



Town of Yacolt

Council Meeting Agenda

Monday, August 03, 2020
7:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

Add Grant Application for Chip Seal of Railroad Ave as item #5 under New Business

Approve Minutes of Previous Meeting(s)

1. Draft 7-6-2020 Meeting Minutes
2. Draft 7-20-2020 Meeting Minutes

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Unfinished Business

3. COVID- Telephonic Meetings till September 1st

New Business

4. Statement from Council Member Viray and Mayor Listek
5. Grant Application for Chip Seal of Railroad Ave

Town Clerk's Report

Public Works Department Report

Attorney's Comments

Citizen Communication

Anyone requesting to speak to the Council regarding items not on the agenda may come forward at this time. Comments are limited to 3 minutes. Thank you.

Council's Comments

Mayor's Comments

Approve to Pay Bills on Behalf of the Town

Adjourn

**Town of Yacolt
Council Meeting Minutes
Monday, July 06, 2020
7:00 PM
Town Hall**

Call to Order

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

Flag Salute

Roll Call

PRESENT

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

ABSENT

Public Works Director Esteb

Late Changes to the Agenda

1. Add New Business Item #7 A Proclamation Acknowledging and Denouncing Systemic and Institutional Racism

Approve Minutes of Previous Meeting(s)

2. 6-15-2020 Draft Meeting Minutes

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

Citizen Communication

None

Unfinished Business

3. CORONA Virus Update

Governor's Orders, Town Meetings, and Land Use Public Hearings

Mayor Listek updated the council on the Governor's new order for statewide mask mandate and that the open public meetings proclamation barring public meetings was extended until 7-7-2020. It is expected to get extended again.

Mayor Listek would like to start holding Land Use Public Meetings and asked for input from council about holding those hearings. Council Member Boget feels there is no issue holding those hearings virtually as she feels those are routine and necessary. Attorney Ridenour stated that the council would need to amend the Emergency Declarations by stating they are willing to move forward holding Public Hearings virtually. Council Member Boget suggested adding an additional Public Hearing to make sure every opportunity is given for residents to have their opinions heard. Attorney Ridenour stated that if no action was taken at tonight's meeting to amend the Emergency Declarations that no public hearings could be held virtually. Council Member Dawson agrees with moving forward with virtual Public Hearing Meetings.

Council Member Boget made a motion to allow Mayor Listek to make the recommended changes. Seconded by Council Member Viray.

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

4. Building Department Review

Attorney Ridenour stated some council members expressed interest in getting a report on where the building department stands, how we sit financially and what are the pros and cons of continuing with a building department. Over the last couple of months, we have come up with an outline of topics to cover and want to see if this is what the council is looking for. Holding a meeting in the virtual realm would be very difficult and not as effective as a face to face meeting with handouts. If the council is ok with it, maybe we could have an in-person meeting with all of the Governor's orders being followed as an executive session workshop to discuss these matters and share presentation handouts. He proposed July 24th to potentially hold this workshop. Concerns about holding a meeting at town hall and having some participants not wear masks was brought up. Mayor Listek stated we could spread everyone out to get 6 feet of distance and open windows for better airflow. Attorney Ridenour stated we could hold the meeting both telephonically and in person for those that are uncomfortable having in person meetings. Executive Session Workshop for discussing building department review was scheduled for July 27th at 7:00 pm.

New Business

5. Rotate Finance Committee

Motion made by Council Member Noble to nominate Council Member Boget for the Finance Committee, Seconded by Council Member Viray.

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

6. Rotate Mayor Pro Tem

Motion made by Council Member Dawson to nominate Council Member Noble for Mayor Pro Tem, Seconded by Council Member Boget.

