



Town of Yacolt

Council Meeting Agenda

Monday, February 14, 2022
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Approve Minutes of Previous Meeting(s)

1. DRAFT Minutes from 1-10-22 Council Meeting

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. Revising YMC Ch. 12.05

New Business

3. Hardin Property Update
4. NCLL Requests
5. Update on Spruce Ave. Short Plat
6. ARPA Funds

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.

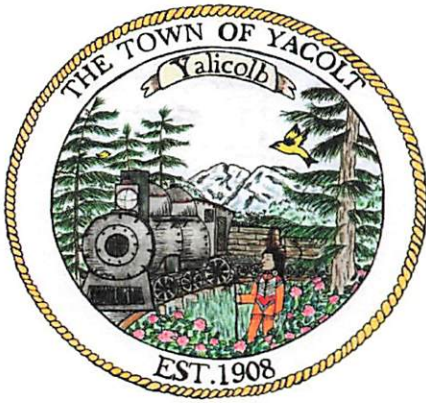
Council's Comments

Mayor's Comments

Approve to Pay Bills on Behalf of the Town

Executive Session

Adjourn



Town of Yacolt

Town Council Meeting Minutes

Monday, January 10, 2022

7:00 PM

Town Hall / Virtual / Telephonic

Call to Order

7:00 PM

Flag Salute

Roll Call

Council Members Present: Amy Boget, Michelle Dawson, Joshua Beck, Ronald Homola, Marina Viray
Also present: Mayor Katelyn Listek, Public Works Director Terry Gardner (joined meeting at 7:05 pm),
Clerk Stephanie Fields

Late Changes to the Agenda

1. Rotate Finance Committee
2. Rotate Mayor Pro Tem
3. School Choice Proclamation

Approve Minutes of 10-11-21 Meeting

Motion to approve minutes from December 13th meeting

Motion: Homola 2nd: Viray

Ayes: Boget, Dawson, Beck, Homola, Viray **Nay:** 0

Motion Carried

Unfinished Business

YMC Ch. 12.05 Revision

Discussion regarding what changes need to be made to the Code: Councilmember Homola said we should keep the fines for violations/vandalism the same but add additional properties to the Code. Councilmember Beck still would like to add community service as enforcement. Homola asked how will these violations be enforced? Councilmember Viray commented that suggestions need to be clarified. Mayor Listek asked the Clerk to print out copies of the Chapter for all Councilmembers to mark up so that Council could bring clear recommendations to vote on at the next meeting.

(Discussion only)

Embankment Slide Purchase

Mayor Listek announced that she has found an embankment slide for the Town! Back in May, Council approved for her to try to find a slide with a target price of up to \$12,000. In her search, she was able to find one that was originally about \$13,500, but due to an order for it having been cancelled, the manufacturer is willing to sell it to us for only \$8500. The budget allowed for it, and the slide fits our specifications to a tee. The slide is in stock at a local company, and they are willing to come out to guide us in the installation of it. So Council voted to go ahead with the purchase.

Motion: Viray **2nd:** Beck

Aye: Boget, Dawson, Beck, Homola, Viray

Nay: 0

Motion Carried

Citizen Communication

None

New Business

Rotate Finance Committee

Councilmember Homola nominated Councilmember Beck to be rotated onto the Finance Committee for the next 6 months.

Motion: Homola **2nd:** Viray

Aye: Boget, Dawson, Homola, Viray

Nay: 0

Abstain: Beck

Motion Carried

Rotate Mayor Pro Tem

Councilmember Boget Nominated Councilmember Homola to be Mayor Pro Tem for the next 6 months.

Motion: Boget **2nd:** Beck

Aye: Boget, Dawson, Beck, Viray

Nay: 0

Abstain: Homola

Motion Carried

School Choice Week Proclamation

Mayor Listek read her Proclamation making January 23-29, 2022 Yacolt School Choice Week, which is being celebrated all across the country in an effort to raise awareness of the need for effective educational options. (A copy of the Proclamation is attached at the end of these minutes.)

Town Clerk's Report

- 2021 is just about closed out. We ended the year with over \$1.75 Million in the bank, and well over \$487 Thousand in our Investment Fund; we have been maintaining over \$2 Million in liquid assets since June.
- Will be doing physical inventories this month both at Town Hall and the Public Works Shop. Asked for volunteers to help.
- All 2022 regular Council meetings and holidays are posted on the Town website, as well as some set events. The next Town event to come up will be the Easter Egg Hunt, on Saturday, April 16th.

