

**KETTLE FALLS CITY COUNCIL MEETING**  
**OCTOBER 4, 2011**

**CALL TO ORDER**

Mayor Dorothy Slagle called the meeting to order at 7:00 p.m.

**ROLL CALL**

Dorothy Slagle, Ray Smith, Jesse Garrett and Debbie Gaskin.

Council Member Debbie Gaskin moved to excuse Council Members Les Callas and Krist Matthews from City Council. Council Member Jesse Garrett seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

**STAFF/GUESTS**

Staff - Raena Hallam, Dave Keeley, Joel Gassaway, John Ridlington and Scott Sterland.

Guests - Jason Keefe, Marcy Eschen, Austin King, Rachel King, Stevens County Commissioner Don Dashiell, Sheriff Kendle Allen, Dave Hudson and Vicki Cianciotto.

**ANNOUNCEMENTS AND MAIL RECEIVED**

As there was no Announcements or Mail Received, City Council moved on to Public Comment.

**PUBLIC COMMENT**

**NUISANCE APPEAL HEARING - AUSTIN & RACHEL KING**



**Kettle Falls Police Department**

415 Larch / P.O. Box 457 • Kettle Falls, WA 99141  
(509) 738-6700 • Fax (509) 738-2052

*Chief Scott K. Sterland*

September 14, 2011

**Notice to Abate Unsafe or Unlawful Condition**

Austin King Jr.  
155 W 5<sup>th</sup> Ave  
Kettle Falls, WA 99141

As the owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at 155 W. 5<sup>th</sup> Ave, Kettle Falls, WA (Plat #0340400). You are hereby notified that the undersigned, pursuant to Ordinance numbers 1625 and 1690, and chapter 8.12 of the City of Kettle Falls Municipal Code, has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection 8.12.020 (G)(L)(Q) of said ordinance.

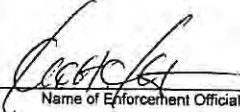
You are hereby notified to abate the condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate such condition within ten (10) days, the city will abate the condition at your expense. You have the right to a ten (10) day extension.

If you need assistance in the abatement of the condition described above, please contact city hall for suggestions or recommendations of organizations willing and able to assist you.

Abatement is to be accomplished in the following manner:

Removal of all refuse, non-functioning vehicles, vehicle body parts or other vehicle parts, utility trailers, garden tractors to include, but not be limited to:

- Red ATV
- Gray homemade trailer
- (2) Utility trailers
- Assorted Tires
- Miscellaneous car parts and refuse

Dated: 9-14-11 By:   
Name of Enforcement Official

YOU HAVE THE RIGHT TO APPEAL THE FINDING THAT A NUISANCE EXISTS AND/OR THE METHOD OF ABATEMENT ORDERED BY MAILING OR DELIVERING TO THE CITY CLERK WITHIN SEVEN (7) DAYS OF THE DATE OF THE APPEAL FORM ATTACHED HERETO

RECEIVED  
SEP 18 2011

September 18<sup>th</sup> 2011

BY:.....

To whom this may concern:

I am writing this to appeal the Notice to Abate Unsafe or Unlawful Condition notice that I received on Friday, September 16<sup>th</sup> 2011. It states that I am in violation of subsection 8.12.020(G)(L)(Q) of the Kettle Falls Municipal Code. It states that I have 10 days from when I receive this notice to remove the following items from the front of my house:

- Red ATV
- Grey Homemade Trailer
- (2) Utility Trailers
- Assorted Tires
- Miscellaneous car parts and refuse

I have remedied the utility trailers, the tires, and the car parts and refuse. I do however have an issue with my ATV and trailer and here is why. My ATV not only has a City of Kettle Falls License on it, but is also licensed with Washington State for off road use. I have had this ATV since 2008 and always been parked in front of my house for the past 3 years and I have never had any issues with it being parked there until now. Regarding the "homemade" trailer-it is licensed with Washington State as a utility trailer. We use this trailer almost every weekend for either recreational use or getting fire wood. I have owned this home for 11 years and not once have I had any issues with what I have parked in my front yard. The mayor is our neighbor and she asked me to move some of my vehicles around because people are having issues seeing onto 5<sup>th</sup> street when they are pulling out of the ally alongside our house. She did this a couple of months ago. I told her that if it still was not good enough to let me know. I never heard back from her so I thought the improvements that I made were to her satisfaction. I had a truck, flatbed trailer, 2 ATV's and 2 cars for a period of years and never had an issue as well.

