

Town of Garfield
TOWN COUNCIL REGULAR MEETING MINUTES
Town Hall –April 25, 2012

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

ROLL CALL: Jarrod Pfaff, Larry Hunt (7:02), Daymon Marple (7:04), Sharon Schnebly, Tim Southern and Mark Young. Staff – Public Works Superintendent Bill Bowman (7:42), Police Officers Brian Dentler and Joe Merry, and Clerk/Treasurer Annie Pillers. **GUESTS:** Galen Gorence, Greg Partch, and David Ulrick.

INTRODUCTION OF GUESTS:

1. Greg Partch – Whitman County Commissioner – Greg Partch address council, noting that he had been a member of the Garfield Town Council for 10 years. He highlighted recent projects he had worked with the town on including getting the railroad area along Wesley Street cleaned up. He was able to call his state contacts and the weeds were cleaned up. He said it looked good and would be glad to do it again if needed. He also announced that .09 funding had been reinstated by the county. They had been waiting until the legislature made their budget decision and they did not touch the .09 funds. The .09 funds are from 9/10ths of 1% sales tax. The county has authorized \$100,000 for this cycle. He noted in the past the town had received .09 funds for getting the gym torn down for the assisted living center and for the Paul Hendrickson water line. .09 grant funds are competitive. A new solid waste contract was negotiated with a new supplier at \$400,000 a year. Greg said next year it was likely the tipping rates would drop. The rates will probably stay the same for this year. The rate is \$103 now and could go to less than \$99 or \$98. There would be no rate increases.

Greg informed council that he sits on the Transportation Improvement Board (TIB) that funds the town's street repairs, chip seals and overlays. At the last meeting the board looked at the Washington Administrative Codes (WAC). Greg represents towns less than 125,000 and also towns less than 5,000. Greg had talked with TIB about small towns not being able to afford the 10% match. TIB's new program eliminated the match for towns under 1,000. This affected 32 towns in the state with 5 of those towns in Whitman County, including Garfield. Greg recommended the town contact Gloria for the next going around in July. He also noted there will be an additional \$1.5 million available for towns under 5,000.

Greg also announce a demo project underway in Buckley for a possible new TIB program for rural lighting that switches traditional lighting to LED. A consultant has been hired. Senator Mary Haugen supports the concept enough she may put up a bill for next year for towns and cities under 5,000, changing over to LED. Buckley estimates it would save 50% of its public works budget by switching to LED. Mayor Pfaff noted Avista owns the light and the town's pays according to a rate schedule. Greg confirmed that's why they hired a consultant because it's complicated and involves utility companies, rates and the Washington Utilities and Transportation Commission. He noted Oakesdale is a good example as they have both incandescent and LED and he can't see the difference in light. Mayor Pfaff said when talking with the utilities commission to remember the figure \$10.72 per light which could reduce the town's street budget by \$5,700.

Greg announced the May 1st 11 am windmill ribbon cutting ceremony outside of Oakesdale for the First Wind project. He noted there will also be an electric car recharge station right across the road. Washington State DOT, Avista, First Wind and the County are all involved in this project.

2. Pole Building – Galen Gorence updated council on a pole building (22' x 60' x 18') he plans to build on his property at 6th and Main Street. He was directed to the Planning Commission on any setback or design issues. Larry Hunt said since he might be involved with work on the project, he would stay out of any town decisions. Galen talked about ongoing standing water problems on his property and asked about tying into the town's storm drain system. Mayor Pfaff said the town did not have a policy on this issue and recommended Stephen Bishop be contacted on this matter.

OLD BUSINESS:

1. Park Gazebo Project: David Ulrick said he was following up on the gazebo project and that he had found gazebo kits for \$5,000 to \$6,000, using a Western Red Cedar. Ziggy's price quote, using #2 Fir was \$4,200. David said the existing concrete slab was 13.5 feet wide concrete so a 14 foot pole building gazebo would fit over it. The posts would go on the outside. The price difference between a 12 foot and 14 foot gazebo was approximately \$1,000. David proposed an 8-sided octagon shape with 3 steps up into the gazebo. 12 foot gazebo kits were \$5,200 and a 14 foot gazebo kit was \$6,100. Larry Hunt reminded council the design would need to incorporate the sprinkler controls. David noted if it was built 3 steps up the sprinkler controls could fit underneath it. Mayor Pfaff said to shoot for \$7,000 and the town could do it. Council agreed a 14 foot design would be better than a 12 foot design. Daymon Marple noted once the park lawn is tiled, it won't get wet and can be used. Larry Hunt mentioned that he had recently taken some measurements to repair the shelter at the park.

