



**Town of Yacolt
Council Meeting Agenda
Monday, December 17, 2018
7:00 PM
Town Hall**

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 12-3-18 Draft Minutes

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Old Business

- [2.](#) Approve Ordinance 572 Adopting 2019 Budget

New Business

- [3.](#) Nuisance Information

Public Works Department Report

Town Clerk's Report

Council's Comments

Mayor's Comments

Attorney's Comments

Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
Town Council Minutes
Monday, December 03, 2018
7:00 PM
Town Hall**

Call to Order

Mayor Myers called the meeting to order at 7:00 PM.

Flag Salute

Roll Call

PRESENT

Mayor Vince Myers
Council Member Tami Bryant
Council Member Amy Boget
Council Member Herb Noble
Council Member Rhonda Rowe-Tice
Public Works Director Bill Ross
Clerk Dawn Salisbury

ABSENT

Council Member Malita Moseley

Late Changes to the Agenda

None

Minutes of Previous Meeting(s)

1. Approve 11-19-18 Meeting Minutes

Motion made by Council Member Noble, Seconded by Council Member Bryant.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble, Council Member Rowe-Tice

Citizen Communication

None

Old Business

2. Business License Ordinance # 571

Approve Business License Ordinance # 571 with changes.

Motion made by Council Member Bryant, Seconded by Council Member Rowe-Tice.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble, Council Member Rowe-Tice

3. Business License Resolution # 574

Approve Business License Resolution # 574 with changes

Motion made by Council Member Rowe-Tice, Seconded by Council Member Boget.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble, Council Member Rowe-Tice

4. Dennis Chrisman 305 N Pine- Update on property clean up

Dennis Chrisman did not show up to meeting.

5. RFP for Legal Services - Update

No applications received yet. Full ad to be placed in Reflector and The Columbian.

6. Building Inspector RFP-Update

Building Inspector RFP has been advertised in both the Reflector and The Columbian for next 3 weeks.

New Business

7. Approve Budget Ordinance 572

Tabled till 12/17/18 meeting.

8. Approve Resolution 578 Comprehensive Growth Plan Periodic update

Motion made by Council Member Boget, Seconded by Council Member Bryant.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble, Council Member Rowe-Tice

9. Washington Paid Family and Medical Leave Program

Approve Town to pay .04% of employee premium for Washington Paid Family and Medical Leave Program.

Motion made by Council Member Boget, Seconded by Council Member Noble.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble

Voting Nay: Council Member Rowe-Tice

Public Works Department Report

Inmates put up all lights and banners. Finished leaf pick up in Town. Best turnout for Christmas tree lighting. Would like to keep it on Saturday. Will do PA system next year for countdown. Parking curbs created safety issue. Will address next year for solution. Kyle Buttolph thanked for man lift use. Will be working on sign installation. Council member Bryant asked about sidewalk repair. PW to check into. Council member Noble asked about 4 way stop or speed bumps added to busy streets. PW to look into cost.

Town Clerk's Report

10. Toy Drive at Fire Station from November 15 to December 13th. Add Fire Station to Toy drive on reader board. Thanked Terry Gardner for 2018 Christmas ornament. Huge Hit. Residents calling and coming in to get ornament that couldn't make it to tree lighting. Made \$315.00 in Santa photos and \$69.05 in donation can. Read thank you email from resident. Fire pits or portable heaters suggested for next year. Working on newsletter. Asked council for suggestions. Will provide Nuisance ordinance information for next meeting.

Council's Comments

Council member Noble suggested garden club or finding a place to do a community garden. Mayor Myers suggested utilizing property donated by Seniors for community garden. PW to check into water availability to do this.

Council member Boget working on Town facebook page.

Mayor's Comments

Thanked all the volunteers who donated cookies. Was a huge success and had plenty of cookies. Thanked Terry Gardner for ornaments. Suggested 12 days of Christmas as the theme for our collector series of ornaments. Miss Teen Clark County was able to make it. Allyssa Myers stepped in to take Santa Photos and Randy Williams stepped in to play Santa this year.

Audit findings are out. Exit meeting scheduled for 12-4-18. Good management letter.

Mayor Myers will reach out to Sheri Backous to schedule Miss Clark County for our 2019 events.

Pay Bills on Behalf of the Town

Approve to Pay bills on behalf of the Town. Check # 16701 - #16709

001 Current Expense	15,220.94	
101 Streets	9,013.25	
103 Cemetery	175.79	
403 Storm Water	<u>1,368.24</u>	
	25,778.22	Claims: 11,530.63
		Payroll: 14,247.59

Motion made by Council Member Boget, Seconded by Council Member Noble.

Voting Yea: Council Member Bryant, Council Member Boget, Council Member Noble

Voting Nay: Council Member Rowe-Tice

Adjourn

Mayor Myers adjourned meeting at 7:48 pm.

Vince Myers, Mayor

Dawn Salisbury, Clerk

2019 PROPOSED BUDGET CHANGES

Town Of Yacolt
MCAG #: 0254

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001 Current Expense

Revenues	Original	Proposed	Difference		Remarks
310 Taxes					
311 10 00 00 Property Tax Revenue	66,680.41	81,978.16	15,297.75	122.9%	Based on tax levy certification
313 11 00 00 Sales & Use Tax Ce	110,000.00	110,000.00	0.00	100.0%	
313 71 00 00 Local Criminal Justice Fund	22,000.00	22,000.00	0.00	100.0%	
316 41 00 00 Electricity Taxes	52,000.00	52,000.00	0.00	100.0%	
316 47 00 00 Telephone Tax	33,000.00	33,000.00	0.00	100.0%	
310 Taxes	283,680.41	298,978.16	15,297.75	105.4%	
320 Licenses & Permits					
321 99 00 00 Business Licenses	5,000.00	5,000.00	0.00	100.0%	
322 10 00 00 Building Permits	30,000.00	30,000.00	0.00	100.0%	
322 10 00 01 Plan Review Fee	0.00	6,400.00	6,400.00	0.0%	Based on 4 new houses
322 10 00 02 Fire & Life Safety Plan Review Fe	0.00	3,600.00	3,600.00	0.0%	Based on 4 new houses
322 10 00 03 Pre-Application Conference	0.00	350.00	350.00	0.0%	Based on one subdivision being built
322 30 00 00 Animal Licences	450.00	450.00	0.00	100.0%	
322 90 00 00 Engineering Pass Thru	5,000.00	5,000.00	0.00	100.0%	
320 Licenses & Permits	40,450.00	50,800.00	10,350.00	125.6%	
330 State Generated Revenues					
333 14 00 00 CDBG-Hoag Street Indirect HUD	110,100.00	110,100.00	0.00	100.0%	CDBG Grant
336 00 98 00 City Assistance	35,000.00	35,000.00	0.00	100.0%	
336 06 21 00 Criminal Justice- Population	1,000.00	1,000.00	0.00	100.0%	Based on 2019 income estimates
336 06 25 00 Mvet-criminal Justice Funding-prc	2,400.00	2,400.00	0.00	100.0%	
336 06 26 00 Criminal Justice- Special Program	1,500.00	1,900.00	400.00	126.7%	Based on 2019 income estimates
336 06 42 00 Marijuana Excise Tax Distribution	0.00	1,200.00	1,200.00	0.0%	Best Estimate
336 06 51 00 Dui-cities	250.00	250.00	0.00	100.0%	
330 State Generated Revenues	150,250.00	151,850.00	1,600.00	101.1%	
340 Charges For Services					
341 43 00 01 Collections Fees	0.00	0.00	0.00	0.0%	
343 30 00 01 Utility Reimbursement Fort Vanco	1,250.00	1,250.00	0.00	100.0%	
343 30 00 02 Utility Reimbursement North Clar	0.00	0.00	0.00	0.0%	
345 85 00 02 Impact Fees BG School Dist	5,000.00	25,000.00	20,000.00	500.0%	Based on 4 houses being built
346 7 00 Wellness	50.00	50.00	0.00	100.0%	
359 7 00 Nsf Fee	35.00	50.00	15.00	142.9%	Current NSF fee from bank

2019 PROPOSED BUDGET CHANGES

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001 Current Expense

Revenues	Original	Proposed	Difference	Remarks
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340 Charges For Services

340 Charges For Services	6,335.00	26,350.00	20,015.00	415.9%
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350 Fines & Forfeitures

359 00 00 01 Criminal Fines	0.00	0.00	0.00	0.0%	
359 90 00 00 Animal Control Fines	0.00	100.00	100.00	0.0%	Best estimate
350 Fines & Forfeitures	0.00	100.00	100.00	0.0%	

360 Misc Revenues

341 81 00 01 Notary	25.00	25.00	0.00	100.0%	
341 81 01 01 Copies/Faxes, Ect.	100.00	100.00	0.00	100.0%	
361 11 00 01 Investment Interest	0.00	0.00	0.00	0.0%	
361 40 00 00 Interest Clark County Treasurer	50.00	100.00	50.00	200.0%	Based on yearly average
362 40 00 00 Town Hall Rental Fee	100.00	100.00	0.00	100.0%	
362 40 01 00 Park Rental Fees	0.00	100.00	100.00	0.0%	Based on yearly average
367 11 00 00 Private Donation/contributi	1,750.00	1,750.00	0.00	100.0%	
367 11 00 01 AWC Grants	7,000.00	3,000.00	(4,000.00)	42.9%	Only essential training will be attended
369 10 00 00 Sale Of Surplus Items	0.00	50.00	50.00	0.0%	Estimate
369 81 00 00 Cashiers Over/under	0.00	0.00	0.00	0.0%	No longer need this line item
369 91 00 02 Misc. Reimbursements	1,000.00	1,000.00	0.00	100.0%	
360 Misc Revenues	10,025.00	6,225.00	(3,800.00)	62.1%	

