



Town of Yacolt
Council Meeting Agenda
Monday, July 15, 2019
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Minutes of Previous Meeting(s)

- [1.](#) Approve 7-1-19 Draft 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.

Old Business

2. Applicant Position 2 Joseph Ensley interview.
- [3.](#) Approve Resolution 585 amending Resolution 469 to update Town Facilities Use fees and Approve Mayor to sign Facilities Use Policy.
- [4.](#) Approve Ordinance 574 updating Gambling Ordinance
- [5.](#) Follow up on Konica Minolta Proposal and quotes

New Business

- [6.](#) Public Hearing BYCX Museum/Maintenance Barn Conditional Use Permit

Public Works Department Report

Town Clerk's Report

Council's Comments

Mayor's Comments

Attorney's Comments

Approve to Pay Bills on Behalf of the Town

Executive Session

Adjourn

**Town of Yacolt
Council Meeting Minutes
Monday, July 01, 2019
7:00 PM
Town Hall**

Call to Order

Flag Salute

Roll Call

PRESENT

Mayor Vince Myers
Council Member Amy Boget
Council Member Malita Moseley
Council Member Herb Noble
Council Member Rhonda Rowe-Tice
Public Works Director Bill Ross
Clerk Dawn Salisbury
Attorney William Eling

Late Changes to the Agenda

None

Minutes of Previous Meeting(s)

1. Approve 6-17-19 Council Meeting Minutes

Motion to approve minutes with changes made by Council Member Rowe-Tice, Seconded by Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

Citizen Communication

Rick Olcott would like to put Lions Club Signage on Welcome to Yacolt signs. Council approved. Mr. Olcott to get with Public Works for location to install signs.

Old Business

2. I-1639 Update and Legal Opinion

Mayor Myers and Attorney Eling gave information about proclamations versus resolutions. Mayor Myers suggested doing a proclamation along with the resolution. Staff to start working on resolution language.

3. Gambling Ordinance update per Gambling Commission - 2nd review

Second review. Will have Ordinance number at next meeting.

New Business

4. Town Seal Contest Submissions

Council discussed submissions. Decided on Kylie Smithline's submittal. Discussion about adding sawblade or Bigfoot to drawing. Mayor will get with Kylie to discuss. Artist will have final say on changes to drawing if any.

5. New copy machine proposal

Council Member Noble and Rowe-Tice would like to see 3 quotes. Council Member Noble to work on getting additional quotes for comparison. Will revisit on 7-15-19 meeting.

6. Rotate Finance Committee

Council Member Moseley nominated Council Member Noble to Finance Committee. Seconded by Council Member Boget.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

7. Rotate Mayor Pro Tem

Council Member Boget nominated Council Member Moseley as Mayor Pro Tem. Seconded by Council Member Noble.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

Public Works Department Report

2 days to get ready for the 4th with a lot to do. Will get it done.

Town Clerk's Report

Gave overview of Sidewalk Chalk Art contest and Bigfoot Fun Run.

Council's Comments

Council Member Moseley impressed with Bigfoot Fun Run prizes. Council Member Boget congratulated staff on receiving the Records Room Grant that Assistant Clerk Younce had been applying for. Council Member Noble asked about memorial for Skip Bengtson that VFW is going to

do. Mayor Myers will check into this at next VFW meeting. Council Member Rowe-Tice mentioned Library's Summer Reading Program. Brought up the Town's no smoking ordinance for the Fireworks show. Staff will put up no smoking signs at entrance to ball fields. Chapter 12.05 needs to be updated to list both parks not just the Town Park. Council Member Rowe-Tice to work on updating. Council Member Noble asked about speed bump on Jones Street. Public Works is working on getting them installed.

Mayor's Comments

Tiny Home is on private property so the town has no say in what they are doing unless it violates Town ordinances.

Attorney's Comments

Gave overview on proclamation ideas.

Approve to Pay Bills on Behalf of the Town

Motion made by Council Member Boget, Seconded by Council Member Rowe-Tice.

Voting Yea: Council Member Boget, Council Member Moseley, Council Member Noble, Council Member Rowe-Tice

001 Current Expense	\$ 13,782.86
101 Streets	\$ 2,830.37
103 Cemetery	\$ 35.83
403 Storm Water	\$ <u>716.55</u>
	\$ 17,365.61

Claims: Check #16880-16894	\$ 11,913.66
Payroll: EFT	\$ 5,451.95

Executive Session

8. To discuss with legal counsel representing the agency matters relating to agency litigation or potential litigation.

Mayor Myers closed public meeting at 7:59 pm to go into a 15 minute executive session. Mayor Myers reconvened regular meeting at 8:14 pm.

Adjourn

Mayor Myers adjourned meeting at 8:14 pm.