APPROVAL OF MINUTES: Mark Young **MOVED** the minutes of the April 11, 2012, Regular Council meeting be approved as written. Tim Southern seconded the motion and the motion carried unanimously.

NEW BUSINESS:

1. Park/Grounds Maintenance: Larry Hunt provided a quote from Palouse Hills Lawn Care for a Turf, Tree and Bare Ground program for 2012, noting it was exactly the same price and service as last year. He said last year it started out slow as the town guys were going to do some but it ended up Palouse Hills doing it all. The quote was \$3,320.24. Mayor Pfaff noted they tried the city crew last year and that didn't work. Daymon Marple asked about the services and if there is a roundup application for anything that gets away. Larry said no. Larry said he recently noticed dandelions growing up at the post office and around downtown so he sprayed a four block area of downtown curbs for weed control on his own time. He noted last year he had some product left over and he sprayed across from the shop on California Street and at the office. Daymon Marple **MOVED** to accept the 2012 Turf, Tree and Bare Ground program for \$3,320.24. Schnebly seconded the motion and the motion carried. Larry Hunt did not vote on the matter.

2. Surplus Equipment – Resolution 2012-06: Larry Hunt **MOVED** to approve Resolution 2012-06 declaring the old community center tables surplus. Sharon Schnebly seconded the motion and the motion carried unanimously.

3. Close of Streets for May Day: Officer Merry confirmed meeting with the May Day organizers to review the downtown streets to be temporarily closed for May Day and made some adjustments. Streets included were 2nd Street from California to Union, 3rd Street from Main to Union, and California from 1st to 4th. There would be some activities at Dick Kriebel' but the street would not be closed. Mayor Pfaff said he was okay with it if the Police Department was okay with it. Larry Hunt **MOVED** to authorization the closure of the necessary streets as determined by the Police Department for May Day. Tim Southern seconded the motion and the motion carried unanimously.

4. Band in Park June 1st: Annie Pillers reported Phil Weagraff had contacted town hall about an event they would be having in the park the evening of June 1st with a band playing from 7 pm to 9 pm. Officer Merry confirmed those were within normal hours and council agreed.

FINANCIAL:

1. Approval of Checks/1Quarter 2012 Financials: Tim Southern **MOVED** to approve the 1Q2012 Adjustment Register/Memo, the 1Q2012 Treasurer's Report, and the 1Q2012 Financials and Narrative and the following bills presented to council for payment. Mark Young seconded the motion and the motion carried unanimously.

Check Register #10433-#10438 plus EFTP	Payroll \$6,439.21	
Check Register #10439-#10444	Claims \$8,852.52	TOTAL: \$15,291.73

Mayor Pfaff noted the town's financials looked good with most items in the 22% to 25% range, minus some bigger expenses such as insurance that are paid upfront and balance out by the end of the year.

POLICE REPORT: Police Officer Joe Merry updated council on recent activity. The department was following up on two burglaries – one at the gun club and one at the trailer court. It was determined these two burglaries were not connected. The same victim was hit twice on vehicles prowls. Officer Dentler had probable cause, obtained a search warrant and recovered stolen property. There was electronic

equipment taken twice in a 5-day period. The department will also be pursuing junk vehicle nuisance violations again, on a city-wide basis. He said the council could get some calls as they start their light approach. Officer Merry noted no tickets were issued last year and the department was able to get it done. Sharon Schnebly asked what the department looks for. Officer Merry confirmed 3 years old or older, inoperable, same value or less than scrap and two other additional items added in 2006 – a valid license plate and insurance. It requires 3 of the 5 and the last two are often not met. Sharon Schnebly asked if the department was doing more active patrols in town. Officer Merry said yes, sometimes raising from 5 hours to 6 hours. They are on the road quite a bit. They have one piece of night vision equipment and have used it twice in the last 40 days. Officer Merry has been out early morning hours. Dogs were barking between 2:30 am to 4:30 am. Since the search warrant the dogs are not barking. Officer Merry confirmed the department makes contact with folks not known in town. He noted starting about 4 am and 5 am there are a variety of walkers out and about in town. Bill Bowman joined the meeting at 7:42 pm.

