

KETTLE FALLS CITY COUNCIL MEETING
JULY 16, 2013

CALL TO ORDER

Mayor Dorothy 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 - Joel Gassaway, David Keeley, Charlie Schuerman and Sherry Chambers.

Guests - Vicki Cianciotto, Dave Hudson, Jackie Burns, Mike Burns, Laramie Edwards, Loren Guenther, Patricia Guenther, Chris Thompson, Glen Thompson, Jeanie Thompson, Lu Haynes, Bob Haynes, Debbie Barry and Lisa Rosen.

ANNOUNCEMENTS AND MAIL RECEIVED

City Planner David Keeley read a letter to the editor of the Statesman Examiner into record.

Statesman Examiner
220 S Main St
Colville, WA 99114

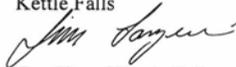
Letter to the Editor:

Editor, about the letter sent by Jeanie Thompson on 7/10/13 about Kettle Falls junk, trash, old cars & etc on home lots. There are many people that agree with her. We have been in the area for many years & we see the same trash, old car & junk & it is getting worse & worse each year. All the city does is talk about it at there meetings & what have they done? More talk & NO action.

The people that live by these junk yards will loose thousands of dollars when they want to sell their home. One example is a friend had a real estate agent look at their home to get a value on there place. Across the street is a junk yard. They were told that their home value is \$15,000.00 to \$20,000.00 LESS.

As a retired Registered Environmental Health Specialist & Registered Sanitarian I see areas where Mosquitoes can hatch, feral cats & dogs loose. I could write pages on what they can carry & it is not good. The city of Kettle Falls need to do something soon.

Jim Langevin, REHS/RS. (83229)
Kettle Falls



Cc: City of Kettle Falls.

PUBLIC COMMENT

Mayor Dorothy Slagle stated two years ago there were eighteen properties on the nuisance list and today there are only five. She stated she hopes everyone has read the old and new nuisance ordinances.

Jeanie Thompson, 220 West Evergreen Drive, asked the Council Members if they had done any research.

City Council Members Cris Haynes and Debbie Gaskin both stated they were relying on the expertise of the City Attorney.

City Attorney Charlie Schuerman explained the role of the council members and stated they are legally not allowed to have private meetings or discussions on public matters.

Jeanie Thompson, 220 West Evergreen Drive, read a letter she prepared for the City Council.

Dear Kettle Falls City Council,

When I moved to Kettle Falls I saw a town that has great potential for economic prosperity. Yet, over the years I see businesses fail and land values drop. I am not suggesting that all the economic woes are the City Council's fault, but they have an opportunity to place safe guards on our nuisance ordinances to protect against further erosion.

I have attended a few Council meetings and I hear statements concerning protecting Constitutional Rights of homeowners, yet you seem to focus on each man doing whatever is right in his own eyes. You have narrowed the ordinance down to not even keeping rats out of the city. It is said that the old ordinance was unenforceable, but I have not seen significant changes to the newly proposed ordinance. I am not a lawyer, yet it would seem that if the courts will not uphold our current ordinances then we need to further define, refine and quote current RCWs that will protect our Constitutional right of economic protection. There are successful case laws where cities have prevailed in upholding their nuisance ordinances. Why don't we follow those examples? I suggest you look at the "Nuisance Regulations" published by the *Municipal Research & Services Center of Washington*. The 62 page report uses Washington RCW's and past cases won in the courts by other cities.

When we talk of Constitutional Rights it is imperative that we remember that it is Liberty under law, not license. My rights end where yours begin. If what I do on my property adversely affects your ability to sell your home at a fair market value, then I have committed a crime against you.

I am submitting a two photographs of obvious violations against the citizens of Kettle Falls. These are two examples of nuisances concerning yards that promote the breeding of insects, prime environment for the development of plant disease, fire hazards and basic safety and a haven for pests. The burned area has metal, nails, charred lumber, an abandoned chest freezer with the lid attached and it is open to any child that travels down the alleyway behind this building. The property does not even have a complete fence to keep children from entering the hazard. None of these issues are mentioned in the proposed ordinance, thus none of these existing problems could be brought to the property owners.

I am a Rotarian who is working hard to help provide the City with a new building at the Happy Dell Park; which will expand the restroom area, has a snack booth area and storage for the City. The actions of this council have me questioning the wisdom of my continuing with this time consuming project. Why build a new and improved building when you do not value property?

