF funding. It only authorizes the City to make application for what is considered a "competitive" loan program. The City will continue to research and make application to other funding sources for this project as well.

If you would like additional information on the DWSRF Program please go to <http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/WaterSystemAssistance/DrinkingWaterStateRevolving>.

ALTERNATIVES:

1. Reject Resolution No. 1297.
2. Authorize Resolution No. 1297.
3. Take no action.

RECOMMENDED ACTION:

MOVE TO authorize Resolution No. 1297, authorizing application with the State Of Washington Drinking Water State Revolving Fund Loan Program to aid in the construction of the City of Dayton D-1 – North 5th Street and Patit Avenue Project.

- Attachment 1: Water System Plan Excerpt, Chapter 8, Pages 8-1 – 8-4 (A full copy of the 2015 Water System Plan is available at City Hall for review.)
- Attachment 2: DWSRF's request for minutes Council's approval to make the loan application
- Attachment 3: Map of Proposed Improvement Site
- Attachment 4: DWSRF Loan Application Excerpt , Pages 1 -4(There were 62 pages of attachments to the Loan Application, if you would like to review the entire Loan Application Submittal package, please let me know and I can email it to you.)

RESOLUTION NO. 1297

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING APPLICATION WITH THE STATE OF WASHINGTON DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM TO AID IN THE CONSTRUCTION OF THE CITY OF DAYTON D-1 - NORTH 5TH STREET AND PATIT AVENUE PROJECT.

WHEREAS, the Federal Safe Drinking Water Act Amendments of 1996 authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, the Washington State legislature passed laws to create the Drinking Water State Revolving Fund Loan Program consistent with federal law; and

WHEREAS, the Council adopted the 2015 City of Dayton Water System Plan on May 9, 2016,

WHEREAS, the 2015 Water System Plan designates Priority D-1 - North 5th Street and Patit Avenue Project as being the most critical water system deficiency; and

WHEREAS, in an effort to correct this critical water system deficiency, the City of Dayton intends to apply for Drinking Water State Revolving Fund Loan Program (Grant or Loan) for assistance in the construction of the City of Dayton D-1 - North 5th Street and Patit Avenue Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the City Clerk-Treasurer is hereby authorized to execute and file an application and related

attachments on behalf of the City of Dayton with the State of Washington Drinking Water State Revolving Fund Loan Program for a (loan or grant) to aid in the construction of the City of Dayton D-1 - North 5th Street and Patit Avenue Project.

Section 2. That the City Clerk-Treasurer is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and signed this 28th day of November, 2016.

CITY OF DAYTON

By: Craig George, MAYOR

ATTEST:

Trina Cole, City Clerk-Treasurer

Chapter 8 - Improvement Program

In this chapter, the City's water system Improvement Program is summarized. This Improvement Program includes a summary and schedule of all capital improvements and system measures identified in previous chapters and provides the City Council, staff, and residents with a systematic approach to addressing the system's short- and long-term infrastructure needs. WAC 246-290-100 requires that systems identify their planned improvements in the Water System Plan. DOH has the legal authority to order specific improvements in certain health threatening situations pursuant to WAC 246-290-050.

The Improvement Program for the proposed capital improvements and system measures is summarized below.

Improvement Priority

The priority of proposed capital improvements and system measures is discussed and developed in Chapter 3. In this chapter, the proposed capital improvements to correct system deficiencies are assigned into one of three priority groups with Priority 1 being the most critical projects and Priority 3 being long-term projects. A summary of the proposed capital improvements to correct system deficiencies and their associated priority groups is given in Table 3-11 and shown in Figure 3-3.

Two capital improvements are identified in Chapter 4 for implementing the City's water conservation plan: 1) annual replacement of new service meters and 2) locate and repair the water main leak off North Touchet Road water system. The replacement of new service meters is considered an ongoing program to be performed on an annual basis. Locating and repairing the water main leak off North Touchet Road water system is considered a Priority 1 item.

Priority of system measures was determined based on discussions with the City staff, available funding, regulatory compliance issues, and other factors.

Project Cost Estimates

The presented cost estimates typically include six components: construction cost; engineering cost; contingency; legal and administrative costs; permits, reports, and investigations; and sales tax. The estimates presented are preliminary and are based on the level and detail of planning presented in this plan. As projects proceed and site-specific information becomes available, the estimates provided will need to be revised accordingly.