Vince Myers, Mayor

Dawn Salisbury, Clerk

Resolution #585

A RESOLUTION AMENDING RESOLUTION 469, ESTABLISHING THE TOWN HALL
AND PARKS FACILITIES USE POLICY AND ADOPTING THE RENTAL FEE SCHEDULE
FOR TOWN FACILITIES

WHEREAS: the Town of Yacolt Town Hall and Park Facilities that is used to hold meetings and other special events; and

WHEREAS: the Town frequently receives requests from various groups and organizations to use those facilities; and

WHEREAS: Town business is a priority, coordination of facility use is important to balance facility use for Town business and non-Town use; and

WHEREAS: use of the Town's facilities would work most effectively and fairly by establishing uniform procedures for application and authorization of their use

NOW, THEREFORE, THE TOWN OF YACOLT, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town of Yacolt hereby adopts the Facilities Use Agreement, attached hereto as Exhibit A, establishing and outlining the procedures and authorization for use of the Town Hall Buildings; and

Section 2. Town staff are hereby authorized to take all steps necessary to successfully implement and enforce the Facility Use Agreement; and

Section 3. The Town of Yacolt hereby adopts the following fee schedule for use of the Town Facilities:

Town Hall:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$10.00 for renters outside of Town limits
- d. Kitchen Use = \$25.00
- e. After Hours Lock up Fee = \$25.00

Town Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$10.00 for renters outside of Town limits

Exhibit A

FACILITY USE AGREEMENT

Application to Use *Town of Yacolt* Facilities

The *Town of Yacolt* wishes to encourage use of *Yacolt Town Hall* facilities by the community as long as use is lawful purpose and does not interfere with the conduct of the *Town of Yacolt* programs, the primary purpose of which the buildings and grounds are intended. Community use of facilities is subject to the terms of *Town of Yacolt's* Rental Facilities Rules and Regulations and the current schedule of user fees. Funds may be charged for use of *Town Hall and Town Park* facilities to ensure that funds are intended for the promotion of community services and are not used for other purposes. Permission to use a particular facility may be denied based on a belief that the activity proposed may not be in the *Town of Yacolt's* interests, or due to the level of previously scheduled use. No person shall be denied the full enjoyment of the facilities because of race, creed, color, sex, religion or national origin.

NAME OF ORGANIZATION: _____

CONTACT NAME _____ NUMBER OF
PARTICIPANTS _____

ADDRESS _____

DAYTIME PHONE _____

NATURE AND PURPOSE OF
ACTIVITY _____

—

SPECIFIC FACILITY REQUESTED _____
TIMES OF DAY/EVENING. FROM _____ AM/PM TO _____ AM/PM

WILL ADMISSION BE CHARGED? Yes No
DATE(S) TO BE USED _____

For Office Use Only

Damage Deposit Received \$ _____ Date _____

Garbage Deposit Received \$ _____ Date _____

Insurance Policy Received _____

Town Hall and Parks Use Facilities Fees and Hold Harmless

Agreement of Individual Fees: FACILITY User shall pay a refundable deposit for damages of \$100.00, when applicable, for damages to the facility during agreed upon event. If the damages exceed the \$100.00 deposit, the FACILITY USER will be charged the difference. User shall also pay a refundable deposit of \$35.00 for garbage removal from facility. If garbage is found to not be removed from facility, then the cost of removing the garbage will be deducted from the deposit and any additional charges will be billed to the FACILITY USER. The FACILITY USER has the option to pay a fee of \$35.00 to have the garbage removed, however, the FACILITY USER must supply sturdy black garbage bags and will be responsible for bagging said garbage, sealing it with a sturdy tie, then placing it neatly stacked near the front door for Town Hall and next to the Park Pavilion for the parks for removal.

Agreement to Rental Fee: FACILITY USER, if not a Town resident, agrees to pay the fee of \$10.00 per hour for the use and reservation of the Town Hall or Park facilities. The fee is charged on the honor system. If it is found that the FACILITY USER has purposely/willfully used the Town of Yacolt facility longer than agreed upon the FACILITY USER will be charged additional fees for the hours of usage.

Hold Harmless: FACILITY USER agrees to waive, release and discharge the Town of Yacolt, its officers, employees, volunteers and sponsors from any and all liability from injury, illness and/or damages that may occur as a consequence during the usage of the Town of Yacolt facilities. Facility includes but is not limited to Town Hall, the parks, pavilions located at the parks, restrooms and any other town owned area of said facilities.

Agreement to Indemnify: FACILITY USER shall indemnify the Town of Yacolt from and against any and all claims, demands, causes of action, suits or judgments including but not limited to, any claims of insurance carriers, for deaths or injuries to persons or for loss of or damage to property arising out of or in connection with the use and occupancy of the Facility by FACILITY USER, its agents, servants, employees or invitees. In the event of any claims made or suits filed AGAINST THE Town of Yacolt, the Town of Yacolt may, at its option, require the FACILITY USER to resist or defend such action or proceeding at the FACILITY USER's own cost and expense by counsel reasonably satisfactory to the Town of Yacolt

Insurance. FACILITY USER: may be required to procure and maintain in force, without cost or expense to Lessor, on or before the commencement date of this Agreement and throughout the Agreement term or as long as Facility User remains in possession of the Facility, a broad form comprehensive general liability policy of insurance covering bodily injury and property damage, with respect to the use and occupancy of the Facility with liability limits of not less than \$1,000,000, per occurrence, \$2,000,000 annual aggregate.

