

KETTLE FALLS CITY COUNCIL MEETING
DECEMBER 17, 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 and Debbie Gaskin. Cris Haynes was absent.

STAFF/GUESTS

Staff - Raena Hallam, Tim Dollar and Charlie Schuerman.

Guests - Allen Thueringer, Tami Burns, Ryan Burns, J & A Gilligan, Dina Keller, Webb Keller, John Smith, Jim Langevin, Sue Richardson, Terry Foster, Joyce Foster, Rita Langevin, Mark Thueringer, Terry Thueringer, Linda Youngblood, Tana Spencer, Glen Thompson, Jeanie Thompson, Steve Parker, Lois Miller, Gaylord Miller, Lorna Mackowich, Ernie Hoch, Carla Hoch, Tiffany Lane, Jan Meyers, Hubert Humes, Roland Horner, Don ??, Sherry Am?, Russel Bolton, Tony Belly, James Thueringer, Marty Brun, Sharon Graves and Mike Seeley. (Some names on the sign in sheet were not legible, sign in sheet is attached to meeting notes on file)

ANNOUNCEMENTS AND MAIL RECEIVED

EXECUTIVE SESSION

Mayor Slagle thanked everyone for coming to the City Council meeting.

Mayor Slagle announced there would be an executive session that would last approximately 30 minutes. The purpose is to discuss possible litigation. *RCW 42.30.110(i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency in litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or likely to become, a party, when public knowledge regarding the discussion is likely to result in adverse legal or financial consequence to the agency.*

City Council entered into Executive Session at 7:04 p.m. City Council returned to regular session at 7:32 p.m.

PUBLIC COMMENT

MR. AND MRS. KELLER - POSSIBLE LITIGATION

Mayor Slagle thanked everyone for coming and stated she would allow public comment. Mayor Slagle asked everyone to keep their comments to the subject and not repeat something that has already been stated. Mayor Slagle also asked anyone that speaks to please state their name and address for the record. Mayor Slagle further explained since this issue involves possible litigation the Public Comment is just that, public comment, and herself and City Council will not participate in discussion.

Mr. Hubert Hume, Onion Creek, asked Mayor Slagle who the gentleman was sitting in the audience. Mayor Slagle introduced Mr. Pat McMahon, attorney representing the City of Kettle Falls.

Mrs. Dina Keller, Evans, WA, addressed the Mayor and City Council about four tort claims her family filed against the City of Kettle Falls on September 19, 2013. Mrs. Keller stated Police Chief Scott Sterland brought four criminal charges with no probable cause against her and her husband. These charges have caused them damages in defense costs, loss of work, permanent marks on their 50 year spotless record, threatened husbands employment, huge amount of time/energy and emotional damage to their family including the children.

Mrs. Keller stated they believe Mr. Sterland did this to intimidate them as witnesses after they had reported financial crimes to him a few months earlier. Those crimes involved the spouse of another law enforcement agent, who also assisted Mr. Sterland in solicitations of funds for a Special Olympic Event (Polar Plunge) the same week her and her husband were arraigned. Further Mr. Sterland ordered an on duty policeman to intimidate the public at the meetings where those financial issues could be raised.

Mrs. Keller stated she didn't feel the Mayor, City Council and/or the City's Counsel had even read their claims. Mrs. Keller stated Mr. McMahon has tried to make them go away with bullying and intimidation, denying them of their rights. Mr. McMahon had denied their claims four months after their initial letter in July, 2013. Mrs. Keller stated she has repeatedly asked for an explanation of the denial and no one will discuss the facts with her.

Mrs. Keller stated she is present to assert her rights and ask the City to sit down to discuss settlement before Christmas. To stop torturing her family with baseless punitive claim denial designed to force them to spend even more money on costly litigation. Mrs. Keller stated their claims are entirely reasonable and based upon an amount she feels will make them whole again.

Mrs. Keller also suggested to City Council that police officers carry their own liability insurance for mistakes they make on the job, which would not make the City so liable.

Mr. Roland Horner, Colville, WA, stated the City of Kettle Falls would solve a lot of their problems if they would do a thorough back ground check before hiring employees.

Mr. Russel Bolten asked if Sheriff Kendle Allen was involved when Mr. Sterland resigned? Why was Mr. Sterland not placed on administrative leave? Mr. Bolton stated there are hundreds of these types of claims across the nation. Mr. Bolton asked if the proper procedures were followed, which includes placement on administrative leave and with an investigation following.

Mr. Webb Keller, Evans, WA, stated him and his wife requested information regarding Mr. Sterlands termination through the public records information act. Mr. Keller stated when he received those documents he felt the Mayor aggravation in her own statements and grading him below average performance cause he wouldn't listen and follow direction. Mr. Keller stated the Mayor had commented in her reviews that he had driven wedges between the community and the City, law enforcement agencies including the Sheriffs office. Mr. Keller, stated he understood her the Mayors frustration of directing A and B to be done, and finding that Mr. Sterland did C and D instead.