Jeanie Thompson
220 W Evergreen Dr
Kettle Falls, WA 99141

Jeanie Thompson, 220 W Evergreen Drive, stated there has not been a significant change to the ordinance and suggested the City look at nuisance regulations created by Municipal Research Services Center (MRSC). She presented two photographs of properties she believes to be hazardous and not addressed by the new ordinance.



Mike Burns, 244 North Horseshoe Drive, asked how long it takes for the ordinance to go into effect.

Mayor Dorothy Slagle stated ordinances go into effect five days after they are passed by City Council. She asked Mike if he had read the ordinance.

Mike Burns, 244 North Horseshoe Drive, stated he had read the ordinance, but was concerned about whether it would be enforced.

Jackie Burns, 244 North Horseshoe Drive, asked if the list of nuisance properties is public information and if the public can add properties to the list.

Mayor Dorothy Slagle stated the list of nuisance properties is public information and the City welcomes suggestions from the public.

Laramie Edwards, 251 South Horseshoe Drive, asked if the City planned to do anything about the cowhides on Horseshoe Drive causing the offensive odor.

Mayor Dorothy Slagle stated she was unaware of the problem. If the ordinance is passed it will take five days to go into effect, but meanwhile, the city can send an officer to speak with the owner.

Mike Burns, 244 North Horseshoe Drive, stated he was concerned about the arsenic leaking into the soil.

Laramie Edwards, 251 South Horseshoe Drive, stated the hides are partially on city right of way.

Loren Guenther, 260 West 5th Street, stated three of the five junk places are near his residence. Some of the property owners have started adding licenses to the junk vehicles to get around the ordinance. He also stated that on a recent trip to Rosalia and Palouse he never saw junk cars. He stated when the Horizon group started and Kendle was Chief of Police, tickets were put on cars, but had no effect for some cars. He said the ordinance had to be rewritten then, and some of the cars have been there for forty years.

Lisa Rosen, 385 Avey Court, asked if private citizens must complain to get something on the list.

Loren Guenther, 260 West 5th Street, stated there is a problem with cats and dogs. Dogs are barking 24 hours a day.

Mayor Dorothy Slagle stated dogs can be a benefit to home security. They are covered in a separate ordinance.

Patty Guenther, 260 West 5th Street, stated the weeds are two feet high in front of the post office.

Mayor Dorothy Slagle stated the post office has some responsibility to keep up the grounds. City Hall staff maintain

the grounds in front of City Hall and other businesses should also.

Patty Guenther, 260 West 5th Street, stated she talked with the postmaster and they no longer have funds for a groundskeeper. Patty Guenther stated the library staff also take care of their own grounds.

Chris Thompson, 220 West Evergreen Drive, stated he was looking to buy a house in Kettle Falls, but is reluctant to buy a \$200,000.00 home that will lose value because of his neighbors. He stated the definitions in the old ordinance are three pages long and the new ordinance has only one paragraph. He stated the new ordinance is too vague and the definitions are needed. He stated if his neighbor had a broken fence the new ordinance does not cover it.

Council Member Bonnie Bradley stated a broken fence would be an issue between neighbors if it is not in public view.

Mayor Dorothy Slagle stated the town is improving and property values are increasing.

Jeanie Thompson, 220 West Evergreen Drive, asked why the old ordinance was changed if it was working.

Mayor Dorothy Slagle stated the old ordinance worked because it was voluntary. The new ordinance is needed for those who do not voluntarily comply with the ordinance.

Glen Thompson, 220 West Evergreen Drive, asked if there will be another discussion after the planner does his presentation.

City Attorney Charlie Schuerman stated further discussion is not required once public comment is closed. The meeting will follow the agenda.

Mayor Dorothy Slagle stated public comment is the time to ask questions.

Jeanie Thompson, 220 West Evergreen Drive, stated they were being stonewalled and needed to hear the report to ask more questions.

City Attorney Charlie Schuerman explained the council process and stated it is the option of the council members to allow additional discussion.

Mayor Dorothy Slagle stated council members will make their decisions based on their own research as well as the public comment. They cannot discuss the issues with each other outside of council and must vote on issues individually.

CONSENT AGENDA

APPROVAL OF THE AUGUST 7, 2012 CITY COUNCIL MINUTES AND AUGUST VOUCHERS AND PAYROLL

Mayor Dorothy Slagle stated the consent agenda is unavailable and will be tabled until the next meeting since Raena, the Clerk/Treasurer, is on vacation.

