



Town of Yacolt

Council Meeting Agenda

Monday, May 18, 2020
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 5-4-2020 Council Meeting 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.

Unfinished Business

2. Town Events- discussion only
- [3.](#) Update on the status of town employees

Executive Session

4. Executive Session-Potential Litigation Matters

New Business

- [5.](#) 5-9-2020 Mayor's Proclamation amending Declaration of Emergency Proclamation
- [6.](#) Consider Permission to Allow Future Building/Planning Department Fee Adjustments by Authority of the Mayor.

Town Clerk's Report

Public Works Department Report

Attorney's Comments

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.

Council's Comments

Mayor's Comments

Approve to Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
Council Meeting Minutes
Monday, May 04, 2020
7:00 PM
Town Hall**

Call to Order

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

Flag Salute

Roll Call

PRESENT

Mayor Katie Listek
Council Member Amy Boget
Council Member Michelle Dawson
Council Member Malita Moseley
Council Member Herb Noble
Council Member Marina Viray
Clerk Dawn Salisbury
Attorney David Ridenour

Absent

Public Works Director Esteb

Late Changes to the Agenda

1. CenturyLink Proposal - add to New Business item #5

Minutes of Previous Meeting(s)

2. Approve 4-20-2020 Council Meeting Minutes

Motion made by Council Member Boget, Seconded by Council Member Dawson.
Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley,
Council Member Noble, Council Member Viray

Citizen Communication

None

Unfinished Business

3. Corona Virus Items

A. 4-23-2020 Emergency Proclamation Amendment

Approve 4-23-2020 Emergency Proclamation Amendment

Motion made by Council Member Boget, Seconded by Council Member Dawson.
Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

B. Draft Resolution #595 -Requesting that the Governor of the State of Washington, remove unreasonable restrictions imposed by the Governor's Emergency "Stay Home- Stay Healthy Proclamations.

Council Member Noble stated he liked the resolution and wants it to move forward. Council Member Boget stated that the governor has relaxed some of his restrictions and questioned whether the resolution needs to be more specific. Council Member Noble thinks it needs to be left in its general context. Council Member Boget asked if council members should write and sign a letter to accompany the resolution. Mayor Listek sent a letter to our state representative about this issue. Attorney Ridenour commented that Section 3 of the resolution directs the town clerk to forward the resolution to the governor's office and it could be accompanied by a letter if the council wishes. Council Member Dawson volunteered to hand deliver the resolution to the governor. Mayor Listek stated that the town would need to be represented in a professional manner and respect shown for the governor's position. Council Member Boget voiced concern that if the resolution was hand delivered by a council member that it be done as a private citizen and not part of any other political group. Council Member Dawson stated she loves this town and would present the resolution as a private citizen and not as a representative of the town. She would not want to disrespect the town in any way. Council Member Noble volunteered to deliver the resolution with Council Member Dawson.

Council Member Boget made a motion to approve Resolution #595. Seconded by Council Member Noble.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

C. Discuss Town Events

Clerk Salisbury and Assistant Clerk Younce suggested the cancellation of the 2020 Bigfoot Fun Run due to the governor's orders and lack of donations for raffle prizes. Council approved cancelling the Bigfoot Fun Run for 2020.

4th of July events- Chalk Art Contest will still be held practicing social distancing. Mayor Listek will oversee to make sure we follow current stipulations. Discussion about the parade took place. A suggestion of a drive thru town parade was discussed but concerns over how to control big groups of people was brought up. A suggestion was made to do some Facebook polls to see what the residents would like for the 4th of July. Council Member Boget suggested

setting up the big tent and having residents drive through. That way we could hand out candy or goody bags without worrying about the social distancing stipulations. Council Member Noble and Council Member Dawson feel that people should be able to decide for themselves to stay home or go out and feel we should hold parade and fireworks show. Mayor Listek stated that no matter what individuals feel, we must abide by the laws of the state and the proclamations of the governor. Council Member Boget stated that the Citizens Committee that was brought up a few meetings ago might be interested in handling the fireworks show and this might be a good time to look into that. Council Member Boget will reach out to those citizens to see if they would be interested in talking about this. Joshua Beck stated that he will still do his own fireworks show in his driveway this year. Council Member Moseley likes the idea of banking this year's fireworks budget for next year and do one heck of a show. Council Member Boget suggested we do a big fireworks show for New Year's Eve.