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

7. A Proclamation Acknowledging and Denouncing Systemic and Institutional Racism

Council Member Boget presented Proclamation and explained her reasoning for putting this proclamation on the agenda. She stated that with the current climate right now there is a lot of pain and hurt out there and she thought it would be a good idea for the council to stand up just like we did for I-1639 and say that we don't find these things acceptable and we will not accept them from ourselves and we will not accept them from our employees. Council Member Noble stated at this time he kind of agreed with Council Member Boget and would like to take her proclamation line by line and discuss them. Council Member Boget asked Council Member Noble to let her know what he agreed or disagreed with as they go through each line item. Council Member Noble stated he by no means was a racist and he knew she wasn't accusing anyone in the room or anyone on the council as racist. He also stated whereas hate violence has become a daily occurrence and asked what side of the fence that hate violence is coming from. Council Member Boget stated she did not differentiate and for it to be differentiated would negate everything. She also stated hate violence is a daily occurrence across the nation and did not say it was a daily occurrence in the Town of Yacolt. Council Member Noble stated that he believes hate crimes at this time in our society are over driven by different groups whether it be Antifa, Black Lives Matter, or news media. He doesn't like looking at this proclamation and feels she is stirring up a hornet's nests that doesn't need to be stirred up. Council member Noble asked about line number 2 and asked how we could resolve that issue. Council Member Boget stated that line wasn't about resolving it. It was about people standing by and allowing acts of violence and hatred to occur and not saying anything in opposition to it. Council Member Noble stated that he believes at this time that should be held at a higher authority than a council in Yacolt. It should be more like higher up government, congress, senators, Inslee up north that's not doing a darn thing. That's in the hand of their pole barn. He then asked Council Member Boget if she had anything to add to that. Council

Member Boget stated that she thought the exact same argument could have been when the council made a proclamation against I-1639. She is not hearing anything that would make it different. Council Member Noble then read line item #3 and asked Council Member Boget if she was saying that the United States citizens aren't doing anything to resolve the hate crimes. He believes we have a president that has spent millions of dollars for the minorities and the inner cities. He believes they've done something to let certain persons out of prison that had lifetime sentences. He feels upper government has a handle on this and asked Council Member Boget what advantage the council has passing this proclamation. Council Member Boget stated it was the same advantage as the proclamation against I-1639. It is quite literally us saying that as small as we are, it doesn't matter. We still stand behind the fact that all men are created equal we will not support bigotry due to race, sex, gender, country of origin, religion, disability, or any other nature by our council or by our employees. She asked Council Member Noble what part of that statement he doesn't agree with. Council Member Noble asked who on the council including himself, the mayor and the townspeople doesn't back that situation and who on the council does she see feeding that fire. Council Member Boget stated she didn't see anyone feeding the fire. She sees it as reaffirming and putting it out there stating yes, this is what we believe instead of staying silent. If this is what all of us believe then this is what we should be saying. Council Member Dawson stated this is not what all of us believe. This is nothing like I-1639 and it needs to quit being brought up. She said Council Member Noble has a good idea going line by line but there are a lot of callers and that we should see what they have to say. Council Member Noble continued to read line by line and asked Council Member Boget for clarification. Council Member Noble stated the reason he was going line by line was in case someone didn't have the proclamation in front of them. Council Member Moseley stated that she feels we can all agree there is a lot of strife going on in the country when it comes to race right now and simply taking a stand and saying that we as a council are against racism and against violence as a whole is what the point is here. It's not to say that one or two of our council members need this thrown in their face, it's to say we, Yacolt, feel this way. We as a group opposed I-1639 and we as a group should stand up against and oppose systemic racism as a group. Arguments can be made about the lines in the proclamation we don't agree with but let's find out what lines we do agree with and go from there. I don't believe this matter should be left up to higher government to deal with. Just like the recent proclamation to Governor Inslee stating we want him to move to phase 3 immediately. How is that proclamation any different putting our opinion forward on what we think higher government should do and be involved in than this. It is not about higher government it's about government period. We may be small, but we are still government. Council Member Dawson stated that she did not think we needed a proclamation to state that. We as individual people can state that. We agree, we pledge allegiance to a flag, we have an oath, we have freedoms, this is why we live in America. We do not need a proclamation stating that we agree or don't agree with what is going on. It's justice for all at the end of the day. We all agreed as a council to pass certain proclamations, but I don't agree with this one. Council Member Boget asked what lines Council Member Dawson didn't agree with. Council Member Dawson stated she didn't agree with all of it and stated there were a lot of callers on the line and that we should open it up to them to get their opinions on the subject.

