



**Yacolt Town Council- Meeting Minutes  
Monday, January 11, 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

Public Works: Director Tom Esteb

Town Attorney: David Ridenour

**Late Changes to the Agenda**

Councilman Noble asked to add an agenda item: Job titles and pay increase(s)

**Approve Minutes of Previous Meetings**

**Motion was made to approve minutes of the December 21, 2020 Council meeting**

**Motion:** Noble           2<sup>nd</sup>: Viray

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

**Motion passed**

**Citizen Communication**

Mary Rowe called in to say that she has had trouble with the connection phone number to the Town Council Meetings.

Kim Shealy commented that the trees that were cut on the Jorgenson property opened up her view to the hills. She was wondering if all the trees on that property would be coming down. Mayor Listek responded that all of the evergreens were to be cut down, the stumps would be ground, and the property will look nice and level when all is complete.

### **Unfinished business**

None

### **New Business**

- **DYCF Emergency Foster Home**

Brittney Samaduroff from DC Visitation gave a short narrative on the need to either purchase or rent a home on behalf of the Dep't. of Youth, Family, and Children. The home would be used to house children in crisis who are waiting to be placed in foster homes. Up to 5 children at a time would stay, for up to 30 days at a time. Their problem has been in locating homes which are appropriately zoned for their specific need's situation. They prefer a home in a smaller outlying community versus in a metropolis. They were advised to look into Yacolt Municipal Code Ch. 18 to consider applying for a conditional use permit.

- **Belcorp short Plat Hearing**

Mayor Listek closed the regular meeting and opened the Public Hearing at 7:18 pm, with instructions on how the hearing would proceed. Town Attorney David Ridenour introduced the plan to divide the property at 125 S. Spruce Ave. into 3 parcels and to build a single family home on each parcel. He presented maps, photos, and other documentation, and explained that are questions regarding setback distance and position of the current home on the property. Devin Jackson presented the staff report produced by Jackson Civil Engineering on the short plat and addressing the above questions. The first hurdle to be addressed is interpretation of the setback requirements on the existing manufactured home, and determining which side of the house is considered front, back, and side for setback purposes. Using the engineering staff's interpretation of YMC 18.10.010, the front of the house is on the west side so the property division would require a variance approval. The property owner's representatives, Ed and Judy Greer, argued that the front of the house is the south side and would therefore not require a variance. Councilmember Boget asked if a flag lot situation like this has come up before. Attorney Ridenour presented maps of town showing that although there are plenty of flag lots in town, even near the property in question, this particular one is unique due to the direction the house faces and proximity to the lot line. Councilmember Noble asked haven't we had this same exact property short-plat proposal before us in the past once or maybe even twice? And what are the sizes of the proposed smaller lots? Greer answered that each lot will be at least 12,500 square feet. Councilmember Moseley said she has no problem with the lot line/ setback issue, as long as the septic system has plenty of room. Mary Rowe was sworn in, and asked if we are only discussing lot #3 tonight. Devin answered that the interpretation of the code

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regarding setback will determine if we go forward with the short-plat portion of the hearing tonight. Josh Beck was sworn in, and commented that if all other flag lots in town have had to comply with YMC, then everyone needs to be on the same level with regard to Town Codes.

Boget, Noble, Dawson, and Viray all stated that they agree with the staff report from Jackson Civil Engineering regarding the lot line definition.

**Motion:** “I move that we uphold the lot line definition as presented by the Jackson Engineering staff.”

**Motion:** Boget            **2<sup>nd</sup>:** Dawson

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

**Motion passed**

In order to continue with the short plat then, a variance must be granted. Attorney Ridenour presented YMC 18.45.010, defining requirements for a variance, as well as the applicant’s narrative addressing it. Jackson explained that the short plat is assuming the soil is virgin soil, but it is not. He also pointed out that the variance requires that a hardship would occur if it is not approved; but there is not truly a hardship – the property owner is just trying to get around setback requirements. He explained that the setback does not meet zoning setback requirements as a component of Yacolt’s comprehensive plan.

Greer argued that the current driveway is really the only way to reach the existing home, and therefore its placement poses an unusual circumstance. It would be a great financial hardship on the property owner if he had to demolish or move the existing home. With the front setback being the only thing in question, the short plat does not affect the goals of Yacolt’s comprehensive plan regarding lot areas and maximum density.