D. Update on Status of Town Employees

No decision has been made at this time. Mayor Listek will keep the council informed if any changes in staff is made. Council Member Noble mentioned the volunteers that were helping with the mowing. They will continue to help out as needed. Council Member Boget brought up concerns about the volunteers and the liability to the town. Mayor Listek stated volunteer waivers were filled out by all volunteers and that they are necessary to protect the town. The volunteers are greatly appreciated.

E. Discuss Building Permit Applications

Clerk Salisbury stated that with Governor Inslee's proclamation to open construction, that we should look at accepting and processing all building department applications. Attorney Ridenour stated the town can relax the hiatus on accepting applications by setting a date to accept all applications. The public hearing phase of the application will not take place until orders from the Governor are received that allow public hearings. All Council Members agreed to update the emergency proclamation to reflect those changes.

New Business

4. 6 Year Transportation Plan - discussion only

Mayor Listek updated the council that the 6-year transportation plan is being worked on by public works to update the Town's road and street needs and will be presented to the council at the 6-15-2020 meeting. Clerk Salisbury stated that it does require a public hearing so we will need to plan for that. Council Member Boget asked if Council Member Noble might want to get involved with this as he is the representative for CTRAN and might have useful information.

5. CenturyLink Proposal to move pedestal for CDBG project

Clerk Salisbury stated that in preparation for the CDBG Hoag St project that the town engineer came across a CenturyLink pedestal that must be moved. CenturyLink sent a proposal to the town with an estimate for \$3,168.73. As there was no easement agreement found between the

town and CenturyLink, Clerk Salisbury is asking the council to approve the mayor to sign the agreement so the project may move forward. Council Member Boget asked if we had an existing easement agreement with CenturyLink for any locations in town. Clerk Salisbury stated no agreement has been located. Attorney Ridenour stated it might be possible to do a title search to see if any agreement exists. He will reach out to a title company to get an estimate. Council Member Moseley reminded the council that we have already received a year extension on this project and that it is important to move forward as to not jeopardize any future CDBG funding.

Motion to approve the mayor to sign the CenturyLink proposal made by Council Member Boget, seconded by Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Noble, Council Member Viray

Voting Abstaining: Council Member Dawson

Public Works Department Report

Mayor Listek stated that Public Works is finishing the mowing, spraying the borders around the edge of the recreation park and wherever else is necessary. Public Works Director Esteb is working with the town engineer on the 6-year transportation plan. Public Works Director Esteb is very grateful for the volunteers help.

Town Clerk's Report

Clerk Salisbury explained that the 2% of liquor profits bill that we pay to the county is a mandatory fee charged to any entity that receives liquor profits to help fund drug and alcohol programs.

Year to date budget figures were emailed to all council members. The town is on track for the Business License Services project. CDBG project should be ready to be advertised for bid next week. 2019 Annual report is being worked on and flower baskets are being purchased for the town. We have already received a donation from a town resident towards the baskets.

Council's Comments

Council Member Boget voiced concern from a couple of citizens concerning the pedestrian gate at the recreation park. It never seems to get closed and a child ran into it. She suggested that we remove the man gate as it is a potential hazard. Mayor Listek suggested maybe getting a slide gate.

Council Member Boget asked why the building department was handled by the clerk's office and not the public works department. Clerk Salisbury stated that the amount of paperwork involved would make it difficult for public works to handle. Council Member Boget stated that the clerk's office and public works department should be separate entities. Council Member Noble agreed.

Council Member Dawson voiced concern from a citizen about the resident's safety concerning food shortages or criminal activity if it increased due to the current situation and what the council's plan is

to protect our residents. Mayor Listek would like the town to start a farmer's market to be more self-sustainable and promote growth from within. This would be a good opportunity to do a Facebook poll to see who might be interested in this. Council Member Viray thinks the farmers market is a good idea.

Council Member Boget suggested the town start a 1st Friday or 1st Saturday to promote town and surrounding area businesses.

Council Member Dawson would like a thank you sent out to Julie White for her donation table she has set up and keeps up daily. Mayor Listek stated the council could send one as a whole or individually if they would like.

Mayor's Comments

Mayor Listek has sent a letter to the representative of the Governor to ease restrictions.

Mayor Listek, Attorney Ridenour and Council Member Noble attended a conference call on Clark County's Buildable lands Committee meeting as the town is being excluded from the meetings. It is important for the town to be involved for future planning.

Mayor Listek wants to promote the farmers market and would welcome anyone to help that would like to.

