

Rockford Town Council Special Meeting
20 May 2015 7:00 PM

NOTE TO PERSONS REVIEWING THIS DOCUMENT: THIS IS NOT A VERBATIM TRANSCRIPT.

WHILE AN ATTEMPT HAS BEEN MADE TO DOCUMENT PERTINENT POINTS, THESE
MINUTES CONTAIN ONLY A SUMMARY OF THE DISCUSSION AND VOTING.

Mayor Steve Mayer called the regular meeting to order at 7:00PM. Councilman Clint Stevenson led the Pledge of Allegiance.

Roll call was announced. The following Rockford City Council members were present: Steve Mayer, Mayor; Micki Harnois, Councilwoman; Clint Stevenson, Councilman; Carrie Roecks, Councilwoman; Dave Thompson, Councilman; Robert Tollefson, Councilman. Kim Freyaldenhoven, City Clerk was also present.

Mr. Mayer requested a motion to accept the amended agenda. **Ms. Harnois moved that the amended agenda be accepted. Mr. Thompson seconded. Passed.**

Mr. Mayer invited Layne Merritt of JUB Engineering to brief the Council on the following on-going projects:

Sewer Rehabilitation Project – Project is substantially complete. Contractor will be back next week to conduct wipe down. JUB will watch sewer closely during the warranty period. Contractor requires acceptance of work to begin the time clock of retainer release. Mr. Mayer asked if that needed to happen immediately, or could it wait until after the final inspection next week. Mr. Merritt responded that the timing did not matter, but that a resolution to accept the work done by the contractor can be qualified. Mr. Merritt entertained questions from the Council.

Ms. Harnois asked about the replacement ground cover as it relates to the residents impacted by this project. Mr. Thompson asked whether the Town could provide relief to those residents who would have to use more water than usual to care for the new ground cover. John Goyke (Public Works) requested that regardless of what process was used to provide said relief, that the water usage rates not be adjusted vis a vis his water reporting system, as this would create problems in the system. Mr. Tollefson asked whether it was the contractor's responsibility to pay for the extra water usage. Mr. Merritt pointed out that forcing the contractor to cover the costs of maintaining the replacement ground cover would, in fact, be more expensive than relying on the property owners to maintain the ground cover.

Mr. Thompson moved to accept the closing date of the Sewer Rehabilitation Project with the stipulation that the final inspection yields satisfactory results. Mr. Stevenson seconded. Passed.

Mr. Merritt then advised that the next phase of the project, the slip-lining was "squeaking in" under budget. Depending on the bids received, he would be able to cover other areas

45 of the town. He said that the contractors bidding on the project would give better bids if
46 given some leeway as to the timeline of the project, that the nature of the project
47 required a different contractor.

48
49 Mr. Merritt said that he was making progress on the issues previously discussed regarding
50 items required for the consent decree of the wastewater treatment facility and the MPDS
51 Permit (Quality Assurance Project Plan) for the sampling and the INI study. He is confident
52 that he and Mr. Goyke can put together a good summary as to where they are headed
53 with the INI and give them a good overview of where they are headed.

54
55 Mr. Merritt discussed the need to wait until the ground was dry to access the manholes
56 in the project area so that there was minimal impact. Mr. Stevenson discussed the need
57 to coordinate watering of areas where heavy equipment might need access.

58
59 **Sewage Lagoon** – The liner project continues. Contractor is working on removing bio-
60 solids. This is delaying the process. Mr. Merritt continues to push them to move forward.

61
62 **Sidewalk Project** – Working through Environmental. Mr. Merritt said that he needed to
63 finalize the last round of comments regarding storm water calculations. WADOT requires
64 every consultant involved with storm water projects to take their storm water course. He
65 said that he would be taking it as soon as possible.

66
67 Ms. Roecks requested that homeowners be informed when the sewer backwater test is
68 being conducted as older homes may be impacted by the back flow.

