

Town of Garfield
TOWN COUNCIL MEETING MINUTES
December 7, 2009

CALL TO ORDER: Mayor Jarrod Pfaff called the meeting to order at 7:04 p.m.

ROLL CALL: Jarrod Pfaff, Andrew Flodin, Larry Hunt, John Kuehner, and Rob Watkins. Staff – Public Works Superintendent David Ulrick, Police Chief Jerry Neumann, Clerk/Treasurer Annie Pillers. Absent: Tim Southern. Mr. Bruce Roper 7:08 PM.

APPROVAL OF MINUTES: Annie Pillers noted she corrected a typo in the November 23rd meetings, completing the check number sequence for the checks approved. John Kuehner **MOVED** the minutes of November 23, 2009, as corrected with check numbers and the minutes of November 30, 2009 be approved as written. Rob Watkins seconded the motion and the motion carried unanimously.

VEHICLE ABATEMENT HEARING: Mayor Pfaff opened the hearing at 7:08 pm. Mr. Roper addressed the council regarding the November 4th letter from the Police Department about junk vehicles. He asked why his son Matt was included on the letter. Chief Neumann asked if any of the vehicles were registered to Matt or on his property. Mr. Roper said no. Mr. Roper also asked why he was the only person to have vehicles tagged. Mayor Pfaff indicated there were 13 others with vehicles to be tagged. He noted Officer Merry had not been able to get those other sites tagged yet. Mr. Roper felt that he was being singled out. Mayor Pfaff explained they started with him because the last time they did this Officer Merry worked out some agreement with him. Mr. Roper said since then the ordinance had been re-written and showed the council the old and new ordinance. Mayor Pfaff said the new ordinance, with the 5 requirements, was passed in 2005 and that he became Mayor in 2006. Mr. Roper could not remember for sure the last time he had vehicles tagged by the police department. Mayor Pfaff said it was about 2 years ago, since he has been the mayor.

Mr. Roper stated that every vehicle he has was tagged except the 95 Dodge pick up. He explained that he was a collector and planned to restore the vehicles. Mayor Pfaff confirmed a few months back the council talked about the junk vehicle issue and that they had been slack in enforcing it with the new officers. Mr. Roper said he had gone back through the minutes and the council started bringing it back up in August. Mayor Pfaff indicated the town has to start cleaning stuff up, noting he hated the junk ordinance as much as the next guy. Mr. Roper agreed as a car collector/car restorer. He explained that all the vehicles run and all are licensed. Some do have cracked glass but all the glass is there. Rob Watkins reviewed the November 4th letter. He was asked about the vehicles being insured. Mr. Roper said they are not insured since they are on private property. His intention is to build a shop this summer and put them all away. Mayor Pfaff noted he could build a fence. Rob Watkins asked if the Impala was licensed. Mr. Roper confirmed the 1966 Caprice was licensed. He said all the vehicles are really nice cars, they need some interior work, but no extensive exterior damage. Chief Neumann asked how long the cars have been there. Mr. Roper said since 1985. It was noted 5 of the vehicles meet 4 of the junk vehicle criteria, 3 meet 4 of the criteria. Mr. Roper said the 1987 Red Nissan is gone as it belonged to another person.

Larry Hunt asked Mr. Roper if he had read the ordinance. He said yes, up and down. He noted Mr. Roper could chose to build a fence so the vehicles could not be seen from the road. He asked him what he could do to be within the regulations. Mr. Roper said he believed he was within the regulations and that he would work with the town. He personally did not believe his vehicles met the junk car ordinance. John Kuehner asked about the vehicles having to be moved. Chief Neumann explained this was only vehicles on city property, not private property. Chief Neumann asked Mr. Roper if he ever runs the vehicles. Mr. Roper said once or twice a year.

Rob Watkins noted the ordinance had been passed in 2005 and asked Mr. Roper the last time he was

cited. He could not remember for sure, but thought probably in 2006. John Kuehner asked him how many times he had been tagged, 2 or 3 times. Mr. Roper didn't know but thought probably this was the 2nd time. Mayor Pfaff said unless council had a better solution, Mr. Roper needed to build a fence or move them. Rob Watkins said unless the council changed the ordinance, that was all they could do. He said if the council passed an ordinance today, he hoped in 5 years someone would say let's stick with it. Larry Hunt noted the council had gone over the existing ordinance and agreed to enforce it. He didn't like it either but it needed to be enforced.