Mayor Listek invited comments from attendees.

Brent Sullivan- This systemic racism thing is completely unnecessary and is a made-up phrase by the pc progressive left. It's to insinuate that our whole system of our country and our system and way of life is automatically somehow racist. We all know what racism is and know if we are racist and this whole thing is ridiculous.

Joshua Caldwell - Agrees with 1st caller. This is legitimately ridiculous. Friends come out here and keep coming back because we are not racist. Tired of everyone telling them we're racist. Especially our own council members.

Jonathon – Looking through proclamation line by line. Title is innocuous enough, when you get into the details it is promoting a false narrative. Systemic racism is something that doesn't exist once you start looking into it. If you believe it does you have the burden of proof. You can't just assert these things. One of the lines selectively highlights people of color and ignores white victims of interracial crimes. He agrees with first 2 callers that this is false narrative being promoted by self-described Marxists. Questioned Council Member Boget on her affiliation with the Facebook communist group. Stated that the group is kind of a joke but would like her to explain her affiliation especially if you're going to be promoting this false openly Marxist narrative. Before this is passed it needs to be gone through line by line. Data has to be looked at to find the truth. Vast majority of victims of interracial crimes are white victims. Founders of this movement are open Marxists.

Council Member Noble asked Council Member Boget to explain her affiliation with the communists Facebook page. Council Member Boget explained it was made by a group of people that were being called communists because they challenged the narrative that everything is fine and there is no racism, in particular no sexism, none of that. It is a tongue and cheek group calling themselves communists. She thanked Jonathon for his comments and stated that African Americans are 2 times as likely to be unemployed, black students are 3 times more likely to be suspended than white students for the same infractions, blacks make up for 13% of the population but 40% of our prison population, blacks are shown 18% fewer homes when they go to buy a house and less when they go look at rentals, black drivers are 30% more likely to be pulled over, and studies have found that 67% of doctors have a bias against African American patients. These things exist whether we like it or not, whether we believe in it or not. These numbers do not lie, and they are not an opinion. If we are going to change things and we are going to live in a world that this is not ok, then we have to actually do something about it.

Jonathon- Council Member Boget said that she believes communism is good on paper but that she wouldn't identify herself as a communist. I don't believe she is a communist but the group she is a part of does defend communism. As for me being an admitted white supremacist, that is ridiculous, I am not a white supremacist. Anybody that disagrees with the false Marxists narrative is labeled as such. Where I stand is realism. I believe racism exists. I believe every race is unique and has a right to its own self-determination. I am not a racist or a white supremacist and I resent those labels. A lot of us including other African Americans reject the false narrative. This is controversial. Very few of these statements are justified. A discussion needs to take place concerning the statistics before this is passed. In terms of African Americans being 13% of

the population that is true. However, as a group demographically speaking over 52% of the homicides are committed by only 13% of the population. White victims are by far the most targeted interracial crime violence. This is from an FBI study conducted in 2018 table #4. He resents the labels being put on people.

Michael Anfang – I am the moderator of said communist group on Facebook and it is a tongue and cheek sort of matter. I find it interesting and somewhat saddening that Council Member Boget wrote a fairly high-level, generic statement against racism and people's response is to jump in and say I'm not racist. I think it's great that they're not racist and I struggle to understand why they're not able to accept the verbiage as she is not accusing or calling anyone a racist just making a statement against it.

Brent Sullivan – Verbiage nonsense. This stuff is not necessary in this town. It does not belong here. This is the little toe hold where it starts. We're not calling anybody racist we are just condemning systemic racism. That is a made-up word that gets pushed by the pc and progressive crowd. This is how they get their foot in the door. We are not stupid lets be better and above this.