Public Works Department Report

They should be starting the Cemetery Road soon. M& K Goff Enterprises had the lowest bid, so they will be awarded the job. This year's phase will be a road up the center, with a "T" at the back end for a turn-around. They also hope to repaint the sign. Next year, as the second phase, they hope to get loop roads on the sides completed. They are shooting for a time when we get 5 nice days in a row and M & K is available (hopefully in February).

Attorney's Comments

Attorney Ridenour was not present and did not send in any comments.

Citizen Communication

None

Council's Comments

Viray –

Thank you to Terry for all the around-the-clock snowplowing he did during this last snowstorm.

Mayor's Comments

- Happy New year!
- Hopefully the slide can be picked up this week by Public Works.
- Hopes to get the Town Newsletter out by the end of this month.

Approve to Pay Bills on Behalf of the Town

Motion was made to pay the bills on behalf of the Town

Motion: Beck

2nd: Homola

Aye: Boget, Dawson, Beck, Homola, Viray

Nay: 0

Motion Carried

Adjourn

7:25 pm

Mayor Katelyn Listek

Clerk Stephanie Fields

Approved by Council vote on _____



Yacolt School Choice Week Proclamation

WHEREAS; all children in Yacolt should have access to the highest-quality education possible; and,

WHEREAS; Yacolt recognizes the important role that an effective education plays in preparing all students in Yacolt to be successful adults; and,

WHEREAS; quality education is critically important to the economic vitality of Yacolt; and,

WHEREAS; Yacolt is home to a Public primary school and a tutoring center, in addition to the many families who educate their children in the home or in group Co-Ops; and

WHEREAS; educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS; Yacolt has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS; School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Katelyn Listek, Mayor of Yacolt, Washington, do hereby recognize January 23 – 29, 2022 as *Yacolt School Choice Week*, and I call this observance to the attention of all of our citizens.

Signed this 10th day of January in the year 2022.

Katelyn Listek



Town of Yacolt Agenda Request

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

Name: Joshua Beck, Council Position #3

Group Name:

Address: 202 W. Cushman St.
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: joshua.beck@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Revision of Yacolt Municipal Code Ch. 12.05

Proposed Meeting Date: February 14, 2022

Action Requested of Council: Review the suggested changes submitted by Councilmember Beck; decide if you want to incorporate these changes into our Code, and if any other changes should be made; if changes are to be made to the code, will Ordinances #422 and #511 also need to be amended?

Proposed Motion: "I move that we direct the Town Clerk to draft the proposed changes to YMC 12.05 (and Ordinance(s) #422 and #511([?])), for Council to vote on final approval at the next regular Council Meeting."

Summary/ Background: Councilmember Joshua Beck suggested several months ago that Chapter 12.05 of Yacolt's Municipal Code be changed so that it encompasses more Town properties than just the Town Park. Discussion on the subject has been held at the last 2 Council meetings. Councilmembers were asked to send the Clerk their suggestions for revision of the Code. The revision suggestions have been highlighted in the attached copy of Chapter 12.05. Also attached is a copy of Ord #422 and Ord. #511.

Staff Contact(s): Joshua Beck, Council Position #3
Stephanie Fields, Town Clerk
Katelyn Listek, Mayor
(360) 686-3922

Chapter 12.05

YACOLT TOWN PARK

Sections:

- 12.05.010 Purpose.
- 12.05.020 General park rules.
- 12.05.030 Deposits.
- 12.05.040 Enforcement.
- 12.05.050 Notice of civil violation.
- 12.05.060 Hearing before the hearing examiner.
- 12.05.070 Civil penalties.
- 12.05.080 Impoundment fees.
- 12.05.090 Appeal procedure.
- 12.05.100 Collection.
- 12.05.110 No public duty created.

12.05.010 Purpose.

The purpose of this chapter is to govern the use of the Yacolt town owned properties. [Ord. 422 § 1, 2002.]

12.05.020 General park rules.

The following rules apply to the Yacolt town owned properties:

