

Town of Garfield
TOWN COUNCIL
REGULAR MEETING MINUTES Preliminary Draft
Town Hall – March22, 2017

CALL TO ORDER: Mayor Ray McCown called the meeting to order at 7:00 PM.

ROLL CALL: Mayor Ray McCown, David Jones, Dave Ulrick, Neal Leon, Mark Young and Daymon Marple arrived at 7:16. Staff: Clerk/Treasurer Cody Lord and Public Works Reuel Klempel and Mark Phillips Absent:

GUESTS: Diana Washington with the Department of Ecology, Jerry Love, Tim Southern,

Diana Washington is here to talk with the town about the legal documents that were sent concerning the waste water treatment plant (WWTP). She would like to help explain to the council what to expect and how the town can solve some of the future problems. Diana explains that DOE was given the legal paperwork at the same time as the town. Diana reminds everyone that she was first here three years ago and talked about what it means to be a NPDES discharger and the potential for third party legal issues because the town is in violation of the Clean Water Act. The Snake River Water Keepers have issued a 60 day notice to comply with the parameters of the NPDES permit the town holds and for every day the town is violating the permit standards there could be up to a \$37,500 penalty per violation. This notice is mostly to bring it to the town's attention that they need to stop violating the NPDES requirements.

This notice gives Garfield 60 days to work with them to identify a path way forward and the best case scenario would be the town pays for the legal expenses of preparing the Notice of Violation. If Garfield doesn't comply then a settlement will be negotiated for damages. Diana said that the City of Moscow is a great example of where they were having issues with their plant and EPA fined them several thousands of dollars. Also communities like Rockford and Tekoa have been through similar situations and they worked with the river keepers before the Notice of Intent was filed against those communities. These environmental agencies have only one mission and that is to monitor the discharge to the rivers, however when you are in violation of the NPDES any person can take up action against your town. Diana said there is information out there from other communities and she would suggest talking to them and said to keep in mind once the attorneys start working on the matter it only becomes more expensive.

Diana said the town will have their initial meeting with the river keepers and possibly they will not bring their legal representatives to the first meeting which the upside to that is it will be cheaper for the town. At this meeting she would suggest getting familiar with one another and stating how you are planning to make improvements in the near future and what you have been doing to better the situation. The next option is you can draw a line in the sand, she strongly suggest not going this route as it can become very expensive quick. At this moment Diana said the cost of doing something else other than operating the current plant would be very expensive but the cost of maintaining the current system will also be expensive in its current condition. The cost of repairing the I&I issues and manholes around town will be expensive but not nearly as expensive as paying \$37,500 per violation per day.

She states the plant is a daunting job especially with an older plant like Garfield's and it takes man hours to make it function correctly, but once the plant is up and running smoothly again the hours will taper off. Diana says the town's situation is going to cost money bottom line, either you are paying for legal fees and fines and that money goes to the federal government or you choose to fix the I&I and other plant issues and keep the money in your town for your system. She thinks the town's rates will need to go up at some point to deal with the problem. Because the town has been sent the NOI and because of the demographics of the town there are federal loans and grants the town will qualify for and will receive higher points because of the current situation. Mayor McCown said in 3.5 years the plant will be paid for and possibly the town can evaluate at that time what changes they would like to make and secure the funding for that program.

Daymon Marple suggested the town should possibly look at a lagoon system in the future. Diana says the

reason you are where you are is because you have been paying off the current loan and focusing just on the operation of the plant and forgotten about the maintenance and up keep of the plant, if the town is not fully fixing situations as they arise and only patching the necessary items, the problems become bigger and bigger over time. Diana said from what she saw today at the plant the town is really close to not being able to keep it together much longer. She said the current operator has come up with ways to manage the issues and flows at the plant that are creative, but she thinks the money needs to be spent to fix the I&I problems and doing it as soon as it gets dry out. She said she has no magic fixes for the situation the town is in but she is happy to see the town has a certified operator and she hopes the other OIT is out at the plant receiving training and getting his testing completed.