380 Non Revenues

362 50 00 00 Library Lease	3,400.00	2,400.00	(1,000.00)	70.6%	Lease only
386 00 00 01 Rental Agreement Deposit	100.00	100.00	0.00	100.0%	
386 60 00 00 Developer Pass Thru Fees	0.00	0.00	0.00	0.0%	Listed under 322900000
388 00 00 00 Prior Period Adjustment	0.00	0.00	0.00	0.0%	
389 00 00 02 Revenues Pending Classification	0.00	50.00	50.00	0.0%	Best estimate
380 Non Revenues	3,500.00	2,550.00	(950.00)	72.9%	

390 Other Revenues

347 30 00 00 Rendezvous Days	300.00	300.00	0.00	100.0%	
347 8 01 Spring Clean Up Fee	0.00	0.00	0.00	0.0%	Loss for Town every year
347 8 02 Big Foot Fun Run	4,100.00	3,000.00	(1,100.00)	73.2%	Over budgeted last year
347 30 00 03 Egg Hunt	25.00	25.00	0.00	100.0%	

2019 PROPOSED BUDGET CHANGES

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001 Current Expense

Revenues	Original	Proposed	Difference	Remarks
390 Other Revenues				
347 30 00 04 Parade Entry	0.00	0.00	0.00	0.0%
395 10 00 00 Sale Of Surplus Equipment	0.00	0.00	0.00	0.0%
395 20 00 00 Compensation Capitol Loss	0.00	0.00	0.00	0.0%
390 Other Revenues	4,425.00	3,325.00	(1,100.00)	75.1%
397 Interfund Transfers				
308 80 00 01 Beginning Balance	0.00	21,584.00	21,584.00	0.0% Begining balance
397 10 01 00 Transfer-In	0.00	0.00	0.00	0.0%
397 Interfund Transfers	0.00	21,584.00	21,584.00	0.0%
Fund Revenues:	498,665.41	561,762.16	63,096.75	112.7%

Expenditures	Original	Proposed	Difference	Remarks
511 Legislative				
514 40 41 00 Voter Registration Costs-professio	500.00	1,400.00	900.00	280.0% Estimated from previous years
514 41 41 00 Election Costs-professional Servic	2,000.00	3,500.00	1,500.00	175.0% Estimated from previous years
511 60 10 00 Council Salary	4,300.00	4,300.00	0.00	100.0%
511 60 20 00 Legislative Services-personnel Bei	900.00	900.00	0.00	100.0%
010 Administration	5,200.00	5,200.00	0.00	100.0%
511 30 44 00 Advertising: Newspaper/Media	3,300.00	5,000.00	1,700.00	151.5% More legal ads predicted
030 Official Publication Services	3,300.00	5,000.00	1,700.00	151.5%
511 60 43 00 Legislative Travel/Training	1,200.00	1,200.00	0.00	100.0%
040 Training	1,200.00	1,200.00	0.00	100.0%
511 Legislative	12,200.00	16,300.00	4,100.00	133.6%

513 Executive

513 10 10 00 Mayor Salary	6,300.00	6,300.00	0.00	100.0%
513 9 00 Mayor Benefits	500.00	500.00	0.00	100.0%
010 Administration	6,800.00	6,800.00	0.00	100.0%

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Expenditures	Original	Proposed	Difference		Remarks
513 Executive					
513 10 41 00 AWC Dues	900.00	963.00	63.00	107.0%	2019 rate
513 10 43 00 Executive Administration-travel	0.00	500.00	500.00	0.0%	Training
040 Training	900.00	1,463.00	563.00	162.6%	
513 Executive	7,700.00	8,263.00	563.00	107.3%	
514 Finance					
514 23 31 02 Post Office Box Rental	0.00	180.00	180.00	0.0%	Moved to correct place
514 23 47 00 Town Clerk Bond	0.00	600.00	600.00	0.0%	Required Clerks Bond
514 23 47 01 Assistant Clerk Bond	0.00	600.00	600.00	0.0%	Required Clerks Bond
514 23 49 00 Dues And Memberships	1,000.00	0.00	(1,000.00)	0.0%	For dues not known yet
514 23 49 02 Dues National Assoc Of Town Wa	0.00	40.00	40.00	0.0%	Membership NNO
514 23 49 03 Dept Of Licensing - Assistant Cler	0.00	30.00	30.00	0.0%	
514 23 49 04 Dept Of Licensing - Clerks Notary	0.00	200.00	200.00	0.0%	App stamp insurance
514 23 49 05 SW WA Regional Transportation C	0.00	450.00	450.00	0.0%	
514 23 49 06 WMCA Membership	0.00	75.00	75.00	0.0%	
514 23 49 07 MRSC Membership Dues	0.00	150.00	150.00	0.0%	
514 30 00 03 Impact Fees BG School Dist	5,000.00	5,000.00	0.00	100.0%	
514 81 48 00 Permits/Licenses: Buildings & Stri	0.00	0.00	0.00	0.0%	
514 89 43 00 Travel & Training	1,800.00	2,500.00	700.00	138.9%	Essential Training
514 89 49 01 Misc, Int, Bank Fees	600.00	600.00	0.00	100.0%	
518 30 47 00 Power, Water/sewer, Garbage	8,000.00	9,000.00	1,000.00	112.5%	Increase in costs
518 80 35 00 Office Hardware & Equipment	9,500.00	9,500.00	0.00	100.0%	
542 10 41 01 Cleaning Services: Town Halls	4,200.00	4,200.00	0.00	100.0%	
542 10 41 03 Engineering Services	18,000.00	18,000.00	0.00	100.0%	
559 81 48 00 Permits/Licenses: Buildings & Stri	200.00	200.00	0.00	100.0%	
514 23 10 00 Admin. Salary: Town Clerk	43,000.00	45,760.00	2,760.00	106.4%	
514 23 10 01 Assistant Clerk Wages	10,520.00	24,960.00	14,440.00	237.3%	
514 23 20 00 Admin Benefits: Town Clerk	24,000.00	27,000.00	3,000.00	112.5%	Corrected
514 23 20 01 Admin Benefits: Asst. Clerk Bene	1,700.00	26,878.00	25,178.00	*****%	Corrected
010 Administration	79,220.00	124,598.00	45,378.00	157.3%	
514 23 31 00 Office & Operating Supplies	5,000.00	2,500.00	(2,500.00)	50.0%	Over budgeted 2018
514 23 31 01 Postage	650.00	1,000.00	350.00	153.8%	Newsletters
10 Financial Services	5,650.00	3,500.00	(2,150.00)	61.9%	
514 23 41 00 Building Inspector Service	10,000.00	18,000.00	8,000.00	180.0%	Based on 4 houses

2019 PROPOSED BUDGET CHANGES

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001 Current Expense

Expenditures	Original	Proposed	Difference		Remarks
514 Finance					
514 23 41 02 Technical Writing/Grants,etc.	400.00	400.00	0.00	100.0%	
514 23 41 03 Professional Services: Budgeting, etc.	500.00	500.00	0.00	100.0%	
514 23 41 04 Financial & Record Services - Professional	6,000.00	6,000.00	0.00	100.0%	
514 23 51 00 State Auditor Fees	14,000.00	0.00	(14,000.00)	0.0%	Audit fees paid in 2018 next audit 2021
030 Records Services	30,900.00	24,900.00	(6,000.00)	80.6%	
514 23 42 00 Telephone And DSL	4,200.00	4,800.00	600.00	114.3%	Increase in costs
514 23 48 00 Repair & Maint: Town Hall Bldgs	8,000.00	8,000.00	0.00	100.0%	
050 Facilities	12,200.00	12,800.00	600.00	104.9%	
514 23 46 00 Insurance	7,300.00	0.00	(7,300.00)	0.0%	Combined in general fund
070 Risk Management	7,300.00	0.00	(7,300.00)	0.0%	
514 Finance	183,570.00	217,123.00	33,553.00	118.3%	
515 Legal Services					
515 31 41 00 Legal Services	65,000.00	100,000.00	35,000.00	153.8%	Increase per council
515 Legal Services	65,000.00	100,000.00	35,000.00	153.8%	
517 Employee Benefit Programs					
517 90 20 00 Wellness Program	100.00	100.00	0.00	100.0%	
517 Employee Benefit Programs	100.00	100.00	0.00	100.0%	
518 Central Services					
518 30 00 00 Insurance - General Liability Policy	0.00	32,000.00	32,000.00	0.0%	Combined to one account
518 80 41 00 Central Services - Professional Services	700.00	700.00	0.00	100.0%	
518 80 41 01 BIAS Annual Dues	0.00	4,300.00	4,300.00	0.0%	Annual dues
518 80 41 02 Information Technology Muni Meeting	0.00	2,200.00	2,200.00	0.0%	Annual dues
518 80 41 03 Information Technology- Web Publication	0.00	1,800.00	1,800.00	0.0%	Annual dues
518 80 41 04 Information Technology- Computer	0.00	4,000.00	4,000.00	0.0%	Tech support for computers
518 80 41 05 Software - Adobe	0.00	350.00	350.00	0.0%	Annual dues
518 80 41 06 SWCAA- Southwest Clean Air Agency	0.00	908.95	908.95	0.0%	2019 assessment
518 80 41 07 Software - Office Subscription For	0.00	864.00	864.00	0.0%	Yearly subscription