Councilmember Noble asked how the current tenants in the property feel about the short-plat. Andrew Bell, the property owner, responded that the tenant is aware that the property may be developed around him. Caller Stephen asked a few questions about setback and driveway requirements, as well as what is the age of the existing home. Bell said it is a 1980s manufactured home which was placed there about 11 years ago. It was remodeled a couple of years ago. Stephen asked if the addition on it was legal because he is unsure if it is legal to add an addition to a mobile home. Bell is unsure if the addition was permitted. He didn’t own the home at the time.

Noble asked if we begin approving variances, will we be going down the road of snowballing variances? Jackson explained that variances aren’t inherently a bad thing; council must just determine if all 4 criteria are being met. Greer said he was not aware of the existence of variance criteria in YMC 18.45.020. He and Jackson agreed that in the interest of fairness, the hearing should be continued over into the next Town Council Meeting Feb. 8, with no special notices required.

Mayor Listek closed the public hearing at 8:52 pm and re-opened the regular council meeting.

- **Job title, pay increase**

Councilmember Noble asked if the Public Works Maintenance Assistant's (Terry Gardner) raise is all set to be in place, and could his title be changed to Public Works Maintenance Supervisor?

Public Works Director Tom Esteb also supports the raise, but is not sure about the title , although Gardner does oversee and supervise when needed. Boget reminded that there is a proper process necessary to change job titles and job requirements. Noble said he'd work on this for the next meeting. Dawson commented that Gardner deserves to have the title of supervisor.

### **Town Clerk's Report**

The December bank statement just arrived today, so the clerk is reconciling the bank account in order to finalize the financials and close out 2020 by January 20<sup>th</sup>. She warned that many annual bills are coming in right now, to be paid this month and next (ie annual insurance policy premium payment, and many annual membership dues). Therefore bills will be higher than normal for January and February, but will get back down to normal for March.

### **Public Works Report**

They built new shelving in the shop, as well as a nice new rack for the signs. They continue to work to keep drainage ditches cleaned out. The ditch over by the school was really bad.

### **Attorney's Comments**

No additional comments.

### **Mayor's Comments**

Happy 2021! We are actively seeking grant opportunities, and will report on progress at the next meeting.

### **Citizen Communication**

A caller suggested that the Public Works Maintenance Assistant's job title be changed to something like Public Works Maintenance Lead.

### **Council's Comments**

Boget asked to read a statement she wrote, which she would be sending to the clerk to be included in the minutes:

"We are only 11 days into 2021 and my heart is heavy. The last week has been a very emotional time for our country. On Wednesday the 6<sup>th</sup>, I watched with shock as United States

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Citizens forced their way into our Capital Building. The deaths resulting from this attack were completely unnecessary and my sympathies go out to the families of the officers who must wake up in the morning without them.

As I look to the future, I can't help but feel a sense of loss for our democracy. I call upon everyone stoking the flames to truly think about what you are saying. Each of us holds a personal responsibility to recognize when and how we accept, embolden, and encourage violence. Romanticizing the American Revolution or Civil War blinds us to the truth. Romanticizing neighbor killing neighbor, brother against brother, family against family will serve nothing and no one. We need to be better Americans than that, we need to be better humans than that.

I ask for elected leaders, both locally and Nationally, to join me in denouncing the violent actions and rhetoric we have seen and has been promised for the days to come.

Amy Boget

Town of Yacolt Councilor Pos. 1

1.11.2021”

Dawson responded by asking why, after all these many months of violence, are you just now denouncing violence? She feels that people who have overlooked all that violence and are just now denouncing it are hypocritical.

Boget then wanted to point out that all need to be held to the standard of politeness.

Noble thanked both for their opinions, but said it's time to move on.

### **Approval to pay bills on behalf of the town**

Noble asked why neither of the finance committee members had been in to look at the bills to be approved? Viray explained that she had already made an arrangement to come in first thing the next morning. Boget said she never knows if someone is going to be in the office between 5 and 7 on meeting day. The clerk confirmed that she is always in the office from 9 a.m. until after the meeting is over on meeting days. Boget asked what time the bills had been ready to be looked at. Mayor Listek said they were ready when she was in at about 1 p.m. She also said that she, the clerk, Noble, and Dawson had all looked over the bills and checks, and signed off on them. That being said, she asked if a motion could be made to pay the bills, conditioned upon approval by Viray and Boget the next day.

### **Motion made to pay the bills on behalf of the town, upon approval by Boget and Viray on 1/12:**

**Motion:** Noble            2<sup>nd</sup>: Dawson

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

### **Motion Passed**

**Adjourn**

Mayor Listek adjourned the meeting at 9:15 p.m.

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Katelyn J. Listek, Mayor

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Stephanie Fields, Clerk