Diana said the town should be prepared for the river keepers to run their own series of tests at the plant or what is called a split sample to make sure the town is reporting correctly. It is imperative that what comes out of the plant in the future must meet the water quality standards for the permit. Diana is willing to assist in any fashion she can during the meeting with the water keepers and will attend the meeting if invited. Mayor McCown asked if the town can set up a meeting with the water keepers at the DOE offices in Spokane, and Diana said she is fine with having the meeting at her offices or she would be available to come to Garfield again just keep her informed of the planned meeting date.

Diana wrapped up the meeting stating this is frustrating for her because she had been working nicely with the town on moving things forward. Mayor McCown said Cody will schedule the meeting and make sure everyone is informed. Diana said again she will not interfere with the process unless she is invited and that she can't council because she is not legally able to do that but she can inform us on what other communities have gone through. Diana also said they may think that DOE hasn't done their job since this should have been taken care of back in 2011 but they don't know all the time DOE has spent in Garfield trying to help move this plant into compliance, Diana can communicate that to them at the meeting. They will want to know what the plan is going forward and what the plan is once the plant is paid off. You can also ask the river keepers what their thoughts are and suggestions. The creek has pretty low flows in the summer time to the point it is almost non-existent so they need to keep in mind the consequences of potentially all communities no longer discharging to the surface water and how that will affect things. Mayor McCown said Cody attempted to call them to schedule a meeting the first day of the notification but they are currently on spring break.

APPROVAL OF MINUTES: Dave Ulrick **MOVED** to approve the minutes of the Regular Council Meeting March 8, 2017. Neal Leon seconded the motion and the motion carried unanimously. Mayor McCown pointed out a misspelling of Mark Young's name in the minutes.

POLICE DEPARTMENT REPORT: Police Officer Joe Handley present for this meeting.

Officer Handley said there have been numerous calls for support but nothing noteworthy at this time.

PUBLIC WORKS REPORT: Reuel Klempel and Mark Phillips are present for the Public Works Department

Water

- The Department of Health will be down on April 18th to do the sanitary survey where they come through and look at the system and inspect everything. They will need to dig up the historic paperwork for this meeting.

Sewer

- Mark passed his Level I Operator test and scored high. He will be going on vacation and will be gone for 2 weeks so Reuel will be picking up all the normal duties and running the garbage truck on Mondays.
- Flows have finally gone down to the 50,000 to 70,000 gallon a day ranges and in December they had zero violations. January and February have been heavy flow months so there were some permit violations during those months.

They had to install a temporary pump to move things around at the plant and as long as the flows are not astronomical it will sustain. During January high flows it brought a whole bunch of debris to the plant and pushed the TSS and BOD levels high throwing them over the limit for the week and total flows. February the flows were heavy again which has remained consistent until just recently. In February the only violation was the flow. In March they are expecting and receiving high flows and the pumps are not able to keep up with it so the system has overflowed to the polishing pond and they may be in trouble of overflowing that soon with all the moisture. With the high flows the clarifying basin goes clear and there is no treatment taking place. Reuel stayed all night at the plant one night rotating valves to manage the flows into the system. Mark later went back and continued the rotating valves every couple hours but says he can only maintain that during the day.

Reuel suggests digging down about 10 feet to the valve and putting a saddle on it and run it back to the pump which would be the quickest and easiest fix. Reuel also found out that the influent meter doesn't work and when it goes over the sensor it won't read at all. He ordered a MAG meter. Concerning the other issue with the room flooding down below, Reuel put a link belt in there and changed a check valve. There is a pump spraying water out the side due to a bad seal. With the high flows it filled the wet well and hit the ultrasonic sensor and then shut everything down. For a couple thousand dollars they can get a pressure sensor and it will be able to be submerged in water and not shut off. Reuel also said the influent pumps are having issues so he had pump tech come by to look at them and parts would be around \$1,300 to rebuild the pump. Mayor McCown said these are the pumps they were purchasing before costing about \$7,500.

