

Town of Yacolt Council Meeting Agenda Monday, March 13, 2023 7:00 PM Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Approve Minutes of Previous Meeting(s)

<u>1.</u> DRAFT Minutes from Council Meeting Feb. 13, 2023

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. Conditional Use Permit 110 S. Hubbard Ave.
- 3. Conditional Use Permit 106 E. Humphrey St.
- 4. Code Enforcement Update
- Records Review Project Update
- <u>6.</u> Paint Striper Procurement

New Business

7. 6-Year Transportation Improvement Plan Planning

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

Executive Session

<u>Adjourn</u>



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 2nd: 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**nd: 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**nd: Beck *Yacolt Town Council Meeting February 13, 2023*

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**nd: 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 9th 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 13th Council Meeting.

Motion: Beck 2nd: 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 13th 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**nd: 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 2nd: 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 2nd: 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 1st. 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 2nd: 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 22nd

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.

<u>Ad</u>	<u>jo</u>	uı	'n

10:30 pm		
Mayor Katelyn Listek	Clerk Stephanie Fields	
Approved by Council vote on		



Town of Yacolt Request for Council Action

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

Name: Stephanie Fields, Town Clerk Group Name: Staff

Address: 202 W. Cushman St. **Phone**: (360) 686-3922

P.O. Box 160 Yacolt, WA 98675

Email Address: clerk@townofyacolt.com Alt. Phone:

ITEM INFORMATION:

Item Title: Application by Mr. Lane Johnston for a Conditional Use Permit to Allow

Multi-Family Housing in a Single-Family Residential Zone

Proposed Meeting Date: March 13, 2023

Action Requested of Council: Consider the Application of Mr. Lane Johnston for a Conditional Use

Permit to allow the construction of a residential duplex at 110 S. Hubbard Avenue which is zoned R1-10, (single-family residential)

Proposed Motion(s): "I move that the application for a Conditional Use Permit to allow the

construction of a duplex at 110 S. Hubbard Avenue:

1). <u>be approved</u> based on the Council's finding that the proposed

use satisfies the standards set forth in YMC 18.40.060, subject to the conditions described by the Town Engineer in the Staff

Report and his public hearing presentation,

(Conditions can be changed and added as desired by Council),

or;

2). <u>be denied</u> because the use applied for in this particular case would be significantly detrimental to the health, safety or

general welfare of people and property in the neighborhood

or to the general welfare of the community.

Summary/ Background: Mr. Lane Johnston has applied for a conditional use permit that would

allow him to construct a duplex on the lot at 110 S. Hubbard Avenue.

The property is zoned R1-10, (single-family residential uses on

minimum 10,000 sq. ft. lots). Yacolt's Zoning Code allows the Council to

consider multi-family improvements in R1-10 zones as a "conditional use". The approval of a conditional use permit requires special consideration by the Council.

The Town Council has the authority to approve, approve with conditions, or disapprove conditional use permits. When approving a conditional use permit application, the Council may impose any conditions that it finds necessary to protect the interests of the surrounding properties, the neighborhood, or the community as a whole. (Examples are provided at YMC 18.40.060.)

According to YMC 18.40.060, the Council must make the following finding before approving a conditional use permit:

"...the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community."

The Town Engineer has reviewed the Application and prepared a Staff Report for the Council's consideration. The Town Engineer recommends that a number of conditions be considered by the Council if the Council decides to approve the Application.

Notice of a Public Hearing regarding this Application was published in the Reflector and posted on the subject property on January 25, 2023 and the hearing took place on February 13, 2023, during which the Council heard presentations from the Town Engineer and the Applicant, as well as public comments on the proposal. Following the hearing and subsequent discussion at that meeting, Council decided to table their decision until the next meeting, to allow them more time to consider all matters presented.

Staff Contact(s):

Stephanie Fields, Town Clerk. Katelyn Listek, Mayor of Yacolt.