69
70 Mr. Goyke addressed the issue of camera inspections vs. jetting the sewer lines, and
71 explained the process. He advised that the bill for this service should be less as long as
72 the contractor didn't have to deal with tree roots and other obstructions.

73
74 Ms. Roecks reported that work on the Town Website had slowed because the person working on
75 it had entered their busy season. Mr. Stevenson remarked that public meeting minutes could be
76 featured on the website. Ms. Roecks was sure that it could be done, but wasn't sure, and would
77 ask about it.

78
79 Mr. Mayer reported that the \$1000.00 grant applications had been awarded. (To be used to
80 address sidewalk issues and to install dog waste disposal stations on the walkway along the Rock
81 Creek dike.) Mr. Mayer requested that Ms. Roecks continue her work on these projects.

82
83 Mr. Mayer addressed the issue of utilities billing. Mr. Tollefson requested that this issue be
84 revisited. Mr. Tollefson stated that it appeared that the Town was not adhering to the recently
85 passed ordinance in that there seemed to be an inconsistency regarding when and to whom
86 utility bills were being mailed. He expressed misgivings about the Town being placed in the
87 position of arbiter between landlords and tenants, and whether this was an equitable situation
88 for all utility customers.

89 Mr. Tollefson provided, as an example, an existing situation where copies of utility bills were
90 being sent to both a landlord (company) and that landlord's tenant business. He questioned an
91 instance where a late fee was forgiven. He stated that the presentation by either party to the City
92 Council describing extenuating or mitigating circumstances would open the option for
93 forgiveness or modification of a late fee. He further stated that by allowing a condition to exist
94 wherein the Town was forced to rely on testimony between two opposing parties to determine
95 the validity of a debt "put the Town in a bad position." He described the circumstances under
96 which the current pertinent ordinance was written, and recommended looking at the ordinance
97 again to determine whether it needed to be changed. He opined that "double-billing" actually
98 took the responsibility of determining the validity of a debt out of the hands of the Town. He
99 confirmed that the Town accepts payments of utility bills from both owners and tenants.

100 Ms. Roecks commented that an ordinance was passed stipulating that only the land owner would
101 be billed, but that there are some tenants receiving bills. Mr. Mayer remarked that Mr. Tollefson
102 "wasn't getting the whole story", and explained that the reason that the operator of the business
103 did not receive his bill because the landlord received the bill and had not given it to him. The
104 operator assumed that the landlord was going to pay the bill, the failure to do so incurred late
105 fees. Upon notification of said late fees, the operator promptly paid them. Late fees were waived
106 by the Town due to the fact that the operator did not know that he was incurring them. Ms.
107 Roecks clarified that the ordinance had been passed to exclusively bill the property owner, the
108 fact that the tenant had not received the bill was not the fault of the town, but did ask whether
109 "was it really that bad to send some of the people that requested their tenants get a bill, to send
110 a copy of the bill to the tenant too?" Mr. Tollefson recommend that the Town institute some
111 procedure wherein landlords can notify the Town of changes to their tenants. Mr. Goyke
112 responded that the reason for the change in the ordinance was to avoid that type of
113 circumstance. He further explained that, under the Utility Trade Commission, the Town must give
114 a tenant one final opportunity to resolve a late utility bill prior to cut off. Ms. Freyaldenhoven
115 remarked that there were two accounts known to the Billing Account Specialist (Ms. Alene
116 Felgenhauer) where the tenant were attempting to be proactive in paying the Utility bill. Ms.
117 Roecks observed that, "by doing that, we are working outside of our own ordinance." Mr. Mayer
118 asked "Aren't we supposed to help our own people?" Ms. Roecks answered, "Absolutely!" and
119 recommended, in light of the situation, that the ordinance needed to be changed to allow both
120 property owners and tenants to receive utility bills.

