

TG-143450



Community Planning Department

210 West 6th Avenue, P.O. Box 6108, Kennewick, WA 99336
Phone: (509) 585-4280 | Fax: (509) 585-4442 | Email: cedinfo@ci.kennewick.wa.us

September 8, 2014

David W. Danner, Chairman
Utilities and Transportation Commission
PO Box 47250
Olympia WA 98504-7250

Re: Assumption of Garbage Regulation in Certain Areas
Annexations 13-02

Dear Mr. Danner:

Enclosed please find copies of Ordinances granting franchises to Basin Disposal, Inc. and Waste Management of Washington, Inc. for collection of garbage in recently annexed territory to the City of Kennewick. This notice is provided in accord with RCW 35A.14.900.

Respectfully yours,

Anthony Muai, AICP
Planner

Enclosures - Ordinances 5568, 5569

RECEIVED
RECORDS MANAGEMENT
2014 SEP 16 PM 4:52
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

CITY OF KENNEWICK
ORDINANCE NO. 5569

AN ORDINANCE GRANTING A FRANCHISE TO WASTE MANAGEMENT
OF WASHINGTON, INC. FOR THE COLLECTION OF GARBAGE AND
REFUSE IN THE CITY OF KENNEWICK (AZ 13-02, NOWAK TRUSTEE)

WHEREAS, the City of Kennewick has effected the annexation of the following described property:

A portion of Section 21, and Section 22, Township 8 North, Range 29 East W.M., Benton County Washington to be annexed more particular described as follows:

The Northeast Quarter of Section 21, Township 8 North, Range 29 East, W.M., Benton County Washington; Together with the South half of the Northwest Quarter of Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington; Together with the Southwest Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington; Together with the West Half of the Southeast Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington; Together with the South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington; Lying South of the South line of the Plat Lakeview Ranchettes recorded in Volume 10 of Plats, Page 32, Records of Benton County, Washington; Except that portion previously annexed described as follows; Commencing at the North Quarter Corner of Section 22, Township 8 North, Range 29 East, W.M., Kennewick, Benton County, Washington; Thence South 01°27'26" East along the East line of the Northwest Quarter of said Section 22, for 1361.88 feet to the Point of Beginning; Thence North 88°57'31" West, for 572.74 feet; Thence South 40°04'10" East, for 240.51 feet; Thence South 83°00'00" East, for 426.75 feet to a point on the East line of the Northwest Quarter of said Section 22; Thence North 01°27'26" West along said East line, for 225.72 feet to the Point of Beginning; Said Annexed Parcel Contains 318 acres more or less and

WHEREAS, said annexation will become effective on the 11th day of September, 2014; and

WHEREAS, it is the desire of the City Council to contract for the collection of solid waste in said annexed territory; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Kennewick hereby grants to Waste Management of Washington, Inc., a franchise for garbage and refuse collection in the City of Kennewick in the territory annexed and as described from the date of annexation until September 11, 2024.

Section 2. The franchisee shall comply with all laws of the United States and the State of Washington, all ordinances of the City of Kennewick and applicable rules and regulations of the

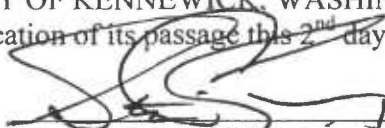
Washington Utilities and Transportation Commission; shall make payment of utility occupation taxes as provided in KMC 6.40; shall charge only those rates approved for garbage collection in the City of Kennewick; shall hold the City harmless and indemnify it from any loss arising out of this franchise; and shall not refuse service to any person within the area of this franchise except upon good cause shown.

Section 3. The City Council may suspend or revoke this franchise for good cause upon notice and an opportunity for hearing to the franchisee.

Section 4. The franchisee shall actively participate in any resource recovery program and the planning and preparation thereof approved by the City of Kennewick.


Section 5. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law, but if, and only if, the franchisee has endorsed this ordinance and accepted the terms and conditions thereof prior to October 2, 2014.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 2nd day of September, 2014, and signed in authentication of its passage this 2nd day of September, 2014.



STEVE C. YOUNG, Mayor

Attest:



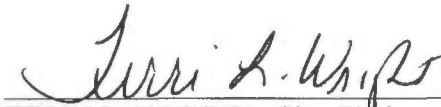
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5569 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 3rd day of September, 2014.