Reuel said he didn't realize that he needed to bring these items to council's attention to get approval to purchase them and said he was under the impression they were already budgeted in the approved budget. In the future he said he will keep the council up to date on the larger purchases he is making. He said he ordered the flow meter a couple months ago and it just showed up and it was about \$2,500. The cost of chemicals is higher than usual because they have to use more chlorine to treat the additional flow at the plant. They usually use about 4lbs a day but right now they are up to 10lbs. Reuel took an ammonia sample and the grab sampled out at 1,600, he is not supposed to get over 100 so that would be a violation. Another issue they are dealing with is the chlorine needs to be measured in micro grams and Mayor McCown said this is the thing they need to get accredited for. Reuel ordered the chemicals to conduct this test.

They called EPA and Hach to make sure they have the right testing method. Just the consumables to run this test are between \$8.00 and \$10.00 a day. The meter to conduct this test is old and no longer has replacement parts for it and if you have a problem with the meter that requires replacement it will cost about \$4,000. There are a few other additional items that are needed to complete this test and to wash out the glassware once the test is complete. Daymon said it seems like there are a lot of items that are costing a lot of money to test, is it possible it can be sent out to be tested and Reuel responded no because the test must be completed within 15 minutes and there is no testing facility close enough to make that time cut off.

Daymon asked shouldn't the state take into consideration overflows from time to time and if they don't, possibly there needs to be a reality check for them to write the permit correctly. Reuel said DOE writes that permit based on the numbers from the engineers that designed the plant, they made those tanks certain sizes for capacity and there are times when you will reach peak flows. Daymon asked Reuel and the council if the I&I issue was resolved would the plant operate correctly and without violation. The town increased the sewer rates to collect another \$50,000 to take care of Reuel's additional salary rate and the rest to repair the issues with the I&I. Daymon says it seems to him the issue with the I&I needs to be fixed. Reuel said there are two issues; the I&I issue and meeting the testing requirements at the plant. Daymon said in reality the town has never met the testing requirements and standards at the plant because the I&I has never been fixed. Mayor McCown said you have to keep the plant operating, you can't fix the manholes and forget the plant in the meantime. Cody said in the last 3 months the town has only been violation free 1 month and that was the month we didn't have high

flows because everything was frozen, wouldn't it make sense if the town has 60 days to comply and in those 60 days the town will still be facing high flows, shouldn't the public works be focusing on fixing the worst of the I&I issues so the flows are reduced and they can then operate a plant towards compliance.

Reuel said Front Street on the main line going to the plant was flooded out into the field and one of the manholes was a couple feet under water. He plugged the holes on a couple other ones to slow the flow into them. There are some that need risers so they are not below grade. Reuel explains to the council that DOE has the submitted application for the new permit but they have not moved forward on it yet. He explains when Ellie left to go over to the Olympia office, Diana took over her work load and is probably behind on issuing a new permit to us, however they are not waiting on us, we are waiting on them.

Mayor McCown asked Reuel if there was anything else on his list of items he needs to purchase and said the repair kit that is needed is a two week lead time so they need to get on that. Reuel said that he needs to order viles for doing the ultra-chlorine test. Mark Young asked once you get the testing items together how long will it take to get it done and Reuel responded once they are approved for the testing method they can get started immediately. There is a fee of a couple hundred dollars to set up for the testing. You have to do a couple pilot tests and send them in to make sure you are doing them correctly, they send you some random tests and you have to figure out with your testing procedures what the numbers are and make sure they are correct with their numbers. Reuel said once the chlorine, DO and the I&I are down then they will be able to keep that plant in compliance.

Mark said they need to get the plant beyond temporary fixes and at the same time be mindful of the budget and not bankrupt the town. Reuel assured the council he was not spending money on things that were not needed. Mark suggested they approve the money to purchase the items he needs to fix. Mayor McCown said they definitely need to make a motion to buy the part to complete the pump repair. Daymon Marple **MOVED** to purchase the parts to fix the pump at the wwtp. Mark Young seconded the motion and the motion carried unanimously. It is estimated the cost to repair the pump will be between \$1,000 and \$2,000.