The FACILITY USER'S insurance shall be primary insurance as respect the Town of Yacolt Any Insurance, self-insurance, or insurance pool coverage maintained by the Town of Yacolt shall be in excess of the FACILITY USER'S insurance and shall not contribute with it. The FACILITY USER'S insurance shall be written on an "occurrence form", with a company that has a current A.M. Best

rating of at least "A VII" or better, and is licensed to do business in the State of Washington. The Town of Yacolt shall be named by endorsement as an additional insured on all such general liability policies, which policies shall in addition provide that they may not be canceled or modified for any reason without fifteen (15) days prior written notice to Town of Yacolt. FACILITY USER shall provide Town of Yacolt with a certificate or certificates of such insurance, including the required endorsements within ten (10) days of the execution of this Agreement and before use of the facility. The Town of Yacolt shall not waive the Town of Yacolt's right to subrogation against the FACILITY USER'S insurance coverage.

I have read the rules and regulations above and form and agree with the conditions and charges as established:

There is a 100.00 refundable use deposit for facility damages.

There is a 35.00 refundable garbage deposit, any garbage left will be charged to the parties.

Signed _____ Date _____

Signed _____ Date _____

Town of Yacolt

RULES AND REGULATIONS

1. Applicant/organization is responsible for the safety and conduct of its participants and spectators. Applicant further acknowledges that it is responsible for apprising any participants as to any inherent or known risks from the activity or venue and ensuring that they understand such risks prior to participating. If the activity(s) will involve youth sports, the applicant shall complete the "Listed Law" Certificate of Compliance (Appendix A) form and provide to the *Town of Yacolt* a copy of the applicant's Parent/Athlete information materials.
2. Satisfactory sponsorship and adequate adult supervision must be provided by the applicant. Security may be required for some activities. If security is required it will be provided by the applicant at no cost to the *Town of Yacolt*
3. All events will be required to not exceed the occupancy load, and fire and safety regulations of the *Town of Yacolt* and the State of Washington Building and Fire Codes.
4. Use of tobacco, and/or illegal drugs is prohibited. Profane language and/or other objectionable conduct may result in barred use of facilities.
5. Firearms or other dangerous weapons are prohibited on *Town of Yacolt* grounds as defined by law.
6. Games of chance, lotteries, and giving of door prizes are not allowed except where permitted by law and then only with proper clearances.
7. Access to facilities and services, except as otherwise addressed in these rules, shall be limited to that specified on the application.
8. Alterations to the facility are prohibited without prior written approval. Alterations may include such things as hanging signs, erecting structures, marking fields, using masking tape on walls and floors etc.
9. *Town of Yacolt* owned equipment shall not be removed from the facility or loaned to any individual or organization unless prior written approval by the *Town of Yacolt* has been granted. Groups or individuals cannot use *Town of Yacolt* owned expendable supplies.
10. Applicants are responsible for special set-up requirements and clean up unless specifically requested in the application. Users shall be responsible for returning the facility to its original condition immediately following the event.
11. Cancellations by applicants require at least a 24 hour notice. Otherwise, related actual costs shall be borne by the applicant.
12. Facility use is cancelled when facility/building is closed due to an emergency.
13. The *Town of Yacolt* reserves the right to refuse or revoke any authorization issued for the use of a *Town of Yacolt* building or grounds, and if rental has been paid, to refund such rental less expense incurred by the district in connection therewith.

Signature_____

Date_____

Recreation Park:

- a. Damage Deposit = \$100.00
- b. Cleaning Deposit = \$35.00
- c. Hour = \$10.00 for renters outside of Town limits

Section 4. Town residents must show proof of residency to qualify for rental at no fee. Proof must have the renter name and address in Town limits. Examples are a driver's license or utility bill in their name.

Section 5. The Town of Yacolt reserves the right to waive any portion of the above fee schedule for non-profit organizations and when presented prior to the use of the facility, reasons the fee would create a hardship and or be burdensome, in a regularly scheduled meeting.

Adopted by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 15th day of July, 2019.

Town of Yacolt

Vince Myers, Mayor

Attest:

Dawn Salisbury, Town Clerk

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

POLICY REGARDING FACILITIES AND PARKS USE

To establish guidelines for the use of the Town Hall and Park Facilities

POLICY APPLICATION

This policy applies to all Town of Yacolt Town Hall and Park Facilities

POLICY

The Town of Yacolt wishes to encourage use of Town of Yacolt facilities by the community as long as use is lawful purpose and does not interfere with the conduct of the Town of Yacolt programs, the primary purpose of which the buildings and grounds are intended. Community use of facilities is subject to the terms of Town of Yacolt's Rental Facilities Rules and Regulations and the current schedule of user fees. Funds may be charged for use of Town Hall and Park facilities to ensure that funds are intended for the promotion of community services and are not used for other purposes. Permission to use a particular facility may be denied based on a belief that the activity proposed may not be in the Town of Yacolt's interests, or due to the level of previously scheduled use. No person shall be denied the full enjoyment of the facilities because of race, creed, color, sex, religion or national origin.

Town of Yacolt

Vince Myers, Mayor

ORDINANCE NO. 574

AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192.

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

Section 1. Repealer: That Yacolt Ordinances 303 and 451 are hereby repealed in their entireties.

Section 2. Adoption by Reference: The following Washington Statutes are adopted by reference as and for a portion of the Gambling Ordinance of this Town as if set forth in full herein:

RCW 9.46.150; RCW 9.46.170; RCW 9.46.185; RCW 9.46.190; RCW 9.46.195; RCW 9.46.196; RCW 9.46.198; RCW 9.46.231; RCW 9.46.240; and RCW 9.46.250

The amendment, addition or repeal by the Washington Legislature of any Section of any of the adopted Statutes set forth above shall be deemed to amend this Ordinance and the Statutes contained in this Ordinance which are adopted by reference, in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this Town to take any action with respect to such addition, amendment, or repeal.

