REGULAR COUNCIL MEETING
November 15, 2017

Officials in Attendance: Mayor Dorothy Knauss; Councilmen John May, Payton Norvell, Evan Schalock and John Wight; Councilwomen Sharon Ludwig, Dee Henderson and Carra Nupo

Staff Present: City Administrator Mike Frizzell, City Attorney Mike Waters, Clerk/Treasurer Pamela McCart

The Mayor called the meeting to order at 6:30 PM.

Audience Comments: None

Approval of/Changes to Proposed Agenda:
Motion by Councilman May to approve proposed agenda, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.

Mayor Announcements/Appointments, including:
- Expressed gratitude to Councilwoman Ludwig for her 22 years of service.

Presentations: None

Executive Session:
At 6:34 the Mayor announced that the Council would go into executive session for ten minutes to discuss pending litigation. At 6:44 the Mayor called the meeting back to order.

Summary by Attorney Mike Connelly: The settlement agreement is an agreement settling the lawsuit that had been filed by the City some time ago against Tim and Patti Kaiser. The lawsuit was to quiet title in two parcels of property, one South Street which is designated on a plat adopted by the City of Chewelah and the other was the 75’ by 75’ parcel property right outside of the City that was purchased from Washington Water Power and is owned in fee simple by the City. The Kaisers had put some improvements on a portion of that 75’ by 75’ property and had encroached on South Street with a couple of trailers. The City had asked that those encroachments be removed. There were several settlement discussions back and forth over an extended period but they were not successful. The City then filed suit to quiet title and to eject the encroachments from the property. The matter was brought before the court on summary judgement which means it was done by affidavit rather than testimony. The Kaisers also filed a counter motion for summary judgement alleging adverse possession. After we argued the case, the court ruled for the City and granted its quiet title action as to both properties and denied the adverse possession claims that were asserted by the Kaisers. The matter was appealed to the Court of Appeals and while we were waiting for that pending appeal, the parties got together and came to the settlement which is being presented to you today.

The nuts and bolts of the settlement are as follows: The parties will enter into an amended judgement quieting title in the two properties that were discussed. The other issues will be dismissed including the City’s claim for attorney fees. The Kaisers will dismiss their appeal to the Court of Appeals. The Kaisers have agreed to pave their driveway at their own expense and maintain it at their own expense and allow the City to turn its trucks around at the city line there in the Kaisers’ driveway. In return, until such time as the City no longer has the ability to turn trucks around in the driveway for whatever reason or at its sole discretion has determined that it has a need for use of the property, the Kaisers can maintain their irrigation and landscaping in its current location and put the dumpster back on the pad within that 75’ area. If and when the City can’t use the driveway as a turnaround again for whatever reason or at its sole discretion has determined that it has a use for that property, then the City can give 180-day notice to the Kaisers asking them to remove the
improvements on the property in question and that will be done at the Kaisers’ expense and everything will be removed in its entirety. If the City does make the determination that it wants to use part of the 75’ by 75’ parcel property then the Kaisers will no longer be bound to allow the City to use their driveway. So, the agreement to use the driveway would disappear if the City told them they couldn’t keep their landscaping on the City property any longer. The trailers will be grandfathered in and can remain in place until they are removed, destroyed, or substantially rebuilt. If any of those events occur then they will have to be relocated outside of the boundaries of South Street so that they are no longer encroaching. That’s the entire agreement. The Kaisers have signed it.

Motion by Councilwoman Ludwig to accept settlement agreement with Tim and Patti Kaiser as presented by Attorney Mike Connelly, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.

Committee/Commission Reports:
- Civic Center, Councilman Norvell: Met regarding cooler unit. Weighted options of repairing or replacing with stand-alone unit. C/A to get some bids for us. Users of the facility requested that if we fix the cooler, they would like more shelves.

City Administrator Report, Including:
- Still working on the Richmond Lane right-of-way issue.
- Ehorn Lane Reconstruction/Lincoln Ave Sidewalk Upgrade project was put out to bid. There were two bid proposals -- Baumann Construction was the lowest responsible bidder. Motion by Councilman Norvell to award contract for construction of Ehorn/Lincoln project to Baumann Brothers Construction as the lowest responsible bidder, contingent upon TIB approval, seconded by Councilman Schalock. Roll call vote taken with all in favor. Motion carried.
- New sound system has been installed in Council Chambers, including hearing assisted devices.
- Plaque hanging in Council Chambers presented by Chewelah Fireman’s Association honoring those volunteers with 20+ years of service.

City Attorney Report: None  
Police Chief Report: None  
Fire Chief Report: None

Old Business: None

New Business: None

Adjournment:
At 7:00 PM, motion by Councilwoman Nupp to adjourn, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.

[Signatures]
Mayor Dorothy L. Knauss  
Clerk/Treasurer Pamela McCart

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