Jeremy Dawson – My concern is that black live matters is a political group not an activist group. They are declared Marxists and every city that currently supports BLM are being burnt to the ground by groups that follow BLM around like Antifa. We need our community to keep its head down. Even bringing that up for discussion puts our community at risk and is incredibly irresponsible. I would no more declare support for BLM than I would expect the town of Yacolt to declare support for the Republican or Democratic parties or the communist party. Looking at it, this is what breeds racism is things like this. I don't think this should be in our town. I will bring my black friends to the council and they will tell you the same thing. This stuff is tearing our country apart and it needs to stop.

John Armor- I feel this is going to drive a wedge between the citizens of this town because we have people of color in town and they are treated just the same as everybody else. This is going to cause more problems than its going to create good. It will literally drive a wedge between the citizens of this town.

Netta Bozarth - This is regarding emotion about basically condemning racism and condemning systemic racism. Am I getting the gist of that? Mayor Listek replied that it's about denouncing systemic and institutional racism which would be very specific as to acknowledging that there would be systemic and institutional racism. Netta stated that she was wondering how that could be a bad thing. In our small community we only have a small amount of black people and people of color. I don't know how that would drive a rift by us saying that is a stand we were going to take. Another caller asked why we do we need a statement. Netta replied, to denounce it. Mayor Listek stated that she believes part of the issue is its stating that it is a systemic or institutional problem and she doesn't think that everyone believes that it is. She believes everyone thinks racism is bad and that is where this division most likely lies. Netta asked in the Town of Yacolt are there things we are seeing that we could do better. She did not see any motion attached to this. Mayor Listek stated it was a late addition to the agenda and it was for us to proclaim or discuss and it looked like we are just at discussion stage now. Another

caller interrupted with a statement and Council Member Boget explained that she added it to the agenda Friday morning failing to realize that Friday was a holiday for town staff. She stated this was not done to be sneaky or last minute.

Mayor Listek stated with that in mind maybe we could give this some further time for people to come back prepared or feel prepared as to why they would like to make changes or how we would like to present this in the future or if we want to take any potential stand on this in general.

Council Member Boget stated that anyone that has an issue with this needs to write up their own and give examples of why the difference needs to happen. I understand this seems connected to the Black Lives Matter movement which is, according to Mr. Dawson, a political group. So is Patriot Prayer, which he is a part of, which is connected to the Proud Boys, which is a white supremacist's group. Let's keep in mind that there are threads woven through this town that can be seen on both sides of this. This is our opportunity to stand up and say NO we don't agree with racism coming from our council members or our employees because that is who we can affect as a council those are the people, we can hold accountable. That is why it specifically calls out staff and council members.

Council Member Dawson stated Let's get this perfectly clear. Patriot Prayer are not white supremacists. Proud Boys are not white supremacists and they are not known as white supremacists. We have different people in our groups, and we have people of all colors in our groups, so you need to be careful before you say that because that is a very incorrect statement. Patriot Prayer goes around and fights for rights and goes around and prays for people. We do have, again, all different kind of races that go around and do this with us. So, please stop with the white supremacists' comments.

Council Member Noble stated that at this time he thinks we have had enough discussion on this nonsense proclamation. Is there any way we can just vote on this this evening? I don't need to review or add to this. This thing just needs to go bye bye. Can I put this up to the council for a vote to just get rid of this?

Council Member Boget made a motion to adopt the proclamation as written. Seconded my Council Member Moseley.

Voting Yea: Council Member Boget, Council Member Moseley

Voting Nay: Council Member Dawson, Council Member Noble, Council Member Viray
Motion did not pass

Town Clerk's Report

Clerk Salisbury sent contracts off to FEMA for approval with the hopes the town can get reimbursed for some of the COVID expenses. The town has received quite a few building department applications and will keep council informed as they progress. The Pre-Construction conference for the HOAG sidewalk

project is tomorrow July 7th at 2:00pm. Construction should be starting in the next couple of weeks. Clerk Salisbury is busy trying to keep up with all the daily tasks.

Public Works Department Report

Public Works Director Esteb was absent from tonight's meeting as they had the day off for the holiday instead of Friday.

Mayor Listek informed the council that Public Works helped set up for the Saturday Market. The town clean-up was held June 27th, sold 57 vouchers and did not lose money this year. The Mayor thanked public works, the clerk, and council members Noble and Viray for their help. She also thanked other volunteers that helped.