Construction Cost

The estimated construction costs, compiled in December 2014, are based on actual construction bidding results from similar work, published cost guides, other construction cost experience, and material prices. Reference was made to system maps of the existing facilities to determine construction quantities and locations of distribution lines.

Future changes in the cost of labor, equipment, and materials will require comparable changes in these cost estimates. The amount of adjustment will depend on such factors as future cost changes and when the improvement is scheduled for construction.

Engineering

The cost of engineering services for major projects typically includes special investigations, a Predesign Report, surveying, foundation exploration, preparation of contract drawings, specifications, and O&M manuals, bidding services, construction management, inspection, construction staking, and start-up services. The cost for engineering services typically depends on the size and type of project as well as the specific services being utilized. In most instances, the cost of engineering is estimated to be 20 percent of the construction cost.

Contingencies

A planning level contingency factor equal to approximately 15 to 20 percent of the estimated construction cost is added to the cost estimates. Since the cost estimates are based on conceptual planning, allowances must be made for variations in final quantities, bidding market conditions, adverse construction conditions, unanticipated specialized investigation and studies, and other difficulties not currently foreseen but which may increase final costs. The amount of contingency applied for a specific cost estimate was based on the amount of information available on the proposed improvement and site conditions.

Legal and Administrative

An allowance of 5 percent of the construction cost is added to the cost estimates for legal and administrative services. This allowance is intended to include internal project planning and budgeting, grant administration, liaison, interest on interim loan financing, legal services, review fees, legal advertising, and other related expenses.

Permits, Reports, and Investigations

Permits, reports, and investigations are required to provide documentation needed for project design and/or identify potential cultural and environmental resources. Documentation needed for design or project construction includes available right-of-way and review/evaluation of subsurface and trench conditions along the proposed water main alignment and other system improvements. The purpose of Cultural and Environmental Reports is to consider any adverse effects the project may have on existing cultural and surrounding environments and to propose mitigation measures to minimize potential impacts.

Sales Tax

A sales tax of 8.1 percent of the construction cost is included as part of the total project costs.

Capital Improvement Program and Schedule

The plan and schedule for the City of Dayton's Water System Capital Improvement Program is provided in this section. The recommended improvements were derived from proposed capital improvements to correct system deficiencies and to perform WUE system tasks as well as from other system measures and recommendations presented in the previous chapters.

A summary of the City's Capital Improvement Program is presented in Table 8-1 (see end of Chapter). This table includes a brief project description, reference page, cost, funding source, and the anticipated

year or range of years for construction. Improvements are ordered by priority group. The anticipated construction of each priority group is as follows:

- Priority 1 - Years 2015-2020
- Priority 2 - Years 2021-2027
- Priority 3 - Years 2028-2034

Actual funding and construction of the improvements may change depending on such factors as available grant funding, appropriations for infrastructure improvements, and regulatory mandates.

System Measure Improvement Program

The plan and schedule for the City's System Measure Improvement Program are presented in Table 8-2. This table includes a reference page, anticipated budget, start date, and measure frequency/completion date. Implementing these system measures may vary from the information shown in Table 8-2 depending on factors such as additional information, customer feedback, funding, and regulatory mandates.

In addition to the system plan measures discussed in the previous chapters, the City should plan and budget for updating their Water System Plan. DOH requires a Water System Plan to be updated every 6 years. The next update is scheduled for 2020 and is estimated to cost \$40,000.

