



**Yacolt Town Council- Meeting Minutes
Monday, February 8, 2021
Town Hall Virtual/ Telephonic- 7:00 PM**

Call to Order

Mayor Listek called the meeting to order at 7:00 pm

Flag Salute

Roll Call

PRESENT

Mayor: Katelyn Listek

Council Members: Amy Boget, Michelle Dawson, Herb Noble, Malita Moseley, Marina Viray

Town Attorney: David Ridenour

Late Changes to the Agenda

Mayor Listek would like to add item #7: Council Education and Board Meeting Updates

Approve Minutes of Previous Meetings

Motion was made to approve minutes of the January 11, 2021 Council meeting

Motion: Noble **2nd:** Boget

Aye: Boget, Dawson, Noble, Moseley, Viray **Nay:** 0

Motion passed

Citizen Communication

None

Unfinished business

Belcorp Short Plat Public Hearing Continuation

Mayor Listek closed the regular meeting and opened the Belcorp Short Plat Application Public Hearing continuing from January 11, 2021, at 7:04 pm. She introduced the

hearing and its purpose, and gave instructions on how the public may give their comments/ testimony.

To begin, Devin Jackson of Jackson Civil Engineering addressed the applicant's responses to Yacolt Municipal Code 18.45.010 regarding variance approval. Especially since the Town Council agreed with Engineering staff in the meeting Jan. 11th regarding front lot line, staff does not recommend violating Town Code. Regarding any hardship, staff stated that there is no hardship now; any hardship would only be brought on by the property owner's voluntary short-plat of the property. They also recommend against disregarding the comprehensive plan.

Judy Greer then responded, asking council member to remain unbiased, and asked that any public comments submitted in writing after the December deadline be stricken from the record. Ed Greer had Attorney David Ridenour show maps of other flag-lots in the area whose setbacks are not in conformance with Yacolt's Code regarding setbacks. He said that tonight we need to at least resolve the setback issue. Jackson agreed that the setback issue must come first, and then on to the short-plat issue.

Councilmember Herb Noble suggested that there should be at most 2 homes on this property because of water table/ drainage issues, and reminded council that this has been before council in the past, and not approved. Councilmember Amy Boget asked about one of the other flag lots on Ridenour's maps. Jackson answered that just because previously created flag lots did not conform to current code, we should not violate current code. Ed Greer reminded everyone that even if this short plat does not get approved, the existing home will remain in place, with the existing setbacks, in violation of current setback rules. Jackson said that creation of the short-plat is what would be setting a new precedent. He said that if the applicant is not happy with the current code, they could ask council to create a new zoning ordinance. Noble said that council must look at this application as a brand-new project. Jackson advised that council must simply decide if all 8 points regarding the variance approval are satisfied; if so, they should approve the variance, if not, then they should not. Greer said he had seen the previous site plan on the prior application submitted by the prior owner, and those plans did not meet the Town's zoning code, which is why he sold the property to the current owner. Their current site plan meets all current code requirements except the lot line/ setback on the existing home. Boget stated that this issue must be looked at on its own, not subject to the other 2 nearby flag lots. Councilmember Malita Moseley stated that the only affect of the variance would be on the current property owner and residents, and that she has no problem approving the variance to prevent the existing home from having to be torn down.

Mary Rowe, a public member, called in to comment, and was sworn in. She asked if the existing manufactured home's position was grandfathered in? Jackson answered that the creation of the flag-lot is what creates the need for the variance. Rowe asked what if they just split the property into 2 lots, rather than 3? Jackson said he'd have to see a proposed plot plan before offering comments, but that if only divided into two lots, they feasibly could be made without creating flag lots, making the current issue moot.

Mayor Listek then directed the council to discuss the variance and make a decision on it. Noble said he doesn't see where council would be doing due diligence to the town by changing the zoning code. Greer said that if they switched to doing 2 lots instead of 3, the existing home would still be on a flag lot, still requiring the variance. Jackson disagreed, stating that enough street frontage is available to create two lots without either of them being a flag lot. Greer countered that the applicant is asking for a one-time variance, in order to not have to move the existing manufactured home. Listek said that the home-moving issue only exists because of the developer wanting to subdivide and build. Otherwise there would be no need to tear down or move the existing home. Jackson agreed.

Boget made a motion that the variance be denied.

Motion: Boget **2nd:** Dawson

Aye: Boget, Dawson, Noble, Viray **Nay:** Moseley

Motion Passed

Jackson proposed a continuation for the Applicant to be able to revise their Short-Plat Application to be reviewed at the next meeting, March 8th.

Mayor Listek closed the public hearing and re-opened the regular meeting at 7:55 pm.

