

**KETTLE FALLS SPECIAL CITY COUNCIL MEETING**  
**JULY 2, 2013**

**CALL TO ORDER**

Mayor Slagle called the meeting to order at 7:00 p.m. and led the audience in the pledge of allegiance.

**ROLL CALL**

Dorothy Slagle, Ray Smith, Bonnie Bradley, Jesse Garrett, Cris Haynes and Debbie Gaskin.

**STAFF/GUESTS**

Staff - Charlie Schuerman, Logan Worley, Joel Gassaway, Raena Hallam and Dave Keeley.

Guests - Jackie Burns, Jeanie Thompson, Don Hall and Larmie Edwards.

**ANNOUNCEMENTS AND MAIL RECEIVED**

As there were no Announcements and Mail Received, City Council moved on to Public Comment.

**PUBLIC COMMENT**

**PUBLIC HEARING - REPEAL THE CURRENT NUISANCE ORDINANCE AND REVIEW A NEW PROPOSED NUISANCE ORDINANCE**

City Planner Dave Keeley presented his staff report:

*Date: July 2, 2013*

*Staff Report: Proposed Nuisance Ordinance*

*The proposed Nuisance Ordinance is presented to repeal the existing Nuisance Ordinance enacted in 2003.*

*It is the consensus of City Staff that the existing Nuisance Ordinance may be too subjective to interpretation in defining what is a "safety issue" compared to what may be an "appearance issue".*

*Enforcing a code based on subjective appearance may potentially violate private property rights and quickly brings both parties into the court system if an agreement is not made which can be very costly.*

*The proposed draft Nuisance Ordinance attempts to strike a balance in protecting private property rights while protecting the health, safety and welfare of the residents of Kettle Falls. The proposed ordinance defines public nuisances, outlines voluntary correction first, then abatement second.*

*I would like to remind the Council that the City has a separate Junk Vehicle Ordinance Chapter 8.08 of the KFMC. The proposed Nuisance Ordinance and the Junk Vehicle Ordinance are two distinct and separate ordinances. Tonight's hearing is addressing the Nuisance Ordinance.*

Mayor Slagle opened the public hearing for public comment at 7:13 p.m.

City Planner Dave Keeley read into the record a letter from Jeanie Thompson.

June 27, 2013

JUN 27 2013

Re: Written statement for the City of Kettle Falls Public Hearing concerning the Repealing of Ordinance No. 1625, and the Review of a New Ordinance Proposal. As pursuit to Legal Notice in Statesman-Examiner on June 19th.

As a citizen within the legal boundaries of the City of Kettle Falls I am asking the Mayor and City Council Members to reject the newly proposed "Nuisance Ordinance" due to the lack of constitutional agreement with Chapter 9.66 RCW Public Nuisance Laws. Which Reads: "A public nuisance is a crime against the order and economy of the state." The proposed ordinance is missing the economic protection of my rights as a property owner.

At previous City Council Meetings I have heard declarations concerning the desire to protect the citizens of Kettle Falls' constitutional rights. Considering those statements, I believe that the Kettle Falls City Council will protect all of our Constitutional Rights by correcting the proposed ordinance to be in compliance with the State of Washington RCW. If the newly proposed ordinance is not corrected I fear the City of Kettle Falls may be subject to future litigation concerning the omission.

Respectfully submitted,



Jeanie Thompson  
220 W Evergreen Dr  
Kettle Falls, WA 99141

Don Hall, 925 S. Josephine asked what is the definition of a junk vehicle.

City Attorney Charlie Schuerman explained to Mr. Hall the nuisance ordinance and junk vehicle ordinance are two different ordinances. Charlie explained the public hearing this evening is regarding the nuisance ordinance.

Jeanie Thompson, 220 W. Evergreen, stated the proposed nuisance ordinance lacks anything that preserves the economic value of the community. Mrs. Thompson explained a lot of stuff in the proposed ordinance has been taken out in comparison to the old ordinance leaving nothing left to enforce. Mrs. Thompson stated she owns a \$250,000 home and wants the City to preserve its economic value.

Larmie Edwards, Horseshoe Drive, stated in 2003 the city adopted an ordinance that would allow the City to enter private property and mow down the weeds and bill the property owner. Mr. Edwards stated the new ordinance won't make enforcement any better and may make it worse.