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Expenditures	Original	Proposed	Difference		Remarks
518 Central Services					
518 Central Services	700.00	47,122.95	46,422.95	*****%	
519 General Government Services					
514 23 42 04 Communication Services	1,900.00	1,900.00	0.00	100.0%	
514 23 49 01 Other GGS Misc.: Community, Et	2,200.00	1,500.00	(700.00)	68.2%	Not used in previous years
514 23 53 03 Other GGS:External Taxes & Ope	1,300.00	1,300.00	0.00	100.0%	
514 81 41 00 Animal Control: Professional Serv	750.00	1,500.00	750.00	200.0%	Feral Cats
518 30 48 01 Repair & Maintenance- Town Hall	3,500.00	0.00	(3,500.00)	0.0%	Not needed
519 General Government Services	9,650.00	6,200.00	(3,450.00)	64.2%	
521 Law Enforcement					
521 20 41 00 Law Enforcement Services	47,251.00	47,251.00	0.00	100.0%	
521 Law Enforcement	47,251.00	47,251.00	0.00	100.0%	
524 Protective Inspections					
524 20 48 00 Inspections/Permits - Backflow Te	129.00	129.00	0.00	100.0%	
524 Protective Inspections	129.00	129.00	0.00	100.0%	
542 Streets - Maintenance					
542 10 41 04 Roads/Streets Ordinary Maintenan	0.00	0.00	0.00	0.0%	
542 Streets - Maintenance	0.00	0.00	0.00	0.0%	
551 Welfare					
557 20 49 00 Welfare Services-Intergovernment	500.00	0.00	(500.00)	0.0%	Previously used for North County Food Bank, Adopt-a-Family, Giving Tree, Christmas dinner
551 Welfare	500.00	0.00	(500.00)	0.0%	
566 Substance Abuse					
566 12 00 Alcoholism-intergovernmental Prc	250.00	250.00	0.00	100.0%	
566 Substance Abuse	250.00	250.00	0.00	100.0%	

2019 PROPOSED BUDGET CHANGES

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001 Current Expense

Expenditures	Original	Proposed	Difference		Remarks
573 Spectator & Community Events					
573 90 31 00 Event: Rendezvous	4,500.00	6,500.00	2,000.00	144.4%	Increase costs
573 90 31 01 Event: Christmas Tree Lighting	500.00	500.00	0.00	100.0%	
573 90 31 02 Event - Events Decorations	250.00	250.00	0.00	100.0%	
573 90 31 03 Event - National Night Out	950.00	950.00	0.00	100.0%	
573 90 31 04 Event - Spring Clean-up Day	2,000.00	0.00	(2,000.00)	0.0%	Not doing in 2019
573 90 31 06 Big Foot Fun Run	3,200.00	3,200.00	0.00	100.0%	
573 90 31 07 Event Easter Egg Hunt	500.00	500.00	0.00	100.0%	
573 90 31 08 Arts And Culture	0.00	1,500.00	1,500.00	0.0%	New item Boget
573 Spectator & Community Events	11,900.00	13,400.00	1,500.00	112.6%	
576 Park Facilities					
576 67 49 01 Parks/Grant Parks Foundation	500.00	500.00	0.00	100.0%	
576 80 31 00 Parks Supplies	1,000.00	1,000.00	0.00	100.0%	
576 80 47 00 Parks Utility Services	2,300.00	2,300.00	0.00	100.0%	
576 80 48 00 Insurance	7,300.00	0.00	(7,300.00)	0.0%	Combined in general
576 80 48 01 Park : Repair & Maintenance	6,600.00	6,600.00	0.00	100.0%	
576 80 48 02 Larch Corrections Crew	0.00	7,000.00	7,000.00	0.0%	Doubling work crew instead of hiring seasonal helper
576 80 48 03 Temp Staff	0.00	2,000.00	2,000.00	0.0%	Seasonal help
594 76 64 01 Parks: Capital Expense Equipment	1,500.00	3,000.00	1,500.00	200.0%	Increase for emergency
576 Park Facilities	19,200.00	22,400.00	3,200.00	116.7%	
580 Non Expeditures					
599 99 00 99 Employee Payroll Benefit Clearing	0.00	0.00	0.00	0.0%	
580 Non Expeditures	0.00	0.00	0.00	0.0%	
594 Capital Expenditures					
594 14 63 00 Capital Expenditures/Expenses - C	17,000.00	17,000.00	0.00	100.0%	
595 95 63 00 CDBG Hoag St	110,100.00	110,100.00	0.00	100.0%	CDBG grant
595 95 63 01 CDBG Hoag St Design And Engin	35,000.00	35,000.00	0.00	100.0%	In kind
594 Capital Expenditures	162,100.00	162,100.00	0.00	100.0%	
597 Fund Transfers					
597 02 Reserve/Contingency Fund/Transf	0.00	0.00	0.00	0.0%	
597 00 01 00 Transfers-Out - Depreciation/Amo	0.00	0.00	0.00	0.0%	

2019 PROPOSED BUDGET CHANGES

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001 Current Expense

Expenditures	Original	Proposed	Difference	Remarks
<hr/>				
597 Interfund Transfers				
<hr/>				
597 00 01 01 Transfers-Out - Streets	0.00	0.00	0.00	0.0%
597 00 01 05 Transfer Out To REET	0.00	0.00	0.00	0.0%
597 00 01 14 Transfer Out To Park Impact	0.00	0.00	0.00	0.0%
597 00 01 15 Transfer Out To Transportation	0.00	0.00	0.00	0.0%
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597 Interfund Transfers	0.00	0.00	0.00	0.0%
<hr/>				
999 Ending Balance				
<hr/>				
508 00 01 00 Ending Balance	0.00	0.00	0.00	0.0%
	<hr/>	<hr/>	<hr/>	<hr/>
999 Ending Balance	0.00	0.00	0.00	0.0%
<hr/>				
Fund Expenditures:	520,250.00	640,638.95	120,388.95	123.1%
<hr/>				
Fund Excess/(Deficit):	(21,584.59)	(78,876.79)		

2019 PROPOSED BUDGET CHANGES

Town Of Yacolt
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002 Current Expense Reserve Fund

Revenues	Original	Proposed	Difference		Remarks
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308

308 80 00 02 Beginning Balance	115,332.54	123,022.05	7,689.51	106.7%	Corrected amount with ytd interest added
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308	115,332.54	123,022.05	7,689.51	106.7%	
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360 Misc Revenues

361 11 00 02 Investment Interest	0.00	0.00	0.00	0.0%	
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360 Misc Revenues	0.00	0.00	0.00	0.0%	
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397 Interfund Transfers

397 00 00 02 Transfer In /current Expense	0.00	0.00	0.00	0.0%	
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397 00 04 01 Transfer In From Water	0.00	0.00	0.00	0.0%	
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397 Interfund Transfers	0.00	0.00	0.00	0.0%	
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Fund Revenues:	115,332.54	123,022.05	7,689.51	106.7%	
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Expenditures	Original	Proposed	Difference		Remarks
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591 Debt Service

590 00 01 00 Investment	0.00	0.00	0.00	0.0%	
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591 Debt Service	0.00	0.00	0.00	0.0%	
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Fund Expenditures:	0.00	0.00	0.00	0.0%	
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Fund Excess/(Deficit):	115,332.54	123,022.05			
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2019 PROPOSED BUDGET CHANGES

Town Of Yacolt
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101 Streets

Revenues	Original	Proposed	Difference	Remarks
308				
308 80 01 01 Beginning Net Cash & Investment	0.00	0.00	0.00	0.0%
308	0.00	0.00	0.00	0.0%

310 Taxes

311 10 01 01 Real & Personal Property Tax	135,381.43	135,381.43	0.00	100.0%
310 Taxes	135,381.43	135,381.43	0.00	100.0%

330 State Generated Revenues

334 03 80 00 TIB Grant	10,000.00	0.00	(10,000.00)	0.0%	LED project complete
336 00 71 00 Multimodal Transp.City	2,400.00	2,400.00	0.00	100.0%	Based on 2019 state income estimates
336 00 87 00 Motor Vehicle Fuel Tax - City Str	34,500.00	36,000.00	1,500.00	104.3%	Based on 2019 income estimates
336 06 94 00 Liquor Excise Tax	8,000.00	9,000.00	1,000.00	112.5%	Based on 2019 income estimates
336 06 95 00 Liquor Profits	13,500.00	14,000.00	500.00	103.7%	Based on 2019 income estimates
330 State Generated Revenues	68,400.00	61,400.00	(7,000.00)	89.8%	

340 Charges For Services

345 85 00 03 Impact Fees	2,750.00	2,750.00	0.00	100.0%
340 Charges For Services	2,750.00	2,750.00	0.00	100.0%

360 Misc Revenues

344 10 00 01 Misc.: Street Repair Income	0.00	0.00	0.00	0.0%
361 11 01 01 Investment Interest	0.00	0.00	0.00	0.0%
360 Misc Revenues	0.00	0.00	0.00	0.0%

397 Interfund Transfers

397 00 00 00 Transfer In From General	0.00	0.00	0.00	0.0%
397 Interfund Transfers	0.00	0.00	0.00	0.0%

Fund Revenues:	206,531.43	199,531.43	(7,000.00)	96.6%
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Expenses	Original	Proposed	Difference	Remarks
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2019 PROPOSED BUDGET CHANGES