PUBLIC WORKS REPORT: Bill Bowman updated council:

1. General – April spring clean up week was very successful and they made good use of the skid steer. Bill suggested putting out a flier next year that dumpsters are available on a first come-first serve basis. Residents can then load them and the town just empties them. That really expedites things. Bill reported the traffic mirror was up.

2. WWTP - Pat McGuire gave approval to muck out the sewer pond. Bill confirmed the plant would not be shut off. He was given approval to go ahead and dig across. He anticipated renting a long-reach excavator for 2 days to get the project done. They would build a wall up and then tear it down. Pat McGuire was not amenable to letting the pond dry out. Bill also confirmed he just got the name of a pipe liner company from Eric Hasenoehrl.

3. Inflow/Infiltration – the crew has not been able to watch this since catching up since clean-up week. The lawns were mowed this week and casters/bearings replaced on the mower.

4. Park – the lawns were mowed this week and the mower casters/bearings replaced. He noted the crew plans to tile across basketball court and across deep swamp area to storm drain.

5. Recent Meter Reading - Larry Hunt reported that as an FYI, 3 people contacted him this last week about the 4-wheeler and gator driving across their property when the meters were read last week. They did not complain, but just mentioned tracks through vacant and private property. Mayor Pfaff asked where the meters are. Larry Hunt said on city property but there should not be tracks. He said two people took him and showed him. They are not complaints just an FYI. Larry said he doesn't like tracks on private property and it's not right.

NEW BUSINESS (Continued):

5. Mobile Home Park. Mayor Pfaff brought up the mobile home park, noting that Mark Young had done a lot of research on options. Stephen Bishop was supposed to be here but is not able to attend. He asked Mark to give his options and have another time when Stephen is here. Mark Young noted a lot of this was not in his expertise and that Officer Merry and Chief Neumann had been helping on their end. Mark said he was asked to take a look at what has been going on there and how to deal with it as a town so it doesn't continue. He listed a couple of issues, criminal activity and public nuisances that are continuing. There have been dog problems. Without contacting health and zoning people, there appear to be a number of health and safety and zoning issues. Based upon the individuals, also endangerment to children. Officer Merry was asked to give a summary.

Officer Merry said since 2003, almost 10 years, the county, himself and the Palouse Police Department has been dealing with issues. 3 search warrants netted illegal narcotics, Meth, mushrooms, other prescription pills, and marijuana; with tons of people on warrants. There have been 4 sex offenders there. There is only one in town at this time. This person is outside of that trailer area with no problems. It's a low level sex offender with no problems with that person since 2005. There have been multiple responses to criminal activity, trespass, theft, vehicle prowls, one crime scene there, 3 to 4 child abuse investigations. A 4 year old child was taken away for 2 years. The owner's son was convicted and incarcerated on 2 of 3 search warrants for narcotics and guns. There have been Spokane area cars there on the narcotics hit list.

Officer Merry noted the property has been given lots of surveillance in this last 6 weeks. With only one guy

on duty, meeting the contract, and responding to calls, it's difficult. Officer Merry suggested a 3-prong attack. He suggested creating a city ordinance that deals with criminal activity involving a tenant of that trailer park – the town gives notice, charge out if prove it, and at the very least serve the property owner, aware given knowledge. There are legal requirements for a criminal nuisance violation, just inform property owners. Now the property owner becomes criminally responsible and it's a misdemeanor. Officer Merry had given Mark Young sample ordinances "creating a public nuisance" such as parents' being responsible for stolen property. Officer Merry said it needed to be a well thought out city wide ordinance that was well researched and applicable to the town's situation.

