

**Town of Garfield**  
**TOWN COUNCIL MEETING MINUTES**  
**September 23, 2009**

**CALL TO ORDER:** Mayor Jarrod Pfaff called the meeting to order at 7:00 p.m.

**ROLL CALL:** Jarrod Pfaff, Andrew Flodin, Larry Hunt, John Kuehner, and Tim Southern. Staff - Public Works Superintendent Dave Ulrick, City Attorney Stephen Bishop, Fire Chief Brian Conklin, Police Chief Jerry Neumann, Clerk/Treasurer Annie Pillers. Absent: Rob Watkins. Guests: Lisa Hampton and Eric Hasenoehrl.

**APPROVAL OF MINUTES:** John Kuehner **MOVED** the minutes of September 9, 2009 be approved as written. Andrew Flodin seconded the motion and the motion carried unanimously.

**OLD BUSINESS:**

**CDBG-R Grant – 2<sup>nd</sup> Street Water Line:** Mayor Pfaff introduced Eric Hasenoehrl and Lisa Hampton with Keltic Engineering. Lisa addressed the council, noting Recovery Funds are very interesting and it's been a rapid project. The environmental process is nearly done. Keltic provided assistance to Annie where needed. Eric has the plans and he is working with Dave. Once the town has approved the plans, Keltic will send the plans and bid specs to the Department of Health (DOH) for their review. Lisa noted DOH has a 30-window for comment, but hopes it will be less time than that. The target date to award the bid is December 1<sup>st</sup>. Lisa expects to publish for bids on November 5<sup>th</sup> and November 12<sup>th</sup>. Eric said the intent is to have the plans as correct as possible before going to DOH. He has been working with WSDOT Rail for the portion of the water line under the railroad track. WSDOT does not have specific standards so Eric has sent them the plans for approval. Eric confirmed most of the project is within the same trench. He said along the North end, the line will go to the other side of the road because of the separation requirement from sanitary sewer lines. If the line is not moved to the other side of the road along that area, they would have to tear out the new curb, gutter and sidewalks.

The Mayor asked if the project could be done in December with asphalt. Eric said not with the asphalt. The work could be done. He suggested opening up a work window of 120 days. If the weather is nice, this would allow contractors to fit the project into their work schedule and be able to keep their crew busy over winter. He said it would likely be April when hot mix could be put down. Mayor Pfaff asked if the street would remain usable during this time and Eric confirmed this was correct. Eric asked if the plans could be reviewed and sent back by the town to him by the end of this week or next week. Dave Ulrick thought he could have the plans back by the end of this week. Dave said early review of the plans look pretty good, there were a few services missed that he could correct. Dave would walk the project tomorrow with the plans to make any needed corrections. Eric suggested one way to provide more flexibility would be to bid quantities for the project, allowing items to be added or taken away later. He noted the grant allows for up to 25% change of quantities without a change in price. After that it would require a price change. Larry Hunt **MOVED** that the town accept the 2<sup>nd</sup> Street Water Line Replacement contract with the Department of Commerce. Tim Southern seconded the motion and the motion carried unanimously.

Eric Hasenoehrl and Lisa Hampton left the meeting at 7:10 pm.

**POLICE DEPARTMENT:**

Police Chief Jerry Neumann provided council with the August 2009 Activity Log. He confirmed the department would be working on junk vehicles again. The Mayor said they would not be so lenient with waivers. Chief Neumann talked about the good working relationship with the school.

Mayor Pfaff addressed concerns raised by Donna Poire regarding barking dogs. Council discussed the idea of raising the fines and intensifying the enforcement. Get a warning once, if there is a repeat

complaint a citation is issued. Chief Neumann indicated the courts have stated it's a dog's job to bark, but not continuously or be a nuisance.

Larry Hunt indicated his disagreement with Donna's letter that she should not be responsible for identifying the dog that is barking. He said citizens have a responsibility to do a little homework, find out who owns the barking dog and then tell the police. Otherwise the police could spend hours and hours. Tim Southern agreed with this. Chief Neumann noted if citizens call at the time of the dog barking, they can come out, sit and listen and document the dog barking.

Council discussed the current fines of \$25 for the first offense, \$50 for the second and \$100 for the third. Chief Neumann reported in previous dealings with the court, the judge told him not to waste his time with a \$25 fine, indicating \$25 was not a deterrent. The idea of giving the police department discretion on the amount to be levied was proposed. Brian Conklin opposed this idea. He said when a person is doing 10 miles over the speed limit, he gets a set fine, and the fee is defined that way. He said if you throw in discretion, that's what a judge is for. Larry Hunt said if the council didn't act on this issue tonight they should do so at the next meeting. He's heard lots of grumblings about the dog situation. Council agreed setting fees should not be difficult. Tim Southern suggested starting at \$50 and doubling it from there - \$50, \$100, \$200. Larry Hunt **MOVED** to increase the dog nuisance fine to \$50/\$100/\$200. Tim Southern seconded the motion and the motion carried unanimously. Stephen Bishop would draft the new ordinance.