Chief Neumann went through the vehicles listed and the criteria noted with Mr. Roper. Mr. Roper updated him on the vehicles being licensed and that they were in running condition. Mr. Roper said he would be glad to start the vehicles and run them, but not in zero degree temperatures, especially the vehicles with 30 weight oil. Mr. Roper asked about the requirement that the vehicles be insured. He did not agree with this as they were not on a public highway. He felt the ordinance read license tabs or insured, not both. Chief Neumann corrected him that the Town of Garfield ordinance required the minimum insurance on the vehicles along with valid license plates or tabs. Mr. Roper disagreed with this interpretation. Mayor Pfaff said the town has to go with what the attorney tells them and his interpretation.

Chief Neumann explained Mr. Roper was in violation of the ordinance and needed to abate the violation. He could remove them or fence them. Mr. Roper said he would remove them. He re-confirmed he had just licensed all the vehicles. Mr. Roper questioned why he needed to insure the vehicles if he was just parking them for the winter and not driving them on a public highway. Rob Watkins asked Mr. Roper if they were collectible, why he would not want to insure them. Mr. Roper confirmed he has had problems with parts being stolen off the cars and the windows shot out.

Larry Hunt noted the reason for the hearing was to get things done and it sounded like Mr. Roper got some things done since notified. He talked about the issue of vehicles not running and that can't be driven down the street. He suggested maybe rechecking and make sure the vehicles still meet the ordinance. Chief Neumann confirmed the vehicles need to be road worthy and road legal. He wanted to see them go around the block, not just a field. He noted road worthy also means insurance. Chief Neumann offered to go out and check the vehicles when it was a little warmer. Mr. Roper said he was going to be gone for a few weeks and that he preferred not to start them now in zero temperatures. Mayor Pfaff noted he could see how this could go and didn't want to see it drag out – too cold, too hot, on vacation. Larry Hunt suggested setting a date tonight to look at the vehicles when Mr. Roper returns. He said when that date arrives they need to be proven ready that date, even if it means taking a propane heater out to warm them up. Mr. Roper suggested Wednesday, December 23rd. A time of 1:00 PM was set. Mr. Roper assured council he wanted to work with them. Mayor Pfaff said he appreciated his attitude. Larry Hunt agreed council wanted to work with him. Rob Watkins noted there were another 13 more coming through and agreed the council needed to be flexible, but not too flexible.

Mr. Roper talked with council about the requirements for a fence. It was clarified the fence needed to be 6 feet tall and needed to be a privacy fence so the vehicles could not be seen. It was agreed he would need a 3-sided fence with all the vehicles behind it. He asked if it was okay that the open end of the fence was facing McGregor's dry shed and was told that would be fine. Mayor Pfaff confirmed there were stipulations on the fence, such as it could not be tin on a fence post. Mayor Pfaff reconfirmed, if any of the vehicles meet 3 of the junk vehicle criteria they need to disappear, be inside a fence or they will get towed. Mr. Roper said he would hope the council would give him time to build a fence. Mr. Roper was asked if he was going with the fence option rather than running vehicles. Mr. Roper said he would rather have them run.

Mr. Roper said he had one more thing to say that had been eating on him. He said he had done lots over 20 years, like donating the bricks at the Welcome to Garfield sign, donated the railroad ties

around the play equipment at the park and the many years he organized and ran the 3 on 3 event during the May Days celebration. He also noted he saved the town \$300,000 by allowing them to go across his property with the sewer line. He said he had done a lot for the city and felt like this was kind of a slap in the face. He felt the town should have come and talked with him rather than sending him a letter. He said he would like a little respect and felt like it was a personal vendetta. Larry Hunt said he was wrong, that there was no vendetta. He said this was a case where the council decided to enforce the ordinance that has been around since or before 2005. He noted Mr. Roper was first on the list but there were 13 on the list behind him. He said the town is required to notify him that way through a letter. He said no one on the council here likes to do it. Mr. Roper said standing on his property looking all directions, he can see other vehicles that meet the junk vehicle requirement. Larry Hunt again stated there were 13 other people that were going to be tagged. He said the town could not do it all at once and someone had to be first. Mr. Roper left the meeting at 7:48 pm.

Larry Hunt asked that the balance of the vehicles identified be tagged, or as many as possible, in the next 2 weeks. Council consensus was to stick with enforcement of the existing ordinance.

