

04/16/07

Mayor Lee Webster called the special meeting to order at 6:00 p.m. Council Members present were Bob Fateley, Art Smyth, Kris Dawson, Dave Freels and Jerry Tretwold.

Council Member Tretwold moved to approve the minutes for 03/14/07 as sent. The motion was seconded by Council Member Freels and passed unanimously.

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of this date 04/16/07 the Council, by a majority vote, does approve for payment those vouchers included in the voucher payment list and further described as follows: Claims Fund voucher numbers 40426 through 40506 in the total amount of \$82,900.08. Payroll Fund voucher numbers 10272 through 10358 in the total amount of \$74,891.51.

ORDINANCE #795 – REGARDING WATER RIGHT TRANSFERS

Pete Fraley, Attorney at Ogden Murphy Wallace, began by discussing the proposed Ordinance #795 and giving some background to how this ordinance was being used in the City of Chelan and other communities that have opted to model ordinances after it to deal with water right transfers. Mr. Fraley stated that there were basically two ways for the City Council to insure water for future growth; 1) When building took place in Brewster (excluding residential building) the owner would be required to give any water rights associated with the property being developed to the City; or 2) The developer could pay the City a comparable amount of money for their projected usage and then the City could start a fund that would be used for future acquisition of water rights in the future. Either way the developer would be given, by the City, a 10 year “use it or lose it” term. If the water was not utilized in that timeframe the City would retain the water rights or payment in lieu of. Mr. Fraley explained to council, that Equivalent Residential Units (ERU’s) is a way to measure the daily usage for single family dwellings. Mr. Fraley stated that ERU’s vary depending on what area you live in and that our Water Comprehensive Plan should pin point Brewster’ ERU’s.

Mr. Fraley pointed out that the Plaza Point Development is not to be considered in this matter because their application has already been submitted to the Planning Commission and they have began the approval process. Council Member Fateley stated that he had many concerns in regards to the proposed ordinance. Council Member Tretwold discussed his personal property and future water availability. Tretwold feels that the ordinance should address residential property owners be given priority over developers. Rick Witt questioned annexation versus in town commercial development, how much water the city currently has available and how many empty buildable lots are available.

Mark Miller pointed out differences in the City of Chelan and the City of Brewster in regards to the interruptible versus uninterruptible water rights. Mr. Miller also conveyed his concern that this ordinance could discourage people from building in Brewster. Mr. Fraley took a moment to give council a brief definition of interruptible water rights. Council Member Freels voiced his concern that if council didn’t take action now that we would find ourselves in a situation where a moratorium would be inevitable. Council Member Tretwold stated that he was not prepared to pass this ordinance at this time and would like to have a meeting with all concerned persons to work out issues. Mayor Webster asked who in attendance would be interested in participating in the meeting. Roger Erlandsen, Rick Witt, Mark Miller and Tory Wulf volunteered to participate.

George Webster stated that he would like the Council to protect the citizens that have one or two lots.

Mr. Fraley recapped three items that he understood council wanted addressed; Defining an ERU for commercial property; the exemption of some commercial uses; and maintaining a first come first serve list if the City becomes short on water.

Council Member Fateley stated that he feels we need a document to insure the City can obtain more water rights in the future and that we need to use the water we have wisely. Roger Erlandsen stated that he felt the document was a good start.

Action: Public Works Director (PWD) JD Smith will ascertain the number of ERU's currently available and how many residential building lots are available in the City. Pete Fraley will incorporate the three items mentioned above into proposed Ordinance #795 and send it back to the City Council for their review. Mayor Webster will set up a meeting with the above mentioned volunteers after receipt of the revised ordinance.