- A. No person shall cut, remove, destroy, mutilate, or deface any turf, tree, plant, shrub, flower, structure, wall, fence, bench, lighting system, play equipment, or any other part or portion of the Town's property, except in normal maintenance by authorized personnel.
- B. No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes, wastepaper, cans or any other garbage, refuse, waste or rubbish of any kind or nature in the properties except in a garbage can or other receptacle designated for such purposes.
- C. No person shall deposit any household or commercial garbage, refuse, waste, or rubbish which is brought as such from any private property in any garbage can or other receptacle designated for such purpose.
- D. No person shall possess, discharge, set off or cause to be discharged in or into the properties, any firecracker, firework, explosive, or other substance harmful to the life or safety of persons, animals or property.
- E. No person shall possess any type of firearm, bow and arrow, crossbow, slingshot, pellet gun, or any other device capable of injuring or killing any person or animal or damaging or destroying any public or private property, or other weapon, in the properties or discharge any such weapon over, across, in or into the properties, except those carried by law enforcement officers in the performance of their duties.
- F. No person shall possess, display, open and/or consume alcoholic or other intoxicating beverage, nor shall any person be under the influence of any alcoholic or intoxicating beverage on town property, including in the parking areas.
- G. No person shall possess, display or consume any drug, narcotic or drug paraphernalia, the sale, use or possession of which is prohibited by state law, on town property.
- H. No motorized vehicles shall be permitted in Town parks, except in normal maintenance by authorized personnel.
- I. The riding of skateboards within Town parks shall be confined to specifically designated areas. The riding of skateboards is not permitted on, over or across any other park property, paved walkways or parking areas. Violators of this provision are subject to having their skateboard(s) impounded.

J. Bicycles, roller skates, rollerblades or scooters may be used only on concrete, paved or other established paths, walkways and trails within town properties. Bicycles, roller skates, rollerblades or scooters may be used in other areas of the properties as may be specifically designated from time to time by the mayor or public works supervisor. Violators of this provision are subject to having their equipment impounded.

K. No person shall fly rockets or gas-powered model aircraft within the town property areas.

L. All dogs, cats, or other domesticated animals in the park shall be on a leash and under the immediate control of their owner at all times, and the owners of such animals shall be responsible for promptly picking up, and properly disposing of, any animal excrement in a sanitary fashion.

M. No fires shall be permitted on town properties, except in barbecues designed for such use. No fire shall be left unattended. At the discretion of the town, fires may be restricted or prohibited at times when fire hazards are considered to be high.

N. The hours for public use shall be from dawn to dusk. [Ord. 511 §§ 2, 3, 2013; Ord. 422 § 2, 2002.]

12.05.030 Deposits.

A. The town may charge deposits for the use of all parks. The amount of the deposit may vary from \$5.00 to \$50.00 depending on the size or nature of the event. The amount of the deposit shall be based on the potential damage to facilities and equipment. The clerk shall develop rules for damage deposits. Any person damaging park properties will be responsible for payment for such damage, in addition to the damage deposit, to the extent that the damage deposit is not sufficient to pay to repair or replace the damaged property.

B. Garbage Deposits. A refundable deposit shall be collected in the amount of \$35.00 for any person(s) wishing to secure usage of Yacolt town parks for private events. This deposit is in addition to any other deposit that may be required for any of the Yacolt town parks usage. The mayor or the clerk shall determine the amount of the deposit dependent on type of usage requested. A member of Yacolt town staff will verify that all necessary garbage and/or trash has been removed. If it is determined that garbage and/or trash has not been satisfactorily removed or left behind the town of Yacolt will deduct the cost of removal and disposal from the deposit made at a rate of \$5.00 per bag from the deposit placed for usage of Yacolt town parks. [Ord. 559 § 2(A), 2017; Ord. 539 § 2, 2016; Ord. 422 § 3, 2002.]

12.05.040 Enforcement.

The mayor and the public works supervisor are designated as enforcement officers, and as such are authorized and directed to enforce the provisions of this chapter, in addition to the authority held by law enforcement officers. The town council may also designate other agents of the town as enforcement officers to enforce the provisions of this chapter. Any designated enforcement officer having reasonable cause to believe that any person has violated one of the provisions of this chapter may, in addition to invoking other sanctions, direct said person to immediately leave the premises. [Ord. 422 § 4, 2002.]

12.05.050 Notice of civil violation.

A. Whenever a designated enforcement officer has reasonable cause to believe that a person has violated one of the provisions of this chapter, he or she is authorized to issue to the violator a notice of civil violation. The notice of civil violation shall be delivered in person or by certified mail and shall include the following:

1. The name and address of the person responsible for the violation; and
2. A description of the violation and a reference to the provision(s) of the town ordinance which has been violated; and
3. A statement assessing a civil penalty for each violation, which penalty shall be paid to the town of Yacolt within 30 days from the date of issuance; and
4. A statement advising that in addition to the assessment of a civil penalty, the violator's equipment prohibited in YMC 12.05.020(I) and (J) shall be impounded with redemption available upon payment of impound fees; and

5. A statement advising that in addition to the assessment of a civil penalty, violators of any provision of this chapter that causes damage to **Town** property or equipment which requires repair or replacement of said property or equipment shall be financially liable for said damage; and

6. A statement advising that the notice of civil violation may be appealed by filing a written notice of appeal and a \$25.00 administrative review fee within 30 days of service of the notice.