121 There was further discussion. Mr. Tollefson remarked that "How [one] handles [one's] renter or
122 tenant is [one's] business, not the Councils. We should not be making a decision based on one of
123 the other coming to us because somebody did or did not get notified... That's what we attempted
124 to do, but apparently it didn't quite work out the way we intended." Ms. Roecks remarked that,
125 regardless of how this situation is handled, "we must follow our own ordinance." Mr. Thompson
126 said that the ordinance had been passed to allow the Town to include collections procedures in
127 the case of outstanding bills. He recommended leaving the ordinance as it is. Mr. Stevenson
128 observed that, in the case referred to by Mr. Tollefson, that the tenant had paid the utility bill,
129 but not the late fee, and that the owner should still be liable for the late fee. Mr. Tollefson
130 reiterated that his concern was that the Town was being placed in a position where it must
131 arbitrate between landlords and tenants over utility bills.

133 [At this point, Mr. Mayer left the room. Dialogue was suspended until he returned.]

134
135 Ms. Roecks commented that the ordinance must be applied equitably, or else it should be
136 changed. Ms. Harnois remarked that the ordinance should stand under the assumption that
137 customers should be aware and responsible for their bills. Mr. Mayer said that the Council could
138 do as they wished, but he didn't think that the Town was in the business of "being sticklers; we
139 are in the business of helping our constituents, and if we can help one another once in a while..."
140 At which point, William Benson (resident) spoke out: "I think that the business of the legislation
141 is to adhere to the law, not an emotional based decision. It would be nice to 'be nice' to everyone,
142 that is not your job. Your job is to carry out the ordinances that have been passed. That is the
143 way the system is supposed to work. They are big boys, they are responsible for their own
144 finances."

145
146 Ms. Roecks asked Ms. Freyaldenhoven about the Annual Financial Report. Ms. Freyaldenhoven
147 answered that she would be finishing it on Friday.

148
149 Ms. Harnois reported that she and William Benson (Planning & Zoning Commission Chairman)
150 had attended a Comprehensive Plan Update meeting in Fairfield, and asked Mr. Benson to give
151 comments during his Planning and Zoning Commission Report. She also remarked that she had
152 attended a Small Cities Connector Meeting in Davenport. She said that AWC had updated its
153 website, so when Rockford applied for grants, it can save money by using the AWC Open Data
154 Portal. AWC is also developing a GIS Application, and is encouraging small towns to get together
155 and share the cost of mapping and recording infrastructure, utilities, and other information. She
156 further advised of AWC training in Airway Heights on 16 July called "Understanding Utility
157 Funding Needs: Pipes and Policies" which will cover how to determine values, costs and
158 assessment costs.

159
160 Ms. Roecks advised that both she and Ms. Harnois would be absent on 24-26 June for the AWC
161 Annual Conference in Wenatchee.

162
163 **Mr. Thompson made a motion to approve the minutes of the 6 May 2015 Regular Meeting of**
164 **the City Council. Mr. Tollefson seconded. Ms. Harnois requested a correction on Line 38 to**
165 **replace "retired" with "resigned". Passed.**

166
167 Mr. Stevenson suggested that check be reviewed and processed. This was done.

168
169 Ms. Roecks observed that the check to Ms. Harnois, which had been discussed and authorized by
170 the City Council during a previous meeting, had been cut. Mr. Mayer remarked that he was
171 against the cutting of the check, and explained why, and if it comes back as a finding from the
172 Auditor's Office, it will apply to the Council, and not him, and he's got the documentation to back
173 his case. Ms. Roecks reminded him and all findings are the responsibility of the Council, not the
174 Mayor.

Ms. Harnois explained about the AWC's Certificate of Municipal Leadership Programs and its associated credit system. She explained that this program is for elected officials only, for a single jurisdiction. She then presented documentation (3 pages) of all of the training she had attended since January of 2002. She informed the Council that the cost of this training to her, in total, has been \$11,600.00. She explained that her motivation was to learn as much as she could to best serve the Town of Rockford. She further explained that such training events gives her the opportunity to network with other elected officials and legislators on behalf of the Town of Rockford. She concluded by expressing her appreciation of the Town Council authorizing funds to reimburse her for travel expenses.