Public Works has installed Yacolt Town and Yacolt Town Seal banners over the last week or so. They have also installed log planters under both reader boards.

Public Works is thankful for the volunteers helping with the mowing.

Attorney's Comments

Attorney Ridenour stated we had already covered the mandatory mask issue and offered to send the requirements to anyone who would like to see them. Clerk Salisbury stated that the Secretary of Health's mask order was on the town website and Mayor Listek stated it was also posted on the door of town hall.

Citizen Communication

None

Council's Comments

Council Member Viray thanked all the vendors that participated in the Saturday Market and Public Works for their help and hanging the banners. She looks forward to the future Saturday Markets.

Council Member Boget suggested that the council start looking at the towns financial standing to get ready for budget season.

Council Member Noble stated he was shocked that there is a council member sitting with him that believes somewhat in communists' beliefs and asked Council Member Boget to think about resigning. Council Member Boget stated Council Member Noble upheld a council member that broke the law, called him a hypocrite and stated she was not a communist.

Mayor's Comments

Mayor Listek is happy with the success of the town clean-up. Looking forward to improving it for next year. She thanked her husband for helping out. 4th of July was a well put together event and she appreciated the community members that facilitated the freedom march since the town could not put

on the parade due to the Governor's proclamations. The mayor values our freedom to decide to do what we so choose, and guidance should be from the government and should not be so dictated.

The sidewalk chalk contest was attended by 78 entries of all ages. Winners will be announced at the next meeting and there will be medals for the winners.

Approve to Pay Bills on Behalf of the Town

001 General Fund	30,886.97	
101 Streets	6,377.65	
103 Cemetery	275.49	
403 Storm Water	<u>3,681.87</u>	Check # 17206 - 17222
	41,221.98	Claims: \$23,075.91
		Payroll: \$18,146.07

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

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

Adjourn

Mayor Listek adjourned the meeting at 8:17 pm.

Katie Listek, Mayor

Dawn Salisbury, Clerk

**Town of Yacolt
Council Meeting Minutes
Monday, July 20, 2020
7:00 PM
Town Hall**

Call to Order

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

Flag Salute

Roll Call

PRESENT

Mayor Katie Listek

Council Member Amy Boget

Council Member Michelle Dawson

Council Member Malita Moseley

Council Member Herb Noble

Council Member Marina Viray

Clerk Dawn Salisbury

Public Works Director Esteb

Attorney David Ridenour

Late Changes to the Agenda

None

Approve Minutes of Previous Meeting(s)

1. Approve 7-6-2020 Council Meeting Minutes

Council Member Noble, Dawson and Viray requested changes to the minutes. Since there was some confusion on where the changes needed to be made and the said changes needed to be verified, the meeting minutes were tabled till the 8/3/2020 meeting. The clerk requested the council email the clerk with the changes they wanted and state where in the recording it was so it could be verified.

Town Clerk's Report

Clerk Salisbury stated she is working on day to day items. CDBG Hoag Sidewalk project is in progress and proceeding according to schedule. She is working on the bank reconciliation, treasurers report and trying to keep up with the day to day business.

Public Works Department Report

Public Works Director Esteb stated primary focus is groundwork, mowing, weedeating, and watering flowers. Dealing with a lot of vandalism on the roadsides and in the parks. Would like citizens help with ideas to help curb the vandalism. Public Works has hired 2 part time maintenance helpers for the next couple of months.

Council Member Noble asked why Bill Rowe wasn't hired as one of the part time maintenance workers. Mayor Listek stated he did not turn in an application and that the job requirements are being able to lift 50 pounds and quite a bit of manual labor. Mayor Listek appreciates all the volunteer work Mr. Rowe does for the town.

Citizen Communication

Multiple callers concerning Council Member Boget and the proclamation she presented at the previous meeting. Meeting audio is available by request.

Unfinished Business**2. CDBG Hoag Street Update**

Received a change order from Hedval Sitework Specialties for \$8575.16. Comp joints must be moved and track must be upgraded. If the track is not upgraded there is fear that the street will have to be torn up within the next few years to replace the track because of failure.