TABLE 8-1
Capital Improvement Program

No. ⁽¹⁾	Description	Reference	Total Cost Estimate ⁽²⁾	Anticipated Funding Source ⁽³⁾	Year
PRIORITY 1 IMPROVEMENTS					
D-1	North 5th Street (Washington Avenue to Patit Avenue) and Patit Avenue (North 5th Street to Highway 12) - Replace existing 2-, 4-, and 6-inch steel pipe with 1,300 LF of 8-inch pipe.	3-17 and 3-22	\$180,000	Outside/Reserve	2015-17
D-2	High School Water Main - Replace existing 6-inch AC pipe in South 2nd Street (East Park Street to halfway between the gym and shop) and in East Oak Street (South 1st Street to South 2nd Street) with 950 LF of 12-inch pipe.	3-16, 3-17, and 3-22	\$150,000	Outside/Reserve	2015-17
D-3	Front Street Drain Line -1,100 LF of 12-inch pipe.	3-17 and 3-22	\$110,000 ⁽⁴⁾ or \$55,000 ⁽⁵⁾	Outside/Reserve	2018-20
D-4	North Touchet Road Area Water Line - Repair leak and add valves as needed.	3-15, 3-16, and 3-22	\$50,000 ⁽⁶⁾	Reserve	2015-16
D-5	North Hill Pressure System - Install a new booster pump station and 3,000 LF of 2-, 4-, and/or 6-inch water main on Columbia Avenue, Front Street, and Whitman Avenue.	3-14, 3-15, and 3-22	\$285,000	Outside/Reserve	2018-20
Total Priority 1 Project Costs			\$720,000 or 775,000	-	-
PRIORITY 2 IMPROVEMENTS					
D-6	Brooklyn Avenue (North 1st Street to North Front Street) and North 1st Street (Dayton Avenue to Brooklyn Avenue) - Replace existing 1-1/2- and 2-inch steel pipe with 830 LF of 8-inch pipe.	3-18 and 3-22	\$130,000	Outside/Reserve	2021-27
D-7	Clay Street (South 3rd to South 4th Streets) - Replace existing 4-inch steel pipe with 420 LF of 8-inch pipe.	3-18 and 3-22	\$60,000	Outside/Reserve	2021-27
D-8	Patit Avenue (North 2nd Street to dead end east of North 3rd Street) - Replace existing 2-inch steel pipe with 500 LF of 6- and 8-inch pipe and 250 LF of 2- or 4-inch pipe east of North 3rd Street.	3-18 and 3-22	\$105,000	Outside/Reserve	2021-27

¹¹¹ D - Distribution

¹²¹ Total project cost estimates based on December 2014.

¹³¹ Outside - Improvements financed with one of the water infrastructure funding assistance programs outlined in Chapter 9.
Reserve - Improvements financed through the City's cumulative water resource fund.

¹⁴¹ Based on a standalone project.

¹⁵¹ Based on being replaced as part of a street.

¹⁶¹ The cost shown is a placeholder. The actual cost cannot be determined until the sources of the leaks are identified.

Trina Cole

From: DOH EPH DW SRF <DWSRF@DOH.WA.GOV>
Sent: Tuesday, November 15, 2016 2:59 PM
To: tcole@daytonwa.com
Cc: Cherry, Janet G (DOH); Copeland, Mike (DOH); Sayrs, Brian A (DOH); Johnson, Jeff K /EPH (DOH)
Subject: City of Dayton-DWSRF 2016 Construction Loan 2016-033

Dear Trina Cole:

Thank you for submitting your 2016 Construction Loan. In order for your application to remain eligible, we will need the *required* items listed below:

- *Meeting Minutes approving to take DWSRF Loan*

Please be aware that the *City of Dayton* will have until December 5, 2016 to provide all requested information above.