Mr. Stevenson made a motion to pay checks #12925 through #12934 for \$5925.17. Mr. Thompson seconded. No further discussion. Passed.

Ms. Freyaldenhoven presented the Town Treasurer's report for April 2015: Total of all funds: \$368,070.45; Current expenses: \$65,979.65; Street Fund: \$13,517.41; Criminal Justice: \$16,957.83; Equipment & Property Reserve: \$48,862.50; Sewer: \$17,274.56; Lagoon Repair: - \$1940.34 (Funds were disbursed before grant monies arrived. Account is currently in the positive.); Water Fund: \$45,223.90; Sewer Loan Repayment: \$98,095.06; Sewer Reserve: \$35,875.15; Water Reserve: \$8224.73; Waste Water Facility Reserve: \$20,000.00. Ms. Roecks asked, in light of the amount in the Criminal Justice funds, whether the monthly payment for the Sheriff Department Contract was being paid out of that account. Ms. Freyaldenhoven replied that the payment was coming out of the Criminal Justice fund, and monies in that fund represented the approximately 6 months' worth of payments remaining in the year.

William Benson (Planning and Zoning Chair) presented the Planning and Zoning Commission (P&Z) report:

The installation of a wireless tower remained an open topic and that P&Z continued to recommend approval of the project once the company provided certification that the amount and type of electromagnetic emissions were below levels hazardous to health.

The process and scope of the Comprehensive Plan Review was presented, and a Q&A facilitated by Ms. Harnois. The timeline for completion of this review will be addressed in a future meeting. The process was not expected to be overly complex or difficult due to the size of Rockford's municipality.

Mr. Benson advised that, due to the lack of a quorum, that all recommendations by P&Z were of an advisory nature, and responsibility for legislative approval would fall to the Council.

He and Mr. Bratten reviewed the P&Z related Town Fees and recommended that fees remain unchanged.

Per development of an Access Permit, Mr. Benson provided a recommendation of a minimal design to ensure unimpeded storm water and runoff drainage. Mr. Benson

provided the proposed verbiage of an ordinance pertaining to an Access Permit. Once approved by the Council, P&Z would develop the appropriate Permit Request Form.

Mr. Benson added that a member of the Rockford Fire Department happened to visit the Town Hall and ask whether consideration would be given to installing some form of master shut off valve or other system to prevent the sprinkler system at the ball field landing zone from activating when the LZ was in active use. Mr. Benson promised to mention that to the Council. Mr. Goyke was appraised of the request and is already in communication with the Fire Department on the issue.

Mr. Goyke mentioned that the P&Z related fees did not appear to cover his time while inspecting permitted work. Mr. Benson answered that these were recommendations, and that the Council would need to review and finalize fee changes.

Mr. Mayer moved on to New Business.

Garbage Ordinance 15-03: There is one addition "... requests to suspend garbage service may only be made once a year..." There was some discussion over the conditions subject to the ordinance. **Ms. Roecks made a motion to adopt Ordinance 15-03. Mr. Stevenson seconded. No further discussion. Passed.**

Bert Gunn requested relief from part or all of the repair bills resulting from damage to a city owned valve that he had been turning on and off in the past. Mr. Goyke gave a brief description of the situation: Mr. Gunn had been turning on and off the water service to his residence seasonally. During this time, the valve was incurring damage, but because an authorized Public Works employee had not been able to inspect the valve, there had been no maintenance performed on the valve. After some discussion, it was decided that the homeowner was liable for the complete amount of the bill because he had not been authorized to use the valve. **Mr. Stevenson made a motion that Mr. Gunn pay the \$698.45 water meter box. Mr. Thompson seconded. Ms. Roecks asked about replacement and/or repair of the town-owned street valve. Mr. Goyke answered that he would submit the request for the curb-stop valve work. Passed.**