Mr. Keller stated he wants the Mayor and City Council to understand his career is still on the line because he has criminal charges against his name. (Mr. Keller works as an explosives expert for the Federal Government) Mr. Keller stated the judge dismissed the charges against them for no cause. So Mr. Sterland forced him to protect himself and threatened his family. Mr. Sterland stated when he arrests him and his wife, CPS will take their children. Mr. Keller asked how City Council would appreciate the fact of being told CPS will take your kids. Nobody would appreciate that.

Mr. Keller, stated Mr. Sterland came at him with an attitude he was going to roll over him. Mr. Keller stated I don't roll over, I am not going to lay down, I will fight for my family rights and for my children.

Mr. Keller stated as he travels for his employment his wife lives in fear behind a locked gate, afraid someone will come arrest her and take their children. Especially when the Police Chief threatened to come arrest them and haul her off to jail. What kind of protection is that? Mr. Keller's opinion is there was an inappropriate relationship between the Police Chief and the other parties involved. In the meantime Mr. Keller stated him and his family are having to pay the cost for that.

Mr. Keller stated he has nothing against the City of Kettle Falls, he loves the area, he teaches his kids to apologize and admit what they have done wrong. Somewhere as adults people have lost that ability. Mr. Keller stated all he wanted was someone to listen to what he had to say. He was concerned about the community, money coming into the school and why he raised the question. The moment he raised the question a Kettle Falls Police Chief tries to shut them up with intimidation. If someone would have just came to him, listened and investigated the issues. Mr. Keller stated his wife was accused of harassing another individual at a PTO meeting. Mrs. Keller never even set foot in that PTO meeting. His wife was an active member of the Cub Scouts who was working in the school gym the night of the meeting.

Mr. Keller stated he wants someone to read his claim, look at the information and sit down and to talk with him. He is not an unreasonable man and believes if anyone has suffered as his family has suffered they would be just as outraged.

Sue Richardson, Kettle Falls, WA, stated when people are elected to public office, they are expected to not only lead but also know the laws. It is expected of them as elected officials. Ms. Richardson states she and others present are seeking justice, because we don't want to be in the same shoes as Mr. and Mrs. Keller.

Jim Langevin, Kettle Falls, WA, stated no one wants this swept under the rug, everyone here is on their (Kellers) side.

Sophie Keller, Evans, WA, stated she has lost her mom. Miss Keller stated her mom spends so much time on the computer, she hardly has any time for her.

Mrs. Kubiak, Chewelah, WA, the basic baseline for elected officials is to do the peoples business and the people expect transparency in that business. It is the peoples business not elected officials business.

Mrs. Keller, Evans, WA, asked if the City of Kettle Falls can settle this issue before Christmas. Mrs. Keller stated she has been working on this since July 1, 2013, then got a 51 delay before being told to file another form, then the claim was denied on November 14, 2013. This started in July, 2013 and it is ruining her families Christmas.

Mr. Russel Bolten, asked if the Mayor and City Council were instructed not to answer any questions by their attorney.

Terry Foster, Colville, WA, stated he is here in support of Mr. and Mrs. Keller even though he has never met them. He stated he knows if he was suffering harassment he would appreciate all the support he could get. For the sake of the City and the people of this county, this issue needs to be settled.

John Smith, Northport, WA, stated he is State Senator and recognizes it is not an easy situation to deal with. Sometimes as elected officials we get so wrapped up in the intricate details, we forget we represent a culture, and a community. We live in a nation that was founded on inherent principals from a creator and one of those basic fundamental ideas is people are innocent until proven guilty. Yes, government should be there to protect that right, but it is also a right that must be protected by the community at large. This is a challenge that more and more City government will have to address, more so cause it's a problem with our culture. It has become too easy to look at people as being guilty from accusations rather than having the mental self governance to wait and make judgment based on hard evidence following due process of just law. As the City goes through this process please remember it is not just legalities, it is peoples lives. Please consider Mr. and Mrs. Kellers lives are in jeopardy and under threat while the City considers what they are going to do. Mr. Smith stated he is not advocating for Mr. and Mrs. Keller or the City of Kettle Falls, but is advocating for a civil conversation between the two parties.

Ernie Hoch, Chewelah, WA, the RCW's make it very clear that the people do not yield their sovereignty to the agents who serve them. The people insist on remaining in control.

Mayor Slagle, thanked everyone for attending and expressing their concerns. Simply because the City is not able to speak about potential litigation does not mean the City is not concerned.