Section 3. Definitions: For the purposes of this ordinance the words and terms used shall have the same meaning as each has under Chapter 9.46 RCW, each as amended, and under the rules of the Washington State Gambling Commission, Chapter 230 WAC, unless otherwise specifically provided or the context in which they are used herein clearly indicates that they be given some other meaning.

Section 4. Taxes Imposed - Amounts: There is hereby levied a tax upon all persons, associations, and organizations who conduct or operate gambling activities, including bingo games and

raffles, amusement games, punch boards and pull-tabs, and social card games, within the Town of Yacolt, Washington, and who have been duly licensed by the Washington State Gambling Commission to conduct or operate such gambling activities, which tax shall be paid on the following gambling activities in the following respective amounts:

- A. BINGO AND RAFFLE GAMES: Any bingo or raffle activity, a tax computed at the rate of five percent (5%) of the difference between the gross revenue received from the conduct of such activity and the amount paid for or as prizes in the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this ordinance on bingo or raffles when such activity or any combination thereof are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0205 and RCW 9.46.0277.
- B. AMUSEMENT GAMES: Any amusement game, a tax computed at two percent (2%) of the gross revenue less the amount paid for as prizes; provided, however, that no tax shall be imposed under the authority of this ordinance on Amusement Games when such activity is conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0201.
- C. PUNCH BOARD OR PULL-TAB: Any punch board or pull-tab, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; Provided, however, that no tax shall be imposed under the authority of this Ordinance on punch boards or pull-tabs when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0273.
- D. SOCIAL CARD GAMES: Any social card games as permitted, a tax computed at the rate of three percent (3%) of the gross receipts from the conduct of such activity; provided, however, that no tax shall be imposed under the authority of this Ordinance on social card games as permitted when such activities are conducted by any bona fide charitable or non-profit organization as defined in RCW 9.46.0282.

Section 5. Prohibited Gambling Activities: All gambling and gambling activities within the Town of Yacolt are prohibited with the following exceptions:

- A. Those gambling activities taxed under Section 4 of this Ordinance, including bingo and raffles, amusement games, punch boards and pull-tabs.
- B. All lawful gambling for which no license is required under Chapter 9.46 Revised Code of Washington.

C. Any other gambling which is lawful by law and which does not require a license under Chapter 9.46 Revised Code of Washington, including but not limited to the Washington State Lottery as defined in Chapter 67.70 Revised Code of Washington.

D. All non-house-banked card games as permitted by the Washington State Gambling Commission.

Section 6. Tax to Be Computed and Paid Quarterly. Exceptions: Each of the various taxes imposed by this ordinance shall be computed on the basis of activity during each calendar quarter year, and shall be due and payable in quarterly installments, and the remittance, together with return forms, shall be made to the Town of Yacolt, Washington, on or before the last day of the month next succeeding the quarterly period in which the tax is accrued: That is on January 31, April 30, July 31, and October 31, of each year; Provided, that the following exceptions to this payment schedule shall be allowed or required:

A. Whenever any person, association, or organization taxable hereunder, conducting or operating a taxable activity on a regular basis discontinues operation of that taxable activity for a period of more than four (4) consecutive weeks, or quits business, sells out, or otherwise disposes of the business, or terminates the business, any tax due shall become due and payable, and such taxpayer shall, within ten (10) days thereafter, make a return and pay the tax due.

B. Whenever it appears to the Town of Yacolt that the collection of taxes from any person, association, or organization may be in jeopardy, the Town of Yacolt, after not less than ten (10) days' notice to the taxpayer, may require the taxpayer to remit taxes and returns at shorter intervals than quarterly or annually, as the Town of Yacolt shall deem appropriate under the circumstances.

C. Whenever reports required by the Washington State Gambling Commission under the provisions of RCW 9.46 are required on less than a quarterly basis, any person, association, or organization taxable hereunder shall report to the Town of Yacolt on the same basis.

Section 7. Administration and Collection of Tax: Administration and collection of the various taxes imposed herein shall be the responsibility of the Yacolt Town Clerk, under the supervision of the Mayor and the Town Council. Remittance of the amount due shall be accompanied by a completed return form prescribed and provided by the Town. The taxpayer shall be required to swear, affirm and certify under penalty of perjury under the laws of the State of Washington

that the information given in the return is true, accurate, and complete. The Town Clerk is authorized, but not required, to mail to taxpayers the necessary return forms. Failure of the taxpayer to receive such a form shall not excuse a taxpayer from making the return and timely paying all taxes due. The Town Clerk shall make forms available to the public in reasonable numbers at Town Hall during regular business hours.

In addition to the return form, a copy of the quarterly report to the Washington State Gambling Taxpayer's Commission required by WAC Chapter 230 for the period in which the tax accrued shall accompany remittance of the tax amount due.