COMMITTEE REPORTS

FIRE DEPARTMENT

Council Member Debbie Gaskin stated the fire department had their radios tuned up and are in the process of gathering gear for the Marcus Fire Station. The Marcus Fire Station is on schedule.

STAFF REPORTS

OPEN HOUSE

City Planner David Keeley stated the open house for the wastewater treatment facility is scheduled for Wednesday, July 24, 2013, from 1:00 p.m. to 7:00 p.m. The public is invited.

NUISANCE ORDINANCE

City Planner David Keeley stated Chewelah and Colville have similar ordinances. A few years ago the City started identifying junk cars and will now focus on yards. The nuisance ordinance was difficult to enforce. Some people feel they have the right to determine how they keep their yard. The old ordinance does not stand up in court. The City cannot go to private homes and remove personal property.

City Planner David Keeley stated the new ordinance focuses on health, safety and welfare. The ordinance is condensed because the city has the right to protect health, safety and welfare. Properties found in violation of the ordinance are notified and given 10 days to correct the issues. If the issues are not corrected, the City will correct the issue at the owner's expense.

Mayor Dorothy Slagle stated a property becomes an issue when it is hazardous.

City Planner David Keeley stated once the ordinance is adopted the City can start enforcing it.

Mike Burns, 244 N Horseshoe Drive, asked what the penalty is for not complying with the ordinance.

City Planner David Keeley stated a lien is filed against the property and the property owner will be fined \$100 the first day, \$200 the second day, \$300 the third day, \$400 the fourth day, \$500 the fifth day and \$500 every day after, until the issue is corrected.

Glen Thompson, 220 West Evergreen Drive, asked who the enforcer would be.

Mayor Dorothy Slagle stated City Planner David Keeley will take on the role.

City Planner David Keeley stated the City wants to focus on health, safety and welfare and not necessarily on appearance, such as peeling paint.

Chris Thompson, 220 West Evergreen Drive, stated peeling paint could be a health hazard if it has lead in it. A neighbor could claim a bee trap is hazardous if they are allergic to bees or a fountain could be considered hazardous to someone with small children.

Mayor Dorothy Slagle stated it would be the responsibility of the neighbors to keep children out of their neighbor's yard.

Mike Burns, 244 North Horseshoe Drive, stated the wide scope of the new ordinance will cover more than the old ordinance.

Jeanie Thompson, 220 West Evergreen Drive, stated she has not heard anything specific. In her perception, the new ordinance is not enforceable.

Don Hall, 925 Josephine Road, asked how hard it is to amend the ordinance after it is passed.

City Attorney Charlie Schuerman stated the ordinance can be amended repeatedly.

City Council Member Jessie Garrett stated the city is not a home owners association with a covenant. The City takes care of public property and does not want to regulate personal property unless it has an effect on the health, safety, and welfare of the public. Appearance of private property should be determined by public peer pressure, not public regulation.

City Planner David Keeley stated the same ordinance was used by another city and they were unable to enforce it in court.

PATTI HARSIN'S PLAYGROUND DEDICATION

Mayor Dorothy Slagle stated the rock for Patti's playground is in place. The rock and the placement of the rock were donated by the Fosback family. The dedication will take place on September 7, 2013 along with the display of the 9/11 traveling memorial.

NEW BUSINESS

MEYERS STREET PROJECT ENGINEER SELECTION

City Planner David Keeley stated Stevens County has designed the Meyers Street Project. It is state funded from gas sales tax. The county is not eligible to engineer the project. The City has kept E&H Engineering on retainer, but the letter of retainer was determined to be out of date and the City was required to go through the selection process or use the small works roster.

City Planner David Keeley stated the City selected five engineers and interviewed three, E&H Engineering, TD&H Engineering and Varela & Associates. He stated the City may want to choose another engineer besides E&H since they are busy working on the shop for Public Works.

Mayor Dorothy Slagle stated the only requirement is to pick the most qualified and they are all equally qualified. She stated E&H Engineering was scheduled to have the majority of the maintenance shop completed, but they have not started, so she does not want to add another project that will slow down the progress of the shop. She stated all candidates interviewed well, but she was especially impressed with the references and enthusiasm of Varela & Associates. She stated she recommends Varela & Associates to the council.

City Planner David Keeley stated the City must pick the most qualified engineer and then negotiate a price. If a price cannot be agreed upon, the City would go to the next qualified engineer.

Mayor Dorothy Slagle shared the qualifications and information received from each of the engineers with the council members.