Additionally the town could use the junk vehicle ordinance and nuisance ordinance violation to stop junk gathering up, and also weed abatement. The third prong would be to have a presence there all the time. If the department sees someone they don't know, they make contact (Field Interview Report FIR). This allows the department to create intelligence information, i.e. who is in and out. That's hard for one guy on a shift. The department's got to be there to get a good read on it. Mayor Pfaff asked about this 3rd prong and Officer Merry confirmed the department has started this.

It was confirmed the junk vehicle and nuisance are town wide and must be enforced town wide. Sharon Schnebly said she had some issues with the enforcement on the ordinance Officer Merry mentioned. Officer Merry reconfirmed this ordinance would be for the entire town, not just one place. Duplexes, apartments, the hotel would be part of it. Landlords would not want to rent if that's a problem.

Officer Merry talked about enforcement of the junk vehicle ordinance. Owners would get a certified letter on their cars, when the town council reviews and says there's nothing they can do, then the owner has 2 weeks to get repaired or licensed and then a \$250 ticket can be issued. There are 45 days from the start time. Sharon Schnebly asked about daily fines up to a certain amount. Officer Merry said they use a soft sell approach. The court takes the findings of facts and then the judge orders 30 days to get done and if not, then the owner gets a cost. If a nuisance is not cleaned up the department can rewrite the ticket. It's important to create fairness, an even policy. The department takes a small town approach consistent and fair. Tim Southern said he knows about the junk vehicle ordinance and asked about other nuisances. He said there are a fair amount of other homes and businesses that lack in that. He asked about how much trouble Officer Merry sees coming from that. Officer Merry reconfirmed the department takes a soft approach and has a conversation with the owner. It's a good six weeks before the owner gets a "you've had your time" and you must get it done today. Last year only a few cases came to council.

Mayor Pfaff noted that attorney Stephen Bishop has some ideas too. Larry Hunt agreed the council was missing the whole other half and it depends on the city attorney, he wants to listen to him. Mark Young noted the police approach is only one part. He had also contacted Municipal Research and Services Corporation (MRSC). They recommended looking at the town's existing nuisance ordinance. Mark suggested the council talk with Stephen about this when present with council. MRSC also suggested reviewing the RCWs (Revised Codes of Washington) for both public and private nuisances. Stephen Bishop could address these issues including warrant of abatement and cost of abatement. The council needs to know what it can do through Stephen Bishop. If a mobile home or structure or location is found to be a nuisance or violation there can be a warrant of abatement issued by the court. There could be a cost of abatement, like tearing down, destroying, selling – all borne on the shoulders of the property owner.

It was confirmed state codes can be enforced by the local police department. Officer Merry said it also includes any enhancements to those state codes by local town ordinances. Towns often draw ordinances from state ordinances and strengthen them up. Mark Young noted said if there's evidence of drugs, under certain provisions the dwelling can be seized. The agency has 15 days to serve the property owner. Sharon Schnebly noted, under a warrant of abatement, the city has to recoup cost from the property owner. Mark Young noted MRSC also suggested reviewing health and zoning issues and state codes regarding manufactured homes and recreation vehicles used as primary residences. Sharon Schnebly asked about grandfathering homes that are there. Daymon Marple talked about mobile homes with rickety foundations or no foundation and no skirting. Mark Young said there are 8 dwellings now, with 4 to 5 at any one time occupied. One was red tagged before and it has occupants in it now. It could be taken a

look at now. Officer Merry said under the drug asset forfeiture laws, a certified letter can be written to a property owner under state law 69.505 and then the entire property can be seized.

Stephen Bishop has the updated copies of the town ordinances for review. Officer Merry was asked if the town should work with the Prosecuting Attorney now or wait until a case. Officer Merry recommended getting documentation and once have, approach the Sheriff and Prosecuting Attorney about doing more search warrants with drug task force than have before. Make it mandatory to serve a warning letter first to the property owner and then the second time the property owner gets the seizure letter. Officer Merry noted Chief Jerry Neumann would be taking the lead for law enforcement and recommended starting with a simple meeting show this is what the town is working on, beefing up ordinances, etc.