Mayor Listek thanked and is grateful for Council Member Noble and Bill Rowe for volunteering to mow for the town.

Attorney's Comments

Attorney Ridenour stated how impressed he is with the mayor, council and staff and the work they do.

Approve to Pay Bills on Behalf of the Town

| | | |
|---------------------------------|-----------------|-----------------------|
| 001 General Fund | 8,627.30 | |
| 101 Streets | 4,013.51 | |
| 103 Cemetery | 194.50 | |
| 105 REET/Real Estate Excise Tax | 405.63 | |
| 403 Storm Water | <u>2,602.10</u> | Check # 17155 - 17164 |
| | 15,843.04 | Claims: 1,598.91 |
| | | Payroll: 14,244.13 |

Council Member Noble asked if it was necessary for the council to approve the bills if they don't see them. Council Member Boget stated that there is trust in the finance committee, mayor and clerk to make sure the bills are correct, within scope and can be paid. Council Member Moseley stated that any council member can come in and review the bills at any time. Council Member Noble just wanted to confirm that this was the correct process.

Motion made by Council Member Dawson, Seconded by Council Member Viray.

Voting Yea: Council Member Boget, Council Member Dawson, Council Member Moseley, Council Member Noble, Council Member Viray

Citizen Communication

None

Adjourn

Meeting was adjourned at 8:54 pm.

Katie Listek, Mayor

Dawn Salisbury, Clerk



Town of Yacolt

Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Listek

Group Name:

Address:

Phone:

Email Address:

Alt. Phone:

ITEM INFORMATION:

Item Title: Update on the status of town employees

Proposed Meeting Date: May 18th, 2020

Action Requested of Council:

Proposed Motion:

Summary/ Background:

Staff Contact(s): Dawn Salisbury



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Dawn Salisbury

Group Name:

Address:

Phone:

Email Address:

Alt. Phone:

ITEM INFORMATION:

Item Title: 5-9-2020 Mayor's Proclamation amending Declaration of Emergency Proclamation

Proposed Meeting Date: May 18th, 2020

Action Requested of Council: Approve 5-9-2020 Mayor's Proclamation amending Declaration of Emergency

Proposed Motion: I Make a motion to approve the 5-9-2020 Mayor's Proclamation amending Declaration of Emergency Proclamation

Summary/ Background: Town Council must approve, disapprove or make changes to the 5-9-2020 Mayor's Proclamation amending Declaration of Emergency Proclamation

Staff Contact(s): Dawn Salisbury



MAY 9, 2020

**PROCLAMATION OF THE MAYOR
OF THE TOWN OF YACOLT**

**AMENDING EMERGENCY PROCLAMATIONS DATED
MARCH 16, 2020; MARCH 17, 2020; MARCH 23, 2020; AND APRIL 23, 2020**

Whereas, due to the growing number of COVID-19 cases in the State of Washington, the Governor of the State signed Proclamations 20-25 and multiple amendments thereto declaring a State of Emergency in all counties; requiring people to stay home except for certain critical and important purposes; and limiting the ability of local government agencies to engage in normal activities or to hold regular public meetings;

Whereas, the Governor has and will continue to issue Proclamations extending and changing the emergency rules that apply to citizens, businesses, and municipalities including the Town of Yacolt;

Whereas, in response to the Governor's Proclamations and pursuant to YMC §2.45, the Mayor of the Town of Yacolt issued Emergency Proclamations on March 16, 2020, March 17, 2020, March 23, 2020, and April 23, 2020, to provide information to the public regarding changes to local government procedures and functions;

Whereas, the Town Council desires to reopen economic activities and opportunities for its citizens to the extent reasonable and possible under the Governor's Emergency Proclamations; and,

Whereas, at its regular public meeting held on May 4, 2020, the Town Council authorized the Mayor to issue a Proclamation ending the Town's hiatus on the processing of land use and building department applications except for the public hearing component of applications requiring a public hearing:

NOW THEREFORE, I, Katelyn J. Listek, Mayor of Yacolt, Washington, do hereby proclaim:

Section 1 - Public Council Meetings: The following information will apply to future Council meetings:

- a). **Meetings**: All future Yacolt Town Council meetings and public hearings shall take place as they are scheduled.
- b). **Limited Agenda**: The Town Council remains prohibited from taking "action" as defined in RCW 42.30.020, unless the matters are determined by the Town Council to be both necessary and routine, or are necessary to respond to the COVID-19 outbreak and the current public health emergency.