I feel that I am being harassed with this. I feel that if I am going to be given this notice to move my property off of my property to another location on my property because they are a nuisance, then many other people in Kettle Falls should do the same. I have friends that live in this town who have rv's, trailers, and boats parked the same way in front of their homes as I park mine and they did not get any notice from the Kettle Falls Police Department. I just do not understand why I am being told to move my property off of my property especially since I have been parking my vehicles, trailers, and ATV's this way since I have owned my home. I do understand that with car parts and having tires there can be a bit of an eye sore so I had no

problem with cleaning that up, but my ATV's and my trailer? They are nice, not broken or junk, and they get used all the time all seasons of the year.

I have remedied the 2 utility trailers, tires, and the car parts and refuse that is listed in the notice. I am asking that I can still keep the grey "homemade" i.e. utility trailer and my ATV's where they are in my driveway since they have been like this for a long time.

Sincerely,

  
Austin King  
155 W 5<sup>th</sup> Ave  
Kettle Falls, WA 99141  
509-690-0419

Mr. King requested City Council to allow him to park his homemade utility trailer and 2 ATV's in the City Right of Way.

Council Member Debbie Gaskin moved to approve Mr. & Mrs. King's request on a trial period of 90 days. Council Member Jesse Garrett seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

Council Member Jesse Garrett explained to the audience that this variance granted to Mr. & Mrs. King does not change the policy or the intent of the nuisance ordinance.

### STEVENS COUNTY 3/10S OF A PENNY SALES

Sheriff Kendle Allen distributed an informational flyer to City Council explaining the proposed 3/10's of a penny sales tax proposition on the November 8, 2011 ballot.

#### **3/10ths of a Penny Sales Tax Proposition**

*This equates to 3 cents on a ten dollar purchase*



**Dear Stevens County Citizens:**

#### **Why is this Sales Tax Proposition on the November 8th Ballot for Voter Approval?**

We are concerned about our financial ability to continue providing for your safety in Stevens County. Over 21% of the people in the Sheriff's Office are currently funded by federal grants or state funding sources; we are looking at a loss in revenue of approximately \$406,000 at the end of 2011. The state funding streams are awarded annually and available funds are never guaranteed. With the rising cost of public safety, reduced county funding could result in fewer deputies at the Sheriff's office, resulting in a decreased ability to respond to your calls for service. The Prosecutor's Office and Courts find it difficult to effectively handle an increasing volume of cases for the same reasons.

#### **Why are we asking for Voter Consideration?**

The County is responsible for providing law enforcement services to approximately 33,848 citizens outside of our cities. We have decided that it is critical that we ask your approval to use the 3/10s of a penny sales tax option to fund our criminal justice needs. The increase would help to restore our ability to provide effective law and justice services in Stevens County.

#### **How much will be collected?**

The County would receive 60% of the new revenues and the cities would receive the remaining 40% according to their population. Based upon 2010 sales in Stevens County, this proposition would raise an estimated \$640,000 each year for the county and \$425,000 for the incorporated cities.

#### **How will the county funds be used?**

- Retain five Sheriff positions
- Fund a position for animal related services
- Assist the Prosecutors Office and Courts
- Funding to the Kids First Children's Advocacy Center (provides support to child victims of sexual and physical abuse)

This increase has a 5-year sunset; if passed, it will expire in 2016

#### **How much will it cost you?**

3 cents on a \$10 purchase  
30 cents on a \$100 purchase  
This increase will NOT impact groceries, medical services, automobile sales or leases.

#### **Who pays?**

Residents and visitors will pay the sales tax providing a broader funding base for public safety.

#### **How do we compare?**

If passed, the sales tax will increase from 7.6% to 7.9%. In neighboring Spokane County, the sales tax is 8.7%.

Sincerely,

Larry Guenther  
Commissioner Dist. #1

Don Dashiell  
Commissioner Dist. #2

Malcolm Friedman  
Commissioner Dist. #3

Kendle Allen  
Sheriff

**PUBLIC HEARING - MULTI -USE CONNECTIONS**

City Superintendent Joel Gassaway reviewed ordinance #1707 with City Council.