Other options included seeing if the property owner would be interested in selling the property, see if the voters would support some kind of a levy or tax to accumulate funds to buy the property, noting it has to be fair market value. It would be up to the voters to decide if important enough. Eminent domain was mentioned. Sharon Schnebly said she would like to stay away from that. Larry Hunt said there was no sense in having any stops on it now as it has been going on for years and there's a history now. Officer Merry said in the meantime take the approach of doing the junk vehicle and nuisance abatements around town. He also strongly recommended making the property owner responsible. Larry Hunt agreed not reinventing the wheel, stating the town needed to be proactive.

Mark Young suggested working beyond what the police department is doing. First, a council representative and the police department sit down with Mrs. Lawson and tell her the concerns in a good faith effort to work with her. Aside from that, coordinate with the police department, county health, and the building inspector to evaluate what the town needs to do. 4 of the homes are unoccupied. One dwelling there is really nice. One other dwelling the occupant tries to keep up. The others are empty or empty and trashed.

Regarding the health problems, decide where council wants to go with it. Maybe some of them take care of themselves with police action. Contact the Prosecuting Attorney and the Sheriff, to make them aware of the community concerns – no deals cut, no lenience made. No one really gets a break there. Take a look at how things are developing. If abated or red tagged, the mobile homes get dealt with that way. If the property was purchased it would have to be at fair market value. Larry Hunt said if it goes through a vote of the citizens that's the only way to do it. Mark Young said the town can't say it would outright buy it. Daymon Marple suggested moving forward in the next 30 days. Larry Hunt agreed the council had an obligation to its citizens and said the council should talk with the attorney next Monday or next Wednesdays with 30 days maximum. Tim Southern said he agreed with what was said but suggested talking with Stephen Bishop first, before throwing out any timelines.

Mayor Pfaff suggested the council recess the meeting until next week to meet with Stephen Bishop.

MEETING RECESSED: Larry Hunt **MOVED** the council meeting be recessed until Wednesday, May 2nd at 7 PM. Mark Young seconded the motion and the motion carried unanimously. The meeting recessed at 8:29 PM.

Town of Garfield
TOWN COUNCIL REGULAR MEETING MINUTES
Town Hall –April 25, 2012
Recessed to May 2, 2012

CALL TO ORDER: Mayor Jarrod Pfaff called the meeting to order at 7:05 p.m.

ROLL CALL: Jarrod Pfaff, Larry Hunt, Daymon Marple (7:19), Sharon Schnebly via speaker phone, Tim Southern and Mark Young. Staff – Town Attorney-Stephen Bishop, Police Chief Jerry Neumann, Police Officer Joe Merry, and Clerk/Treasurer Annie Pillers.

GUESTS: Janelle Barnes (7:14) and Valerie Wright (7:14). Mayor Pfaff invited the guests to address council. They confirmed they were attending to listen and had no topic to address.

NEW BUSINESS (Continued):

5. Mobile Home Park. Mark Young updated council that he had met with Stephen Bishop and had talked with Jarrod. He feels strongly that the town has 3 avenues:

1. Sit and talk with landowner to work out a plan to get things cleaned up.
2. Tighten up town ordinances on nuisances
3. Pursue a civil lawsuit against property owner or individual mobile homeowner seeking to enjoin continuing nuisances.

Mark recommended council focus on working with the land owner. He is not sure she is familiar with the situation. Officer Merry noted he has talked to the property owner and her son. He talked about sending a warning letter, if your property you rent out is used as conveyance or source where drugs are dealt, and then your property can be seized. Officer Merry talked about a 15 day window after an arrest and that the arresting agency must make the seizure. As such, the Sheriff's Office would have had 15 days to seize the property. He said nothing says the department can't send a warning letter and that gives them unique knowledge.

Stephen Bishop said he wasn't sure who owns the trailers. He suggested alerting the property owner first to the ramifications in a direct person-to-person discussion. Mayor Pfaff completely agreed and said yes, this was step one. She needs to hear it directly from the people who are going to take the action and understand this is a community issue. Officer Merry indicated he has sat down and talked with the property owner and son extensively. He has not sent a written warning letter that if the department passes on information there are drugs going on, and then you must take action as tenant/landlord. Mayor Pfaff suggested a meeting at Stephen Bishop's office with the property owner, her son, Mark Young and Officer Merry. Council was very agreeable to this approach.

