**TOWN OF YACOLT, WASHINGTON**

**TOWN COUNCIL MEETING MINUTES**

**DATE: December 16, 2013**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL ATTENDANCE**

**PRESENT:** Mayor, Carothers

Councilmember(s): Josh Karl, Vince Myers, Rick Urias

**ABSENT:** Councilmember(s): Dave Hancock, Lewis Gerhardt

**STAFF:** Town Clerk: Cindy Marbut

Public Works Director: Pete Roberts

Town Attorney: David Ridenour

**APPROVE MINUTES OF PREVIOUS MEETING**

MOTION: Councilmember: Myers with changes noted

SECOND: Councilmember: Urias

VOTE: 3- 0

YES: Councilmember(s): Karl, Myers, Urias

NO:

ABSENT: Dave Hancock, Lewis Gerhardt

\*Motion unanimously passed.

**LATE CHANGES TO THE AGENDA**

None

**CITIZEN COMMUNICATION**

**None**

**OLD BUSINESS**

**A. Cell Tower Conditional Use Review**

Charlie Witt was present to express his irritation and concerns about the proposed cell tower. He stated he was irritated that the tower was being located on property that was sold by him to the Town. He stated he didn’t care where the tower was being built in town but he was angry that no one notified him the location would be next to property he owned. He stated he did not attend any of the previous meetings regarding the cell tower placement. He questioned the council and Noah Grodzin from AT&T about the relocation of tower from its first initial proposed site. Mr. Grodzin refused to discuss questions from Mr. Witt, citing he was addressing the council not him. Mr. Witt informed the council that they could read about his recorded conversation with Mr. Grodzin in the local newspaper. The Mayor addressed Mr. Witt and explained the town had gone through the process as it is required to. He noted to the public and to Mr. Witt, he had a conversation with him and told him about all the sites. Mayor and attorney Mr. Ridenour told Mr. Witt that it is not required by law that they have to notify him of what development was proposed on property owned by the town. Mr. Ridenour stated that there was lots of leasing agreements with other cities and towns to do what was proposed by AT&T and it was not illegal to do so. Mayor noted no final decisions had been made to date, the site location was determined by AT&T not the town. Pete Roberts, public works stated that AT&T approached the town and the town did not seek them out.

Steve Unruh addressed the council stated that he was a close friend of Skip Benge, he stated he had listened to the last meeting recording, he said at the Oct meeting there was a late change to the agenda by the Mayor and 2 women showed up to contest the placement of the cell tower so close to the school, he implied they were pre- notified previously about the cell tower meeting. He implied that the tower was being moved was a conspiracy to get it off privately owned property.

He stated that he had received numerous phone calls from residents about the tower. He addressed Mr. Grodzin and told him he was going to tell him how this town works and proceeded to point out employees and elected officials jobs and how council members needed to act in their positions to reign in the staff and Mayor. He continued to tell Mr. Grodzin he and Mr. Witt would undercut any proposal from the town to have the tower located on their property. Mayor stated that there have been open meetings on this issue, there have been advertised meetings, no one contacted the 2 women to attend the open meeting, clerk stated everything to do with the cell tower has been on the website and when possible on the reader board. Mr. Unruh continued to insist the women were pre notified. Mayor addressed Mr. Unruh’s complaint about Mr. Benge not being a location for the site, he stated that Mr. Benge had an opportunity to hear what AT&T had decided but chose to leave the meeting without explanation.

Steve Burinsky asked to speak he stated it would be nice to have a double sided reader board on RR Ave since most people travel that direction so that everyone could be informed. He offered to help build one with volunteers if needed. Mayor stated we were trying to get a grant for an electronic board and move the other one to RR Ave. He appreciated his offer and would take it under consideration.

Noah Grodzin from AT& T addressed the concerns presented, he stated he had a conversation with Mr. Witt, Mr. Witt interrupted him and asked who he was, Mayor stated he was with AT&T, Noah stated he talked with Mr. Witt, exchanged email and other contact information, he stated he did not know his phone conversation was being recorded when he spoke to Mr. Witt. He stated if he didn’t know if he had stated anything in error but would own his mistake. He stated he had attended 4 meetings in the last 2 months and the first location was denied by AT& T not because of health concerns, it was not the appropriate location in the center of town, he stated he was not pushed or motivated by the city for location sites, every email can be obtained by citizens as public record to his knowledge, he said AT&T didn’t care who the property owner was, he noted the owner of the property has no bearing on this matter, he was a applicant and submitted the application in order to work through the process to get the tower built. He stated he was available for any questions.