New Business**3. Potential Listening Sessions on Systemic Racism**

Council Member Boget stated that the Clark County Council is going to have a listening session on systemic racism and would like Yacolt Town Council to attend. She stated she recognized the introduction of the proposed proclamation was really not given enough time for analysis or discussion. She stated she wanted to make it perfectly clear to everybody listening that voting against that proclamation in and of itself does not mean that anyone is a racist, it does not mean that Yacolt is racist. Systemic racism is a complex issue and to fully understand its implications especially for a small community like ours, we should certainly consider listening to those that have studied it. As small as we are, we absolutely do have systems and institutions that hold influence over our residents. Our residents also do not only stay within the bubble of Yacolt, they work, they shop, they play, in surrounding cities and unincorporated Clark County. The dedication to protect our residents shouldn't stop at our town limits. We owe it to the 1.4% of the population that is not white to say that we will stand with them with as much dedication as we have previously on 2nd amendment rights, fireworks, and the Governors Safe Start initiative. Your concerns have definitely not fallen on deaf ears. I have been very clear why I put this forward. All I am asking us to do is educate ourselves, learn, and be part of a listening session that is already going to be taking place.

Mayor Listek stated that the listening sessions were open to the public. Council Member Boget stated that to her understanding there was going to be a public one and a private one. She reached out to the coordinator for clarification and has not received a response yet.

Council Member Noble stated he is 65 years old, has lived in this town for 43 years and have never had a problem. There is a difference between judgemental and racism. If we are going to judge people by the color of their skin we have a problem, we're all created by god. I'm not racist, this town has never been racist until recently of course as you know. Why are we going to a place to get educated about racism. I don't understand why you want the town to get educated on this. This town is not racist, never has, never will be. Council Member Noble then asked Council Member Boget if she did or did not contact The Columbian. Council Member Boget stated that The Columbian was sent the packet before the council meeting. She then posted the voting results to Facebook. She was informed that The Columbian had the packet and that she spoke to the reporter the following morning. Council Member Noble asked how his name was given to The Columbian. Council Member Boget stated the reporter was provided the meeting audio and that is where he got his information from. Council Member Noble made additional comments concerning the proclamation and that there are federal laws against racism.

Council Member Moseley stated she has personally heard friends, neighbors, people she has known for years, make lewd and disgusting comments. You can find this anywhere. This has nothing to do with Yacolt, it has to do with the country in general. Specific people should not be called out on specific things they have said. It doesn't do any good and only creates more division than there already is.

Council Member Boget stated that this is about if the council wants to participate in a listening session to learn something. She believes this would be a good thing to do but if the council does not want to participate that is up to them.

Council Member Dawson accused Council Member Boget of making this issue personal and feels Council Member Boget is wrong and caused an uproar in the town. She asked for Council Member Boget's resignation. Council Member Boget stated she will not be resigning.

Council Member Viray feels all of this is disheartening. She feels the proclamation was uncalled for and unprofessional in how it was presented. There was no time allotted to address the issue and perhaps it should have been tabled for further discussion but believes all the votes would have remained the same. She stated we are here for the constituents and have to push aside our personal beliefs.

Council Member Viray and Council Member Dawson feel that if the council members want to listen to Clark County's sessions it should be done voluntarily on their own time.

Council Member Dawson stated she would like to hear from the town attorney on this matter.

Mayor Listek suggested that a motion be made that the council members voluntarily listen to the session regarding racism on their own time.

Council Member Noble stated he would not be attending the listening sessions.

Mayor Listek stated again that the listening sessions should be on a voluntary basis and those that attend can report back on what they learned.

Council Member Boget made a motion that we pursue attending the Clark County Council's listening session as a council.

No second. Motion failed.

Attorney's Comments

Attorney Ridenour asked the council to reschedule the 7-27-2020 Building department work shop to either August 10th or 24th. Council moved workshop to August 24th at 7:00 pm. Attorney Ridenour updated council on the Governors orders that have been extended and that there have been updates to the lawsuits filed against the Governors orders. This information has been added to the dropbox file.