Approved as to Form:



LISA BEATON, City Attorney



TERRI L. WRIGHT, City Clerk

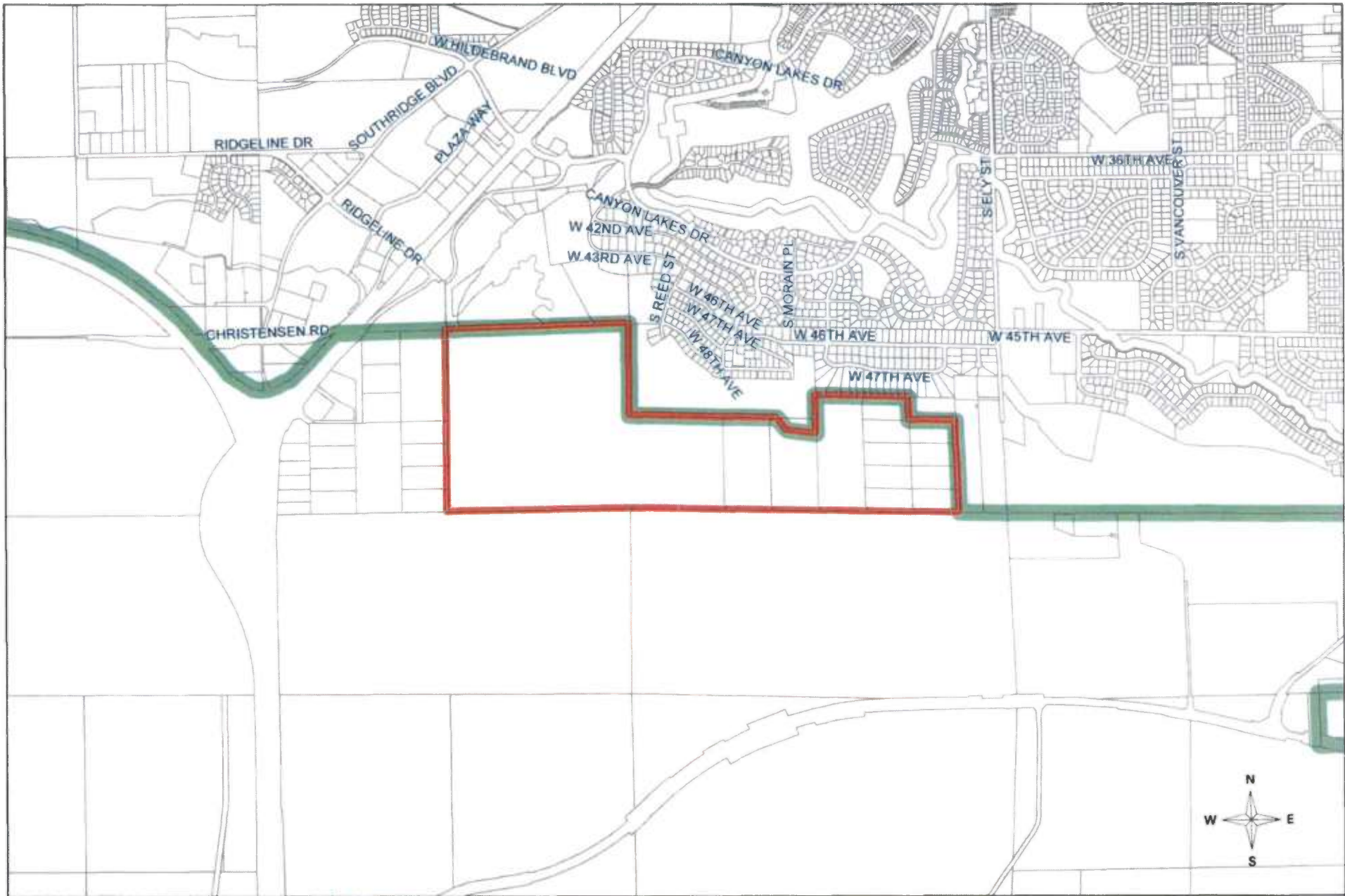
DATE OF PUBLICATION 9-6-14

I, Dean Kattler, the Vice President of Waste Management of Washington, Inc. has read Ordinance 5569 and on behalf of the said corporation does hereby accept the same and agrees to abide by the terms and conditions set down therein, and states that he is authorized by said corporation to accept the said franchise.

DATED this ____ day of _____, 2014.

WASTE MANAGEMENT OF
WASHINGTON, INC.