**\*\*** Discussion Only

**B. Increase in Cemetery Plot Fees**

Mayor stated that this item had been on the agenda in the past and never been addressed. He stated that the Clerk had done some research on pricing in the surrounding areas which had been provided to the council in the past. Council Urias stated he thought the increase was to be at 500.00 and the clerk agreed and noted it would still be the cheapest fee in the area. There was discussion with the town attorney on issues that arose in the preparation of the draft ordinance. The original ordinance was from 1915 and it didn’t apply to how the town functions and operated the cemetery now. The item was tabled for future meeting pending further information to be provided to the council.

\*\* Discussion Only

**NEW BUSINESS:**

**A. Arts Commission Representative- Re- Appointment Patricia Thomas**

Clerk stated that Patricia was not present and didn’t know how the council wanted to proceed. Patricia Thomas had not provided an update to the council in quite some time. She asked if they wanted to re affirm or table the item until Ms. Thomas could be present. Council Karl asked if there was anyone else interested in being on the commission and then stated that since she was not present they should not precede with appointment. Council Myers stated he felt it best to table to next meeting for her to be present and acknowledge that she wanted to continue as the representative.

\*Item Tabled to next meeting

**B. Marijuana Grow & Distribution**

Clerk stated that she wasn’t sure how to proceed on this matter; she had received emails asking how the

town planned to address zoning issues in relation to the legalization. She noted that the moratorium that was enacted in 2011 was expired and they could not put another one on. They actually had to address the issue. She referred the council to all the information provided in their packets about marijuana as a starting point of discussion. Council Myers stated he went to Google Maps and based on the law the towns hands were basically tied, there were no locations suitable with exception of ½ block on Pine St. The map he used was not an exact map of the town. Steve Burinsky stated that it would nice to have a color coded map. This

item was tabled for further public input. Clerk was instructed to place a notice of public hearing on the matter for the February agenda.

\*\*Discussion Only

**C. Amend Zoning Ordinance # 514 -Ordinance # 515**

Town Attorney Mr. Ridenour stated that no action was necessary by council tonight, that this was just a draft ordinance that addressed issues that were not addressed in the previous ordinance, a newer version. This ordinance would level the playing field for any utilities substation facility under the conditional use permit process. No action taken on this issue, pending public hearing.

\*Information Only

**D. Oath of Office Council Members- Karl, Hancock, Gerhardt**

Council Hancock and Gerhardt were not present, councilor Karl was sworn in by the Clerk Treasurer.

\* Information Only

**Mayor Comments:**

Mayor stated that the Town had been approached about changing the hours for the Spring Clean up; he let the council know the proposed hours and they wanted to collect the metal also. They would take everything but household garbage, Council Myers did not approve of the change in hours, Council Karl stated it was best to keep the hours and metal since it offset the towns cost of the event. Council agreed to keep the hours we have had in the past. Mayor went on to discuss his meeting with C-Tran board, he stated that it was the Town’s position that the voters had made it clear what their position was on C-Tran and that is how the Town was going to represent its citizens. He stated that he pushed for Yacolt to have its own seat on the composition board but there is still legal issues pending on the creation of the composition board. There was discussion that it may be resolved in Feb or Mar 2014

**Public Works:**

Nothing at this time

**Clerk Treasurer:**

Clerk noted to the council that the Big Foot Fun Run Flyer had been updated on the town’s website and that she was working on the actual Big Foot site, and Facebook pages, which just needed to have the flyer uploaded. The advertisement had been placed in the Runners magazine for the event and the other free websites would be updated as soon as possible. She noted council was in possession of the current budget standing to date.

**Executive Session:**

**Mayor read a statement citing the purpose of executive session and the topics and the purpose of holding it at the end of the meeting.**

**C-Tran Bylaws**

**CBA Negotiations**

**Lease Negotiations for wireless communication**

Meeting was adjourned to session at 8:25 pm and would resume at 8:45 pm

**Meeting resumed at 8:45 pm**

**WARRANTS**

\*Current Expenses: $ 2,205.72

\*City Streets: $4,241.12

\*Cemetery $ 8.81

Pay Bills presented in the amount of $ 6,455.65

MOTION: Karl

SECOND: Myers

VOTE: 3-0

YES: Councilmember(s): Urias Karl, Myers

NO:

ABSENT: Hancock, Gerhardt

Motion unanimously passed.

**ADJOURN** 8:50 P.M.

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Cindy Marbut Jeff Carothers

Town Clerk Mayor

Minutes approved on January 6, 2014