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101 Streets					
Expenditures	Original	Proposed	Difference		Remarks
514 Finance					
514 23 41 01 Financial & Record Services - Pro	3,500.00	0.00	(3,500.00)	0.0%	Previously used for Aon Risk insurance, Bank service charge, A & D Computers, Marie Lindsey
030 Records Services	3,500.00	0.00	(3,500.00)	0.0%	
514 Finance	3,500.00	0.00	(3,500.00)	0.0%	
535 Sewer					
535 80 49 00 Septic: Reporting Fees: Clk. Cty. &	0.00	0.00	0.00	0.0%	
535 80 49 02 Septic: Training & Conferences	700.00	0.00	(700.00)	0.0%	Not needed
535 Sewer	700.00	0.00	(700.00)	0.0%	
539 Other Environment Services					
554 90 49 01 Other Environmental Services - M	0.00	0.00	0.00	0.0%	
539 Other Environment Services	0.00	0.00	0.00	0.0%	
542 Streets - Maintenance					
541 30 48 05 TIB Grant Yacolt And Amboy Rd	0.00	0.00	0.00	0.0%	TIB project complete
542 30 10 00 Road & Street Maint.: Salaries	85,000.00	85,000.00	0.00	100.0%	"The cost of maintaining the roadway prism"
542 30 20 00 Road & Street Maint : Benefits	49,000.00	49,000.00	0.00	100.0%	
542 30 31 01 Safety Equipment	500.00	500.00	0.00	100.0%	
542 30 41 00 Roadway:Professional Services	2,000.00	2,000.00	0.00	100.0%	
542 30 48 00 Road & Street Maintenance	30,000.00	30,000.00	0.00	100.0%	
542 30 49 00 Roadway:Misc.	0.00	0.00	0.00	0.0%	
542 61 48 00 Sidewalks:Repairs & Maintenance	7,500.00	7,500.00	0.00	100.0%	
542 63 47 00 Street Lighting	8,800.00	8,800.00	0.00	100.0%	
542 64 31 00 Traffic Control Devices:Office & C	400.00	400.00	0.00	100.0%	
542 64 41 00 Traffic Control Devices:Professor	300.00	300.00	0.00	100.0%	
542 64 48 00 Traffic Control Devices:Repairs &	1,800.00	1,800.00	0.00	100.0%	
542 70 10 00 Roadside:Salaries & Wages	28,000.00	28,000.00	0.00	100.0%	"Maintaing the portion of right-of-way beyond the outside edge of the shoulder"
542 70 20 00 Roadside:Personnel Benefits	17,000.00	17,000.00	0.00	100.0%	
542 70 35 00 Roadside-Smal Tools & Minor Ec	2,500.00	2,500.00	0.00	100.0%	
543 70 40 00 Roadside:Office & Operating Supl	600.00	600.00	0.00	100.0%	
542 Streets - Maintenance	233,400.00	233,400.00	0.00	100.0%	

2019 PROPOSED BUDGET CHANGES

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101 Streets					
Expenditures	Original	Proposed	Difference		Remarks
543 Streets Admin & Overhead					
543 30 46 00 General Services-insurance	7,300.00	0.00	(7,300.00)	0.0%	Combined general
543 Streets Admin & Overhead	7,300.00	0.00	(7,300.00)	0.0%	
544 Road & Street Operations					
543 30 31 02 P/W:Clothing Allowance	800.00	800.00	0.00	100.0%	
543 30 43 05 P/W:Travel & Training	2,000.00	2,000.00	0.00	100.0%	
543 30 49 00 P/W: Licenses & Permits	0.00	0.00	0.00	0.0%	Not needed
544 Road & Street Operations	2,800.00	2,800.00	0.00	100.0%	
548 Municipal Vehicles/Equipment					
542 30 32 00 Fuel Consumed: Regular	2,500.00	3,000.00	500.00	120.0%	Cost increase
542 30 32 01 Fuel Consumed: Diesel	1,800.00	2,500.00	700.00	138.9%	Cost increase
542 30 32 02 Reimburse:Sales Tax On Fuel To l	300.00	300.00	0.00	100.0%	
543 30 31 01 P/W:Office & Supplies	600.00	600.00	0.00	100.0%	
543 50 48 00 Repair & Maint.: Vehicles & Equi	4,750.00	5,000.00	250.00	105.3%	Increased costs
543 50 48 01 Equipment Maintenance	5,500.00	6,000.00	500.00	109.1%	Increased costs
548 Municipal Vehicles/Equipment	15,450.00	17,400.00	1,950.00	112.6%	
594 Capital Expenditures					
594 44 01 00 Capital Expenditure - Equipment &	11,000.00	11,000.00	0.00	100.0%	
594 48 00 00 Capital Expenditures:Machinery &	0.00	40,000.00	40,000.00	0.0%	New Truck
595 30 63 06 Roadway Improvements: Right-of-	0.00	0.00	0.00	0.0%	
595 30 63 07 Roadway: Right-of-way	0.00	0.00	0.00	0.0%	
595 30 63 08 Roads/Streets Const. & Other Infr	4,500.00	4,500.00	0.00	100.0%	
594 Capital Expenditures	15,500.00	55,500.00	40,000.00	358.1%	
597 Interfund Transfers					
597 10 01 00 Transfers-Out - Depreciation/Amo	0.00	0.00	0.00	0.0%	
597 Interfund Transfers	0.00	0.00	0.00	0.0%	
Fund 18 Expenditures:	278,650.00	309,100.00	30,450.00	110.9%	
Fund Excess/(Deficit):	(72,118.57)	(109,568.57)			

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103 Cemetery					
Revenues	Original	Proposed	Difference		Remarks
308					
308 80 01 03 Beginning Net Cash & Investment	0.00	0.00	0.00	0.0%	
308	0.00	0.00	0.00	0.0%	
330 State Generated Revenues					
335 00 91 00 Pud Privilege Tax	7,500.00	7,500.00	0.00	100.0%	
330 State Generated Revenues	7,500.00	7,500.00	0.00	100.0%	
340 Charges For Services					
343 60 00 00 Cemetery Services/Plot Sales	500.00	500.00	0.00	100.0%	
340 Charges For Services	500.00	500.00	0.00	100.0%	
Fund Revenues:	8,000.00	8,000.00	0.00	100.0%	
Expenditures	Original	Proposed	Difference		Remarks
536 Cemetery					
536 00 41 00 Cemetery - Professional Services	0.00	0.00	0.00	0.0%	
536 10 49 00 Cemetery Archieve Costs	0.00	0.00	0.00	0.0%	
536 20 10 00 Cemetery : Salaries & Wages	1,000.00	1,000.00	0.00	100.0%	
536 20 20 00 Cemetery: Personnel Benefits	1,000.00	1,000.00	0.00	100.0%	
536 20 31 00 Office & Operating Supplies	250.00	250.00	0.00	100.0%	
536 20 46 00 Cemetery Services-insurance	2,000.00	0.00	(2,000.00)	0.0%	Combined in general
536 20 47 00 Utility Services: Electric/Water	200.00	0.00	(200.00)	0.0%	CPU line item has not been used since 2015
536 Cemetery	4,450.00	2,250.00	(2,200.00)	50.6%	
001 Public Works					
536 Cemetery					
536 20 31 03 Operations/Maint./Ground Improv	1,800.00	1,800.00	0.00	100.0%	
536 Cemetery	1,800.00	1,800.00	0.00	100.0%	
001 Public Works	1,800.00	1,800.00	0.00	100.0%	

2019 PROPOSED BUDGET CHANGES

Town Of Yacolt
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103 Cemetery				
Expenditures	Original	Proposed	Difference	Remarks
Fund Expenditures:	6,250.00	4,050.00	(2,200.00)	64.8%
Fund Excess/(Deficit):	1,750.00	3,950.00		

2019 PROPOSED BUDGET CHANGES

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105 REET/Real Estate Excise Tax					
Revenues	Original	Proposed	Difference		Remarks
308					
308 80 01 05 Beginning Balance	0.00	0.00	0.00	0.0%	
308	0.00	0.00	0.00	0.0%	
310 Taxes					
318 34 01 05 REET	20,000.00	37,264.00	17,264.00	186.3%	Based on 2018 revenues
310 Taxes	20,000.00	37,264.00	17,264.00	186.3%	
397 Interfund Transfers					
397 00 01 05 Transfer In For REET	0.00	31,409.31	31,409.31	0.0%	Transfer into streets for street projects
397 Interfund Transfers	0.00	31,409.31	31,409.31	0.0%	
Fund Revenues:	20,000.00	68,673.31	48,673.31	343.4%	
Expenditures	Original	Proposed	Difference		Remarks
541 Road & Street Preservation					
541 61 63 05 Roads & Streets Preservation Acti	20,000.00	20,000.00	0.00	100.0%	
541 Road & Street Preservation	20,000.00	20,000.00	0.00	100.0%	
Fund Expenditures:	20,000.00	20,000.00	0.00	100.0%	
Fund Excess/(Deficit):	0.00	48,673.31			

2019 PROPOSED BUDGET CHANGES

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114 Park Impact Fees

Revenues	Original	Proposed	Difference	Remarks
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308

308 80 00 14 Beginning Balance	0.00	0.00	0.00	0.0%
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308	0.00	0.00	0.00	0.0%
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340 Charges For Services

345 85 01 14 Park Impact Fees	2,300.00	2,300.00	0.00	100.0%
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340 Charges For Services	2,300.00	2,300.00	0.00	100.0%
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397 Interfund Transfers