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Staff Contact(s):

Stephanie Fields, Town Clerk. Katelyn Listek, Mayor of Yacolt.



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

Name: Clerk Fields Group Name:

Address: 202 W Cushman St **Phone:** (360) 686-3922

Yacolt, WA 98675

Email Address: mayorlistek@townofyacolt.com Alt. Phone:

ITEM INFORMATION:

Item Title: Code Enforcement Update

Proposed Meeting Date: March 13, 2023

Action Requested of Council: update, discussion only

Proposed Motion: TBD

Summary/ Background: Cindee Clark appeared at the February 13, 2023 Council Meeting to address Council regarding the horse in her backyard and the RV hooked up in her front yard, in which someone appeared to be living. She vowed to move the horse to a new home outside of Town by March 1st, and also to unhook and move the RV. She said she would keep in contact with the Town Clerk as those changes got made. Council advised Ms. Clark to make those changes before the next meeting in order to avoid enforcement actions.

Staff Contact(s): Clerk Fields



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

Name: Clerk Fields Group Name:

Address: 202 W. Cushman St. **Phone:** (360) 686-3922

Yacolt, WA 98675

Email Address: clerk@townofyacolt.com Alt. Phone:

ITEM INFORMATION:

Item Title: Records Review Update

Proposed Meeting Date: March 13, 2023

Action Requested of Council: none

Proposed Motion: none

Summary/ Background: Review of records for decisions on retention, archiving, or destruction has been ongoing since late July of 2022. Clerk Fields will give an update on the status of the project.

Staff Contact(s): Stephanie Fields, Town Clerk/Treasurer

clerk@townofyacolt.com



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

Name: Attorney Ridenour, Clerk Fields Group Name: Staff

Address: 202 W Cushman St **Phone:** (360) 686-3922

Yacolt, WA 98675

Email Address: david@davidridenourlaw.com, Alt. Phone:

clerk@townofyacolt.com

ITEM INFORMATION:

Item Title: Paint Striper Procurement

Proposed Meeting Date: March 13, 2023

Action Requested of Council: Review the procurement guidelines presented by Attorney Ridenour;

decide how you would like to move forward with bids

Proposed Motion: TBD

Summary/ Background: Price quotes were received for a street striping machine in response to requests from the Town's Public Works Department. The Town Attorney suggested at previous meetings that the bidding process be reviewed for compliance with procurement rules. At tonight's meeting, the Town Attorney will explain more about the rules that the Town is expected to follow when making this purchase. The Council can then make a decision on the path forward.

Staff Contact(s): Attorney Ridenour Clerk Fields

<u>david@davidridenourlaw.com</u> <u>clerk@townofyacolt.com</u>



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

Name: Mayor Listek Group Name:

Address: 202 W Cushman St **Phone:** (360) 686-3922

Yacolt, WA 98675

Email Address: mayorlistek@townofyacolt.com Alt. Phone:

ITEM INFORMATION:

Item Title: 6-Year Transportation Improvement Plan (TIP) Planning

Proposed Meeting Date: March 13, 2023

Action Requested of Council: Begin to organize your thoughts regarding the next 6-Year TIP for 2024-2029; be prepared to ask questions, discuss, and make recommendations at this and future meetings

Proposed Motion: None; Discussion only

Summary/ Background: Every year, the Town needs to update its 6-Year Plan for Road Improvements. We are required to hold a Public Hearing in June. Following the hearing, we are to adopt a Plan to be submitted to Washington's Department of Transportation. Because we want to be prepared for the Hearing in June, we need to begin working with our Engineer, Public Works Department, and the Public to update the current (2023-2028) TIP (which is attached here).

