

# Town of Yacolt

## Town Council Meeting Minutes

Monday, February 13, 2023

7:00 PM

Town Hall

### Call to Order

7:00 PM

### Flag Salute

### Roll Call

Council Members Present: Kandi Peto, Joshua Beck, Ronald Homola, Marina Viray (Councilmember Ian Shealy had called in the afternoon and asked to be excused, as he was ill.)

Also present: Mayor Katelyn Listek, Town Attorney David Ridenour, Town Engineering Staff member Yu-An Chen, Public Works Staff Terry Gardner and John Parker, and Clerk Stephanie Fields

### Late Changes to the Agenda

Add as Agenda item #3.5: Paint Striping Machine Bids

### Approve Minutes of 1-9-23 Meeting

**Motion:** Homola                      2<sup>nd</sup>: Beck

**Aye:** Peto, Beck, Homola, Viray      **Nay:** 0      **Absent:** Shealy

***Motion Carried***

### Citizen Communication

Julia Heldman spoke about a number of items: The AT&T Cell Tower "foliage" falling off; concern about the possibility of VOCs in the poured rubber planned for the Town Park; and a sidewalk on Cushman west of Parcel.

### Unfinished Business

#### **New Council Chambers Electrical Bids**

New apples-to-apples bids were submitted, and a motion was made to select Tane Electric as the Lowest Apparent Bidder.

**Motion:** Homola                      2<sup>nd</sup>: Beck

**Aye:** Peto, Beck, Homola, Viray      **Nay:** 0      **Absent:** Shealy

***Motion Carried***

#### **New Council Chambers Drywall and Painting Bids**

New apples-to-apples bids were submitted, and a motion was made to select MJS Contracting as the Lowest Apparent Bidder.

**Motion:** Homola                      2<sup>nd</sup>: Beck

**Aye:** Peto, Beck, Homola, Viray

**Nay:** 0

**Absent:** Shealy

***Motion Carried***

### **Paint Striping Machine Bids**

New apples-to-apples bids were submitted, but Attorney Ridenour cautioned that he still thinks this purchase must be advertised for bids, which it was not. He asked that he be given some time to do a bit more research during the meeting. After he researched Washington Statutes and conferred with Public Works Staff, he still had reservations, explaining that his role is to protect the Town. Motion was then made to award the bid to the Apparent Lowest Bidder, which was Miller Paint, on condition of the Town Attorney's satisfaction with and MRSC's approval of the bidding process already employed; or to start a new procurement process if any major deficiency is discovered in the process which was employed.

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

**Aye:** Peto, Beck, Homola, Viray

**Nay:** 0

**Absent:** Shealy

***Motion Carried***

### **Battle Ground School District Impact Fees Interlocal Agreement Update**

Attorney Ridenour summarized the changes he had suggested for the Agreement, and said that he hasn't gotten final word back yet from the School District.

### **Records Room Review Update**

Clerk Fields gave a quick update on the records room review: She and the Town Attorney worked alongside Boyang Ridenour last Wednesday and Saturday, and plan to do so this coming Wednesday and perhaps one more day. A lot of progress was made, and the Clerk will be contacting the shredding company to shred at least the 2 full bins of records, and take away all of the bins. Any remaining records to be reviewed after that will be minimal, so future shredding will be at a level the Town can do on its own.

### **Ordinance #590: Clerk Wage Increase Follow-Up**

The Ordinance which was approved to be written at the January 9<sup>th</sup> meeting was presented by Mayor Listek. There were no concerns or suggestions for changes.

## **New Business**

### **Conditional Use Permit Public Hearing and Vote for Proposed Duplex at 110 S. Hubbard Ave.**

Mayor Listek closed the public meeting and opened the Public Hearing, she then read the procedures for the Hearing and invited Yu-An Chen (Engineering Staff), Lane Johnston (Applicant), and members of the Public and Town Council to speak. Although Chen and Johnston testified that the proposed duplex could meet the Town's code requirements once basic conditions were met, residents spoke up with concerns. Jeff Carothers was sworn in and said that neighbors bought their single-family homes in the area, assuming all of the homes in the area would remain single-family. He suggested that multi-family only be allowed within new developments. Julia Heldman was sworn in and said that she was voicing concerns of the Van Antwerps, who said they were concerned that there may not be enough parking for two families. Johnston noted that there would be two parking spaces per unit, which should be enough, and that's what Code requires. Councilmember Homola pointed out that although the previous home on this lot was just a single-family home, there appeared to be multiple families – or at least quite a few people – living there most of the time. Mayor Listek brought up Ordinance 563, which allows for multi-family in all zones in Town. Attorney Ridenour advised Council of the facts regarding their decision alternatives. Councilmember Beck

clarified that either way, a home would be built on the lot, whether single-family or multi-family. The Public Hearing was adjourned once no one had any more comments, at 7:50 pm. Council moved to table their decision until the March 13<sup>th</sup> Council Meeting.