397 00 01 14 Transfer In For Park Impact Fees	0.00	0.00	0.00	0.0%
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397 Interfund Transfers	0.00	0.00	0.00	0.0%
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Fund Revenues:	2,300.00	2,300.00	0.00	100.0%
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Expenditures	Original	Proposed	Difference	Remarks
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594 Capital Expenditures

594 76 63 14 Capital Expenditures/Expenses	0.00	0.00	0.00	0.0%
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594 Capital Expenditures	0.00	0.00	0.00	0.0%
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Fund Expenditures:	0.00	0.00	0.00	0.0%
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Fund Excess/(Deficit):	2,300.00	2,300.00
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2019 PROPOSED BUDGET CHANGES

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115 Transportation Impact Fees

Revenues	Original	Proposed	Difference	Remarks
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308

308 80 00 15 Estimated Beginning Balance	0.00	0.00	0.00	0.0%
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308	0.00	0.00	0.00	0.0%
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340 Charges For Services

345 85 01 15 Traffic Impact Fees	2,750.00	2,750.00	0.00	100.0%
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340 Charges For Services	2,750.00	2,750.00	0.00	100.0%
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397 Interfund Transfers

397 00 01 15 Transfer In For Transportation	0.00	0.00	0.00	0.0%
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397 Interfund Transfers	0.00	0.00	0.00	0.0%
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Fund Revenues:	2,750.00	2,750.00	0.00	100.0%
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Expenditures	Original	Proposed	Difference	Remarks
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594 Capital Expenditures

594 41 63 15 Capital Expenditures/Expenses	0.00	0.00	0.00	0.0%
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594 Capital Expenditures	0.00	0.00	0.00	0.0%
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Fund Expenditures:	0.00	0.00	0.00	0.0%
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Fund Excess/(Deficit):	2,750.00	2,750.00
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2019 PROPOSED BUDGET CHANGES

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403 Storm Water

Revenues	Original	Proposed	Difference	Remarks
308				
308 80 04 03 Beginning Net Cash & Investment	0.00	0.00	0.00	0.0%
308	0.00	0.00	0.00	0.0%

340 Charges For Services

343 10 00 00 Storm Drainage Fees/Collected	50,000.00	50,000.00	0.00	100.0%
340 Charges For Services	50,000.00	50,000.00	0.00	100.0%

397 Interfund Transfers

397 40 03 00 Transfer-In	0.00	0.00	0.00	0.0%
397 Interfund Transfers	0.00	0.00	0.00	0.0%

Fund Revenues:	50,000.00	50,000.00	0.00	100.0%
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Expenditures	Original	Proposed	Difference	Remarks
514 Finance				
514 23 40 05 Financial & Record Services - Oth	3,000.00	0.00	(3,000.00)	0.0% Not needed
050 Facilities	3,000.00	0.00	(3,000.00)	0.0%
514 Finance	3,000.00	0.00	(3,000.00)	0.0%

538 Other Utilities/Activities

531 38 10 00 Storm Drainage: Salaries & Wages	24,000.00	24,000.00	0.00	100.0%
531 38 20 00 Storm Drainage-personnel Benefit	15,500.00	15,500.00	0.00	100.0%
531 38 46 00 Storm Drainage-insurance	7,300.00	0.00	(7,300.00)	0.0% Combined in general
531 38 48 00 Storm Drainage-repairs & Maint.	2,500.00	2,500.00	0.00	100.0%
531 38 49 00 Storm Drainage-miscellaneous	250.00	250.00	0.00	100.0%
531 91 47 00 Storm Drainage Fees	0.00	0.00	0.00	0.0%
538 38 31 00 Storm Drainage-Office & Operatir	0.00	0.00	0.00	0.0%
538 Other Utilities/Activities	49,550.00	42,250.00	(7,300.00)	85.3%

594 Capital Expenditures

2019 PROPOSED BUDGET CHANGES

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403 Storm Water

Expenditures	Original	Proposed	Difference	Remarks
<hr/>				
594 Capital Expenditures				
<hr/>				
594 04 03 00 Capital Expenditures	0.00	0.00	0.00	0.0%
594 38 64 00 Capital Expenditures-storm Drainage	0.00	0.00	0.00	0.0%
594 Capital Expenditures	0.00	0.00	0.00	0.0%
<hr/>				
597 Interfund Transfers				
<hr/>				
597 40 03 00 Transfers-Out - Stormwater	0.00	0.00	0.00	0.0%
597 Interfund Transfers	0.00	0.00	0.00	0.0%
<hr/>				
Fund Expenditures:	52,550.00	42,250.00	(10,300.00)	80.4%
<hr/>				
Fund Excess/(Deficit):	(2,550.00)	7,750.00		

2019 PROPOSED BUDGET CHANGES

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Fund Totals

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Fund	Revenues				Expenditures			
	Original	Proposed	Difference		Original	Proposed	Difference	
001 Current Expense	498,665.41	561,762.16	63,096.75	112.7%	520,250.00	640,638.95	120,388.95	123.1%
002 Current Expense Reserve Fund	115,332.54	123,022.05	7,689.51	106.7%	0.00	0.00	0.00	0.0%
101 Streets	206,531.43	199,531.43	(7,000.00)	96.6%	278,650.00	309,100.00	30,450.00	110.9%
103 Cemetery	8,000.00	8,000.00	0.00	100.0%	6,250.00	4,050.00	(2,200.00)	64.8%
105 REET/Real Estate Excise Tax	20,000.00	68,673.31	48,673.31	343.4%	20,000.00	20,000.00	0.00	100.0%
114 Park Impact Fees	2,300.00	2,300.00	0.00	100.0%	0.00	0.00	0.00	0.0%
115 Transportation Impact Fees	2,750.00	2,750.00	0.00	100.0%	0.00	0.00	0.00	0.0%
403 Storm Water	50,000.00	50,000.00	0.00	100.0%	52,550.00	42,250.00	(10,300.00)	80.4%
Excess/(Deficit):	903,579.38	1,016,038.95	112,459.57	112.4%	877,700.00	1,016,038.95	138,338.95	115.8%

Town of Yacolt
2019 BUDGET ORDINANCE

Ordinance # 572_____

An ordinance adopting the budget for the Town of Yacolt, Washington, for the fiscal year ending December 31, 2019.

WHEREAS, the mayor of the Town of Yacolt, Washington completed and placed on file with the clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of the Town of Yacolt for the fiscal year ending December 31, 2019, and a notice was published that the council of Yacolt would meet on the 30th day of October 2018 and the 14th day of November, 2018 at the hour of 5:30 p.m., at the council chambers in the Town Hall of Yacolt, WA. for the purpose of making and adopting a budget for said fiscal year 2019 and giving taxpayers within the limits of said city an opportunity to be heard upon said budget; and

WHEREAS, the Town Council did meet at said time and place and did then consider the matter of said proposed budget, wages and benefits see Exhibit A and B attached; and

WHEREAS, the proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the Town of Yacolt for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said city for said year and being sufficient to meet the various needs of said city during said period.

NOW, THEREFORE, the Town Council of the Town of Yacolt do ordain as follows:

Section 1. The budget for the Town of Yacolt, Washington, for the year 2019 is hereby adopted at the fund level in its final form and content as set forth in the document entitled Town of Yacolt Budget 2019, three copies of which are on file in the Office of the Clerk.

Section 2 Estimated resources for each separate fund of the Town of Yacolt, and aggregate expenditures for all such funds for the year 2019 are set forth in a summary form below, and are hereby appropriated for expenditure at the fund level during the year 2019 as set forth in the Town of Yacolt 2019 Budget

<u>Fund</u>	<u>Estimated Income</u>	<u>Estimated Expenditures</u>
001 General	561,762	640,638
002 Reserve	123,022	0000
101 Street	199,531	309,100
103 Cemetery	8,000	4,050
105 REET	68,673	20,000
114 Park Impact	2,300	00
115 Transportation Impact	2,750	00
403 Storm Water	50,000	42,250
Total	1,016,038	1,016,038

Section 3. The Town clerk is directed to transmit a certified copy of the budget hereby adopted to the State Auditor's Office and to the Association of Washington Cities.

Section 4. This ordinance shall be in force and take effect five (5) days after its publication according to law. Passed by the council and approved by the mayor this 3rd day of December, 2018.

A copy of the full text of the Ordinance will mailed upon request to the undersigned at the
Town of Yacolt Town Hall, PO Box 160, Yacolt, WA. 98675: (360)686-3922.

Published this _____ day of December 2018.

Dawn Salisbury, Town Clerk

Signed _____
Vince Myers, Mayor

Attest _____
Dawn Salisbury, Town Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # 572 of the Town of Yacolt, Washington, entitled AN ORDINANCE ADOPTING THE BUDGET FOR THE TOWN OF YACOLT, WA. FOR THE FISCAL YEAR ENDING DECEMBER 31ST, 2019 as approved according to the law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Dawn Salisbury, Clerk

Published: _____

Effective Date: _____

Ordinance Number: _____

Wage Schedule 2019 Exhibit A

Public Works Director	\$52,000 per year / \$4333.33 per month**
Town Clerk	\$45,760 per year / \$3813.33 per month**
Public Works Maintenance Worker	\$41,600 per year / \$3466.67 per month **
Assistant Clerk	\$15.00 per hour @ 32hrs per week/\$2080 per month**

**** Hours may vary plus due compensation for additional hours worked including overtime ****

Yacolt contracts with Larch Correctional Facility for inmate labor to assist in projects/ clean up as needed

Exhibit B 2019 Town Paid Benefits

Employees Class

Medical, Dental, Vision total per month \$4324.87	Full Time 40 hrs/Part Time Permanent 32 hrs
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*** Employees to contribute 10% of Medical Benefits Cost per payroll**

***Does not reflect retirement contributions, or other state mandated deductions**

Distribution of payroll and benefits are to multiple funds.