**ORDINANCE NO. 1707**

**AN ORDINANCE AMENDING A PORTION OF KETTLE FALLS MUNICIPAL CODE 13.04 WATER SYSTEMS**

**WHEREAS** the Kettle Falls City Council held a public hearing on October \_\_\_\_, 2011, and found that the proposed amendments are beneficial to the public health, safety and welfare, and are in the public interest; and

**WHEREAS** the Kettle Falls City Council finds the proposed amendments consistent with the intent of the Washington State Growth Management Act; and

**WHEREAS** the Kettle Falls City Council finds that the adoption of plans, regulations or ordinances for non project proposals is categorically exempt from the SEPA review process; and

**WHEREAS** the City of Kettle Falls has complied with all elements of its Public Participation Policy with regard to the proposed code modifications, now, therefore,

**THE CITY COUNCIL OF KETTLE FALLS, WASHINGTON, ORDAINS AS FOLLOWS:**

**Section 1:**

**There is hereby added to Municipal Code of Kettle Falls Section 13.04.055 Multi-Use Connections, which is to read as follows:**

If the owner of a multi-use property wishes to de-commission one or more units without disconnecting the service to the entire property in order to avoid monthly city utility charges on such unit(s), either permanently or for an indefinite period of time, they may submit a written application to do so to the Clerk/Treasurer, subject to approval by the Council, provided also that a means is provided to lock off or disconnect water service to said unit(s) in a way that said disconnection can be verified by the City Superintendent, with reasonable access provided for periodic re-inspection.

Water and other utility services shall be restored upon payment of the water re-connection fee set forth in 13.04.230 of the municipal code for each unit re-connected.

**Section 2:**

**KFMC Section 13.04.230 B currently provides as follows:**

For periods of shut off, there will be no charge for water or charge for turning water off and on at the meter.

**KFMC Section 13.04.230 B is hereby amended to provide as follows:**

For periods of shut off, there will be no charge for water. A re-connection fee equal to the water administration fee for in-town users and for out-of-town users is established for turning on water services that are shut off at customer's request. This fee does not apply to services shut off due to emergencies or temporary shut offs for scheduled repairs.

**Section 3:**

Each portion of KFMC 13.04 not specifically modified by th ordinance shall remain in full force and effect.

**Section 4:**

This ordinance shall be in full force and effect five days after its passage and publication as provided by law.

Mayor Dorothy Slagle opened the Public Hearing for Public Comment at 7:39 p.m.

Mr. Jason Keefe stated he is happy an ordinance is being reviewed, but expressed his disappointment that the process has taken over two years. As a result it has cost him over \$17,000. Mr. Keefe stated he finds the slowness very disturbing.

Mr. Keefe also expressed his concern about how the ordinance is written. Mr. Keefe asked if the City can promptly handle a request for water shut off if it needs to be presented to City Council each time?

Ms. Marcy Eschen stated she would like the base rates to be lower. Marcy stated the City of Colville has senior citizen rates and doesn't charge property owners for empty apartments.

Marcy Eschen also presented a letter to City Council:

Oct. 4, 2011

To: Kettle Falls City Council

From: Marcy Eschen, Pacific Pines Apts.

Re: Request to consider more equitable base rates for Water and Sewer customers

As a low income and primarily studio apt. complex owner, I especially feel the squeeze more than other apt. complexes. Presently, I now pay over \$900.00 per month for 9 people (equivalent to two S/F home rates). These are some of my notes on the inequalities. I can only hope that you also feel this injustice.

1. Inequality of Base rates:

S/F Residential (family of 4 plus yard)  
3 Bdm. Apt. (min. 4 persons)  
2 Bdm. Apt. (2-3 persons)  
1 Bdm. Apt. (1-2 persons)  
Studio Apt. (1 person)

2. Shut-Off

No charge for S/F residential when vacant  
All vacant apts. are still liable for the base rate.

3. Out of town water rates are low considering how much it would cost to drill and maintain a well.

4. All other communities have Discount Rates for low-income and seniors.  
Colville is 50 %

5. Rent increase capability: Ability of owners to raise rents depends on the unit. Studio apt. rents cannot be increased as much as other apts.

6. Million dollar improvements benefit all member of the surrounding communities but loan is paid on the backs of approx. 500 in-town people. Funding for the Dept. of Ecology loan is questionable since I do remember filling out Survey forms on low income. Interesting - how so few low income people can pay back six million. I believe that it was the Dept. of Ecology who started this whole waste water treatment problem to begin with. I would like to know more on how this got approved.