Don Hall, 925 S. Josephine, commented there are a lot of weeds on City property that also needs taken care of.

After no additional comment was proposed, Mayor Slagle closed the public hearing for public comment at 7:22 p.m.

### CONSENT AGENDA

#### APPROVAL OF THE CITY COUNCIL MINUTES FOR JUNE 4, 2013 AND JUNE VOUCHERS & PAYROLL.

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

### COMMITTEE REPORTS

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

### STAFF REPORTS

#### MEYERS STREET RESURFACING PROJECT

City Superintendent Joel Gassaway stated bid documents are being drafted for the Meyers Street Resurfacing Project and should be ready very soon.

#### BOISE TANK RECOATING PROJECT

City Superintendent Joel Gassaway stated the Boise Tank Recoating Project is complete and went really good.

#### WATER PLAN

City Superintendent Joel Gassaway stated the WA State Dept. of Health approved the water plan but gave the City 200 less water services. Joel explained E&H Engineering will amend the water plan and resubmit it to the Dept. of Health for recalculation. Joel stated the City has had 1400 hook ups for over 30 years and should not have been penalized.

#### ROCK DONATION FOR PATTI'S PLAYGROUND

Mayor Slagle stated Jeremy Fosback donated a rock to use for the dedication of the playground at Happy Dell Park to Patti Harsin. Mayor Slagle stated she picked the rock out yesterday and Randy Fosback is donating his time and equipment to place the rock.

**NEW BUSINESS**

**ORDINANCE NO. 1720 AN ORDINANCE REPEALING ORDINANCE NO. 1625 ENACTED IN 2003, AS CODIFIED IN CHAPTER 8.12 OF THE KETTLE FALLS MUNICIPAL CODE, TITLED "NUISANCES", AND ENACTING A NEW NUISANCE ORDINANCE, DEFINING TERMS USED THEREIN, DECLARING PUBLIC NUISANCES, PROHIBITING CONDUCT THAT CONSTITUTES A NUISANCE, PROVIDING NOTICE AND ABATEMENT PROCEDURES, ESTABLISHING PENALTIES FOR VIOLATORS**

Council Member Debbie Gaskin moved to introduce Ordinance No. 1720 by title only. Council Member Ray Smith seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes, Council Member Cris Haynes - yes and Council Member Debbie Gaskin - yes.

**ORDINANCE NO. 1721 AND ORDINANCE AMENDING KETTLE FALLS MUNICIPAL CODE (KFMC) 12.16.030 REGULATIONS APPLICABLE TO PARKS AND RECREATIONAL FACILITIES**

Council Member Jesse Garrett moved to introduce Ordinance No. 1721 by title only. Council Member Bonnie Bradley seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes, Council Member Cris Haynes - yes and Council Member Debbie Gaskin - yes.

**10" WATER MAIN PROJECT RELEASE OF RETAINAGE**

City Planner Dave Keeley reported the 10" Water Main Project is completed and the retainage is ready to be released.

Council Member Jesse Garrett moved to release retainage to Colville Construction for completion of the 10" Water Main Project. Council Member Bonnie Bradley seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes, Council Member Cris Haynes - yes and Council Member Debbie Gaskin - yes.

**FINAL PAY ESTIMATE FOR BOISE WATER RESERVOIR RECOATING PROJECT**

City Superintendent Joel Gassaway stated the Boise Tank Recoating Project is completed and he is very happy with the work. Council Member Jesse Garrett moved to approved release of the final pay estimate in the amount of \$948.75. Council Member Ray Smith seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes, Council Member Cris Haynes - yes and Council Member Debbie Gaskin - yes.

**OLD BUSINESS**

As there was no Old Business City Council moved on to Public Comment.

**PUBLIC COMMENT**

**SEPTEMBER 11<sup>th</sup> MEMORIAL STATUE**

Council Member Cris Haynes stated in her work with the Huckleberry Press she had the opportunity to interview the gentleman who transports a September 11<sup>th</sup> memorial statue to cities and towns across the state. Cris stated he has offered to bring the statue to Kettle Falls.

After discussion, it was decided Cris would contact him and see which dates are available and possibly plan an event that coincides with the dedication of Patti's playground at Happy Dell Park.

**ADJOURNMENT**

Mayor Dorothy Slagle adjourned the meeting at 7:57 p.m.

Approved:

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

Attest:

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