Section 8. Method of Payment: Taxes payable hereunder shall be remitted to the Town of Yacolt on or before the time required, by bank draft, certified check, cashier's check, personal check, money order, credit card, or in cash. If payment is made by draft or check, the tax shall not be deemed paid until the draft or check is honored in the usual course of business, nor shall the acceptance of any sum by the Town of Yacolt be an a quittance or discharge of the tax unless the amount paid is the full amount due. The return and a copy of the quarterly report to the Washington State Gambling Commission shall be filed in the office of the Town of Yacolt after notation by the office upon the return of the amount actually received from the taxpayer.

Section 9. Failure to Make Timely Payments of Tax or Fee: If full payment of any tax or fee due under this ordinance is not received by the Town of Yacolt on or before the date due, there shall be added to the amount due a penalty fee as follows:

- A. 1 - 10 days late: 5% of tax due
- B. 11 - 20 days late: 10% of tax due
- C. 21 - 31 days late: 15% of tax due
- D. 32 - 60 days late: 20% of tax due

but in no event shall the penalty amount be less than Twenty-Five Dollars (\$25). In addition to this penalty, the Town of Yacolt may charge the taxpayer interest of one percent (1%) of all taxes and fees due for each thirty (30) day period, or portion thereof; that said amounts are past due.

Failure to make payment in full of all tax amounts, penalties and interest, within sixty (60) days following the day the tax amount initially became due shall be both a civil and criminal violation of this section.

Section 10. Notice of Intention to Engage in Activity to be Filed: In order that the Town of Yacolt may identify those persons who are subject to taxation under this ordinance, each person, association, or organization shall file with the Town of Yacolt a sworn "Declaration of Intent" to conduct an activity taxable under this ordinance upon a form to be prescribed by the Town of Yacolt together with a copy of the license issued therefor by the Washington State Gambling Commission. The filing shall be made not later than five days prior to conducting or operating the taxable activity or twenty days after the effective date of this ordinance if the activity is being conducted prior to its adoption. No fee shall be charged for such filing, which is not for the purpose of regulation of this activity but for the purposes of administration of this taxing ordinance only. Failure to timely file shall not excuse any person, association, or organization from any tax liability.

Section 11. Records Required: Each person, association, or organization engaging in an activity taxable under this ordinance shall maintain records respecting that activity which truly, completely, and accurately disclose all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three (3) years. In addition, all information and items required by the Washington State Gambling Commission under WAC Chapter 230, and the United States Internal Revenue Service respecting taxation, shall be kept and maintained for the periods required by those agencies.

The premises and paraphernalia, and all books, records and other items required to be kept and maintained under this section and under RCW 9.46, and any person, association, or organization receiving profits therefrom or having any interest therein, shall be subject to and immediately made available for, inspection and audit at any reasonable time, with or without notice, upon demand by the Town of Yacolt or its designee for the purpose of determining compliance or non-compliance with this ordinance.

A reasonable time for the purposes of this section shall be:

- A. If the items or records to be inspected or audited are located anywhere upon a premises any portion of which is regularly open to the public or members and guests, then at any time when the premises are so open, or at which they are usually open; or
- B. If the items or records to be inspected or audited are not located upon a premises set out in subsection A above, then any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Where the taxpayer does not keep all of the books, records, or items required to be kept or maintained under this section in this jurisdiction, the taxpayer shall either:

- A. Produce all of the required books, records, or items within the Town of Yacolt for such inspection within five (5) days following a request of the Town of Yacolt to do so; or
- B. Bear the actual cost of the inspection by the Town of Yacolt or its designee, at the location at which such books, records or items are located, provided that a taxpayer choosing to bear these costs shall pay in advance to the Town of Yacolt the estimated costs thereof, including but not limited to, round trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following said examination of the books, records or items required to be kept or maintained under this Section.

A taxpayer who fails, neglects or refuses to produce such books, records and other items, either within or without this jurisdiction, in addition to being subject to other civil and criminal penalties provided by this ordinance or otherwise, shall be subject to a jeopardy tax assessment by the Town Clerk.

Said jeopardy tax assessment shall be deemed prima facie correct and shall be the amount of fee or tax owing to the Town of Yacolt by the taxpayer unless the taxpayer can prove otherwise by competent evidence. The taxpayer shall be notified by mail by the Town Clerk of the amount of tax so determined by jeopardy tax assessment, together with any penalty and/or interest, and the total of such amounts shall thereupon become immediately due and payable.

Section 12. Overpayment or Underpayment of Tax: If, upon application by a taxpayer for a refund or an audit of his records, or upon any examination of the returns or records by the Town of Yacolt, it is determined that within five (5) years immediately preceding receipt of the application from the taxpayer for a refund, or an audit, or in the absence of such application, within five (5) years immediately preceding the commencement by the Town Clerk/Treasurer of such examination:

- A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the Town within such period of five (5) years shall be credited to the taxpayer's account or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed with respect to any excess amounts paid more than five (5) years before the date of such application or examination.

B. A tax or other fee has been paid which is less than that properly due, or no tax or other fee has been paid, the Town Clerk shall mail a statement to the taxpayer showing the balance due, including the tax amount or penalty assessment and fees, and it shall be a separate, additional violation of the provisions of this ordinance, both civil and criminal, if the taxpayer fails to make payment in full within ten (10) calendar days of such mailing.