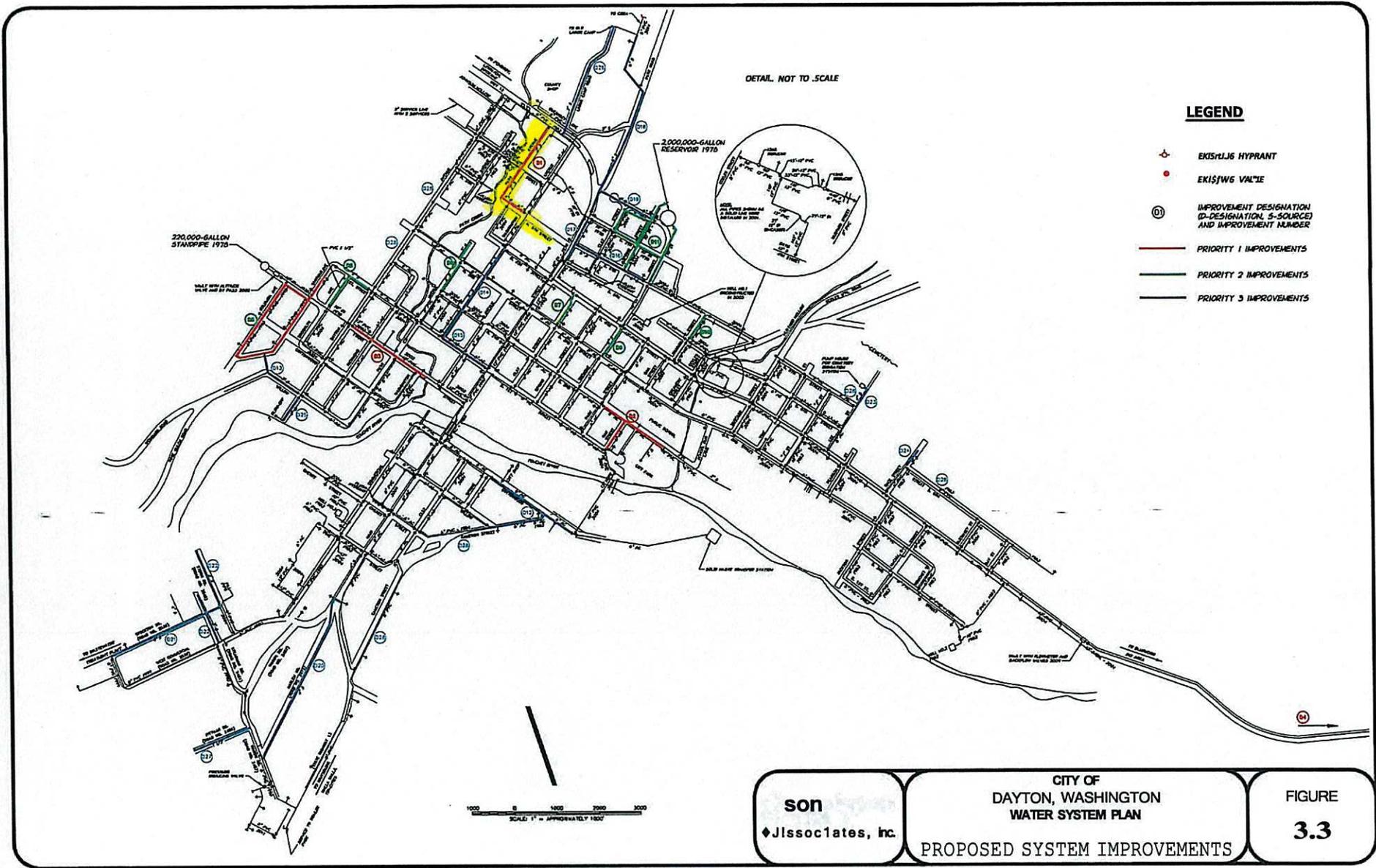
If you have questions regarding required forms, please contact Tracie Cantrell at (360) 236-3107. You may also refer to our 2016 Construction Loan Guidelines.

<http://www.doh.wa.gov/Portals/1/Documents/Pubs/331-196.pdf>

Tracie Cantrell
Drinking Water State Revolving Fund
Washington State Department of Health
P: 360-236-3107

Visit our website at www.doh.wa.gov/drinkingwater

"We work with others to protect the health of people in Washington State by ensuring safe and reliable drinking water."



R:\Clients\Dayton\16-100 Water System Update\2020 Plan Update\Water System Figure 3.3.dwg, 1/13/2016 12:56:13 PM

Division of Environmental Health
OFFICE OF DRINKING WATER
2016 State Revolving Fund Loan Request

Applicant Organization: City of Dayton

Date: 09/30/2016

Application Number: 2016-033

Address Type: Physical Location

Address: 111 South First Street

City: Dayton

State: WA **Zip:** 99328

Contact Person: Trina Cole

Phone: (509) 382-2361

E-Mail: tcole@daytonwa.com

Consulting Firm: Anderson Perry & Associates, Inc.