B. The impoundment fees for violation of YMC 12.05.020(I) and (J) are set forth in YMC 12.05.080.

C. The civil penalties for violation of this chapter are set forth in YMC 12.05.070. [Ord. 422 § 5, 2002.]

12.05.060 Hearing before the hearing examiner.

A. Appeal. The person to whom a notice of civil violation is issued may appeal by filing a written notice of appeal and a \$25.00 administrative review fee within 30 days of service of the notice.

B. Hearing Examiner. One or more hearing examiners shall be appointed by the town council to hear cases brought under this chapter. The hearing examiner may be a town employee but shall not be an employee of the public works department or the town attorney's office.

C. Procedure. The hearing examiner shall conduct a hearing on the civil violation. The applicable designated enforcement officer and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The town shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred. Formal rules of evidence need not be followed, but the hearing examiner shall swear all witnesses.

D. Decision of the Hearing Examiner.

1. The hearing examiner shall determine whether the town has established by a preponderance of the evidence that a violation has occurred and that the monetary penalty and/or impoundment fee is reasonable and shall affirm, vacate, or modify the town's decisions regarding the alleged violation, the monetary penalty and/or impoundment fee.

2. The hearing examiner shall issue a written order to the person responsible for the violation which contains the following information:

a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in the support of the decision;

b. The monetary penalties and/or impoundment fees based on the criteria in YMC 12.05.070 and 12.05.080. [Ord. 422 § 6, 2002.]

12.05.070 Civil penalties.

A. The designated enforcement officer shall impose the following monetary penalties if he or she has reasonable cause to believe that a person is in violation of this chapter. The penalties assessed against any person within any 12-month period shall be as follows:

1. First offense: **\$50.00, as well as 10 hours of community service;**

2. Second offense: **\$100.00, and 15 hours of community service;**

3. Third offense: **\$150.00, and 20 hours of community service.** [Ord. 422 § 7, 2002.]

12.05.080 Impoundment fees.

A. The designated enforcement officer shall impose the following impoundment fees if he or she has reasonable cause to believe that a person is in violation of YMC 12.05.020(I) and (J). The impoundment fees assessed against any person within any 12-month period shall be as follows:

1. First offense: **\$50.00;**

2. Second offense: **\$75.00;**

3. Third offense: \$100.00. [Ord. 422 § 8, 2002.]

12.05.090 Appeal procedure.

A. All appeals to the hearing examiner made pursuant to this chapter shall be filed in writing with the town clerk and shall contain:

1. The names of all appellants participating in the appeal;
2. A brief statement setting forth the action protested and the reasons why it is claimed a protested action should be reversed, modified, or otherwise set aside;
3. The signatures of all parties named and telephone numbers and mailing addresses;
4. Verification (by declaration under penalty of perjury) of at least one appellant of the truth of the matter stated in the appeal.

B. The written request for an appeal shall be accompanied by a payment of a \$25.00 administrative review fee to the town clerk.

C. Upon the filing of a request for an appeal, the town clerk shall transmit the same to a designated hearing examiner.

D. Failure of any person to file a timely appeal, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an administrative hearing and the decision of the designated enforcement office shall be upheld.

E. Filing of an appeal shall stay the enforcement of any notice of civil violation. [Ord. 559 § 2(A), 2017; Ord. 422 § 9, 2002.]

12.05.100 Collection.

The town attorney is authorized to take appropriate action to collect the monetary penalties. [Ord. 422 § 10, 2002.]

12.05.110 No public duty created.

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individuals who will or should be especially protected or benefited by the terms of this chapter. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the town of Yacolt or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the town related in any manner to the enforcement of this chapter by its officers, employees or agents. [Ord. 511 § 4, 2013.]

ORDINANCE #422

AN ORDINANCE ADOPTING RULES GOVERNING THE USE OF THE YACOLT TOWN PARK.

WHEREAS: The Town Council *pf* Yacolt, Washington, is in regular session this 5th day of August; and

WHEREAS: All members of the Town Council have had notice of time, place, and purpose of said meeting; and

WHEREAS: The Town Council of Yacolt, Washington finds that it is in the best interests of the Town to adopt rules governing the use of the Yacolt Town Park.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON DOES ORDAIN AS FOLLOWS:

The Town of Yacolt does hereby adopt the following rules governing the use of the Yacolt Town Park to protect the public health, safety and welfare.