BY _____
DEAN KATTLER, Vice President



AZ 13-02 (Nowak Trustees)
Annexation Boundary
 318 acres +/-



Annexation Boundary
 City Limits

CITY OF KENNEWICK
ORDINANCE NO. 5568

AN ORDINANCE GRANTING A FRANCHISE TO BASIN DISPOSAL, INC.
FOR THE COLLECTION OF GARBAGE AND REFUSE IN THE CITY OF
KENNEWICK (AZ 13-02, NOWAK TRUSTREE)

WHEREAS, the City of Kennewick has effected annexations of the following described property:

A portion of Section 21, and Section 22, Township 8 North, Range 29 East W.M.,
Benton County Washington to be annexed more particular described as follows:

The Northeast Quarter of Section 21, Township 8 North, Range 29 East, W.M.,
Benton County Washington; Together with the South half of the Northwest Quarter
of Section 22, Township 8 North, Range 29 East, W.M., Benton County
Washington; Together with the Southwest Quarter of the Northeast Quarter of
Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington;
Together with the West Half of the Southeast Quarter of the Northeast Quarter of
Section 22, Township 8 North, Range 29 East, W.M., Benton County Washington;
Together with the South Half of the South Half of the Northwest Quarter of the
Northeast Quarter of Section 22, Township 8 North, Range 29 East, W.M., Benton
County Washington; Lying South of the South line of the Plat Lakeview
Ranchettes recorded in Volume 10 of Plats, Page 32, Records of Benton County,
Washington; Except that portion previously annexed described as follows;
Commencing at the North Quarter Corner of Section 22, Township 8 North, Range
29 East, W.M., Kennewick, Benton County, Washington; Thence South 01°27'26"
East along the East line of the Northwest Quarter of said Section 22, for 1361.88
feet to the Point of Beginning; Thence North 88°57'31" West, for 572.74 feet;
Thence South 40°04'10" East, for 240.51 feet; Thence South 83°00'00" East, for
426.75 feet to a point on the East line of the Northwest Quarter of said Section 22;
Thence North 01°27'26" West along said East line, for 225.72 feet to the Point of
Beginning; Said Annexed Parcel Contains 318 acres more or less; and

WHEREAS, said annexation will become effective on the 11th day of September, 2014; and

WHEREAS, it is the desire of the City Council to contract for the collection of solid waste in said
annexed territories; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. The City of Kennewick hereby grants to Basin Disposal, Inc. a franchise for garbage
and refuse collection in the City of Kennewick in the territories annexed and as described from the
date of annexation until September 11, 2024.

Section 2. The franchisee shall comply with all laws of the United States and the State of
Washington, all ordinances of the City of Kennewick and applicable rules and regulations of the
Washington Utilities and Transportation Commission; shall make payment of utility occupation

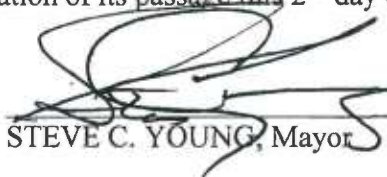
taxes as provided in KMC 6.40; shall charge only those rates approved for garbage collection in the City of Kennewick for services for which the City has rates; shall hold the City harmless and indemnify it from any loss arising out of Basin's performance of garbage collection services authorized by this franchise; and shall not refuse service to any person within the area of this franchise except upon good cause shown.

Section 3. The City Council may suspend or revoke this franchise for good cause upon notice and an opportunity for hearing to the franchisee. Good cause means a failure by Basin to take reasonable steps to correct and/or prevent an Operational Problem within its control, after receiving notice that such an Operational Problem has occurred or is likely to occur. As used herein, the term "Operational Problem" includes, but is not limited to: 1) failure to provide service to customers; 2) failure to maintain clean sanitary vehicles; 3) failure to maintain vehicles in good working order; 4) repeated violations with the Health Department; 5) failure of franchisee employees to maintain professional and courteous relationships with customers; and 6) any criminal act committed by a franchisee employee in the course of conducting business.

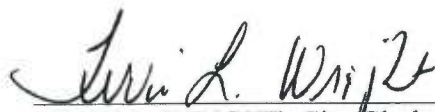
Section 4. The franchisee shall actively participate in any resource recovery program and the planning and preparation thereof approved by the City of Kennewick, as specified in Section 2.b. of the Settlement Agreement executed between the City and Basin Disposal on June 1, 1999.

Section 5. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law, but if, and only if, the franchisee has endorsed this ordinance and accepted the terms and conditions thereof prior to October 2, 2014.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 2nd day of September, 2014, and signed in authentication of its passage this 2nd day of September, 2014.


STEVE C. YOUNG, Mayor

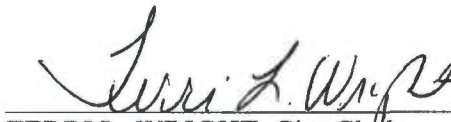
Attest:


TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5568 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 3rd day of September, 2014.