Consultant Name: Dave Jepsen

Consultant Phone: (509) 529-9260

Consultant E-Mail: djepsen@andersonperry.com

Tax ID Number: 91-6001243

UBI Number: 071 000 003

DUNS Number: 113711282

Statewide Vendor Number: SWV0001239-00

CCR Expiration Date:

Legislative District: 16

Congressional District: 5

Water System Id: 18250

Water System Name: DAYTON WATER DEPARTMENT

Project Name: Priority D-1 - North 5th Street and Patit Avenue

Project Description (Brief):

This project would replace the existing 2-, 4-, and 6-inch steel water mains in North 5th Street from Washington Avenue to Patit Avenue and in Patit Avenue from North 5th Street to Highway 12 with 1,300 linear feet (LF) of 8-inch polyvinyl chloride (PVC) pipe. The existing line at North 5th Street and Patit Avenue, which crosses Patit Creek, would be abandoned.

BACKGROUND:

Describe the public health concerns this project will address:

Currently, the City does not have a means of isolating the water line crossing Patit Creek. Consequently, if a leak occurs in this line, the City would be unable to fix the leak without cutting off service to a significant portion of its users.

The City attempted to abandon the creek crossing in 2004, but due to a lack of funding and the depth of the existing main (approximately 12 feet), the City was unable to locate the main, and the work was never completed. Given the pipe's age and material, and the fact that its location is unknown, City staff is concerned that this main could currently be leaking, resulting in a considerable amount of water loss.

This project would install new lines with proper isolation valves and abandon the existing creek crossing, thus eliminating the City's risk of being unable to provide service to many of its users. The new, larger diameter PVC lines would also be more reliable than the existing steel pipe and improve system hydraulics.

Does this project address a compliance issue in a Bilateral Compliance Agreement or compliance order? No

Describe the compliance issues this project will resolve:

Have you exceeded the maximum contaminant level or had a treatment technique violation in the last 12 months? No

Which one(s)?:

Maximum Contaminate Level (MCL):

Treatment Technique Violation (TTV):

Attach all the correspondence that documents the violation

Please identify all that apply:

- 1. New Source
- 2. Source reconstruction
- 3. Replacement source
- 4. Disinfection improvements
- 5. Filtration
- 6. Treatment
- 7. Other distribution project
- 8. Infrastructure replacement
- 9. Pressure reducing devices
- 10. Security measures
- 11. Treatment plant discharge improvements
- 12. Construction, repair or covering of reservoir/type of reservoir
- 13. Install additional reservoir(s)

Other - Please describe:

Describe the 'green infrastructure' elements of this project (be as detailed and specific as possible):
 (Green infrastructure is defined as infrastructure construction that results in water use efficiency, energy efficiency, or that uses innovative approaches to achieve environmental protection). Will this project achieve (check one or more):

- 1. Water Use Efficiency
- 2. Energy Efficiency
- 3. Innovative approaches to achieve environmental protection
- 4. Green Infrastructure

Without significant data and documentation, the project will not be considered green infrastructure

What is your current average residential customer's water bill each month? \$38.59

What do you estimate your average residential customer's monthly water bill will be after completing this project? \$39.44

Project Budget			
Project Budget (list what you will do, along with the schedule)		Loan Request (Costs)	
What	When	What	How Much
	01/2018	Engineering Report (Preliminary)	\$3,000
SEPA	01/2018	Environmental Review (SERP-NEPA, SEPA)	\$2,000
	01/2018	Cultural Review (Section 106 of NHPA)	\$5,000
N/A		Land/Right-of-Way Acquisition	\$0
N/A		Permits	\$0
Public Meeting	10/2017	Public Involvement/Information	\$3,000
Plans, Specifications, Estimate	01/2018	Bid Documents (Design Engineering)	\$25,000
	09/2018	Construction	\$236,500
	12/2017	DOH Review/Approval Fees	\$500
15 Percent Contingency		Contingency	\$34,500
Sales Tax at 8.3 percent		Other Fees: (Sales or Use Taxes)	\$17,500
N/A		Service Meters (Purchase and Installation)	\$0
	11/2017	Audit Costs	\$5,000
			\$0
			\$0
			\$0
			\$0
		DWSRF Funding Request TOTAL	\$332,000
		Loan Fee (1.00% of the Total)	\$3,320
		TOTAL FUNDING REQUEST	\$335,320

Additional project information, for determining project readiness to proceed and other eligibility issues.