ENFORCEMENT OF NUISANCE ORDINANCE

1. The Town provides written notification (EXAMPLE 1) to occupant (owner or tenant) that the property has been determined a nuisance. Delivery of the written notification must be documented: certified mail with return receipt requested or personal delivery with affidavit (EXAMPLE 2) completed by person accomplishing delivery.
2. The occupant either completes a written voluntary abatement agreement (EXAMPLE 3), ignores the original contact, or refuses to complete a written voluntary abatement agreement.
3. If the occupant completes a written voluntary abatement agreement, no further action is needed until the abatement date listed in the written voluntary abatement agreement has passed.
4. If the occupant ignores the original contact or refuses to complete a written voluntary abatement agreement, and nuisance conditions still exist, the Town provides a written notice of civil violation (EXAMPLE 4) to occupant and owner, if the occupant is a tenant. Delivery of the written notice of civil violation must be documented: certified mail with return receipt requested or personal delivery with affidavit (EXAMPLE 5) completed by person accomplishing delivery.
5. If the nuisance conditions still exist after the abatement date listed in the written notice of civil violation has passed, a hearing before the hearings examiner is held. (We do have someone who has previously served as the hearings examiner.) The hearings examiner notifies the Town, the occupant, and the owner, if the occupant is a tenant, of his findings.
6. If the hearings examiner finds in favor of the Town, the occupant and the owner, if the occupant is a tenant, are typically given one last abatement date to correct the nuisance conditions.
7. If the nuisance conditions still exist after the abatement date listed in the hearings examiner's findings, the matter is turned over to the Town attorney to be resolved in court.

*(Not sure who this might be. David would probably know)

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND REGULAR MAIL

Property Owner:
Address

RE: Nuisance Determination of (address)

Dear _____:

The Town of Yacolt passed Nuisance Ordinance # 390 in December of 1999 for the purpose of establishing “an efficient system to enforce the development, land use, and public health regulations of the town, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish penalties for violations, including abatement of any affected properties.” Ordinance #390, Section 1.

After making a visual inspection of the property on which you reside located at _____ within the Town limits, the Town has determined that your property is a nuisance pursuant to the following definitions of a nuisance contained in the Town of Yacolt Nuisance Ordinance #390:

[Set forth provisions that apply]

Photographs of the specific nuisance items and/or conditions that were located on your property on _____ (date) _____ and are considered to be a nuisance are included and circled for your reference. [add additional written description if the pictures are not obvious]

Under Ordinance #390, The Town has a number of options to remove the nuisance, both voluntary and involuntary. Of course, the Town would prefer that you remove the nuisance voluntarily and immediately and this letter is an attempt to have you do so, pursuant to Section 4 of the Ordinance.

Please contact Town Hall to either advise us that you have corrected the matter, or to make arrangements to enter into a written voluntary abatement agreement within fifteen (15) days of the date of this letter. If you do not contact the Town within this time period, the Town may issue a Notice of Civil Violation and seek the imposition of a daily fine for each day that the Nuisance remains on your property, costs of cleaning the property and other relief spelled out in the

#1

Ordinance. The Ordinance is a matter of public record and you may obtain a copy of it by dropping by the Town Hall during normal business hours.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Jim Robertson
Mayor

Enclosures

VOLUNTARY ABATEMENT AGREEMENT

I reside at the property located at _____, Yacolt, Washington 98675. I have been informed and fully understand that the Town has brought an action against me for violation of the Town's nuisance code. Specifically, the violations are within Ordinance #390. I agree that these conditions are true and correct. I understand that I am waiving the right to a hearing before the hearing examiner under Ordinance #390, regarding the matter of the violation and/or the required corrective action. No one has threatened me or made any promises to me to enter this Voluntary Abatement Agreement.

I agree to remove the potential vermin habitat or fire hazard [as defined in Ordinance #390 Section 3(3)(c) by _____. I agree to remove all junk vehicles [as defined in Ordinance #390 Section 3(3)(d)] by _____. I agree to remove all dangerous structures as defined in Ordinance # 390 Section (3) (b) by _____. I agree to remove all trash as defined in Ordinance # 390 Section (3) (a) by _____.

I agree to allow representatives of the Town to inspect the premises as may be necessary to determine compliance with this voluntary abatement agreement. The Mayor and the Public Works Supervisor will inspect the premises for compliance with these requirements on _____, 2018.

I agree that the Town may abate these violations and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to Ordinance #390 from me if the terms of the voluntary abatement agreement are not satisfied.

I have read and fully understand this agreement.

Dated this _____ day of _____, 2018.

Signature

Vince Myers, Mayor

Print

Attest:

Dawn Salisbury, Clerk Treasurer

NOTICE OF CIVIL VIOLATION

TO: Jean Hardin, Occupant
110 S. Hubbard Avenue
Yacolt, WA 98675

Jean Hardin, Owner
PO Box 93
Yacolt, WA 98675

You or any person having any record title or legal interest in the real property or building may appeal this notice by appearing at Yacolt Town Hall on **Monday, July 29, 2002 at 6:00 p.m.** Town Hall is located at 105 E. Yacolt Road, Yacolt, WA 98675. The phone number is (360)686-3922.

This hearing will be canceled and no monetary penalty will be assessed if the following civil violations have been corrected and approved by the applicable town official at least 48 hours prior to the hearing.

If you fail to appear at the scheduled hearing, the examiner will enter an order finding that the violation occurred and assessing the appropriate monetary penalty. The town will carry out the hearing examiner's order and will seek to recover all related expenses, plus the cost of the hearing and any monetary penalty from you.

VIOLATIONS:

An inspection of the property located at 110 S. Hubbard Avenue, Yacolt, Washington was performed on **April 26, 2002** and your property was considered a nuisance because the following conditions (which are some of the definitions of a nuisance from Ordinance #390) were found:

1. A violation of any Town of Yacolt development, land use, or public health ordinance (people living in campers).
- 3a. Trash Covered Premises: Any premises containing trash or abandoned materials, except that kept in garbage can or containers maintained for regular collection.
- 3c. Potential Vermin Habitat or Fire Hazard: Any accumulation of material on a property including, but not limited to animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any part thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris, or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat.

- 3d. Junk Vehicles: Any wrecked, inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a non-functional motor or transmission, missing bumpers or missing license plates.

The nuisance conditions must be removed by 5:00 p.m. on Monday, July 22, 2002.

You have been requested to voluntarily correct the above violation on one different occasion, as follows:

Clark County, Washington Superior Court Judgment which states "Defendant is hereby permanently enjoined from allowing, permitting, or failing to prevent further nuisances to occur at 110 S. Hubbard Avenue, located in the Town of Yacolt, Clark County, Washington, legally described as Lot 1 and the East 25 feet of Lot 2, Block 5, Second Addition to Yacolt, according to the plat thereof recorded in Book "3" of Plats, Page 1, recorded in Clark County Washington."

This Notice of Civil Violation also applies to any other conditions in violation of Ordinance #390 occurring prior to the scheduled hearing date.

The Town of Yacolt reserves the right to include other violations which have or may occur in violation of Ordinance #390 prior to the scheduled hearing date.

THEREFORE:

If all violations are not satisfactorily completed and approved by the applicable town official at least 48 hours prior to the hearing, the following may occur:

A monetary fine of \$25.00 for each separate violation may be assessed against you for each day the violation continues. The monetary fines may begin to accrue from the date the Town of Yacolt initially set for correction.

The Town may abate the unlawful condition in accordance with Ordinance #390. The costs and expenses of abatement incurred by the Town pursuant to ordinance #390 and a monetary penalty in an amount per day for each violation may be assessed against you. The costs of removing any trees, plants, shrubs, grasses, weeds, or vegetation shall become a charge against the owner of the property and the person responsible for the violation and a lien against the property pursuant to RCW 35.21.310 as currently enacted or hereafter amended.

The Town of Yacolt's nuisance ordinance is attached for your reference. If you have any questions about the Town's ordinance, you may contact the Town of Yacolt at (360)686-3922.

Any monetary penalty constitutes a personal obligation for you. The property owner and the person responsible for the violation can be held jointly and severally liable for any costs and expenses and any monetary penalty. Any monetary penalty assessed must be paid to the Town of Yacolt, located at 105 E. Yacolt Road, Yacolt, WA, within 10 calendar days from the date of notification of the hearing examiner's decision or a notice from the Town of Yacolt that penalties are due. Any such monetary penalty shall further constitute a lien against your property.

DATED this 28th day of June, 2002.

TOWN OF YACOLT

Joe Warren
Mayor

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
Town of Yacolt)ss.
County of Clark)

I, Brenda Finnegan, being first duly sworn upon oath, depose and say:

I am a citizen of the United States of America and the State of Washington, living and residing in Clark County in said State; that I am over the age of twenty-one years, not a party to the above-captioned action and competent to be a witness therein; that on the date hereinbelow, I caused to be deposited in the mails of the United States of America a properly stamped and addressed envelope directed to Mr. Ronald Hawkins, containing a copy of the following document(s):

Notice of Civil Violation

DATED the 1st day of July, 2002.

Brenda Finnegan
PO Box 160
Yacolt, WA 98675

Subscribed and sworn to before me this 14th day of January, 2003.