New Business

Proposed Annexation and Development of Parcel #279452000

Travis Tormanen, along with Roger Foley and Geo LaRoche, made a presentation on development of some property they would like to acquire. The property is located just off the northeast corner of town, on East Yacolt Rd., and is within the Urban Reserve. Travis showed a process diagram and a preliminary layout. They would like to build 20 or more homes, on about 18,000 square foot lots. They hope to have the property annexed into the Town of Yacolt, as it is currently not within the Town limits. Noble asked what size lots the county has zoned this property for, and Jackson answered that it is currently zoned for two 10-acre lots. There was some discussion of Urban Growth Area vs. Urban Reserve, and Jackson mentioned that annexation of this property would require a new Comprehensive Plan. He said typically, the county wants to see Growth Management Areas developed as employment-producing properties. Tormanen asked Jackson if there is an easy path to getting this property annexed. Jackson replied that it would be easier with a property of at least 100 acres. Usually the County won't let you touch Urban Reserve until all undeveloped properties in town get developed. Boget asked if this would be annexed in as R-10 or R-12.5. Jackson answered that it depends on multiple factors: population density and growth, parks, etc. Zoning is not automatic, and typically takes a year or thereabouts. Tormanen said they will explore the issues which have been brought up and report back if they decide to pursue this annexation and development further. Noble asked if the 10-acre zoning is due to the 2 creeks running through the property and the fact that they serve our local water supply and

feed into the North Fork of the Lewis River. Jackson said not necessarily. Tormanen interjected that Yacolt Creek is just east of the property in question, and they have been watching nitrate levels in the water because of it feeding the aquifer, and there have been no significant levels noted in recent years. He feels that this project would fit in with existing community development; however planning issues may take a while. Moseley stated that she thinks the development would be a good idea, and she'd like to see more parks in the area.

Rotate Mayor Pro-Tem

After taking into account which councilmembers would be available for rotating into this position, Councilmember Herb Noble nominated Councilmember Michelle Dawson for the Mayor Pro-Tem position, from now until July 12th.

Motion: Noble

2nd: Viray

Aye: Dawson, Noble, Viray

Nay: Boget, Moseley

Motion Passed

Rotate Finance Committee

After taking into account which councilmembers would be available for rotating into this position, Councilmember Amy Boget nominated Councilmember Malita Moseley for the open Finance Committee position, from now until July 12th.

Motion: Dawson

2nd: Viray

Aye: Boget, Dawson, Moseley, Noble, Viray

Nay: 0

Motion Passed

PWMA Title Name Change

Councilmember Moseley stated that she doesn't think the "Team Leader" or "Supervisor" name applies in Yacolt, that when we have a Larch Work Crew here, they have their own supervisor. Mayor Listek reminded council that when the Larch crew comes, their own supervisor is there mainly to keep track of them, but our man (in this case Terry) has to supervise the whole lot of them. Also, for several months out of the year, we employ seasonal workers, who are also supervised by Terry. So the "Lead" or "Supervisor" title indeed does apply. Councilmember Boget said she likes the title of "Public Works Maintenance Technician", but she is hesitant to call it "Lead" or "Supervisor". Listek said she prefers a title like "Lead", showing that Terry is in charge of / supervising a crew. Councilmember Noble made a motion that we change Terry's title to "Public Works Supervisor". Councilmember Dawson seconded the motion. Boget reminded them that this change would require changing the Town's Personnel Policy,

and Attorney Ridenour agreed. Boget also reminded council that our Personnel Policy says “Assistant Clerk”, not “Administrative Assistant”. So if changes are made to the names, we also will need to update the Personnel Policy with not only the new title names, but also the job description/ duties for each, by resolution or ordinance. Noble then withdrew his previous motion and made a new one: That we direct staff to prepare a resolution to amend our Personnel Policy to reflect title changes from Public Works Maintenance Assistant to “Public Works Supervisor”, and from “Assistant Clerk” to “Administrative Assistant”, and to change their respective duties as outlined in the current Personnel Policy.

After some discussion, Noble tabled the motion when Listek suggested council members all send in their ideas on this before the next meeting, as soon as possible. Boget suggested that everyone email their ideas in. Ridenour and Listek agreed that this will also give us a platform to update pay scales as well. They suggested an Ordinance or Resolution to be written up with blanks to be filled in before approval at the March 8th meeting.

Council Education and Board Meeting Updates

Mayor Listek brought up the fact that our code does not allow for council members to be paid a stipend for classes they take. It allows for stipends to be paid only for regular and special council meetings, and for outside meetings (ie: local community services board meetings) which they attend as a representative of the Town. Our budget does allow for reimbursement of tuition, travel expenses, etc., but is very limited as far as paying stipends on top of that. Recently, Council Members have submitted class attendance to our Clerk, to be paid a meeting stipend.

Mayor Listek and the Council discussed the importance of Council Members getting the additional training in, and that there are funds budgeted for such trainings. However, Yacolt Municipal Code does not allow for a stipend to be paid in addition to the tuition and other reimbursed expenses that may stem from the trainings. Also, the Mayor recommended that if a training is taken or meeting attended, it would benefit the Townspeople and other Council members to receive a report about the class or meeting, during the next Council Meeting.