**Motion:** Beck                      **2<sup>nd</sup>:** Peto

**Aye:** Peto, Beck, Homola, Viray                      **Nay:** 0                      **Absent:** Shealy

***Motion Carried***

#### **Conditional Use Permit Public Hearing and Vote for Proposed Tri-Plex at 106 E. Humphrey St.**

Mayor Listek closed the Public Meeting and opened the Public Hearing at 8:05 pm, reading the procedures, once again inviting Chen, Johnston, the Public, and Council Members to testify. Although Chen and Johnston testified that the proposed tri-plex could meet the Town's code requirements once basic conditions were met, residents spoke up with concerns. Jeff Carothers was sworn in and said that 6 bedrooms could result in 12 vehicles needing parking space. He asked will there be sidewalks, and will the street be widened? Ronda Knapp was sworn in and said she lives across the street and already has problems getting out of her driveway. These extra vehicles would worsen that problem. Richard Sellman-Clark was sworn in and said that Humphrey Street is very narrow. He is concerned about: more traffic, 3 additional residences worth of garbage, reduced home values in the vicinity, and the construction vehicles on the road. Gina Horn was sworn in and said multi-plexes always have a high turnover rate, that there would always be new neighbors in and out, and that renters often deceive their landlords. Ronald Adams was sworn in and reiterated the concerns of those who spoke before him, also noting that homeowners tend to work to improve their properties, while renters often do the opposite. Johnston said the parking spaces would comply with Code, and they would be adequate, and that his leases typically average 6-months to a year in length. Chen said the Engineering Staff could investigate the traffic issue some more, if warranted. The Public Hearing was adjourned once no one had any more comments, at 8:30 pm. Council moved to table their decision until the March 13<sup>th</sup> Council Meeting.

**Motion:** Beck                      **Second:** Peto

**Aye:** Peto, Beck, Homola, Viray                      **Nay:** 0                      **Absent:** Shealy

***Motion Carried***

#### **Water Treatment Building**

John Roth of Clark Public Utilities spoke about the 8' x 10' building they need to build up at the Ballfield to use as a Corrosion Control facility. Access to the building will only be allowed to CPU and the Town. The building would be considered permanent, and CPU will help to maintain the road back to the building. A motion was made to allow CPU to place their building up at the Ballfield.

**Motion:** Beck                      **2<sup>nd</sup>:** Homola

**Aye:** Peto, Beck, Homola, Viray                      **Nay:** 0                      **Absent:** Shealy

***Motion Carried***

#### **Resolution #610: Streetlight Maintenance Interlocal Agreement with Clark Public Utilities**

Attorney Ridenour presented the Interlocal Agreement he had negotiated with CPU on behalf of the Town. On a side note, he also mentioned that technically the Town does not automatically have the right to use CPU's poles, and pole use is not a part of this agreement. He did say however, that CPU has indicated that they have no problem with the way the Town has used their poles in the past, and is willing to give written confirmation that we can continue to use them in the same way we have historically used them (ie: flags/banners, flower baskets).

With no further discussion, a motion was made to pass Resolution #610, for the Town to enter into the Interlocal Agreement with CPU for Streetlight Maintenance.

**Motion:** Homola                      **2<sup>nd</sup>:** Beck  
**Aye:** Peto, Beck, Homola, Viray      **Nay:** 0                      **Absent:** Shealy  
**Motion Carried**

#### **Past Due School Impact Fees**

Clerk Fields gave details about a project she's been working on for many months, regarding School Impact Fees which may or may not have been timely paid out to Battle Ground School District. Her research showed that we owe \$80,000 in past Impact Fees to BGSD. Since this was such a large amount, she wanted all of Council's approval to pay it off, not just the Finance Committee's. (She also mentioned that she has contacted our accounting software company to see if they can "plug" the loophole in the software which allowed these payments to slip through the cracks. Council member Homola suggested that perhaps the entry of a new address should automatically trigger the Impact Fees to be assessed.) Council agreed that the payment needs to get taken care of, so a motion was made to approve the payment.

**Motion:** Homola                      **2<sup>nd</sup>:** Beck  
**Aye:** Peto, Beck, Homola, Viray      **Nay:** 0                      **Absent:** Shealy  
**Motion Carried**

#### **Red Cross Month Proclamation**

Mayor Listek read her proclamation designating this March as Red Cross Month in Yacolt. A copy of the Proclamation is attached to these minutes.

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

- Closed out 2022 with just over \$2 Million in the Checking Account, and almost \$1/2 Million in the Town's Investment Account
- Already started the Annual Report, which is due the end of May
- Looking forward to having the Records Review project finished, as well as having completed the Past Due BGSD Impact Fees project.
- Ready to begin planning the Easter Egg Hunt

#### **Public Works Department Report**

- Set readerboard posts in concrete last week; will let the concrete cure until the end of February, and then in early March will hang the "roof" structure and new readerboard
- Hauled away 18 40-yard dumpsters full of debris from around Town; inmates have been a great help

#### **Attorney's Comments**

- Asked if Town wants to adopt a policy/code for wireless towers, as we have been trying to process an application for one, but the Town currently has no policy in place for this. He asked if the Town would want to consider this at a future meeting, and at least assemble a bullet-point list.
- We've also had requests for annexations from the Urban Growth Boundary into Town. He's working with the Clerk to polish up annexation petition forms.
- Recognized the Clerk for all the hard work she put into the Past Due BGSD Impact Fees project.

