

Town of Garfield
TOWN COUNCIL
REGULAR COUNCIL MEETING
February 13, 2019 - 7:00 PM
Town Hall
405 W California

CALL TO ORDER: Mayor Pfaff called the meeting to order at 7:00 pm.

ROLL CALL: Mayor Pfaff, Mark Young, Tom Tevlin, David Ulrick, Neal Leon, Cande Hasenoehrl. Staff: Shon Clark – Public Works, Nancy Whitesell – Clerk/Treasurer

INTRODUCTION OF GUESTS:

Beth Anderson: Wants to address council about her situation with her horse that she has at her household. She was visited by the Police last week and was told she had 2 weeks to move the horse. Beth apologized, the whole thing was an emergency having the horse, but it wasn't meant to be permanent. She is now asking for two-week extension in working to get the horse off her property. Currently she is unable to move it due to weather and health condition of the horse. Her intention is to take the horse to St. John once the conditions improve but she isn't sure how long it will take to cure the horse's foot health. Cande Hasenoehrl mentioned that Beth should contact Larry Kruse, as he has a pasture, she could house the horse in until she can move it. Beth said she would try and contact him tomorrow morning. Council agreed to give Beth until the 27th, in which time if she still has the horse, it will need to be readdressed at the time.

Sean Neal: Mayor Pfaff opened the conversation with asking what we are going to do with the ramp. He stated that everyone on council is aware of each lawyer's opinion. He also stated that the Town does not have to allow the ramp, however the insurance company is requesting to at least put handrails on it to avoid a tripping hazard. David Ulrick stated that he had no issue just wants a handrail, and a ramp on the east side as well, so if they had another ramp it would assist in alleviating the tripping hazard. Neal Leon is concerned that a two-sided ramp would open it up for kids to play on it with bikes, apparently there is already an issue with kids jumping their bikes off the curbs; Bikes are not supposed to be on sidewalk. Cande Hasenoehrl stated that the Town isn't being unfair and are aware of Sean Neal's needs. The concern is tripping hazard and bikes if one of the kids jumps it and gets hurt. The Town will be held responsible and could be sued for anyone injured on the ramp. She also stated that for things to improve, the Town and the Council need to be aware of what could potentially happen and the liability.

Matt Bofenkamp stated that anyone can trip on several other things on a sidewalk. To single out a handicap ramp is ridiculous, anything can be tripped over such as newspaper stands or benches and there are kids jumping their bikes off the curb. Matt said if there are certain modifications the Town wants, that can be talked about. His

issue was that modifications were never brought up, all they heard was remove it. He asked Council if they want it removed or modifications. David Ulrick said he wanted modifications. Neal Leon said if there was a ramp on front and other side, have it marked so if they're not paying attention he is for modification. Matt wanted everyone to know that if it was any other person other than Sean Neal, he would be here supporting them as well. He asked Council if they're not going to force a removal, then take a vote to let it stay tonight and then modifications can be discussed going forward. He feels that it is disappointing that the Town may force the removal.

Neal Leon brought up the point that the previous Mayor allowed this without Council's knowledge and now they're just trying to make sure this is all done correctly. He also wanted to clarify its not a personal attack on the previous Mayor. Mayor Pfaff stated we need to make it clear and correct so that in 4 years, if something were to happen that we have all bases cleared in case there are different people in the office.

Warren Neal began speaking stating that the first time this was brought up, which was a day after the complaint, it had nothing to do with liability or tripping. It was just about the neighbors complaining, because they had been told to clean up their sidewalk. Mayor Pfaff clarified that the complainers wanted to know why the ramp would be allowed when they were not allowed to have their stuff on the sidewalk. Mayor Pfaff stated that it should have been handled at that point. Warren Neal said he knew nothing about this until he read the Council minutes in June, where it stated that he would have to speak to the attorney about why it needed to be removed. He also brought up the fact that at no time has anyone spoke to Sean Neal, owner of the property and the one who needs the ramp, about the situation. Warren told the council that he has walked the streets in Garfield and witnessed lips in the sidewalks, signs, stairs, lawn chairs and tables, and no one has complained, and he is baffled as to why the ramp, after a year, is just now becoming a liability. After further discussion of Council's concerns about safety, and members stating they were all good with it staying. Mark Young **MOVED** to approve that the ramp, with railing conditions, can stay. Tom Tevlin seconded, and the motion passed unanimously.

APPROVAL OF MEETING MINUTES: January 23rd Regular Council Meeting - Cande Hasenoehrl **MOVED** to approve the minutes. David Ulrick seconded, and the motion passed.

POLICE REPORT: Officer Snead to report: In the last two weeks there have been 12 calls and complaints including: one assault, a trespass order, a missing person and inappropriate behavior which is currently being investigated. A code violation regarding a horse being kept in a residential neighborhood was reported, and a 2-week removal time was issued. There have been approximately 20 vehicle stops for speed and other traffic offenses. The snow has slowed the stops down as people are driving more carefully. There have been extra patrols at the Garfield school.

PUBLIC WORKS REPORT: Shon Clark to report. A new heater was put in the shop as the old one had quit working. There were no local companies that would work on a waste oil heater, so an upgrade to an oil furnace was necessary. It has worked well in

keeping the shop from freezing up. All seems good with water; a reservoir cleaning is scheduled for April. There is a problem with the SCADA system not alternating wells as it is supposed to. A set of used stairs has been purchased to replace the vertical ladder on the digester out at the sewer plant. Public Works have been working day and night on snow removal and feel they've been keeping up well, although they are beginning to run out of space and may need to start hauling it in the dump truck. Despite all the snow, garbage has been collected on time this week.

Public Works also want to inform residents of Garfield, that children are not to be allowed to play in the snow piles that the city has created. This is very dangerous, as they cannot see if a child is playing on it when they hit it with the plow.

OLD BUSINESS: Tammy Howard presented an overview of the findings of fact regarding accessory buildings on lots with no residence. She stated that last summer the Planning Commission began reviewing requests from several residents asking if there was a way that this would be possible. The Commission is looking to accommodate these wishes more than anything. They believe that it would be good going forward for the Town as well. The process stalled when Tammy approached the Town's Attorneys at Bishop Law Office. They believe that something of this nature would void the need for residential zoning at all. Eric Hansen, attorney, was also concerned that it could end up looking like the Town is playing favorites, if it comes to conditional use permits. One conditional use that the Commission placed on this would be that someone who wants to build the accessory building, must be a resident of Garfield. It also means that neighbors within 300 feet would need to be contacted prior to the permit to be issued, so should they have any concerns, they could voice them at that time. Tammy also believes that aesthetics of having accessory buildings rather than empty lots would improve. It was decided that there would be a Public Hearing at the next council meeting, February 27th, 2019.

NEW BUSINESS: Neal Leon **MOVED** to pass Resolution 2019-02 adopting Whitman County Solid Waste Management Plan for this jurisdiction.

FINANCIAL: Approval of Checks: Cande Hasenoehrl **MOVED** to approve the payment of bills. David Ulrich seconded, and the motion passed unanimously.

ADJOURN: Cande Hasenoehrl **MOVED** to adjourn the meeting, Mark Young seconded, and the motion passed. Meeting adjourned at 7:50 pm.



Mayor - Jarrod Pfaff

ATTEST:



Nancy Whitesell - Clerk Treasurer