

**RESOLUTION # 99-03**

**WHEREAS**, sanitary sewer service is not presently available to residents of the unincorporated areas of Madison County; and

**WHEREAS**, the City of Richmond and Madison County have reached an agreement to provide said services to certain distressed areas of the county as identified by the Madison County Health Department based upon certain terms and conditions;

**WHEREAS**, the Madison County Fiscal Court has considered the agreement and has authorized the Madison County Judge Executive to execute the agreement.

**NOW, THEREFORE**, BE IT RESOLVED that the Madison County Judge Executive is hereby authorized and directed to enter into the afore-mentioned agreement with the City of Richmond.

Be it so resolved on this 26 day of May, 1999.

ATTEST:

Mary Jane Hinton

Keith Clark  
COUNTY JUDGE EXECUTIVE

## CONDITIONS OF SEWER SERVICE FOR RESIDENTIAL COUNTY CUSTOMERS

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 1999 between the CITY OF RICHMOND, P.O. Box 250, Richmond, KY 40476 hereinafter referred to as the "CITY" and the MADISON COUNTY FISCAL COURT, hereinafter referred to as the "COUNTY".

### W I T N E S S E T H:

WHEREAS, the City of Richmond (the "City") desires to cooperate with the Madison County (the "County") in the elimination of unsanitary conditions which result from inadequate sewage disposal for County residential customers designated on the attached Map # 1; and

WHEREAS, the Division of Water has requested that an agreement between the two governmental agencies be executed; and

WHEREAS, the Madison County Health Department has identified specific areas of concern, which areas are identified on the attached Map # 1; and

WHEREAS, these specific identified areas utilize septic systems that are non-repairable due to small lot sizes and poor soil factors; and

WHEREAS, the Executive Park package treatment plant has operation and maintenance problems which are beyond the resources of private ownership;

NOW THEREFORE, the parties agree as follows:

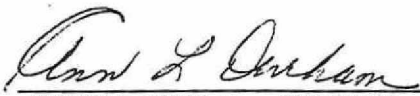
1. The City of Richmond ("City") will accept residential waste flows for transportation and treatment from the existing specific Madison County ("County") areas. Residential areas shall be defined as those which existed on January 1, 1998. Residential areas within the County which fall under this agreement are delineated on the attached map no. 1.
2. In return for City provision of sewer service to the identified residential County areas, the County agrees to accept and honor the City ordinance requiring annexation into the City as a condition of receiving sewer service in all other cases of sewer service.
3. The conditions of service shall be essentially the same as for City customers and include, but not be limited to, the following:
  - a. County customers shall execute a statement acknowledging the City sewer use ordinance and

other standard rules of service as are or may ever be placed into effect by the City for governing all its customers.

- b. Sewer Development fees and sewer assessment fees shall be the same for County as for City customers.
  - c. User charges for the computation of monthly sewer bills shall be higher than those for City annexed customers. The actual rate will be calculated, taking into consideration cost of service, cost of treatment and transportation facilities allocable to the customer group and other appropriate considerations.
  - d. Waste streams from consolidated or grouped (as in a sewer district) County customers shall comply with monitoring and other requirements for volume and quality issues. Flow monitoring (metering) equipment shall be calibrated quarterly or as needed. The cost of calibration and maintenance of monitoring equipment shall be the responsibility of the sewer customer or the County.
  - e. In the event waste flows are found to be inconsistent with the provisions of City ordinances and rules, the customer shall either correct flow deficiencies or, if allowed by the City, pay a surcharge for the privilege of discharging a non-compliant waste. As in the case of all City customers, continued non-compliance shall result in cessation of service.
  - f. County customers shall install their own waste collection system, including odor control and transportation features to deliver collected waste to the City at the closest practical point of the city system possessing the capacity to receive same. This requirement is the same as required of City customers.
  - g. Non-compliance with these and other conditions of service shall give the City the power to cease services immediately until conditions are met.
- 4. The County shall apply for sewer service and shall be responsible for payment to the City as are all other customers.
  - 5. The City shall have the right of approval of design and inspection of the construction site of all County sewer systems.

6. Any ordinances or rules enacted by the County shall meet or exceed the requirements of the City ordinances.
7. The County will certify that only customers identified on the attached map no. 1 are connected to the sewer system.
8. The County agrees to dismiss with prejudice its challenge to the City's Facilities Management Plan that has been filed with the Natural Resources and Environmental Protection Cabinet in File No. DOW-23644-042 and styled as Kingston Terrill Water District (now known as the Madison County Utilities District) vs. Natural Resources and Environmental Protection Cabinet and City of Richmond, Kentucky.
9. The Parties agree that any business or industry existing as of January 1, 1999 which is annexed into the City will pay to the City its occupational tax, and the City will remit to the County its one percent share of the tax. This provision only applies to businesses and industries which were paying to the County an occupational tax as of January 1, 1999 (which includes the Bluegrass Army Depot, Ajax Magnethermic Corporation, and Okonite Company).

CITY OF RICHMOND:

BY:   
MAYOR ANN L. DURHAM  
CITY OF RICHMOND

MADISON COUNTY FISCAL COURT:

BY:   
JAMES KENT CLARK  
MADISON COUNTY JUDGE EXECUTIVE