PUBLIC WORKS:

Recycle Center Drop Off - Larry Hunt addressed the current condition of the recycle center and particularly the appliance/metal drop off area. He stated if the town was going to require private property owners to clean up their property, the town needed to clean up its property. He noted the recycle area was disgusting and that the town was one of the worst offenders. He said there were items in the appliance/metal area that were non-metal, including junk, furniture, full pick up beds. He suggested that each morning first thing the recycle center be checked for improper items and the camera reviewed right then to determine the violators. He said the police department should then be called and the violator contacted. He said he wanted to see this done timely. First thing on the morning agenda, check recycling, check the tapes, get a hold of the police department and have them taken care of it now, not next week. The police department could give them 24-hour to pick it up. Chief Neumann said the littering fine starts at \$250 and then goes to \$500.

Dave talked about the occasion when a chair, couch or other non-metal item is left at the drop off and he knows who did so, that he contacts them and adds an additional \$6 charge to their bill. He said he estimates the fee based upon the weight of the item. Mayor Pfaff said he had not heard of this before and reminded Dave that the council makes these policy decisions. Dave was instructed to stop this practice and instead, require the item be picked up by the person. Dave clarified he does not allow this service, but rather people just dump stuff and then he has to talk with them. It was noted the town does not offer this type of drop-off service and if a person wants to discard a chair or couch, etc., they need to leave it beside their garbage cans. It was felt this was more appropriate as the item then gets hauled off that day.

The problem of out of town users was also noted and that people do not follow the posted sign at the recycle center. Larry Hunt expressed his frustration that when items get left at the recycle area they end up being there for weeks on end. Dave said he had been expecting the new recyclers to come by and pick up the balance of the items remaining.

Rob Watkins noted a couch weighs more than 60 pounds. Dave Ulrick noted cans can weigh 85 lbs. Dave noted in the past he had suggested the ordinance be changed to limit the pounds per can to 40. He said right now the ordinance allows garbage cans to weigh up to 80 pounds. Rob expressed his concern that the \$6 fee for a couch was charging them for less weight than for the overage on cans. The Mayor noted public works can't just arbitrarily come up with a rate for these items. Dave Ulrick noted the current ordinance does not address chairs or couches. It's just extra garbage and that extra cans are \$3 each. Larry Hunt suggested looking at the town's garbage ordinance. Mayor Pfaff was clear if the item dropped off was not an appliance, the town should make them come and get it. Larry further noted the town is not a dump. He said there is a cost to the town to dump extra items plus the

labor cost. They should take it to the landfill.

2. Residential Dumpsters: Dave addressed the residential dumpsters in town and that the town covers this every 2 or 3 years. He said right now generally 2 or 3 families use a dumpster. Each family is allowed 2 cans for a total of 4 for 2 families. He said it's hard to know if someone else is using the dumpster or someone from out of town. He noted when two people use the dumpster and it gets full, there is no opportunity to charge for extra cans. He talked about eliminating residential dumpsters. Rob Watkins asked if the town was still getting money out of them. Dave confirmed each household gets 2 cans each week. If there are 2 or 3 families for one dumpster that would allow 6 cans. Larry Hunt asked how the fee worked if there was a dumpster. He was told each residence using the dumpster pays the normal \$24 each month. If 2 families used the dumpster, each paid \$24, bringing in \$48 to the town. Mayor Pfaff talked about a specific residential dumpster rate. Larry Hunt thought there would be a loss at a residence with a dumpster and one user. If there were two users paying \$24.00 each, then the town gets \$48. He said if the dumpster price was raised, it would not be fair to the people that want to designate that they have 2 or more households putting into it. It was further clarified only the residence where the dumpster is located gets the weekly garbage pick up. The second residential user does not have a pick up at their house. Dave was asked if the city owned any of these dumpsters. He reported the weekly dumpster pick ups are privately owned. John Kuehner asked how often the dumpsters were full. Dave indicated not that many times a year. Mayor Pfaff suggested a residential dumpster rate of \$30 to distinguish the difference. Annie Pillers talked about the single user rate and needing clarification from Stephen Bishop on how the garbage rate is applied. Andrew Flodin suggested tabling the issue. Rob Watkins said he did not want to table this issue. He wanted to leave it alone for the next year and not increase anything. No decision was acted on by council.