Council Member Bonnie Bradley moved to hire Varela & Associates for the Meyers Street Project. Council Member Jessie Garrett 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

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 ORDINANCE, DEFINING TERMS USED THEREIN, DECLARING PUBLIC NUISANCES, PROHIBITING CONDUCT THAT CONSTITUTES A NUISANCE, PROVIDING NOTICE AND ABATEMENT PROCEDURES, ESTABLISHING PENALTIES FOR VIOLATORS.

City Council Member Cris Haynes asked if the ordinance should be tabled for more public comment.

Mayor Dorothy Slagle stated the council has the option to pass, deny or postpone the ordinance.

Council Member Cris Haynes asked if there were any more concerns from the public.

There were no comments for the public.

Mayor Dorothy Slagle stated the ordinance could be amended in the future if a better definition is found. She stated the city is always open to suggestions to improve the ordinance.

City Council Member Bonnie Bradley stated she supported the ordinance and would like the chance to implement it and show that it will work.

Council Member Bonnie Bradley moved to pass Ordinance No. 1720. Council Member Debbie Gaskin 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-AN ORDINANCE AMENDING KETTLE FALLS MUNICIPAL CODE (KFMC) 12.16.030 REGULATIONS APPLICABLE TO PARKS AND RECREATIONAL FACILITIES.

Mayor Dorothy Slagle stated Ordinance 1721 would add a rule regulating the amount of water allowed to be taken from the yard hydrants in the parks.

Council Member Jessie Garrett moved to adopt Ordinance No. 1721. 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.

PERSONNEL POLICY UPDATE - ON CALL HOURS/PAY.

City Superintendent Joel Gassaway distributed the current regulations for public works on-call time. He stated the wastewater treatment plant has additional duties to on-call crew members and he recommended an additional hour of on-call pay.

7-9. ON CALL. Utility crew personnel will receive four hours per day of on call pay at one and one-half times per hour for Saturday and Sunday while they are on call. If the employee is called out after regular work hours' on Friday but before midnight (12:00 A.M.) or after midnight (12:00 A.M.) Sunday at least two (2) hours prior to normal work hours the employee will receive 2 hours of on call pay at one and one-half times per hour. When an employees normal on call weekend includes a holiday, that employee shall receive double time and one half for eight hours on the holiday.

Council Member Jessie Garrett asked if the summer help is on-call and how Paul is paid.

City Superintendent Joel Gassaway stated the summer help is not on call. The regular crew, including Paul, take turns covering on-call from Friday at 3:30 p.m. to Monday morning at 7:00 a.m.

Bob Haynes, 1325 Oak Street, asked how long the crew has to respond.

City Superintendent Joel Gassaway stated the crew are expected to respond within 20 minutes.

City Council Member Bonnie Bradley stated the holiday pay at double time and a half needs clarification.

City Council Member Jessie Garrett stated the crew should be paid a flat rate for being on call and the time and a half if they are called out. The on-call wage should not be determined by each crew member's wage.

Mayor Dorothy Slagle asked how we should determine the base rate.

Council Member Cris Haynes asked if the crew can be scheduled for weekends to avoid so much overtime.

City Superintendent Joel Gassaway stated he could schedule them for weekends, but he would be short crew members during the week to do projects.

Bob Haynes, 1325 Oak Street, stated the salaries for city workers are too high and asked who paid for the certification of the wastewater treatment operators.

City Superintendent Joel Gassaway stated the operators had certifications when they came to the city, but the city does pay for continuing education.

City Council Member Cris Haynes stated the policy should be tabled until it can be researched and clarified.

SUMMER SUPERVISOR WAGE INCREASE.

City Superintendent Joel Gassaway requested a wage increase from \$9.50 to \$9.75, retroactive to July 15, 2013, for Summer Supervisor, Troy Litts. He stated Troy has done an exceptional job, takes the incentive to do more projects and has been an asset to the department.

City Council Member Cris Haynes asked how many people he supervises.

City Superintendent Joel Gassaway stated he supervises one person, the summer helper.

Council Member Jessie Garrett moved to approve the wage increase from \$9.50 to \$9.75 per hour, retroactive to July 15, 2013, for the Summer Supervisor Troy Litts. 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.

ADJOURNMENT

Mayor Dorothy Slagle adjourned the meeting at 9:00 p.m.

Approved:

Dorothy Slagle, Mayor

Attest:

Sherry Chambers, Clerk/Secretary