- c). Upcoming Public Hearings: Staff is directed to prepare for the timely development, approval and submittal of the Town's Six-Year Transportation Plan by no later than June of 2020. A public hearing on the Town's Six-Year Transportation Plan shall be scheduled during the regular public Council meeting on June 15, 2020, subject to the Council's prior determination that the public hearing and action on the Six-Year Transportation Plan constitute subject matter that is necessary and routine or otherwise permissible under the Governor's then-current emergency Proclamations.

Section 2 - Building and Land Use Application Processing:

- a). Application Processing: Effective as of the date of this Proclamation, applications for all building permits and land use permits will be accepted for processing, subject to the rules in place for public safety and social distancing. Those seeking permits for land use or construction projects should make arrangements with the Town Clerk to submit an application and appropriate fees by mail or electronically.
- b). Delay of Public Hearings: For all applications that require a public hearing prior to approval or consideration by the Town Council, application processing shall stop at the point that public notice of a public hearing would be given under normal circumstances.
- c). Tolling of Land Use Application Processing Timelines: All applicable timelines imposed by State law or the YMC to process applications for land use permits shall be tolled for the period of time that consideration of an application is delayed by the continuing hiatus on public hearings for land use applications. The Town plans to provide public hearings for land use applications when the physical attendance of the public at such hearings is allowed, or when the Governor's Orders specifically provide for such hearings to proceed using only telephonic or video-conferencing technologies under exceptions to the Open Public Meetings act, or as directed by future direction of the Town Council.


Section 3 - Effective Dates of Proclamations: This Proclamation shall take effect immediately. The contents of the Mayor's earlier Proclamations issued on March 16, 2020, March 17, 2020, March 23, 2020, and April 23, 2020, remain in effect except to the extent those Proclamations have been changed and superseded by the terms of this Proclamation. The terms of this Proclamation shall remain in effect until terminated or amended by further proclamation of the Mayor and/or by action of the Town Council.

This Proclamation shall be presented for review by the Town Council at its meeting scheduled for Monday, May 18, 2020. All terms of the Proclamations issued to date (as amended) shall remain in full force and effect unless and until the Town Council modifies or rejects them. Declarations and Proclamations by the Mayor which are rejected by the Council shall, after a vote rejecting them, be void.

Dated this 9th day of May, 2020, at Yacolt, Washington.


Katelyn J. Listek, Mayor

Attest:


Dawn Salisbury, Town Clerk



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

| | | | |
|-----------------------|--|--------------------|---------------|
| Name: | David W. Ridenour | Group Name: | Town Attorney |
| Address: | 4001 Main St. #306, Vancouver, WA 98663 | Phone: | 360-906-1556 |
| Email Address: | davidwr@copper.net | Alt. Phone: | 360-991-7659 |

ITEM INFORMATION:

Item Title: Consider Permission to Allow Future Building/Planning Department Fee Adjustments by Authority of the Mayor.

Proposed Meeting Date: May 18, 2020.

Actions Requested of Council: (1). Determine whether the proposed subject matter is “necessary” and “routine” under current State Emergency Proclamations that restrict the actions the Council may take under temporary Open Public Meetings Act rules.

(2). Consider giving the Mayor temporary executive authority over the interpretation of Fee Schedules and Cost Pass-Through Agreements for Building and Land Use Permit Applications.

Proposed Motions: (1). I move that the Council declare this subject matter to be necessary, routine, and appropriate for consideration under Yacolt’s and Washington’s existing Emergency Proclamations.

(2). I move that the Mayor be authorized to interpret and apply the Town’s Building and Land Use Department Fee Schedules as to all future permit applications, consistent with the Town’s policies.

Summary/ Background: Yacolt has worked to develop Fee Schedules and Cost Pass-Through Agreements that allow the Town to recover its reasonable costs for processing building and land use applications. Put another way, the Town works to ensure that applicants are not significantly undercharged or overcharged for permits.

Some confusion may come up for how staff should apply the Town's current Fee Schedule to future applications. Until such time that the Council is able to consider changes to the Fee Schedule, it would be beneficial to give the Mayor authority over how permit fees are charged.

This temporary authority will allow the Mayor to prevent situations where the Town might inadvertently 'overcharge' or 'undercharge' for the recovery of the Town's costs. The Mayor will be able confirm that application fees are fair to both applicants and the Town.

**Staff
Contact(s):**

Dawn Salisbury