Citizen Communication

Multiple callers concerning Council Member Boget and the proclamation she presented at the previous meeting. Meeting audio is available by request.

Council's Comments

Council Member Noble thanked the mayor for going through the nonsense that she has been going through. Council Member Dawson addressed the callers concern with the gentleman at the park with the automatic assault pistol and thanked the mayor for everything she has done and how she has handled all of the current issues. Council Member Viray thanked all the callers for their opinions they have voiced and encouraged them to continue reaching out to the council with their concerns. She also thanked the mayor for her handling of these situations. Council Member Moseley stated that she believes systemic and institutionalized racism does exist. She will always support any proclamation that stands up to or denounces bigotry. She appreciated and thanked all the callers that spoke up about their concerns and encouraged them to continue reaching out to the council. Council Member Boget addressed the callers concerns about the proclamation. She appreciates all of the callers for and against the proclamation..

Mayor's Comments

Mayor Listek announced the winners of the Chalk Art Contest. 0-4 age group. 2nd place was Ayden Noble and 1st place was Bubba Gorbet. 5 - 8 age group, 2nd place was Treeva Olin and 1st place Kaytlin Taylor. 9-13 age group, 2nd place was Judea Revell and 1st place was Lilah Smithline. 14 and up age group, 2nd place was Adalie Smithline and 1st place was LaDonna Smithline. There was 78 entries total.

Mayor Listek made a statement supporting all cultures and races. She told about her role in bringing foreign exchange students to our community. She would like to increase the cultures we have out

here. She values world experience and the experience of other cultures. Mayor Listek thanked everyone for their participation. It is important to have discussions. That is how we learn and grow. As Americans we are always about freedom and freedom of speech.

Approve to Pay Bills on Behalf of the Town

Motion made by Council Member Moseley, Seconded by Council Member Boget.

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

001 General Fund	33,258.53	
101 Streets	4,318.66	
103 Cemetery	152.90	
105 REET/Real Estate Excise Tax	405.63	
403 Storm Water	<u>2,038.45</u>	Check # 17223 - 17231
	40,441.17	Claims: \$32,899.95
		Payroll: \$7,544.22

Adjourn

Mayor Listek adjourned the meeting at 10:21 pm.

Katie Listek, Mayor

Dawn Salisbury, Clerk



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING
PROCLAMATIONS 20-05 and 20-28, et seq.**

20-28.8

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-64, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks statewide; and

WHEREAS, on March 24, 2020, I issued Proclamation 20-28, waiving and suspending laws and rules concerning RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that require any activity that occurs in an in-person setting to prevent further spread of the virus; and

WHEREAS, on April 23, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28 were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 4, 2020, whichever occurs first, in Proclamation 20-28.1; and

WHEREAS, on May 4, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-28, et seq., were extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19

State of Emergency or May 11, 2020, whichever occurs first, with the exception of RCW 42.56.520(1), which the leadership of the Washington State Senate and House of Representatives extended until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 11, 2020, whichever occurs first, in Proclamation 20-28.2; and

WHEREAS, on May 11, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspension of RCW 42.56.520(1) in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or May 31, 2020 (wherein the waiver of RCW 42.56.520(1) no longer applied to requests for public records received by an agency electronically), and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or May 31, 2020, whichever occurs first, in Proclamation 20-28.3; and

WHEREAS on May 29, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 17, 2020, and which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or June 17, 2020, whichever occurs first, in Proclamation 20-28.4; and

WHEREAS on June 17, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 1, 2020, whichever occurs first, in Proclamation 20-28.5; and

WHEREAS on July 1, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 7, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or July 7, 2020, whichever occurs first, in Proclamation 20-28.6; and

WHEREAS on July 7, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first, which I acknowledged and similarly extended the prohibitions therein to until the termination of the COVID-19 State of Emergency or August 1, 2020, whichever occurs first, in Proclamation 20-28.7-corrected; and