SECTION 1: **Purpose.** The purpose of this ordinance is to govern the use of the Yacolt Town Park.

SECTION 2: **General park rules.** The following rules apply to the Yacolt Town Park:

- A. No person shall cut, remove, destroy, mutilate, or deface any turf, tree, plant, shrub, flower, structure, wall, fence, bench, lighting system, play equipment, or any other part or portion of the park property, except in normal maintenance by authorized personnel.
- B. No person shall leave, deposit, drop, or scatter bottles, broken glass, ashes, wastepaper, cans or any other garbage, refuse, waste or rubbish, of any kind or nature in the park except in a garbage can or other receptacle designated for such purposes.
- C. No person shall deposit any household or commercial garbage, refuse, waste, or rubbish which is brought as such from any private property in any garbage can or other receptacle designated for such purpose.
- D. No person shall possess, discharge, set off or cause to be discharged in or into the park, any firecracker, firework, explosive, or other substance harmful to the life or safety of persons, animals or property.

- E. No person shall possess any type of firearm, bow and arrow, crossbow, slingshot, pellet gun, or any other device capable of injuring or killing any person or animal or damaging or destroying any public or private property, or other weapon, in the park or discharge any such weapon over, across, in or into the park..
- F. ~~No~~ person shall possess, display, open and/or consume alcoholic or other intoxicating beverage, nor shall any person be under the influence of any alcoholic or intoxicating beverage on park property, including in the parking areas.
- G. No person shall possess, display or consume any drug, narcotic or drug paraphernalia, the sale, use or possession of which is prohibited by state law.
- H. No motorized vehicles shall be permitted, except in normal maintenance by authorized personnel.
- I. No riding of skateboards shall be allowed on, over or across any park .. property, including any paved walkways or parking areas. Violators of this provision are subject to having their skateboard impounded.
- J. No riding of bicycles, rollerblades, or scooters shall be allowed, except on the concrete walkway. Violators of this provision are subject to having their equipment impounded.
- K. No person shall fly rockets or gas-powered model aircraft within the park area.
- L. All dogs, cats, or other domesticated animals in the park shall be on a leash and under the immediate control of their owner at all times, and the owners of such animals shall be responsible for promptly picking up, and properly disposing of, any animal excrement in a sanitary fashion.
- M. No fires shall be permitted in the park except in barbecues designed for such use. No fire shall be left unattended. At the discretion of the Town, fires may be restricted or prohibited at times when fire hazards are considered to be high.
- N. The hours of the park for public use shall be from dawn to dusk.

SECTION 3: Damage deposits. The Town may charge deposits for the use of the park. The amount of the deposit may vary from \$5.00 to \$50.00 depending on the size or nature of the event. The amount of the deposit shall be based on the potential damage to facilities and equipment. The Clerk/Treasurer shall develop rules for damage deposits. Any person damaging park property will be responsible for payment for such damage, in addition to the damage deposit, to the extent that the damage deposit is not sufficient to pay to repair or replace the damaged property.

SECTION 4: Enforcement. The Mayor and the Public Works Supervisor are designated as enforcement officers, and as such are authorized and directed to enforce the provisions of this ordinance, in addition to the authority held by law enforcement officers. The Town Council may also designate other agents of the Town as enforcement officers to enforce the provisions of this ordinance. Any designated enforcement officer having reasonable cause to believe that any person has violated one of the provisions of this ordinance may, in addition to invoking other sanctions, direct said person to immediately leave the park.

SECTION 5: Notice of civil violation.

- A. Whenever a designated enforcement officer has reasonable cause to believe that a person has violated one of the provisions of this ordinance, he or she is authorized to issue to the violator a Notice of Civil Violation. The Notice of Civil Violation shall be delivered in person or by certified mail and shall include the following:
1. The name and address of the person responsible for the violation; and
 2. A description of the violation and a reference to the provision(s) of the town ordinance which has been violated; and
 3. A statement assessing a civil penalty for each violation, which penalty shall be paid to the Town of Yacolt within thirty days from the date of issuance; and
 4. A statement advising that in addition to the assessment of a civil penalty, the violator's equipment prohibited in Section 2(1) and Section 2(J) shall be impounded with redemption available upon payment of impound fees; and
 5. A statement advising that in addition to the assessment of a civil penalty, violators of any provision of this ordinance that causes damage to park property or equipment which requires repair or replacement of said property or equipment shall be financially liable for said damage; and
 6. A statement advising that the Notice of Civil Violation may be appealed by filing a written Notice of Appeal and a \$25.00 administrative review fee within thirty days of service of the notice.