Council then addressed Donna Poire's second issue – the early weekend start of 8:00 am at the gun club. Tim Southern said if they were starting early, at 5:30 or 6:00, but starting at 8:00 am, he doesn't have a problem with that. Andrew Flodin agreed. Larry Hunt talked about the unwritten agreement the gun club has when they have their annual week clay pigeon shooting, they don't start shooting until 9:00 am. Larry Hunt had checked on the noise ordinances in Pullman and Moscow. They were more geared towards residential areas near industrial areas and have a 7:00 am requirement. For the working guy, 7:00 am is not early. Larry Hunt felt a gun club start of 8:00 am was okay. John Kuehner noted the town had not heard other complaints. Chief Neumann referred to an RCW for industrial noise. Brian Conklin said he had a similar experience one time when working for a contractor. Council determined no action was needed at this time.

### **PUBLIC WORKS:**

1. Reservoir Overflow Meter – Dave reported H2E out of Liberty Lake had given him a quote on the programming of the system. The float switch is \$75, the reprogramming is \$3,760 and the starter kit is \$645 for a total of \$4,480. They will be able to program the controller to handle the float switch and document the system. The town will then know how the system works and so will they. The town will get a copy of the source code. Right now the town does not have any source code for the existing system. Tim Southern asked about a simple shut off valve. Dave noted it needs to be programmed into the system. Larry Hunt asked about other companies. Dave said when he talked to the manufacturer they gave him H2E as the company that services this equipment. The other company is on the west side of the state. John Kuehner asked why the town didn't get the source code when initially done. Dave indicated the engineer tells the subs what needs to be done. The town didn't know we should have this source code. The town was supposed to get the software but then the guy retired. Tim Southern **MOVED** to accept the quote and hire H2E to do the reprogramming. Andrew Flodin seconded the motion and the motion carried unanimously.

2. 2<sup>nd</sup> Street Water Line Plans – Dave said he would look at the plans and walk the route tomorrow at 2 pm if any one wanted to come along. He noted there was approximately 112 feet missing from the plan. Larry Hunt said it was a good deal for the town bidding on quantities and also giving a longer work window, 120 days. Both of these options will benefit the town with a better price.

3. Well Decommissioned - The bill from Fogle Pump for decommissioning the well was much lower

than expected, nearly half of the contract price of approximately \$10,000.

### **NEW BUSINESS:**

**1. Resolution 2009-16 2009 Personnel Manual:** Mayor Pfaff talked about the 2009 Personnel Manual, stating most of it was the same. Martin Luther King Day and Veteran's Day would be recognized as holidays and there would be no smoking in town vehicles. There were new job descriptions too. Larry Hunt **MOVED** to pass Resolution 2009-16, adopting the September 2009 Personnel Manual. Andrew Flodin seconded the motion and the motion carried unanimously.

**2. Credit Card Purchase Limit Resolution:** Mayor Pfaff talked about the credit card purchase limit that was tabled at the last meeting. He noted especially with Brian, if he needs an item, he can call the Mayor. Mayor Pfaff noted if there is a budget, purchases that are not made on the credit card don't require the employee to ask. If the item is above and beyond the budget, they have to come to council. John Kuehner preferred council having to approve the expenditure, stating that's what the council is for. There is hardly anything that couldn't wait 2 weeks. Dave Ulrick said he did not have an issue with the \$800 credit card limit as generally he has the companies bill the town direct and he can spend more than \$800 when billed. John Kuehner said even if there \$50,000 in the street fund and Dave wants to buy a new 4-wheeler that needs to come before the council.

Brian Conklin explained in the hospital district he worked at he was authorized to spend up to \$5,000 on his signature, over \$5,000 the department head had to sign off, even though budgeted. If more than \$10,000, the purchase went to the CEO for approval. Only purchases over \$10,000 went to the commissioners. Stephen Bishop said it would be imprudent to have a policy like that. Brian Conklin suggested differentiating between capital outlay versus items with a lifetime less than a few years – supplies or minor equipment. He noted as the Fire Chief, if he has a tire go out he will replace it.

Larry Hunt said there was no reason to spend more than \$1,000 without it coming through the mayor or council. He felt the town needed to have safeguards and not allow someone to spend over \$1,000 on a whim. He noted an emergency it's a different situation, such as something with the Fire Chief that can't wait. In an emergency, the council could hold a meeting or make phone calls and not have a meeting. Brian Conklin noted the fire department is hokey as the district will pay one half.