WHEREAS on July 30, 2020, under the provisions of RCW 43.06.220(4), the statutory waiver and suspensions in Proclamation 20-28, et seq., were again extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on September 1, 2020, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-28, et seq., it is also necessary for me to extend the prohibitions provided therein; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on September 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on September 1, 2020, as described below.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05, and 20-28 et seq., to prohibit public agencies as follows:

Any public agency subject to RCW 42.30 is prohibited from conducting a public meeting subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

As an exception to the above prohibition, public agencies holding public meetings in counties currently in Phase 3 of the *Safe Start Washington Phased Reopening County-by-County Plan* may, at their option and in addition to hosting the remote meeting elements described above, include an in-person component to a public meeting if all of the following requirements are met:

- a) Compliance with all provisions of the *Safe Start Washington Phased Reopening County-by-County Plan* found [here](#), including but not limited to adherence to the requirements that in-person gatherings are limited to the maximum number of persons allowed per the Phase of the county in which the public meeting is being held, and that all attendees are required to be separated by at least six feet and wear a face covering;
- b) Compliance with all provisions of Proclamation 20-25 et seq. *Safe Start-Stay Healthy*,
- c) Compliance with the *Order of the Secretary of Health* 20-03;
- d) Notice of the physical location shall be included as required by RCW Chapter 42.30;
- e) If an in-person component public meeting is offered, any person wishing to attend the public meeting in person must be able to do so at a physical location meeting all requirements herein, either in a primary meeting location or an overflow physical location that provides the ability for all persons attending the meeting to hear each other at the same time; and
- f) If at any time during the public meeting the in-person component cannot comply with each of the requirements herein, the public meeting (to include the telephonic/remote access portions) must be recessed until compliance is restored or if compliance cannot be restored then it must be adjourned, continued, or otherwise terminated.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found [here](#):

Software Resellers (06016):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016>

Cloud Solutions (05116):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MRSC, www.mrsc.org).

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I continue to find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on September 1, 2020:

- RCW 42.30.030 – the following words only:
“and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
“Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
“Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”
- RCW 42.30.090 – as to the following words only:
“on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also continue to find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until 11:59 p.m. on September 1, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence:
 - “Within five business days of receiving a public records request,”
 - This statutory suspension at 42.56.520(1) does not apply to requests for public records received by an agency electronically.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

 /s/
 Jay Inslee, Governor

BY THE GOVERNOR:

 /s/
 Secretary of State



Town of Yacolt Request for Council Action

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

Name: Devin Jackson/Dawn Salisbury

Group Name:

Address:

Phone:

Email Address:

Alt. Phone:

ITEM INFORMATION:

Item Title: Grant Application for Chip Seal of Railroad Ave for \$45,000.00

Proposed Meeting Date: 08/03/2020

Action Requested of Council: Approve 5 % match (\$2250.00) for grant application to Chip Seal and stripe Railroad Ave

Proposed Motion: I make a motion to approve the 5% match for the grant application for Chip Sealing Railroad Ave.

Summary/ Background: Requesting council approval to apply for grant to chip seal, crack seal, and striping of Railroad Ave at 5% match. Grant application deadline is August 14th, 2020.

Staff Contact(s): Dawn Salisbury

Clerk

From: Devin Jackson <devin@jacksoncivil.com>
Sent: Monday, August 03, 2020 1:34 PM
To: Clerk
Subject: Chip Seal Proposal
Attachments: Pages from Town of Yacolt (003).pdf

Dawn,

Attached is the map of what we'd propose for chip seal, crack sealing, and striping. I'd go with an estimate of \$45,000. Which will include engineering. The council would be approving a match of 5%.

Devin Jackson, P.E.
Principal

JACKSONCIVIL

O: (360) 723-0381
PO BOX 1748
704 E MAIN ST, STE 103
BATTLE GROUND, WA 98604

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply e-mail and immediately delete the message and any attachments without copying or disclosing the contents, Jackson Civil Engineering LLC shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of Jackson Civil Engineering LLC.

2020 City of Yacolt, WA Chip Seal / S Railroad Ave



Chip seal area = approx 62,781 Sq Ft

map not
to scale
reference only