- B. The impoundment fees for violation of Section 2(1) and Section 2(J) of this ordinance are set forth in Section 8.
- C. The civil penalties for violation of this ordinance are set forth in Section 7.

SECTION 6: Hearing before the hearing examiner.

- A. *Appeal.* The person to whom a Notice of Civil Violation is issued may appeal by filing a written Notice of Appeal and a \$25.00 administrative review fee within thirty days of service of the notice.
- B. *Hearing examiner.* One or more hearing examiners shall be appointed by the Town Council to hear cases brought under this ordinance. The hearing examiner may be a town employee but shall not be an employee of the public works department or the town attorney's office.
- C. *Procedure.* The hearing examiner shall conduct a hearing on the civil violation. The applicable designated enforcement officer and the person to whom the Notice of Civil Violation was directed may participate as parties in the hearing and each party may call witnesses. The town shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred. Formal rules of evidence need not be followed, but the hearing examiner shall swear all witnesses.
- D. *Decision of the hearing examiner.*
 - 1. The hearing examiner shall determine whether the town has established by a preponderance of the evidence that a violation has occurred and that the monetary penalty and/or impoundment fee is reasonable and shall affirm, vacate, or modify the town's decisions regarding the alleged violation, the monetary penalty and/or impoundment fee.
 - 2. The hearing examiner shall issue a written order to the person responsible for the violation which contains the following information:
 - a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in the support of the decision;
 - b. The monetary penalties and/or impoundment fees based on the criteria in Section 7 and Section 8.

SECTION 7: Civil penalties.

- A. The designated enforcement officer shall impose the following monetary penalties if he or she has reasonable cause to believe that a person is in violation of this ordinance. The penalties assessed against any person within any twelve month period shall be as follows:
1. 1st Offense: \$ 25.00;
 2. 2nd Offense: \$ 50.00;
 3. 3rd Offense: \$100.00.

SECTION 8: Impoundment fees.

- A. The designated enforcement officer shall impose the following impoundment fees if he or she has reasonable cause to believe that a person is in violation of Section 2(1) and/or Section 2(J) of this ordinance. The impoundment fees assessed against any person within any twelve month period shall be as follows:
1. 1st Offense: \$ 25.00;
 2. 2nd Offense: \$ 50.00;
 3. 3rd Offense: \$100.00.

SECTION 9: Appeal procedure.

- A. All appeals to the hearing examiner made pursuant to this ordinance shall be filed in writing with the Town Clerk/Treasurer and shall contain:
1. The names of all appellants participating in the appeal;
 2. A brief statement setting forth the action protested and the reasons why it is claimed a protested action should be reversed, modified, or otherwise set aside;
 3. The signatures of all parties named and telephone numbers and mailing addresses;
 4. Verification (by declaration under penalty of perjury) of at least one appellant of the truth of the matter stated in the appeal.
8. The written request for an appeal shall be accompanied by a payment of a \$25.00 administrative review fee to the Town Clerk/Treasurer.
- C. Upon the filing of a request for an appeal, the Town Clerk/Treasurer shall transmit the same to a designated hearing examiner.
- D. Failure of any person to file a timely appeal, or failure of any person who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an administrative hearing and the decision of the designated enforcement office shall be upheld.

- E. Filing of an appeal shall stay the enforcement of any Notice of Civil Violation.

SECTION 10: Collection. The town attorney is authorized to take appropriate action to collect the monetary penalties.

The Ordinance shall take effect immediately upon adoption and publication according to law.

Passed by the Town Council of the Town of Yacolt, Washington on this 5th day of August, 2002.

AYES Tindall-Ellis, Case, Smith

NAYS None

ABSENT Messer Mason

MAYOR 444Z:::;  - ATTEST :/, = - n.

I hereby ce is isue and correct copy of Ordinance #422 as read before the Council and passed on the date herein mentioned and passed according to law.