Mayor Slagle called for a five minute break. City Council took a five minute break at 8:10 p.m. City Council returned to regular session at 8:15 p.m.

PUBLIC HEARING - 2014 BUDGET AND AMENDMENT OF 2013 BUDGET

Clerk/Treasurer Raena Hallam stated there has been no major changes to the draft 2014 budget or 2013 Budget Amendment.

Mayor Slagle opened the Public Hearing for public comment at 8:17 p.m. No public comment was presented. The Mayor closed the Public Comment portion of the hearing at 8:19 p.m.

Mrs. Lu Haynes asked how the public could receive the information before the City Council meetings.

CONSENT AGENDA

CITY COUNCIL MINUTES FOR NOVEMBER 26, AND DECEMBER 3, 2013. FIRST HALF OF DECEMBER, 2013 VOUCHERS AND PAYROLL

Council Member Ray Smith moved to approve the Consent Agenda. 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 and Council Member Debbie Gaskin - yes.

COMMITTEE REPORTS

PLANNING COMMISSION

Council Member Debbie Gaskin stated the Planning Commission addressed one short plat and three lot line adjustments.

FIRE DEPARTMENT

Council Member Jesse Garrett reported the Fire department has two more volunteers from the Marcus area.

STAFF REPORTS

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

RESOLUTION NO. 13-05 A RESOLUTION ESTABLISHING THE WATER UTILITY BUSINESS AND OCCUPATION RATE FOR FISCAL YEAR 2014

Council Member Jesse Garrett moved to adopt Resolution No. 13-05, 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 and Council Member Debbie Gaskin - yes.

RESOLUTION NO. 13-04 A RESOLUTION ESTABLISHING THE AMOUNT OF COMPENSATION TO BE PAID TO THE CLERK/TREASURER

Council Member Debbie Gaskin moved to adopt Resolution No. 13-04. Council Member Jesse Garrett seconded the motion. Motion carried by all. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

OATH OF OFFICE FOR MAYOR, COUNCIL POSITIONS NO. 1, 2, 3 AND 5 EFFECTIVE JANUARY 1, 2014.

City Attorney Charlie Schuerman administered the Oath of Office as follows:

Mayor: Dorothy Slagle
Council Position No. 1: Jeanie Thompson
Council Position No. 2: Bonnie Bradley
Council Position No. 3: Jesse Garrett
Council Position No. 5: Debbie Gaskin

CHANGE THE JANUARY 21, 2013 CITY COUNCIL MEETING

Clerk/Treasurer Raena Hallam stated 2013 expenditures must be approved by January 20, 2014 by RCW. The next City Council meeting is January 21st and Raena asked if Council would change it to the 14th or 20th.

City Council directed Raena to change the City Council meeting to January 14, 2013 at 7:00 p.m.

OLD BUSINESS

ORDINANCE NO. 1730 AN ORDINANCE OF THE CITY OF KETTLE FALLS CLOSING AND ESTABLISHING CERTAIN FUNDS FOR BUDGETING AND ACCOUNTING PURPOSES.

Clerk/Treasurer Raena Hallam stated this ordinance will close the LTGO Bond Fund (200) since the loan has been paid off a year early and establish the Criminal Justice Fund (106)

Council Member Bonnie Bradley moved to adopt Ordinance No. 1730. 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 and Council Member Debbie Gaskin - yes.

ORDINANCE NO. 1731 - AN ORDINANCE AMENDING KETTLE FALLS MUNICIPAL CODE (KFMC) CHAPTER 5.04 AND CHAPTER 6.08 REGULATIONS APPLICABLE TO BUSINESS LICENSES AND PEDDLERS

Council Member Ray Smith moved to adopt Ordinance No. 1731 by title only. Council Member Bonnie Bradley seconded the motion. Motion carried. Council Member Ray Smith - yes, Council Member Bonnie Bradley - yes, Council Member Jesse Garrett - yes and Council Member Debbie Gaskin - yes.

ORDINANCE NO. 1728 - AN ORDINANCE ADOPTING BY REFERENCE THE BUDGET FOR THE CITY OF KETTLE FALLS FOR THE YEAR OF 2014.

Council Member Jesse Garrett moved to adopt Ordinance No. 1728 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 and Council Member Debbie Gaskin - yes.

ORDINANCE NO. 1719A - AN ORDINANCE AMENDING BUDGET ORDINANCE NO. 1719.

Council Member Ray Smith moved to adopt Ordinance No. 1719A by title only. 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 and Council Member Debbie Gaskin - yes.

PUBLIC COMMENTS

As there was no Public Comment, City Council moved on to Adjournment.

ADJOURNMENT

Mayor Dorothy Slagle adjourned the meeting at 8:37 p.m.

Approved:

Dorothy Slagle, Mayor

Attest:

Raena L. Hallam, Clerk/Treasurer