Section 13. Failure to Make Return: If any taxpayer fails, neglects or refuses to make and file his return as and when required under this ordinance, the Town Clerk is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed under the provisions of this ordinance, and shall notify the taxpayer by mail of the amount so determined, which amount shall thereupon become immediately due and payable.

Section 14. Tax Additional to Others: The tax here in levied shall be in addition to any license fee or tax imposed or levied under any law or any other ordinance of the Town of Yacolt, except as herein otherwise expressly provided.

Section 15. Taxes, Penalties and Fees Constitute Debt to Municipality: Any tax due and unpaid under this ordinance and all penalties or interest shall constitute a debt to the Town of Yacolt, a municipality, and may be collected by court proceedings the same as any other debt in like amount, but shall be in addition to all other existing remedies.

Section 16. Limitations on Right of Recovery: The right of recovery by the Town from the taxpayer for any tax provided here-under shall be outlawed after the expiration of five (5) calendar years from the date said tax became due. The right of recovery against the Town because of overpayment of tax by any taxpayer shall be outlawed after the expiration of five (5) calendar years from the date such payment was made.

Section 17. Violation - Penalties: Except as otherwise provided within this ordinance, any person, association or organization violating or failing to comply with any of the provisions of this ordinance, upon conviction thereof, is guilty of a misdemeanor, and any person, association or organization so convicted shall be punished by a fine not to exceed five hundred dollars

(\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or both such fine and imprisonment.

Any taxpayer who engages in, or carries on, any gambling activity subject to a tax hereunder, without having complied with the provisions of this ordinance or in violation of any of the provisions of this ordinance, shall be guilty of a violation of this ordinance for each day or portion of such day during which the gambling activity is carried on.

Section 18. Revenue: Any revenue collected from the taxes imposed hereunder shall be used primarily by the Town of Yacolt for the purpose of the enforcement of the provisions of chapter 9.46 RCW, the rules and regulations of the Washington State Gambling Commission, and this ordinance.

Section 19. Severability: If any provisions or section of this ordinance shall be held void or unconstitutional, all other parts, provisions, and sections not expressly so held to be void or unconstitutional shall continue in full force and effect.

APPROVED AND ADOPTED This 15th day of July, 2019, following publication of the following summary, according to law.

“Town of Yacolt – Summary of Ordinance # 574

The Town Council of the Town of Yacolt adopted Ordinance # 574 At its regularly scheduled Town Council meeting held on July 15th, 2019. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192.

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 Day of , 2019.

Dawn Salisbury, Town Clerk

**PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof
this _15th___ day of July, 2019.**

TOWN OF YACOLT

Vince Myers, Mayor

Attest:

Dawn Salisbury, Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance # 574 of the Town of Yacolt, Washington, entitled AN ORDINANCE REPEALING ORDINANCES NUMBERS 303 AND 451 PROVIDING FOR THE TAXATION OF GAMBLING ACTIVITIES; ESTABLISHING THE RATE OF TAXATION; AND, IMPOSING PENALTIES FOR VIOLATION AS AUTHORIZED BY RCW 9.46.192, as approved according to the law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:

Dawn Salisbury, Clerk

Published: _____

Effective Date: _____

Ordinance Number: _____



Town of Yacolt

Request for Council Action

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

Name: Dawn Salisbury **Group Name:**

Address: **Phone:**

Email: Dawn.salisbury@townofyacolt.com **Alt. Phone:**

Address:

ITEM INFORMATION:

Item Title: Konica Minolta Copy Lease Proposal

Proposed Meeting Date: 5/6/2019

Action Requested of Council: For information and authorization for Mayor Myers to sign lease agreement with Konica Minolta for new copy machine.

Proposed Motion:

Summary/ Background: Current machine is old and out of date. Lease has been expired for some time. Newer model will staple and fold saving staff time and town money. Lower cost on copies will pay for lease of machine. Current copy price is .03119 for black and white and .15589 for color. New prices will be .007 for black and white and .042 for color. See attached bill for savings.

Staff Contact(s): Dawn Salisbury

Proposal Summary Yacolt WA

Bizhub C360I Multi-Function Printer

June 19, 2019



Presented By:
David Katz



A Proposal By:
KONICA MINOLTA BUSINESS SOLUTIONS USA
2020 SW 4th Ave
Portland OR 97201

The contents of this proposal are considered to be KM private data and are provided for the exclusive use of NW Grocery Assoc.

The contents herein may not be reproduced or released without the specific written permission of KM. This proposal is for informational purposes only and does not constitute a contract or an offer to contract.

Konica Minolta Bizhub C360i Multi-Function Printer

DF-714 Dual Scan Document Feeder

PC-216 2-Way Paper Feed Cabinet

FS-536 Staple Finisher or FS 536 w/ SD booklet finisher

RU-513 Relay Unit

ESP Power Filter 120v/15amp

Fax 514 / 1-2 lines

VCare Activation

Training, Setup, Networking Included

*Options

Lease Agreement	Bizhub C368 w/ fax & basic staple finisher	Bizhub C368 w/ fax & booklet folding finisher	Options
Cash Price	<u>\$4,307.93</u>	<u>\$4,729.77</u>	
60 Month lease/month	\$90.46	\$99.32	
Delivery, Setup, Networking:	Included	Included	
Training Support:	Included	Included	
CPC Color: .042			
CPC B&W: .007			
Service rates locked for 60 months			