ATTEST Branda Finnegan
Branda Finnegan, Clerk/Treasurer

ORDINANCE #511

AN ORDINANCE AUTHORIZING THE USE OF SKATEBOARDS AND OTHER NON-MOTORIZED RECREATIONAL EQUIPMENT IN DESIGNATED AREAS OF YACOLT TOWN PARK AND AMENDING THE RULES GOVERNING THE USE OF YACOLT TOWN PARK AS DESCRIBED IN ORDINANCE #422

Whereas, the rules of use for Yacolt Town Park described in Ordinance #422 do not permit the use of skateboards anywhere in the Town Park, and permit the use of rollerblades and other non-motorized recreational equipment on concrete walkways only;

Whereas, the Town of Yacolt recently installed equipment at the Town Park specifically designed for use by skateboards and other types of recreational equipment appropriate for a skate park;

Whereas, the Town of Yacolt desires to amend the rules of use for the Town Park to permit the use and enjoyment of the new skate park equipment by the general public; and,

Whereas, the Town Council of the Town of Yacolt, Washington is in regular session this 5th day of August, 2013, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Yacolt, Washington, as follows:

Section 1 - Purpose: The purpose of this Ordinance #511 is to amend the general rules of use for Yacolt Town Park to permit the use of skateboards, bicycles, rollerblades and similar non-motorized wheel-based recreational equipment in designated areas of the Town Park.

Section 2 - Amendment of Subsection 2.1. of Ordinance #422: Subsection 2.I. of Ordinance #422 of the Town of Yacolt, adopted on August 5, 2002 is hereby amended to read as follows:

The riding of skateboards shall be confined to specifically designated areas of the Park. The riding of skateboards is not permitted on, over or across any other Park property, paved walkways or parking areas. Violators of this provision are subject to having their skateboard(s) impounded.

Section 3 - Amendment of Subsection 2.J. of Ordinance #422: Subsection 2.J. of Ordinance #422 of the Town of Yacolt, adopted on August 5, 2002 is hereby amended to read as follows:

Bicycles, roller skates, rollerblades or scooters may be used only on concrete, paved or other established paths, walkways and trails within the Park property. Bicycles, roller skates, rollerblades or scooters may be used in other areas of the Park as may be specifically designated from time to time by the Mayor or Public Works Supervisor. Violators of this provision are subject to having their equipment impounded.

Section 4 - Addition of a New Section 11 in Ordinance #422: A new Section 11 shall be added to Ordinance #422 of the Town of Yacolt, adopted on August 5, 2002 to read as follows:

SECTION 11: No public duty created. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individuals who **will** or should be especially protected or benefitted by the terms of this Ordinance. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the Town of Yacolt or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the Town related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Section 5 - Savings Clause: All terms of Ordinance #422, as amended, shall remain in full force and effect until the effective date of this Ordinance #511. As of and following the effective date of this Ordinance #511, the remaining terms of Ordinance #422 shall remain in full force and effect as amended hereby.

Section 6 - Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, or its application to any person or circumstances is held invalid, the remaining portion of this Ordinance shall remain in full force and effect, and the application of the provision to other persons or circumstances shall not be affected.

Section 7 - Effective Date: This Ordinance shall take effect immediately upon adoption and publication of the following summary, according to law.

Town of Yacolt- Summary of Ordinance #511

The Town Council of the Town of Yacolt adopted Ordinance #511 at its regularly scheduled Town Council meeting held on August 5, 2013. The content of the Ordinance is summarized in its title as follows:

"AN ORDINANCE AUTHORIZING THE USE OF SKATEBOARDS AND OTHER NON-MOTORIZED RECREATIONAL EQUIPMENT IN DESIGNATED AREAS OF YACOLT TOWN PARK AND AMENDING THE RULES GOVERNING THE USE OF YACOLT TOWN PARK AS DESCRIBED IN ORDINANCE #422"

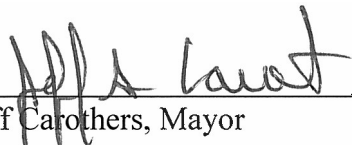
The effective date of the Ordinance is the 14th day of August, 2013.

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 14th day of August, 2013
Cindy Marbut, Town Clerk/Treasurer

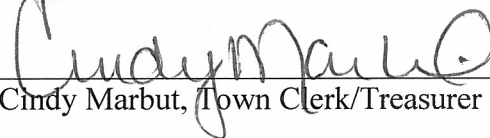
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 5th day of August, 2013.