The Mayor talked about dropping the resolution and coming up with a policy. Annie confirmed the town has a written policy for purchases over \$7,500 as part of the purchasing and bidding resolution. She has not seen any other policy in writing. She would prepare a written purchasing policy for council consideration at the next meeting.

**3. November/December 2009 Council Meeting Dates:** With the upcoming holidays in November and December, council set the second and fourth Mondays of November (9<sup>th</sup> and 23<sup>rd</sup>) and the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of December (7<sup>th</sup> and 21<sup>st</sup>) for their regular meeting schedule.

**4. Resolution 2009-17 CDBG-R Grant Contract:** Larry Hunt **MOVED** that the Mayor be authorized to sign the CDBG-R contract with the Department of Commerce for the 2<sup>nd</sup> Street Water Line Replacement Project. Tim Southern seconded the motion and the motion carried unanimously.

**5. .09 Grant Funds:** Council agreed, since the waterline extension project was not able to move forward, the town should send a confirming letter to the county declining the .09 funds awarded last year.

**6. Railroad Right Away Tree Removal:** Annie Pillers reported a recent request from the school to have the tree along the railroad right of way on 3<sup>rd</sup> street removed due to the unsafe condition it caused with apples and branches, requiring that students walk in the street. The railroad was

contacted and told of the unsafe condition and public nuisance it caused. The railroad was agreeable to the town removing the tree. Council was agreeable to the tree removal.

**7. Initiative 1033:** Upon the request of Mayor Pfaff, City Attorney Stephen Bishop, for planning purposes only, gave an informational talk on Initiative 1033. He said it would be on the November Ballot and asks whether we should place limits on growth in revenue by municipalities and the state. Stephen spoke with Pam James at Municipal Research, the I-1033 expert. He believes Garfield won't be subject to the initiative as it only refers to state, counties, school districts and cities. This had not occurred to Pam James. Garfield is not a city and nothing defines a town as a city. He asked Pam about earmarking a portion of our utility tax for specific things, a reserve account. She said that was an open question and certainly a valid interpretation that will be litigated.

If passed, the revenues collected by the town in 2009 are the base rate of revenue we can collect. If population does not go up and there is no inflation, revenue has to stay the same. If population and/or inflation go up, revenues go up. If revenues exceed the base rate, the excess from the base rate gets put into an account, then next year the general levy goes down by that amount. Special levies are not subject to the limitation. Stephen Bishop confirmed city assistance would be affected also since the initiative reads the revenues you "get." Since the town is getting a lower amount in city assistance this year, that lower number would be used in setting the base rate of revenue. The initiative limits revenues even if town expenditures increase. There was brief discussion of the Office of Financial Management's interpretation of general fund and that town's would be included. This was a lawsuit filed on this to get a ruling on the matter. Stephen Bishop indicated courts do not add to initiatives. If something is not written in the initiative, it's not added by the courts.

Stephen confirmed the difference between a town and city is the population. A town has a population of less than 1,000. He said the initiative specifically states state, counties, school districts and cities. There is no mention of towns.

**APPROVAL OF CHECKS:**

Larry Hunt **MOVED** to approve the following bills presented to council for payment. Tim Southern seconded the motion and the motion carried unanimously.

Check Register #9174-#9191. Claims: \$55,952.00 Payroll: \$6,122.11. TOTAL: \$62,074.11

Spoiled Check: 9179

**FIRE DEPARTMENT:** Brian Conklin reported most of fire hydrants were flushed last night. He has 6 more to flush tomorrow. He talked about some problem founds - no water at 2<sup>nd</sup> and Union, leaky tops and 3 with stripped heads. He confirmed there was some erosion and he would be filling in holes. It was noted near John Orfe and near the Legion on the state highway, there was rock all over. He said he would have to do something better next year and talked about a deflector system. Larry Hunt asked if he had done one hydrant at a time. Brian said the water system is supposed to handle 2 hydrants wide open hydrants and normal usage. He had two teams operating. Brian also noted vegetation needs to be trimmed back at some hydrants and he will be contacting the landowner or the city will have to do it. Larry Hunt said the fire department might do it. Mayor Pfaff suggested Brian get with Dave and figure out the list of repairs.

**ADJOURNMENT:** Larry Hunt **MOVED** to adjourn the meeting at 8:15 p.m. Andrew Flodin seconded the motion and the motion carried unanimously.

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**Jarrod Pfaff, Mayor**

**ATTEST:** \_\_\_\_\_  
**Annie Pillers, Clerk/Treasurer**