Staff Contact(s): Clerk Fields Mayor Listek

clerk@townofyacolt.com mayorlistek@townofyacolt.com

Town of Yacolt, Clark County, Washington

Six Year Transportation Improvement Plan From 2023 to 2028

Public Hearing: Adopted: Resolution#

Project Description	Priority	Financing	2023	2024	2025	2026		2027		2028
General Planning Evaluation Engineering review and planning evaluation of the Town's streets, sidewalks, curbs, gutters, drainage, bicycle and pedestrian elements, ADA transition planning, and/or railroad crossing structures.	1	State Funds: \$25,000 Local Funds: \$25,000 Total Funds: \$50,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$	10,000	\$	10,000
Yacolt -Town Wide Crack sealing of Yacolt roads Town wide	1	State Funds: \$0 Local Funds: \$45,000 Total Funds: \$45,000	\$ 45,000	\$ -	\$ -	\$ -	\$	-	\$	-
E. Hoag Street NE Railroad Ave to terminus Pavement preservation	1	State Funds: \$21,090 Local Funds: \$1110 Total Funds: \$22,200	\$ 22,200	\$ -	\$ -	\$ -	\$	-	\$	-
South Hubbard E Jones to E Hoag St Pavement preservation	2	State Funds: \$38,680 Local Funds: \$2,000 Total Funds: \$40,680	\$ -	\$ 40,680	\$ -	\$ -	\$	-	\$	-
Cushman Street Int. Railroad to BYCX Railway ADA Compliance Crossing	2	State Funds: \$134,900 Local Funds: \$7,100 Total Funds: \$142,000	\$ -	\$ 142,000	\$ -	\$ -	\$	-	\$	-
E. Valley Road S. Hubbard to Dead End Pavement preservation West Yacolt Rd	2	State Funds: \$24,000 Local Funds: \$3,600 Total Funds: \$27,600 State funds \$ 65,760	\$ -	\$ -	\$ 27,600	\$ -	\$	-	\$	-
Pavement preservation 1900 lin. ft.	3	State funds \$ 65,760 (RSTP) Local Funds: \$6,000 Total Funds: \$71,760	\$ -	\$ -	\$ 71,760	\$ -	\$	-	\$	-
E. Wilson S. Hubbard to Dead End Pavement preservation	2	State Funds: \$22,800 Local Funds: \$5,640 Total Funds: \$28,440	\$ -	\$ -	\$ -	\$ 28,440	\$	-	\$	-
E. Farrer Street N. Hubbard to N. Pine Ave. Pavement preservation	4	State Funds : \$ 40,200 Local Funds: \$0 Total Funds: \$40,200	\$ -	\$ -	\$ -	\$ 40,200	\$	-	\$	-
N. Pine Street E. Yacolt Rd. to Dead End Pavement preservation	4	State Funds: \$48,600 Local Funds: \$0 Total Funds: \$48,600	\$ -	\$ -	\$ -	\$ 48,600	\$	-	\$	-
N. Hubbard Road E. Yacolt Rd. to N. Dead End Pavement preservation	4	State Funds: \$0 Local Funds :\$50,280 Total Funds: \$50,280	\$ -	\$ -	\$ -	\$ 50,280	\$	-	\$	-
W. Hoag Street S. Railroad Ave. to Dead End New pavement on 1/2 of street and side walk repairs	5	State Funds: \$237,500 (CDBG) Local Funds: \$12,500 Total Funds: \$250000	\$ -	\$ -	\$ -	\$ -	\$	250,000	\$	-
Blackmore Avenue W. Humphrey St. to W. Jones Pavement preservation	6	Local Funds: \$9,750 State Funds: \$9,750 Total Funds: \$19,500	\$ -	\$ -	\$ -	\$ -	\$	-	\$	19,500
W. Christy Street N. Amboy Road to Dead End Pavement preservation	6	State Funds: \$42,588 Local Funds: \$0 Total Funds: \$42,588	\$ -	\$ -	\$ -	\$ -	\$	-	\$	42,588
N. Cedar Avenue E. Yacolt Road to Dead End Pavement preservation	6	State Funds: \$50,280 Local Funds: \$0 Total Funds: \$50,280	\$ -	\$ -	\$ -	\$ -	\$	-	\$	50,280