TOWN OF YACOLT




Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:



David W. Ridenour, Town Attorney

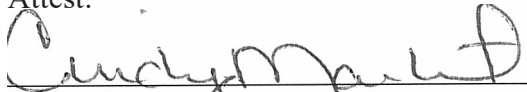
Ayes: Myers, Hancock, Urias
Nays: _____
Absent: Gerhardt, Karl
Abstain: _____

Published: AUGUST 14, 2013
Effective: AUGUST 14, 2013

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #511 of the Town of Yacolt, Washington, entitled "AN ORDINANCE AUTHORIZING THE USE OF SKATEBOARDS AND OTHER NON-MOTORIZED RECREATIONAL EQUIPMENT IN DESIGNATED AREAS OF YACOLT TOWN PARK AND AMENDING THE RULES GOVERNING THE USE OF YACOLT TOWN PARK AS DESCRIBED IN ORDINANCE #422", as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

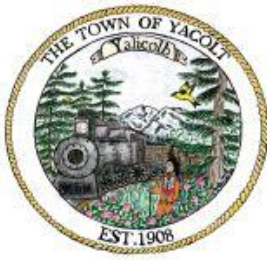

Cindy Marbut, Town Clerk/Treasurer

Published: _____

Effective Date: _____

Ordinance Number: _____

AUG 14, 2013
AUG 14, 2013
511



Town of Yacolt Agenda Request

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

Name: Attorney David Ridenour

Group Name:

Address: 202 W. Cushman St.
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: david@davidridenourlaw.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Hardin Property Update

Proposed Meeting Date: February 14, 2022

Action Requested of Council: None

Proposed Motion: None

Summary/ Background: The Town Attorney has been working on collecting monies that are owed to the Town from the Jean Hardin Estate for several years. Sale of Mrs. Hardin's property at 110 S. Hubbard is how the estate was to pay their debt to the Town. The occupants of the property were to be evicted as part of that process, but then COVID came along, with a moratorium on evictions. That moratorium expired, the occupants of the property have now vacated and the property has been boarded up and will be offered for sale soon. After the property has sold and finances have been ironed out, the Town will finally receive the money which is owed. Attached are pictures of the boarded-up property, with No Trespassing signs posted.

Staff Contact(s): Stephanie Fields, Town Clerk
Katelyn Listek, Mayor
(360) 686-3922





Town of Yacolt Agenda Request

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

Name: Stephanie Fields, Town Clerk

Group Name:

Address: 202 W. Cushman St.
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: clerk@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: NCLL Requests

Proposed Meeting Date: February 14, 2022

Action Requested of Council: Listen to the requests that NCLL proposes, approve them if you choose to

Proposed Motion: "I move that we allow (or do not allow) NCLL to make the proposed change(s) at the Baseball Fields" (Any stipulations?)

Summary/ Background: The Town has had a 10-year Agreement with North Clark Little League for NCLL to use our Baseball Fields. The Agreement requires them to get permission in writing before doing any construction or property alterations. They would like to make some improvements, so they are seeking the Town's permission at this time.

Staff Contact(s): Stephanie Fields, Town Clerk
Katelyn Listek, Mayor
(360) 686-3922



Town of Yacolt Agenda Request

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

Name: Stephanie Fields, Town Clerk

Group Name:

Address: 202 W. Cushman St.
Yacolt, WA 98675

Phone: (360) 686-3922

Email Address: clerk@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: Update on Proposed Spruce Ave. Short Plat

Proposed Meeting Date: February 14, 2022

Action Requested of Council: Get caught up on what has been going on with this development

Proposed Motion: none

Summary/ Background: The property at 125 S. Spruce Avenue has been getting developed by Elwood Holdings. In September, a Conditional Building Permit Agreement was signed, to allow all three homes to be built, although the short plat has not been finalized. There have been a couple of hiccups along the way. The homes are nearly all completed, but there is work still needing to be completed on the outside before the Short Plat will be granted.

Staff Contact(s): Stephanie Fields, Town Clerk
Katelyn Listek, Mayor
(360) 686-3922



Town of Yacolt Agenda Request

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

Name: Terry Gardner, Public Works Director

Group Name:

Address: 202 W. Cushman St.
Yacolt, WA 98675

Phone: (360) 553-0013

Email Address: pwd@townofyacolt.com

Alt. Phone:

ITEM INFORMATION:

Item Title: ARPA Funds: Infrastructure?

Proposed Meeting Date: February 14, 2022

Action Requested of Council: Consider priorities for using our ARPA funds

Proposed Motion: none

Summary/ Background: The American Rescue Plan Act provided for the Town of Yacolt to receive a total of over \$500,000 to use as per the US Treasury's guidelines. The guidelines for how those funds may be used are fairly strict. One of the options is to pay for improvements in infrastructure: water, stormwater, and/or broadband. Our Public Works Director has noted that some improvements are needed in both water and stormwater infrastructures in Town, and is asking for Council's permission to use ARPA funds toward that.

Staff Contact(s): Terry Gardner, Public Works Director
Stephanie Fields, Town Clerk
Katelyn Listek, Mayor
(360) 686-3922