Reuel said they have most of the wire and conduit to fix the new testing meters that go at the end of the pond but they still need to get a junction box in place. Mayor McCown said they are waiting for the ground to dry out in order to finish the installation. Neal asked if the plant originally had all of these sensors and he is replacing them or is he updating the plant. Reuel said the plant has a manual DO and PH probe which was destroyed so they have replaced them with automatic ones. Currently they have to take water from the pond to the plant to get the sample but once the wiring is done it will take it automatically and even on the weekends so weekend labor wouldn't be needed any longer. Daymon said he believes there is enough going on at the plant right now with everything that has been ordered and suggests that they get moving on the I&I issues at this time. Dave Ulrick asked if they currently don't have a portable DO and PH meter at the plant and Reuel said the old testing meter doesn't work so they ordered another one that will take the readings electronically but it is still being installed.

Garbage

- Mark said they are finally getting back on track with garbage and that he will be taking Reuel to the dump to show him the facility and process so Reuel can do the garbage route while he is gone.

Streets

- Mark said the streets are being swept when he has time and he has repaired a couple of the major potholes around town. David Jones said he has fielded a couple complaints from residents about potholes this year and Mark said the bus route is the first priority to getting them fixed. Reuel stated the Elberton road below 4th Street has really broken up badly and they have placed warning barricades there but the road base will need to be re-done as it appears it will not be repairable. Mayor McCown said they will need to dig down the surface and put 5/8s down and pave over that. There is another spot breaking apart below the school hill by the railroad tracks, possibly there is a

natural spring there.

Park

- The park is still very wet so there is nothing going on there.

OLD BUSINESS:

1. Surplus Gator, Orange Dump Truck and Cop Car (Minimum Bid Amount)

Mayor McCown said that Mark looked up some base prices for the three pieces of equipment that are up for surplus. Mark said the old cop car is worth about \$400, the gator is worth about \$1,000 and the orange dump truck is worth about \$1,500. Neal said he looked at gators and he found them at about \$3,500 to \$6,000. Reuel suggested setting up with the Washington state surplus site and list the equipment there and let them take care of the details for a surcharge. Cody said in order to list with an outside agency they would need to have an interlocal agreement with that agency that says they will fulfill the requirements of surplus items for the town. In order to do this Cody will need to talk with this agency and get that rolling if that is how the council elects to move forward. He will also have to have Eric Hanson at Bishop Law Office review that interlocal agreement and they would most likely need to enter into that agreement via a resolution so he will need more time to make that happen. Daymon asked if the cop car still has the radio and lights installed on it. It is thought it does and they will have to be removed before the car is sent to surplus. Cody will work with Bishop Law Office and the surplus agency to see if it makes sense to go that route.

2. Councilmember List of Priorities

Mayor McCown said councilmember Mark brought in a list of items he would like to see completed. Mark said the first item he would like addressed is the current I&I problem. He thinks they should reintroduce a ballot measure again like the one that was offered last fall to repair a section of street in town. Dave said the comments he got from around town is that it would fall flat again because it was one specific street that is not highly traveled. Mayor McCown said they picked that street because it is one of the worst streets in town along with the one up by Mark's place. Neal said they also need to look further into any available grants and free money. Dave said the Dept. of Ecology should have grants available for the I&I problem and Cody explained he and Mayor McCown called Keltic Engineering and specifically asked them about I&I granting opportunities and they said there is nothing right now unless you can tie it to your storm water system.

Mayor McCown believes they need to look at the street levy again and get out and educate the community on what they are attempting to do otherwise these roads in town are never going to get fixed. Neal said he heard several times, why did you pick that street. Mark suggested having another community meeting and seeing what streets the community finds most appealing to address, open the dialog to the community so they are aware of why the town is trying to fix the streets through levy money. Possibly they still won't want to do it but at least the town has tried to inform them. Another item on his list is supporting any small business possible that is wishing to come to Garfield such as the restaurant space or helping getting signage to the coffee shop in town. Mark Phillips said he ordered the parking sign and it should be here soon.