Mayor Pfaff asked about the nuisance ordinances. Stephen Bishop said he and Mark Young had talked about them and that the town needs to have a comprehensive set of ordinances to be able to pursue issues. Mayor Pfaff asked about an ordinance similar to Sunnyside that makes the property owner responsible. Officer Merry said this is a longer process, but eventually the property owner becomes responsible because they are under the landlord tenant law regarding maintaining a public nuisance RCW violation. He will get copies to Stephen Bishop.

Stephen Bishop noted the Garfield ordinances are not violations subject to the conviction of misdemeanors. This was changed because the town could not afford to have higher criminal justice fees for the county to deal with these.

The other option available would be to treat the issue as a civil matter. Stephen cited a similar situation with a bar establishment in Spokane that was shut down through a civil action as a public nuisance. Stephen confirmed any new mobile homes that come into town must be present day standards.

Stephen agreed to review the town's existing ordinances and examples from other communities (he cited several) to see what would best fit Garfield. Stephen confirmed he wanted council direction as to the topics to be addressed. He suggested Mark Young be the spearhead for this project. He clarified some of the town's existing nuisance ordinance does not apply today as it did in 1918. Nuisance issues to be reviewed included weeds, lawns, garbage, public health, etc. It was reconfirmed the ordinances needed to be city wide and as fair as fair. Mark suggested assessing what the town has now and then figure out what to deal with specifically.

It was noted issues such as sex offenders was a criminal matter with statues to deal with that. Stephen Bishop noted in his personal experience when an area is cleaned up and enforcement is consistent, people take pride and self-police problems. It takes some time, but things get cleaned up.

Sharon Schnebly asked about the nuisance violation fines. Stephen confirmed the town has specific amounts. By law, the maximum is \$500. Mark Young noted the fines are \$100, \$200 and \$400 with

maximum \$1,000. Chief Neumann noted you can assess but collecting is different. Council discussed the approach of an ordinance that makes property owners accountable. Sunnyside has a tried and true ordinance which has been in existence for a good 15 years. Mayor Pfaff said he was okay with this type of ordinance, noting a civil lawsuit would be the last course of action. Council talked about working with the property owner first and putting a deadline for having some kind of consistent progress being made. Council consensus was a deadline of October 31, 2012, for the property owner. There was a question as to how long it would take to get the ordinances written up. It was agreed several things could be happening at one time. The Police Department can do their work now, the town has its work looking through the ordinances, the building inspector can do his work, and the property owner can be contacted for action. It was noted the Department of Labor and Industries governs mobile homes. Mark Young noted if the town becomes aware of violations and does not act; it puts the town at risk. Mayor Pfaff would contact the property owner about setting up a meeting.

Mark Young asked about the sex offender registry and whether or not it was fairly reliable. It was noted the problem with the registry is that unless someone registers, they don't know about them. Officer Merry said historically offenders come in and come out, some are reported, some take up residents, and then they have a problem and the department doesn't find out until they are identified two months after the fact.

Mayor Pfaff asked if there was any comment from the guests and one indicated she agreed with the yard clean up as it affects property values.

6. Culvert Maintenance: Stephen Bishop noted the culvert at 8th and Adams Culvert was plugged up causing flooding over the road on Monday.

EXECUTIVE SESSION: Mark Young **MOVED** the council go into Executive Session to discuss potential litigation with legal counsel {RCW 42.30.110 1 (i) } reconvening at 8:10 PM with no other business to be acted upon. Larry Hunt seconded the motion and the motion carried unanimously. The public, police officers, and Sharon Schnebly left the meeting. Council went into Executive Session at 7:50 PM.

The council reconvened into regular session at 8:10 PM with no further business conducted.

ADJOURNMENT: Tim Southern **MOVED** to adjourn the meeting at 8:10 pm. Larry Hunt seconded the motion and the motion carried unanimously.

Jarrold Pfaff, Mayor

ATTEST: _____
Annie Pillers, Clerk/Treasurer