So far the answer to rate and tax increases has been "Well, we did have it posted and had a hearing." As a former member of Planning Commission, I know most people do not pay attention to notices. What would have happened if this would have been put on the ballot?

Also, I do know that the original by-laws did not detail the rate structure because it was meant to be temporary at the time. It is time for our City Council to step up to the injustice of these rates for the past twenty years.

Thank you,  
Marcy Eschen  
738-2245

Mayor Dorothy Slagle closed the Public Hearing to Public Comment at 8:04 p.m.

After discussion, City Attorney Pat Monasmith stated he will revise the proposed ordinance and have a new draft ready for the October 18, 2011 City Council meeting. Pat stated the City Council can declare an emergency and adopt the Ordinance at that time.

#### CONSENT AGENDA

##### APPROVAL OF SEPTEMBER VOUCHERS & PAYROLL

Council Member Ray Smith moved to approve the Consent Agenda. Council Member Debbie Gaskin seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

#### COMMITTEE REPORTS

As there were no Committee Reports, City Council moved on to Staff Reports.

#### STAFF REPORTS

##### WATER TESTING

City Superintendent Joel Gassaway reported has received a non acute violation for bad water tests in the water system. Joel stated a written notification will need to be mailed to all water users and the City may need to chlorinate the water system for a temporary period of time. Joel stated he is not certain what has caused the issue.

##### EVERGREEN DRIVE - HILL

City Superintendent Joel Gassaway stated the City Crew will be fixing the hill on Evergreen Drive before winter this year.

#### NEW BUSINESS

##### LIBRARY 2012 BUDGET REQUEST

Teah Chadderdon presented her budget request to City Council. Teah stated she has not planned for any Capital Projects, but if revenues are higher than anticipated she will return to City Council later in the year.



Kettle Falls Public Library 2012 Budget	
<i>Estimated Beginning Fund Balance from 2011</i>	<i>6,500</i>
Property Taxes (11%) - 1% decrease	22,225
Investment Interest	250
Other Miscellaneous Revenue	0
<b>Total Estimated Revenue</b>	<b>22,475</b>
<b>Total Estimated Resources for 2012</b>	<b>28,975</b>
<b>Estimated Expenditures for 2012</b>	
Salaries (janitorial)	2,100
Benefits (Janitorial)	300
Supplies	600
Professional Services	11,000
Communications	3,600
Insurance	1,300
Utilities	4,000
Repairs and Maintenance	1,000
Miscellaneous	575
Library Capital Outlay	500
Transfer to Library Cumulative Reserve	4,000
<b>Total Estimated Expenditures for 2012</b>	<b>28,975</b>

### LEAF PICKUP

Clerk/Treasurer Raena Hallam reported she had made an error in the Newsletter stating only 5 bags of leaves were allowed for a \$2 fee. Raena stated this should be 20 bags for \$2.00.

Council Member Jesse Garrett moved to charge citizens 20 bags of leaves for \$2.00 and \$1.00 charge for each bag over 20. Council Member Debbie Gaskin seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

### OLD BUSINESS

#### WASTEWATER TREATMENT FACILITY

City Planner Dave Keeley reminded City Council of the Construction meetings held each Wednesday at 10:00 a.m. Dave stated the DOE did a site inspection and were pleased with the progress.

**HIGHWAY 395 NORTH SIDE SIDEWALK PROJECT**

City Planner Dave Keeley reported the project is moving along nicely. Woodland Theatre has offered some funding to the project to asphalt to their front door. This would put asphalt to the front of all four buildings.

City Planner Dave Keeley also stated that Bauman Brothers Construction is very good to work with and appreciates how they are handling the project.

**AVISTA UPDATE**

City Superintendent Joel Gassaway reported the City and Avista are working together to create three different agreements. At this time the City is waiting to receive another draft from Avista.

**PUBLIC COMMENT**

**CITY ATTORNEY RESIGNATION**


City Attorney Pat Monasmith announced he has been appointed to the position of Superior Court Judge and will need to resign as the City Attorney for the City of Kettle Falls.

Mayor Slagle and City Council expressed their congratulations and appreciation of his years he has given to the City of Kettle Falls.

**ADJOURNMENT**

Mayor Dorothy Slagle adjourned the meeting at 8:34 p.m.

Approved:

  
\_\_\_\_\_  
Mayor Dorothy Slagle

Attest:   
\_\_\_\_\_  
Raena Hallam, Clerk/Treasurer