Mayor McCown said another item they could be talking about is possibly purchasing the mobile home park. Cody notified council there is now a 5th wheel trailer in the park which doesn't really meet the criteria of a mobile home trailer but is a recreational trailer being used for shelter and suggests maybe the planning and zoning should take that matter up. Neal said the ordinance talking about the mobile home park has not been updated in a while and maybe it is time to take a look at that ordinance and see if there are any necessary changes needed. Jerry Love said he believes public safety items such as working fire hydrants should be added to the list. He said he understands there is a lot on the table right now but beautification items should be falling below wwtp items and public safety items. All of the yellow tape that once marked the non-working hydrants has blown away. Mark Phillips said the hydrants are still on the list of priority

items to take care of, Reuel ordered the parts to rebuild one of the hydrants and they are looking to source those parts. If they can locate the parts needed for that hydrant it will be less than half the cost of purchasing a new one at this time.

NEW BUSINESS:

1. Cascade Digital Forensics Alley Access

Mayor McCown said that Marcus Munn from Cascade Digital Forensics has gotten the lot surveyed that he is wishing to stick the utility building on and there is an old alley that enters that property between him and Sally Elder's property. The cable box he needs to pull wires from is just on the south side of the road and there is a tree that might be a little problematic to entering straight on so Marcus is wondering if he can angle the gravel road he will be using to access the property. It will not require him to cross any other private property. Dave said if he can angle the gravel and still access the property without driving over someone else's private property, then there should be no problem. Mark Young **MOVED** to allow Cascade Digital Forensics to gravel an alley access from 4th street. Dave Ulrick seconded the motion and the motion carried unanimously.

2. Manhole Issues on 7th, 8th, 9th and Front Street

Mayor McCown said there is a barn built over the top of the town's utilities on 9th Street and there are also three manholes down on Front Street with a fence built over them and a pond near a couple of them. There is currently about two feet of water sitting over the top of one of the manholes. Reuel is going to look for the third manhole tomorrow that they currently aren't able to find. Mayor McCown thinks they should make the homeowner remove the barn so they can dig a ditch down 9th Street to the creek for better drainage. Neal said this is a priority to get in there and get that done especially with the current I&I issue. Mark said he can see several potential issues with this situation and thinks the town should get the attorney involved as soon as possible and express to them what the issues are and how the town plans to take care of it. The pond was created by damming up an area to collect the water without the town's approval. Also the town should contact the building inspector and see if he can go down there and assess the situation. The adjacent landowner to these issue manholes has sent in a request to come and talk with the town about abandoning the roads that enter her property and said she would like to approach council about the matter before too long.

Mike Nodine said he knows this is not a priority with all the items the town has on its plate at the moment, but he would like the town to take a look at the drainage on 8th Street and Manning Street. The water there is just standing and the neighbor with good intentions tried to divert the water but could possibly make things worse for Mike's property. Mayor McCown said the town needs to replace the water service line to Grossman's residence and they will take a look at how to drain the water from there at that time, he doesn't feel like any action can be taken at this time but later in the spring they could get to it. Mark did go up with the backhoe and tried to divert some of the water. Daymon said while Mike was here he would like to thank him and Busch Distributors for the services they provide to the town. Daymon wonders if they are going to be changing the lighting at the Busch pumps anytime soon and Mike said they will get to it but beyond that Garfield probably won't be receiving any updated equipment at that facility.

FINANCIAL:

Approval of Checks: Daymon Marple **MOVED** to approve the following bills presented to council for payment. David Jones seconded the motion and the motion carried unanimously.

Check Register #12667-12669 Plus EFTPS
Check Register #EFT Dept of Revenue
Check Register #12670-12673

Payroll: \$7,669.22
Claims: \$1,195.57
Claims: \$28,097.82
Total: \$36,962.61

ADJOURNMENT: Daymon Marple **MOVED** to adjourn the meeting at 8:36 PM. Mark Young seconded

the motion and the motion carried unanimously.

Ray McCown, Mayor

ATTEST: _____
Cody Lord, Clerk/Treasurer