3. WWTP inspection report – Mayor Pfaff read from the Department of Ecology letter on the recent sewer plan inspection. Dave indicated he will contact the DOE representative and that he just saw him 2 weeks ago on Monday. He noted DOE stated the flow meter needed to be calibrated but Dave reported there is no calibration for this meter. He needs to get it in writing from the manufacturer. Dave also discussed the high nitrogen readings and that he does not have control over this as long as he has to take the samples from the end of the polishing cells. He said they understand this and that when there is debris in the pond it breaks down and starts to rot, causing Nitrogen. Dave reconfirmed he will contact the DOE representative. John Kuehner noted the letter listed 3 concerns and he wanted to know if all 3 would be addressed. He further noted there was no timeline in the letter. Mayor Pfaff said he wants a timeline and doesn't want it to take a year. John Kuehner suggested a month or so and that it was important to get it done. Rob Watkins asked Dave what would delay him from getting it done in a month. Dave said he thought he could get it done within a month, if the DOE representative is available.

4. Smoke Test Follow Up - Mayor Pfaff asked how much of the follow up work from the smoke test got finished. Dave reported most of it was done. He will have a list for the next council meeting.

5. Culvert Project – Larry Hunt asked why the culvert project was put out to bid when it was discussed at the last council meeting and Dave said he could do it. The Mayor said he wanted to see what the project comes in at.

6. Sanding Gravel - Rob Watkins asked if the town had enough gravel. Dave confirmed he had enough gravel to get through January. He said he generally orders the sanding gravel in the next year's budget cycle and that it can be here within a week of order. Rob asked if it was more expensive after the first of the year. Dave thought if prices were going to be raised, they generally go up in January. He noted the rate to haul it over is more expensive than the gravel and that it fluctuates with fuel prices.

POLICE DEPARTMENT:

Police Chief Jerry Neumann provided council with the monthly Garfield Activity Log. Larry Hunt thanked Chief Neumann for a job well done handling the vehicle abatement hearing.

OLD BUSINESS:**NEW BUSINESS:**

1. Ordinance No. 375 – 2010 Budget: Mayor Pfaff referred to the 2010 Budget, noting no changes from the last go around. Rob Watkins **MOVED** to adopt the 2010 Budget. Larry Hunt seconded the motion and the motion carried unanimously.

2. Resolution 2009-21: 2010 Salary Schedule: Larry Hunt asked if the salary schedule increases were an across-the-board increase. Mayor Pfaff said yes. It was clarified the increase was 3%, with 4% for the clerk-treasurer. Larry Hunt **MOVED** to pass Resolution 2009-21 adopting the 2010 Salary Schedule. Rob Watkins seconded the motion and the motion carried unanimously.

3. Ordinance No. 376 – 2009 Budget Amendment: Mayor Pfaff noted the budget amendment was for doing the culvert project in 2009. Andrew Flodin **MOVED** to adopt the 2009 Budget Amendment. John Kuehner seconded the motion and the motion carried unanimously. Annie Pillers noted the draft version of the amendment had a typo listing Current Expense, but the typo was corrected to properly state the Street Fund.

4. Fire Department Medical Exam Fees: Mayor Pfaff noted with the recent cost splitting for turn outs the Rural Fire District was asking about sharing the medical exam costs. He reported the current Interlocal Agreement with the Rural Fire District states they will pay for the medical exams for new firefighters. Andrew Flodin **MOVED** to decline sharing the cost of firefighter medical exam fees. Larry Hunt seconded the motion and the motion carried unanimously.

APPROVAL OF CHECKS: John Kuehner **MOVED** to approve the following bills presented to council for payment. Larry Hunt seconded the motion and the motion carried unanimously. Check Register #9268-9299. Claims: \$7,862.48 Payroll: \$7,364.08 TOTAL: \$15,226.56

Annie Pillers asked council to consider reversing a \$10 late fee on a new customer account because the bill didn't print and the customer never received the bill. Rob Watkins **MOVED** to approve reversing the \$10 late fee. Andrew Flodin seconded the motion and the motion carried unanimously.

ADJOURNMENT: Rob Watkins **MOVED** to adjourn the meeting at 8:40 p.m. Andrew Flodin seconded the motion and the motion carried unanimously.

Jarrod Pfaff, Mayor

ATTEST: _____
Annie Pillers, Clerk/Treasurer