Applicant requests consideration for partial loan forgiveness or a lower interest rate. To be considered, median household income information must be included with this application.	No
Is this a consolidation/restructuring project? (Consolidation/restructuring projects are defined as taking over non-compliant, failing or struggling water systems)	No
Do you have source meters on all existing water sources?	Yes
Does the water system have service meters on all existing services? If 'No', your project must include service meter installation – see guidelines for more information.	Yes

Will you be using any other funding sources for your project? If 'Yes', list funding sources and amounts below: No

Funding Source:		Amount:	

Do you want to be considered for Restructuring Bonus Points? If yes, list the names and PWSID #'s for each system being taken over and restructured. No

WS Name:		PWSID#:	

Do you want to be considered for Regional Benefit Bonus Points? If yes, list the names and PWSID #'s for each system that will directly benefit from the project. No

WS Name:		PWSID#:	

7B



ORDINANCE NO. 1906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE NO. 1731; REPEALING ORDINANCE NO. 1846; REPEALING ORDINANCE NO. 1871; AMENDING THE TITLE OF SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, ALLOWING WATER RATES AND OTHER WATER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; AMENDING THE TITLE OF SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, ALLOWING SEWER RATES AND OTHER SEWER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

WHEREAS, various ordinances adopted by the City Council of the City of Dayton have adopted fee schedules for certain actions and services;

WHEREAS, certain fees and rates charged by the City of Dayton have been organized and consolidated for ease-of-use;

WHEREAS, the City has determined that all fees and rates should be set by resolution to maintain organization and consolidation of fees and rates;

WHEREAS, it is necessary to amend certain section 8 of Title 4, Chapter 3 of the City of Dayton Municipal Code in order to allow for the City Council to adopt water rates and other water-related charges by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1. REPEALING AN ORDINANCE. Ordinance No. 1731 is hereby repealed in its entirety.

SECTION 2. REPEALING AN ORDINANCE. Ordinance No. 1846 is hereby repealed in its entirety.

SECTION 3. REPEALING AN ORDINANCE. Ordinance No. 1871 is hereby repealed in its entirety.

SECTION 4. DAYTON MUNICIPAL CODE SECTION 4-3.08 IS AMENDED TO READ AS FOLLOWS:

4-3.08 - WATER RATES.

Water rates and other related fees shall be set, and may be changed from time to time as determined by resolution of the city council.

SECTION 5. DAYTON MUNICIPAL CODE SECTION 4-5.88 IS AMENDED TO READ AS FOLLOWS:

4-5.88 - SEWER RATES.

Sewer rates and other related fees shall be set, and may be changed from time to time as determined by resolution of the city council.

SECTION 6. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force January 1, 2017.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS _____ DAY OF _____, 2016.

City of Dayton

By: Craig George, Mayor

Attested By:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP

By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1906

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE NO. 1731; REPEALING ORDINANCE NO.1846; REPEALING ORDINANCE NO. 1871; AMENDING THE TITLE OF SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 8 OF TITLE 4, CHAPTER 3 OF THE DAYTON MUNICIPAL CODE, ALLOWING WATER RATES AND OTHER WATER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; AMENDING THE TITLE OF SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, AMENDING SECTION 88 OF TITLE 4, CHAPTER 5 OF THE DAYTON MUNICIPAL CODE, ALLOWING SEWER RATES AND OTHER SEWER-RELATED CHARGES PROVISIONS TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

- SECTION 1. REPEALING AN ORDINANCE.**
- SECTION 2. REPEALING AN ORDINANCE.**
- SECTION 3. REPEALING AN ORDINANCE.**
- SECTION 4. AMENDING DAYTON MUNICIPAL CODE SECTION 4-3.08.**
- SECTION 5. AMENDING DAYTON MUNICIPAL CODE SECTION 4-5.88.**
- SECTION 6. SEVERABILITY.**
- SECTION 7. EFFECTIVE DATE.**

The full text of Ordinance 1906 adopted the 28th day of November, 2016 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday - Thursday, 8:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn Plant, City Attorney

Published:
Dayton Chronicle 12/7/2016

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RESOLUTION NO. 1298

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON, AMENDING RESOLUTION 1290, MASTER FEE SCHEDULE, SECTION 10, UTILITY CHARGES- BILLING AND COLLECTION TO INCLUDE WATER AND SEWER RATES

WHEREAS, in connection with the municipal functions and operations of the City of Dayton ("City"), the City requires certain fees and charges; and