Approved as to Form:


LISA BEATON, City Attorney


TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____

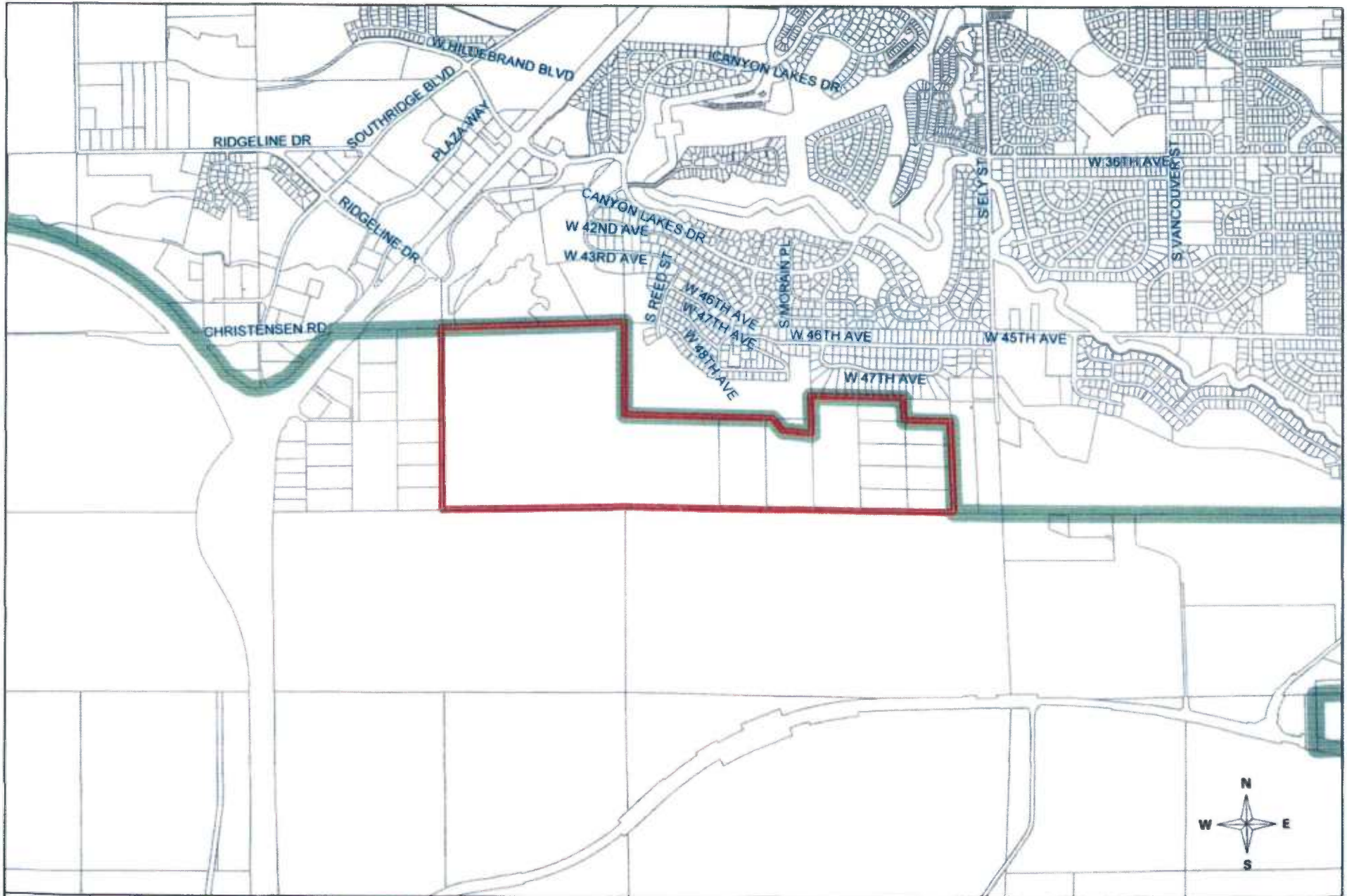
We, Leonard Dietrich and Glenda Dietrich, the president and secretary, respectively, of Basin Disposal, Inc. have read Ordinance 5568 and on behalf of the said corporation do hereby accept the same and agree to abide by the terms and conditions set down therein, and we further state that we are authorized by said corporation to accept the said franchise.

DATED this _____ day of _____, 2014.



BASIN DISPOSAL, INC.

BY _____
LEONARD DIETRICH, President

BY _____
GLENDA DIETRICH, Secretary



AZ 13-02 (Nowak Trustees)
Annexation Boundary
 318 acres +/-

-  Annexation Boundary
-  City Limits