### Citizen Communication

Cynthia Clark came before Council, saying that she has been keeping a horse in her backyard, and that she also has an RV in her front yard, hooked up to her septic tank, water, and power. She said that after speaking with the Town Clerk, she now understands that she has been in violation of Yacolt Municipal Codes, so she is offering pre-emptive voluntary corrections. She said the gal who has been staying in the RV is going to move into a room in Cynthia's house, so they would unhook and move the RV. She asked Council if it would be ok to leave the horse in the backyard until maybe as long as March 1<sup>st</sup>. Council agreed but said if the violations continue into March, they would be brought up at the March Council meeting. Clark said she will do her best to make the corrections as soon as possible, and she will be in touch with the Clerk, so that Council would be updated at the March meeting.

### Approve to Pay Bills on Behalf of the Town after Review by at Least 2 Council Members

**Motion:** Beck                      2<sup>nd</sup>: Peto

**Aye:** Peto, Beck, Homola, Viray

**Nay:** 0

**Absent:** Shealy

***Motion Carried***

### Council's Comments

- Viray – Has notes from meeting she attended within the past month; will send them out to Council Members
- Homola – Attended NCEMS meeting, where Bryce Shirley was appointed the new Chief, pending reviews; Asked is it time for inventory?
- Peto – Looking forward to Town Clean-Up, tentatively scheduled for April 22<sup>nd</sup>

### Mayor's Comments

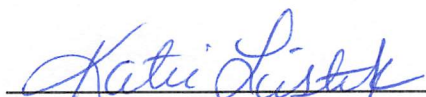
- Happy Valentine's Day
- Hopefully Councilmember Shealy will be feeling better soon

### Executive Session

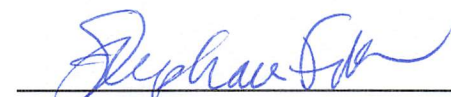
Mayor Listek closed the regular meeting at 9:30 pm and invited the Town Attorney, Clerk, and Public Works Director to join her and Council in a 30-minute executive session to discuss potential real estate acquisition, possible litigation and enforcement actions, and public employee performance. At 10:00 pm, she extended the session for another 30 minutes. At 10:30 pm, the regular meeting reconvened.

### Adjourn

10:30 pm



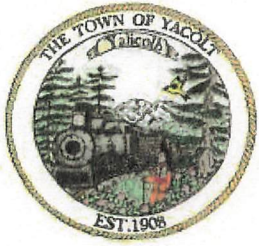
Mayor Katelyn Listek



Clerk Stephanie Fields

Approved by Council vote on March 13<sup>th</sup>, 2023





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### **AMERICAN RED CROSS MONTH PROCLAMATION: March, 2023**

In times of crisis, people in Yacolt come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by American Red Cross Cascades Region volunteers and donors.

In 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering. Today, more than 140 years later, we honor the kindness and generosity of Red Cross volunteers here in Yacolt, who continue to carry out Clara's lifesaving legacy. They join the millions of people across the United States who volunteer, give blood, donate financially or learn vital life-preserving skills through the Red Cross.

In the **Cascades Region**, serving SW Washington and Oregon, the contributions of more than **2,500** local Red Cross volunteers give hope to the most vulnerable in their darkest hours. The Red Cross does so by providing more than **600** emergency overnight shelter stays, along with food and comfort for families devastated by nearly **800** local disasters, like home fires. Through the generosity of those donating more than **182,000** units of essential blood for accident and burn victims, heart surgery and organ transplant patients, and those receiving treatment for leukemia, cancer or sickle cell disease. Or by supporting service members and veterans an average of **nine times a day**, along with their families and caregivers through the unique challenges of military life. And by helping to save the lives of others with first aid, CPR and other skills; or delivering international humanitarian aid.

Their work to prevent and alleviate human suffering is vital to strengthening our community's resilience. We dedicate this month of March to all those who continue to advance the noble legacy of American Red Cross founder Clara Barton, who lived by her words, "You must never think of anything except the need, and how to meet it." We ask others to join in this commitment to give back in our community.

NOW, THEREFORE, I, Katelyn Listek, Mayor of the Town of Yacolt, by virtue of the authority vested in me by the laws of the Town of Yacolt, Clark County and Washington State, do hereby proclaim March 2023 as Red Cross Month. I encourage all citizens of Yacolt to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of February, in the year of our Lord two thousand twenty-three, and of the Town of Yacolt, Washington.

Katelyn Listek, Mayor, Town of Yacolt