Lisa Hilde requested assistance on her utility bill in that she believed that she was being charged for an incorrect amount of water. Mr. Goyke said that this water meter was recently installed, and was of a contemporary design, ruling out mechanical fault. He suggested that the homeowners had incurred such a high usage rate due to watering their lawn. There was discussion regarding possible watering scenarios. No evidence of mitigating circumstances could be found. **Mr. Stevenson made a motion that The Hildes pay the water bill as it stands. Mr. Tollefson seconded. No further discussion. Passed.**

Mr. Thompson made a motion that the Town cut reimbursement checks to homeowners for the extra water homeowners (Grewy, Willmshcen, Cumont, Tylers, Roecks)* will be required to use to care for the new ground cover at the Sewer Rehabilitation Sites until the ground cover

262 **had been established. Amounts to be determine by comparing usage rates from the previous**
263 **summer. Ms. Harnois seconded. No further discussion. Passed (Ms. Roecks abstained).**

264 (*Uncertain of correct spelling.)

266 Discussion of rate & fee changes. Mr. Goyke read from pertinent ordinances regarding special
267 exceptions to change rate fees. Further action table to allow additional discussion by the Council.

269 Personnel policy update. Mr. Mayer stated that no further action had been taken on the issue.
270 Mr. Tollefson objected, and explained that he has continued to work on the Personnel Policy
271 Manual, despite a lack of communication from the Mayor. The Mayor replied that he had been
272 in communication with another member of the Committee, who reported that no action was
273 being taken. Mr. Tollefson again objected, asking the Mayor to clarify his position regarding the
274 incident of 14 March, where the Mayor “took” the Committee from Mr. Tollefson. After further
275 discussion, Mr. Mayer moved to the next agenda item, whereupon Ms. Roecks introduced a Point
276 of Order, citing that Mr. Tollefson had the floor and that the Mayor was Out of Order. After
277 continued discussion, where Mr. Tollefson question the manner in which the Mayor “dismissed”
278 him, the Mayor responded that Mr. Tollefson could “file a grievance against him”.

280 Mr. Mayor stated that the engineers had looked at the River Street Sidewalk project, but
281 evaluation was not yet complete. Ms. Roecks expressed questions regarding what the next step
282 should be, whether to remove the sidewalk or repair the existing sidewalk. Ms. Harnois
283 commented that the \$350.00 received from RMSA might be used to mitigate costs.

285 Mr. Mayer than address the open pit on “C” Street. The residents have been contact multiple
286 times, and was not sure that the next step should be. There was discussion of the Public Works
287 Operator using the backhoe to fill the pit. Mr. Goyke expressed misgivings about that course of
288 action, citing liability concerns. Further discussion centered about reducing the liability of the
289 Town performing the work.

291 Mr. Goyke gave the Public Works report.

293 The sprinkler system installation is complete. Mr. Goyke will adjust operating times in
294 response to the weather, and then allow the system sensors to take over operation of the
295 sprinklers. He addressed the issue of shutting off the system when the LZ is in use, and
296 recommended installing a main fire-key shut off box to shut the system down if needed,
297 and will look further into a solution.

299 The Uninterruptible Power Supply to Well #4 shorted out, causing the battery to melt.
300 Mr. Goyke had to remove the unit from Well #5 and use it to reboot the telemetry of Well
301 #4. He requested guidance on how to proceed, the issue being that there is 3-phase
302 power being used to power an 110V computer panel, which is a waste of resource. The
303 computer panel, however, is a relay point for all telemetry. Discussion included funding,
304 telemetry, expense, and repair. Mr. Goyke recommended having an electrician to

305 diagnose the problem and determine a solution as well as repairing the shorted-out
306 components. The Council concurred with this action.

307

308 There were no public comments.

309

310 **Mr. Thompson made a motion to adjourn the meeting. Mr. Stevenson seconded. No discussion.**
311 **Passed.**

312

313 Mr. Mayer adjourned the Regular Meeting at 9:17 PM.

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Micki Harnois, Clerk Pro-tem

Carrie Roecks, Mayor Pro-Tem