Brenda J. Finnegan

Notary Public in and for the State of Washington
My commission expires: _____



Town of Yacolt

105 E. Yacolt Road
PO Box 160
Yacolt, WA 98675
(360)686-3922 (360)686-3853 fax

June 17, 2005

TO: Paul Tester
Public Works Supervisor

RE: Nuisance Abatement

Jonathan Sincock and other residents of 206 W. Jones Street have requested that the property be inspected for compliance with Ordinance No. 390.

_____ THE PROPERTY COMPLIES WITH ORDINANCE NO. 390

_____ THE PROPERTY DOES NOT COMPLY WITH ORDINANCE NO. 390
FOR THE FOLLOWING REASONS:

Paul Tester
Public Works Supervisor

Chapter 8.05 NUISANCES

Sections:

[8.05.010 Purpose.](#)

[8.05.020 Declaration of nuisance.](#)

[8.05.030 Definitions.](#)

[8.05.040 Voluntary correction.](#)

[8.05.050 Notice of civil violation.](#)

[8.05.060 Hearing before the hearing examiner.](#)

[8.05.070 Abatement by the town.](#)

[8.05.080 Additional enforcement procedures.](#)

[8.05.090 Conflicts.](#)

Prior legislation: Ords. 15, 48, 61, 301 and 322.

8.05.010 Purpose.

The purpose of this chapter is to establish an efficient system to enforce the development, land use, and public health regulations of the town, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish penalties for violations, including abatement of any affected properties. [Ord. 390 § 1, 1999.]

8.05.020 Declaration of nuisance.

All violations of development, land use, and public health ordinances are found and declared to be detrimental to the public health, safety, and welfare and further found and declared to be nuisances. Nuisances create public harm. Prevention and correction of nuisances are necessary to prevent public harm. [Ord. 390 § 2, 1999.]

8.05.030 Definitions.

As used in this chapter, unless a different meaning is plainly required:

“Abate” means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner, and to such an extent as the applicable town official determines is necessary in the interest of the general health, safety, and welfare of the community.

“Act” means doing or performing something.

“Applicable town official” means the town public works director or his designee, including any department director or other designee, empowered by ordinance or by the mayor to enforce a town ordinance or regulation.

“Civil violation” means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day in which a violation occurs or exists is a separate violation.

“Development” means the erection, alteration, enlargement, demolition, maintenance, or use of any structure or the alteration or use of land above, at or below ground, or water level, and all acts authorized by a town regulation.

“Emergency” means a situation, which in the opinion of the applicable town official requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

“Nuisance” (also referred to herein as “violation” or “nuisance violation”) means:

1. A violation of any town of Yacolt development, land use, or public health ordinance;
2. Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission which annoys, injures, or endangers the comfort, repose, health, or safety of others, is unreasonably offensive to the senses, or which obstructs or interferes with the free use of property so as to interfere with or disrupt the use of that property by any lawful owner or occupant; or
3. The existence, without limitation, of any of the following conditions:
 - a. Trash Covered Premises. Any premises containing trash or abandoned materials, except that kept in garbage cans or containers maintained for regular collection;
 - b. Dangerous Structures. Any dangerous, decaying, unkempt, falling, or damaged dwelling, fence, or other structure;
 - c. Potential Vermin Habitat or Fire Hazard. Any accumulation of material on a property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris, or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary (less than 45 days) retention of waste in covered receptacles of a nondisposable, durable nature;

d. Junk Vehicles. Any wrecked, inoperable, abandoned, or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled, or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a nonfunctional motor or transmission, missing bumpers, or missing license plates; however, nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view except that the on-site sewage area and the reserve area must be protected from compaction by vehicular traffic;

e. Attractive Nuisances. Any attractive nuisance which may prove detrimental to children whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children. This includes unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof, abandoned motor vehicles, any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank, or shaft; and any lumber, trash, debris, or vegetation which may prove a hazard for children;

f. Obstructions to the Public Right-of-Way. Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the town. This section includes the existence of drainage onto or over any sidewalk, street, or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

g. Vegetation. Any noxious or toxic weed or uncultivated plant, weeds, or tall grass which may be a fire hazard, or any tree which is in danger of falling and creates a substantial risk of damage or injury;

h. Illegal Dumping. Dumping of any type by any person on public or private property not registered as a legal dump site; and

i. Dumping in Waterways. Dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone, or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse.

“Omission” means a failure to act.

“Person” means any individual, firm, association, partnership, corporation, or any entity, public or private.

“Person responsible for the violation” means any person who has an interest in or resides on the property, whether as owner, tenant, occupant, or otherwise.

“Property owner” means that person or persons who is the legal owner according to the records of Clark County, Washington, of the real property upon or within which the violation has occurred or is occurring.

“Repeat violation” means a violation of the same regulation in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding 12-consecutive-month period. [Ord. 390 § 3, 1999.]

8.05.040 Voluntary correction.

A. Applicability. This section applies whenever the applicable town official determines that a nuisance has occurred or is occurring.

B. General. The applicable town official shall attempt to secure voluntary correction by contacting the person responsible for the nuisance, as provided below, and explaining the violation and requesting correction.

1. Contact shall occur either:

- a. In person or by telephone; or
- b. By certified or registered mail, return receipt requested, and by first class mail.

2. The applicable town official shall keep a record of his/her attempts to contact the person responsible for the violation.

3. The applicable town official shall not be required to make more than five attempts in a 10-calendar-day period to contact the person responsible for the violation before issuing a notice of civil violation under YMC [8.05.050](#).

C. Issuance of Voluntary Correction Agreement. A voluntary correction agreement may be entered into between the person responsible for the violation and the town acting through the applicable town official.

1. Content. The voluntary correction agreement is a contract between the town and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to the specified conditions. The voluntary correction agreement shall include the following:

- a. The name and address of the person responsible for the violation and the name and address of the property owner; and
 - b. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
 - c. A description of the violation and a reference to the regulation which has been violated; and
 - d. The necessary corrective action to be taken, and a date or time by which correction must be completed; and
 - e. An agreement by the person responsible for the violation that the town may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
 - f. An agreement by the person responsible for the violation that the town may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and
 - g. An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the hearing examiner under this chapter, regarding the matter of the violation and/or the required corrective action.
2. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the hearing examiner under this chapter, regarding the matter of the violation and/or the required corrective action.
3. Extension and Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable town official if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.
4. Abatement by the Town. The town may abate the violation in accordance with this chapter if the terms of the voluntary correction agreement are not met.
5. Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with YMC [8.05.050](#), plus all costs and

expenses of abatement, as set forth in YMC [8.05.060](#).

6. Notice to Property Owner. A copy of the voluntary correction agreement shall be mailed by certified mail, return receipt requested, to the property owner if he/she is not the person responsible for the violation or is not a resident of the property.

7. Interpretation by Town Council. Any disputes between the person responsible for the violation and the applicable town official about the interpretation of the voluntary correction agreement shall be presented to the town council at a regularly scheduled town council meeting and resolved by the town council. The person responsible for the violation agrees to be bound by the determination of town council. [Ord. 390 § 4, 1999.]

8.05.050 Notice of civil violation.

A. Issuance.

1. When the applicable town official determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, pursuant to YMC [8.05.040](#), the applicable town official may issue a notice of civil violation to the person responsible for the violation and the property owner.
2. The applicable town official may issue a notice of civil violation without having attempted to secure voluntary correction as provided in YMC [8.05.040](#) under the following circumstances:
 - a. When an emergency exists; or
 - b. When a repeat violation occurs; or
 - c. When the violation creates a situation or condition which cannot be corrected; or
 - d. When the person responsible for the violation and the property owner knows or reasonably should have known that the action is in violation of a town ordinance; or
 - e. The person responsible for the violation and the property owner cannot be contacted, as provided in YMC [8.05.040](#), or refuses to communicate or cooperate with the town in correcting the violation.

B. Content. The notice of civil violation shall include the following:

1. The name and address of the person responsible for the violation and the name and address of the property owner; and
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the provision(s) of the town ordinance

which has been violated; and

4. The required corrective action and a date and time by which the correction must be completed after which the town may abate the unlawful condition in accordance with YMC [8.05.070](#); and

5. The date, time and location of an appeal hearing before the hearing examiner which will be at least 30 calendar days but no more than 60 calendar days from the date the notice of civil violation is issued, unless such date is continued by the hearing examiner for good cause shown; and

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, other than the court filing fee, if the applicable town official approves the completed, required corrective action prior to the hearing; and

7. A statement that the costs and expenses of abatement incurred by the town pursuant to YMC [8.05.070](#), and a monetary penalty in an amount per day for each violation as specified in this section, may be assessed against the person(s) to whom the notice of civil violation is directed as specified and ordered by the hearing examiner; and

8. A statement that the costs of removing any trees, plants, shrubs, grasses, weeds, or vegetation shall become a charge against the owner of the property and the person responsible for the violation and a lien against the property pursuant to RCW 35.21.310 as currently enacted or hereafter amended; and

9. A statement that the property owner and the person responsible for violation could be held jointly and severally liable for any costs and expenses and any monetary penalty.

C. Service of Notice. The applicable town official shall serve the notice of civil violation upon the person responsible for the violation and the property owner, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for the violation and/or the property owner cannot be personally served within Clark County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure and by publishing the notice one time in a newspaper which publishes legal notice in Clark County, Washington. If the property owner is the same person as the person responsible for the violation, only one copy of the notice need be given. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person(s) personally or by mail.