WHEREAS, it is appropriate to review such fees and charges and make periodic adjustments to appropriately address costs; and,

WHEREAS, the fees and charges that the City establishes for various services are intended to cover but not exceed the City's costs for providing such services; and,

WHEREAS, in keeping with the philosophy of setting City fees in amounts reflective of actual costs, it is appropriate at this time to revise water and sewer fees to compensate the City for costs associated with various City water and sewer functions and facilities; and

WHEREAS, for the convenience of the public it is desirable to gather in a single document a comprehensive list of water and sewer fees and service charges imposed by the City; and,

WHEREAS, on October 10, 2016, the City Council authorized Resolution 1290, establishing a Master Fee Schedule to serve as the City's comprehensive list of fees and service charges imposed by the City; and,

WHEREAS, for the continued convenience of the public it is desirable to amend Section 10, Utility Charges - Billing of the Master Fee Schedule to include water and sewer fees and charges; and,

WHEREAS, the 2017 City of Dayton Budget supports amendments to the City's Master Fee Schedule to include water and sewer fees and charges and its authorization by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Amendment. Resolution 1290, Section 10 of the Master Fee Schedule, Utility Charges - Billing, is amended as set forth in the document attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

Section 2. Effective Date. This resolution shall be in full force and effect January 1, 2017.

PASSED by the City Council of the City of Dayton, Washington on this ____ day of October, 2016

City of Dayton

By: Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

MASTER FEE SCHEDULE, SECTION 10:

10. Utility Charges – Billing and Collection:

a) Water disconnection (turn-off) charges

- i. *Voluntary \$ 20.00
- ii. **Involuntary \$ 35.00
- iii. After hours (after 4:30 p.m.) \$ 75.00

b) Water reconnection (turn-on) charges

- i. *Voluntary \$ 20.00
- ii. After hours \$ 75.00

*Voluntary disconnection or connection – Scheduled turn-on/turn-off between customer and City.
 ** Involuntary disconnection – Turn-off was due to non-payment of monthly utility fees.

c) Water Rates:

- i. Base Monthly Rate for first 800 cubic feet or less of water usage per month (based on size of water meter) is as follows:

Basic Rates	Inside City Limits	Outside City Limits	Water Meter Surcharge
1¼" or less	\$37.00	\$51.10	\$.00
1½"—2"	\$37.00	\$51.10	\$25.00
3"	\$37.00	\$51.10	\$50.00
4"	\$37.00	\$51.10	\$75.00
6"	\$37.00	\$51.10	\$150.00

- ii. **Water Usage Fee.** In addition to the minimum monthly base water rates set out in Section 11 (c)(i), there shall be a per cubic foot water usage fee applied that shall be based on the volume of water usage in excess of 800 cubic feet as follows:

Per Cubic Foot of Water Consumption	Inside City Limits	Outside City Limits
	Per Cubic Foot	
801—50,000 cubic feet consumption	\$0.00772	\$0.00882
50,001—100,000 cubic feet consumption	\$0.00849	\$0.00959
Over 100,000 cubic feet consumption	\$0.00882	\$0.00992

d) Sewer Rates:

- i. **Base Monthly Rate Charge for the following Character Sewer Users is as follows:**

CHARACTER OF USER	RATES PER UNIT
Residence within the city limits	\$ 52.40
Residence outside the city limits	\$ 81.65
Apartment houses (per apartment)	\$ 52.40
Hotels and motels (per room)	\$ 18.50
Temporary Travel Trailers or Recreational Vehicles (each) in established RV Park	\$ 19.00
Schools	\$497.40
Privately owned canneries	\$573.95
Service stations and garages	\$ 67.10
Laundries, dry cleaning, creameries	\$ 67.10

Exhibit "A"
Resolution No. 1298

CHARACTER OF USER	RATES PER UNIT
Self-service laundry	\$ 96.90
Restaurants	\$101.25
Lunch counters	\$101.25
Taverns, pool halls	\$ 67.10
Clubs, cocktail lounges	\$ 67.10
Churches	\$ 26.35
Hospitals	\$471.80
Nursing Homes	\$141.40
Greywater Treatment (cost per gallon)	\$ 0.07
All other unclassified users and/or premises	\$ 52.40