KONICA MINOLTA
ORIGINAL
INVOICE

Page 1 / 1

Invoice No: 259454213
Invoice Date: 06/20/2019

Payment Due Date: 07/20/2019
Payment Terms: NET 30 DAYS

Bill / Mail To: 1445507
TOWN OF YACOLT
PO BOX 160
YACOLT WA 98675-0299

Payer: 1445507
TOWN OF YACOLT
PO BOX 160
YACOLT WA 98675-0299

- Newsletter Copies -

Purchase Order Number						Equipment Location 1181644			
Customer Contract		Contract Coverage Dates		TOWN OF YACOLT 202 W CUSHMAN RD YACOLT WA 98675-5410					
AEPA IFB #009 D		02/21/2019-02/20/2020							
Invoice Description / Comments									
Monthly invoice for Maintenance agreement covering the billing period of 05/21/2019 - 06/20/2019. Includes labor, parts, drums, and supplies. Excludes staples and paper.									
Summary of Invoice Charges						Quantity	Unit Charge	Bill Amount	
**BIZHUB C35 120V A121011014841						1			
Current Meter	Previous Meter	Meter Usage	Allowable	Svc. Crd	Agg Cred	Up to Tier			
203,265	201,261	2,004	0	0	0	999,999,999	2,004	0.03119	62.50
B&W Meter									
Current Meter	Previous Meter	Meter Usage	Allowable	Svc. Crd	Agg Cred	Up to Tier			
24,782	23,341	1,441	0	0	0	999,999,999	1,441	0.15589	224.64
Color Meter									
						<i>Overall Savings \$ 113.26 after paying lease fee.</i> <i>Savings 212.58</i> <i>On copies</i>			
								Invoice Sub Total:	287.14
								Tax Total:	24.12
								Invoice TOTAL:	\$ 311.26

PLEASE DETACH THE FORM BELOW AND RETURN WITH YOUR PAYMENT OR SEE CREDIT CARD INFORMATION ON BACK

Please pay online at www.MyKMBS.com using your payer id #1445507
or remit payment to:

KONICA MINOLTA BUSINESS SOLUTIONS
USA INC
DEPT. CH 19188
PALATINE IL 60055-9188

Payer ID: 1445507

Invoice Nbr: 259454213

Payment Due Date: 07/20/2019

Pay This Amount: \$ 311.26

26 Administrative Use Only

Maintenance
MONTHLY 1

1445507
259454213
60737617

259454213

A121011014841
R22

**Town of Yacolt
Yacolt, Washington**

**Notice of Application and of Public Hearing:
Site Plan at North side of the intersection of W Yacolt Rd and N
Railroad Ave. Assessor's Tax Parcel #300011000**

HEARING DATE: Monday, July 15, 2019

HEARING TIME: 7:00 p.m.

HEARING LOCATION: Town of Yacolt Council Chambers

202 W. Cushman

Yacolt, WA 98675

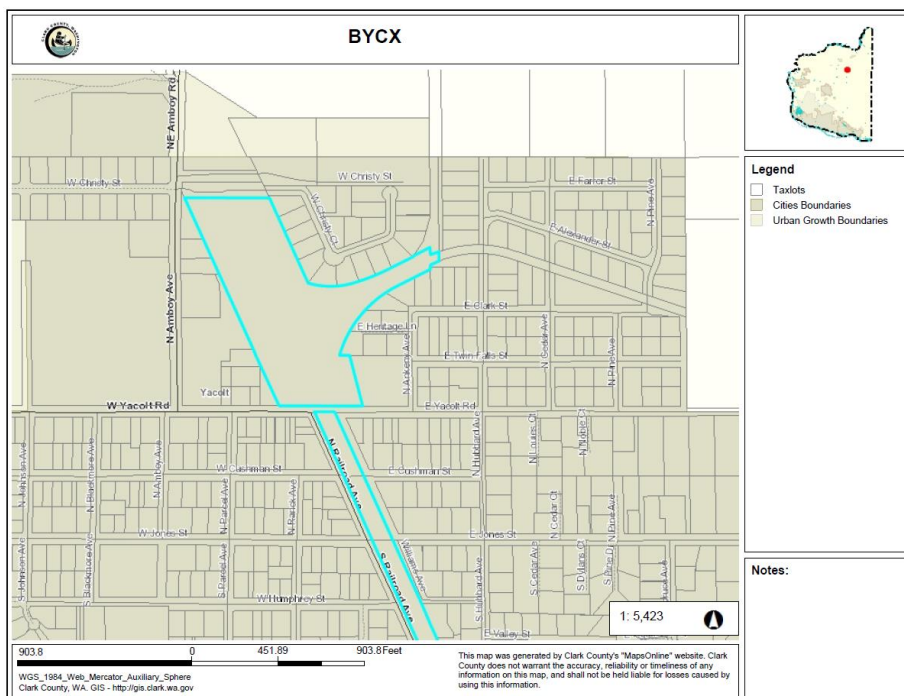
SUBJECT: The Town Council will hold a Public Hearing on the applications of the Chelatchie Prairie Railroad (BYCX), for (a) a conditional use permit so that property zoned C2 and Open Space may be used for a Railroad Barn; and (b) a site plan of the property for the proposed Railroad Barn; and, (c) a related Environmental Determination of Non-Significance, (DNS), under the State Environmental Policy Act, (SEPA).