Some Council Members felt that the meeting stipend should be paid for *all* meetings *and* classes attended. Others suggested that only “live” (albeit “virtual”, during COVID) classes should warrant the meeting stipend, vs. pre-recorded trainings. Mayor Listek reminded them what our Code says. There was some disagreement as to the interpretation of how the Code reads, and when the stipend should be paid. A couple of Council Members suggested having to get pre-approval to take a class and receive the meeting stipend. However, this may not always be feasible, depending on the amount of notice given when some classes are offered.

When it became apparent that no one solution would be agreed upon during this meeting, Mayor Listek consulted Attorney Ridenour for his advice on the issue. He

referred to a memo he had written up some months ago regarding this very issue, saying he would be happy to forward it to council members before the next meeting. He said animosity benefits no citizens of the Town, and emotions are high right now. He suggested bringing this discussion back in the next meeting, to allow everyone to cool off and think about the issue, bringing back their constructive ideas. All were in agreement.

Citizen Communication

- Ronald Homola introduced himself and said Attorney Ridenour basically voiced *his* own thoughts. He said all of the council members were voted in because each has a passion for this community. Not all council members benefit from taking classes. Some will want to, others will not. The key question is, how can they all work together as a team? Keep up the good work, and be a team.
- Mary Rowe said she has attended council meetings for years, and she was appalled by what she heard tonight as the council members argued. She said, if you have an ordinance, follow it. If you don't like an ordinance, change it.
- Josh Beck said none of this is about pettiness. This is about serving the town, not yourself.

Town Clerk's Report

- 2020's books have been completed and closed out.
- The Public Works payroll distribution accounts were all corrected for an accurate reflection of payroll hours going forward.
- In the past few weeks, records have been getting compiled for a huge Public Records Request project.
- And over the next week or so, events and meetings through the rest of the year will be listed on the Town website, so that people can plan for the events.

Public Works Report

- Upon removal of Christmas lights, vandalism to the lights and other holiday fixtures amounting to over \$1000 was assessed. Those decorations will now need to be replaced, at the expense of the town.
- The new LED reader board arrived today, and arrangements will begin for power to be brought to the site. This is number one of two electronic reader boards to be purchased.
- A new lawnmower was just purchased, with a 16-foot-wide swath, so this will give much greater efficiency for mowing parks, etc. in the summers.
- There has been a fair amount of damage due to vandalism lately, especially in the parks, mostly from vehicles. If anyone has information about this, please report it to Town Hall. Cameras have been installed in hopes of catching vandals in the act.

- And this month, Clark PUD is starting to work on W. Jones Street, to replace the water main there.

Attorney's Comments

The latest Corona Virus proclamation requires virtual meetings to continue until further notice.

Council's Comments

- Moseley attended the Urban County Policy Board meeting, in which they announced distribution of this year's CDBG Grants to: Lifeline, Share House, and Cities of Battle Ground, Woodland, and Camas. They are responsible for allocation of Covid Relief Funds, which the Free Clinic in Battle Ground will be receiving. The Clinic wishes to use the funds to either lease or buy their own building. They will know more in March. Applications for next year's grants are due by October, 2021.
- Moseley also attended the NCEMS meeting. They are trying to replace their Fargher Lake Station. 2 EMTs have contracted COVID, and 1 other was out for quarantine for 14 days. They used COVID Relief funds to purchase an atomizer which they use to sanitize ambulances between runs.
- Boget will be attending tomorrow's Community Action Advisory Board meeting tomorrow. It is their first meeting in a long time. They need to do an assessment, noting lack of census participation. Their next meeting will be March 2nd.
- Noble thanked the Town Clerk and Public Works staff for all they do. He attended the recent C-Tran meeting, where they discussed how COVID has affected bus routes. We now have a mid-day bus run, and he is pushing for more. He thanked Mayor Listek, and said they should all come back to the next meeting as professionals.

Mayor's Comments

- She recently made a presentation in hopes of being awarded a grant for a potential park project. She will keep council and the town posted as she gets more information back.
- Dates for numerous town events have now been set. Hopefully, COVID restrictions will allow us to go forward with the events. Soonest upcoming events include: April 3- Easter Egg Hunt, April 24- Town Surplus / Garage Sale, and May 1- Town Clean-Up.
- She has taken old medals from BigFoot Fun Runs off of their lanyards that had old dates on them, and repurposed them into key chains to be sold at Saturday Markets and other events.
- Saturday Markets are set to be the first Saturday of each month, beginning April 3rd.
- And last, we just got word that our US Bank branch here in town will be closing permanently. We hate to see it go!
- Councilmember Moseley asked if the Town Sale could be moved to a later date, with less chance of rain, and Mayor Listek replied that if people are interested, we may have another sale later on, this summer.

Approval to pay bills on behalf of the town

Motion made to pay the bills on behalf of the town:

Motion: Boget **2nd:** Moseley

Aye: Boget, Dawson, Moseley, Noble, Viray **Nay:** 0

Motion Passed

Adjourn

Mayor Listek adjourned the meeting at 10:19 pm

Katelyn J. Listek, Mayor

Stephanie Fields, Clerk