D. Extension. Extensions of the time specified in the notice of civil violation for correction of the

violation may be granted at the discretion of the applicable town official or by order of the hearing examiner.

E. Monetary Penalty. The monetary penalty for each violation per day or portion thereof shall be \$25.00.

F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person(s) to whom the notice of civil violation was issued of the duty to correct the violation.

G. Collection of Monetary Penalty.

1. The monetary penalty constitutes a personal obligation of the person(s) to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the town within 10 calendar days from the date of mailing of the hearing examiner's decision or a notice from the town that penalties are due.

2. The town attorney is authorized to take appropriate action to collect the monetary penalty.
[Ord. 390 § 5, 1999.]

8.05.060 Hearing before the hearing examiner.

A. Notice. The person(s) to whom a notice of civil violation is issued will be scheduled to appear before the hearing examiner at least 30 calendar days but no more than 60 calendar days from the date the notice of civil violation is issued.

B. Hearing Examiner. One or more hearing examiners shall be appointed by the town council to hear cases brought under this chapter. The hearing examiner may be a town employee but shall not be an employee of the public works department or the town attorney's office.

C. Prior Correction of Violation. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled and no monetary penalty will be assessed if the applicable town official approves the completed required corrective action at least 48 hours prior to the scheduled hearing.

D. Procedure. The hearing examiner shall conduct a hearing on the civil violation. The applicable town official and the person(s) to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The town shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action, if applicable, is reasonable. The determination of the applicable town official as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action. Formal rules of evidence need not be followed, but all witnesses shall be sworn by the hearings officer.

E. Decision of the Hearing Examiner.

1. The hearing examiner shall determine whether the town has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the town's decisions regarding the alleged violation and/or the required corrective action.
2. The hearing examiner shall issue a written order to the person responsible for the violation and the property owner which contains the following information:
 - a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
 - b. The required corrective action;
 - c. The date and time by which the correction must be completed;
 - d. The monetary penalties assessed based on the criteria in YMC [8.05.050](#);
 - e. The date and time after which the town may proceed with abatement of the unlawful condition if the required correction is not completed.

F. Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in YMC [8.05.050](#).

1. The hearing examiner shall have the following options in assessing monetary penalties:
 - a. Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or
 - b. Assess monetary penalties beginning on the correction date set by the applicable town official or an alternate correction date set by the hearing examiner and thereafter; or
 - c. Assess no monetary penalties.
2. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:
 - a. Whether the person(s) responded to attempts to contact the person and cooperated with efforts to correct the violation;
 - b. Whether the person(s) failed to appear at the hearing;
 - c. Whether the violation was a repeat violation;
 - d. Whether the person(s) showed due diligence and/or substantial progress in correcting

the violation;

e. Whether a genuine code interpretation issue exists; and

f. Any other relevant factors.

3. The hearing examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the hearing examiner shall consider the factors set forth above.

G. Notice of Decision. The hearing examiner shall mail a copy of the decision to the property owner and the person responsible for the violation and to the applicable town official within 10 working days of the hearing.

H. Failure to Appear. If the person(s) to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation occurred and assessing the appropriate monetary penalty. The town will carry out the hearing examiner's order and will seek to recover all related expenses, plus the cost of the hearing and any monetary penalty from that person(s).

I. Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with the superior court within 10 calendar days from the date the hearing examiner's decision was mailed to the person(s) to whom the notice of civil violation was directed, or is thereafter barred. [Ord. 390 § 6, 1999.]

8.05.070 Abatement by the town.

A. The town may abate a condition which was caused by or continues to be a civil violation when:

1. The terms of the voluntary correction agreement have not been met; or

2. A notice of civil violation has been issued pursuant to YMC [8.05.040](#) and a hearing has been held pursuant to YMC [8.05.060](#) and the required correction has not been completed by the date specified in the hearing examiner's order; or

3. The condition is subject to summary abatement as provided for in this section.

B. Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to public health, safety, or welfare or to the environment, the town may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the town or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the town be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation and the

property owner.

C. Authorized Action by the Town. Using any lawful means, the town may enter upon the subject property and may remove or correct the condition that is subject to abatement. The town may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including the incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the property owner and shall become due and payable to the town within 10 calendar days. The term "incidental expenses" includes but is not limited to personnel costs, both direct and indirect; attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the town in preparing notices, specifications, and contracts, the expenses and costs of the town in accomplishing, contracting, and inspecting the work; and the costs of any required printing, mailing, posting and publishing.

E. Lien for Vegetation Removal Costs. Any costs incurred by the town in abating or correcting a violation, including incidental expenses, shall become a lien against the real property in accordance with RCW 35.21.310.

F. Interference. Any person who knowingly obstructs, impedes, or interferes with the town or its agents, or with the person responsible for the violation or the property owner in the performance of duties imposed by this chapter, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not exceeding \$1,000. The town may also impose a civil fine of up to \$1,000 for knowingly obstructing, impeding, or interfering with the town. [Ord. 390 § 7, 1999.]

8.05.080 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by Yacolt town ordinances or state law except as precluded by law. [Ord. 390 § 8, 1999.]

8.05.090 Conflicts.

In the event of a conflict between this chapter and any other provision of the Yacolt town ordinances providing for a civil penalty, this chapter shall control. [Ord. 390 § 9, 1999.]

Chapter 8.10 VEGETATION, LITTER AND JUNK

Sections:

[8.10.010 Definitions.](#)

[8.10.020 Abatement action.](#)

[8.10.030 Notice to property owner.](#)

[8.10.040 Town may remove/destroy vegetation, litter and junk.](#)

Prior legislation: Ord. 192.

8.10.010 Definitions.

For the purpose of this chapter, certain words used herein are defined as follows:

“Litter and junk” shall include debris in the form of cans, bottles, glass, ashes, garbage, waste paper, packing material, wire, old or scrap copper, brass, rope, batteries, paper, rubber debris, broken stone or cement, broken crockery, discarded building material, rags, boxes, crates, packing cases, mattresses, bedding, tree and vegetation trimmings, dismantled, disabled, abandoned or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials and all other trash or waste, including abandoned inflammable materials, which are a fire hazard or a menace to the public health, safety, or welfare.

“Town official” means the director of public works or fire chief or their authorized representatives.

“Vegetation” shall include all grass, weeds, plants, shrubs, bushes, trees, or other vegetation growing, or which has grown and died, or parts thereof, which constitute a fire hazard or which menace public health, safety, or welfare, or which overhang any sidewalk or street or obstruct or impair the free and full use of any sidewalk or street by the public. [Ord. 321 § 1, 1990.]

8.10.020 Abatement action.

Upon determination that any real property within the town is the site of vegetation, litter or junk in violation of this chapter, the town official shall take the following action:

A. The town official shall issue an order of abatement to the property owner, directing the destruction or removal of the vegetation, litter or junk within 20 days of the date of issuance of the order of abatement. Such order of abatement shall be dated and identify the real property on which the vegetation, litter or junk is situated by street address and by legal description and shall describe the conditions thereon which violate this chapter. The order of abatement shall be personally served upon the property owner or shall be mailed by certified mail to the address of the property owner as shown by the records of the county assessor and posted on the real property where the vegetation, litter or junk is found.

B. Upon failure of the property owner to comply with the order of abatement, the town official shall present for town council consideration a resolution which instructs the property owner to remove or destroy the vegetation, litter, or junk within 20 days following adoption of the resolution. Such resolution shall contain the street address and legal description of the real property on which the vegetation, litter, or junk is found, shall describe the violation thereon, and shall notify the property owner that failure to comply with the abatement directions therein shall result in abatement action by the town, with the costs thereof to become a charge against the property owner. If the order of abatement requires the removal of any trees, plants, shrubs, grass, weeds, or vegetation, or parts thereof, and if the owner fails to remove or destroy them, the town will cause the removal or destruction thereof and the cost shall become a charge against the owner of the property and a lien against the property in accordance with RCW 35.21.310. The owner of the property shall be given not less than five days' written notice of presentation of the proposed resolution to the town council, and shall be given an opportunity to speak at the town council meeting regarding the resolution.

C. Upon passage of the resolution, the town council shall promptly give notice in writing thereof to the property owner. [Ord. 365, 1996; Ord. 321 § 2, 1990.]

8.10.030 Notice to property owner.

Notice to the property owner required in YMC [8.10.020](#)(B) and (C) shall be given by personal service upon the property owner; provided, that personal service shall not be required where the property owner is not a resident of or cannot be found in the town of Yacolt. In all cases where personal service of the notice is not made upon a property owner, then notice shall be given by publication for one day in a local newspaper, and by certified mail at the property owner's address as shown in the records of the county assessor, and by posting a copy of the resolution upon the real property. [Ord. 321 § 3, 1990.]

8.10.040 Town may remove/destroy vegetation, litter and junk.

If, after the expiration of 20 days from the adoption of the resolution referred to in YMC [8.10.020](#)(B), the vegetation, litter, or junk has not been removed or destroyed in accordance with the direction in the resolution, the town official shall remove or destroy the vegetation, litter or junk and the cost of removal or destruction, along with the town's reasonable costs of enforcement under this chapter, shall become a charge against the property owner. If the town is required to remove any trees, plants, shrubs, grass, weeds, or vegetation, or parts thereof, the cost shall become a charge against the property owner and a lien against the property in accordance with RCW 35.21.310. The lien shall be in a similar form and shall be filed, enforced and foreclosed in the same time and manner as provided by law for liens for labor and material. [Ord. 365, 1996; Ord. 321 § 4, 1990.]