NOTICE IS HEREBY GIVEN that the Town of Yacolt has received applications for a Conditional Use Permit. Pursuant to YMC 18.95, the Town of Yacolt established a comment period on said applications and scheduled a public hearing on the applications and the proposed development.

1. Case File Name/Number: BYCX Museum/Maintenance Barn.
2. Date of Application: November 31, 2018.
3. Date Site Plan Application was deemed complete: December 31, 2018.
4. Date Conditional Use Permit Application was determined complete: December 31, 2018.
5. Date of Notice of Complete Application: N/A.
6. Description of Proposed Project: Applicant proposes to construct a Railroad Barn for a museum and the maintenance of locomotives.
7. Project permits included with the Applications: None.
8. Further studies requested by reviewing authorities: CARA Review.
9. Other permits not included in the Application: The Application does not include applications for or relating to building permits, including Clark County Health Department septic permits. The Application does not include final approval by Clark Public Utilities.
10. Existing environmental documents that evaluate the proposed project: SEPA Checklist by Applicant dated March 31, 2017; and Determination of Non-Significance by the Town of Yacolt dated June 3, 2019. Said document(s) are available for review and comment in the same manner as described herein for the Applications.
11. The public has the right to comment on the Applications through testimony or written comments. The public has the right to receive notice of and to participate in any hearings; to request a copy of the decision once made; and to any appeal rights that may apply.
12. The deadline for submitting written comments is July 15th, 2019. Written comments received by the Town on or before July 15, 2019, will be considered by the Town Council.
13. A consolidated staff report, the SEPA checklist, and the SEPA DNS will be available for inspection by the public at no cost beginning June 28th, 2019.

14. The deadline for submitting a SEPA appeal and/or any appeal of the final decisions on the substantive Applications is 30 days following final decision on the Applications.
 15. Name and contact information for applicant / applicant's representative:
 Owner: Chelatchie Prairie Railroad
 Representative: Doug Auburg
 P.O. Box 1271
 Battle Ground, WA 98604
 16. Description of site: The parcel is flat with existing railroad tracks and a parking lot. Vegetation consists of grasses and shrubs.
 17. Maps of the subject property and area are provided below.
 18. Information about the applications may be examined by the public from June 28th, 2019, through July 15, 2019, at Yacolt Town Hall, 202 W. Cushman, Yacolt, Washington, on business days between the hours of 8:00 a.m. and 5:00 p.m. (Note: Closed between 12:00 and 1:00)
 19. The authority for this review is described in YMC 18.30 (Commercial Districts); YMC 18.40 (Conditional Use Permits); YMC 18.95 (Public Hearing Procedures and Notice of Hearings); YMC 13.10 (Stormwater Management and Facility Maintenance); YMC 13.25 (Public Works Construction Standards); YMC 16.05-16.10 (SEPA); and the Town of Yacolt Comprehensive Growth Management Plan 2003-2023 (as updated). The Applications appear to comply with YMC 16.20-16.45, (Critical Areas). The public hearing will be conducted in accordance with rules of procedure adopted by the Yacolt Town Council. The final decision on the Applications will be made by the Yacolt Town Council. For further information, please contact Katie Younce, Assistant Clerk, at (360) 686-3922.
- THE PUBLIC IS INVITED** to attend this public hearing. Dated this 28th, day of June, 2019.

Katie Younce
Assistant Clerk





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:

dawn.salisbury@townofyacolt.com

ITEM INFORMATION:

Item Title: BYCX Museum/Maintenance Barn Conditional Use Public Hearing

Proposed Meeting Date: July 15th , 2019

Action Requested of Council: Approve conditional use permit application

Proposed Motion: I move to approve BYCX Conditional Use Permit for their museum/maintenance barn.

Summary/ Background: Housekeeping item. The Land Use Application was administratively approved by the Mayor in August of 2018. In reviewing records it was noted that the Public Hearing for the Conditional Use Permit was not held. Hearing must be held to be in compliance and so the project can move forward.

Staff Contact(s): Dawn Salisbury



Town Of Yacolt
202 W. Cushman Rd
PO Box 160
Yacolt, WA. 98675
Ph. 360.686.3922 Fax. 360.686.3852
www.townofyacolt.com

August 20th, 2018

BYCX Railroad
Doug Auberg
Randy Williams
Dave Nelson

Good afternoon,

The Town of Yacolt would like to inform you that the Land use application for the BYCX Railroad Maintenance/Museum facility has been administratively approved subject to receiving the required application paperwork and the requirements set forth in the pre application conference held July 12th, 2018 which I have listed below. Final approval of the project will be subject to obtaining the proper permits and meeting any conditions that may arise during the review process.

1. Complete land use narrative addressing applicable regulations listed in the Pre plan paperwork
2. Sign the pass through fee agreement
3. Update preliminary stormwater plan – If required based on added containment areas for CARA compliance.
4. Update SEPA
5. Complete CARA permit requirements
6. Updated site plan meeting all C2 zone requirements.

Sincerely,

Vince Myers
Mayor Town of Yacolt

The Town of Yacolt is celebrating 110 Years...."1908 – 2018"!!!