PLAZA POINT REVIEW FOR APPROVAL

Eric Smith, an engineer with Erlandsen and Associates, discussed the Plaza Point Development Plan. Mr. Smith reported on the Planning Commission process stating that the following issues were discussed: Water system impact on the Plaza; garbage collection; utility easements – private and public; and building heights. Smith stated that these issues would be addressed in the Developers Agreement. Council Member Tretwold requested PWD Smith to state his opinion/concerns with the development. PWD Smith asked that if the development folded and the responsibility for services, specifically water both domestic and irrigation was put back on the City would the City also retain the irrigation water rights that were promised to the development and Smith also requested a better definition of building heights than single story. Jay Johnson, representative for Gamble Ranch Development, stated that the houses would be required to be built according to the current City zoning. After Mr. Johnson was questioned twice regarding the irrigation water rights concern, he responded that he would have to do some research and reply back for clarification.

George Webster stated that his home on Plaza Way sits out the furthest and has the best view of the property proposed for the Plaza Point Development and doesn't feel that his view will be compromised under the current building code in regards to height.

Council Member Tretwold questioned the potency of the covenants that would be put in place at the development. Jay Johnson retorted by stating the financial investment the homeowner's will be making to build in the Plaza Point Development will insure that they police themselves.

MOTION:

Council Member Tretwold moved to approve the recommendation for approval from the Planning Commission of the preliminary Plaza Point Plat. The motion was seconded by Council Member Fateley and passed unanimously.

HIGHLANDS ASSOCIATES AGREEMENT #2

Mayor Webster stated that Agreement #1 with Highlands Associates was passed at the March 2007 meeting and that Agreement #2 which relates to park and rec projects needs to be considered.

MOTION:

Council Member Fateley moved to approve and authorize the Mayor to sign Highlands Associates Agreement #2 relating to park and rec projects. The motion was seconded by Council Member Smyth and passed unanimously.

ORDINANCE #798 – ESTABLISHING A VOLUNTARY CORRECTION PROCEDURE FOR NUISANCES

Public Works Director Smith discussed Ordinance #798 establishing a voluntary correction procedure for nuisances. Smith explained that in an effort to clean up the city that passing the proposed ordinance would allow Building Inspector Darren Moore some leverage to accelerate the process. Smith discussed Moore becoming a commissioned code enforcer and Mayor Webster stated that he likes Moore in his current capacity and that the police department can continue doing the final notices and/or fines associated with code violations.

MOTION:

Council Member Fateley moved to approve Ordinance #798 as presented. The motion was seconded by Council Member Freels and passed unanimously.

WASTEWATER TREATMENT PLANT PHASE II PROJECT UPDATE

PWD Smith reported on the recent Wastewater Treatment Plant project pre-construction meeting. Smith reported that construction should begin on June 1, 2007 after the contract and notice are on file. The project should last approximately 270 days. Smith told council that he had written a letter to David Peeler, Department of Ecology, requesting additional funds of \$192,000 for cost increases related to the funding of Alternative #2 - #4 and more specifically a new clarifier. Smith explained that the clarifier has been in place for 24 years and if it fails we could experience an overflow and contamination. Smith reported that Shannon Plumbing is being very cooperative and willing to communicate.

SWIMMING POOL

PWD Smith reported on the current issues of the pool. These included a new cover and pool repair estimates at \$8888.00 plus shipping and handling. The existing cover reel can be repaired for \$5,069. The PUD has offered a \$25,000 energy efficient loan which could include the cost of the pumps, solar panel, and cover. Smith took photos of the pool to illustrate its condition. One of the photos showed water running into the pool through cracks caused by the water level fluctuations. PUD raised the water level to 782 feet. Erlandsen Associates conducted a GPS and the readings were 779 feet on the deep end. Using De Neef patching for the dams which is a flexible foam that is guaranteed to be waterproof as well as adapting to ground shifting was suggested as this patching is used by the PUD. This will cut the pool repair estimate in future years, though the City still needs to pursue PUD for their help in paying the labor needed to do the work in lieu of monies. The ads for lifeguards and staff have been published

with the closing date of May 7, 2007. The annual opening day free swim may reflect a fee this year. There was also the discussion of the possibility of donating a can of food in lieu of a fee. Maintenance is currently being done with the possibility of rebuilding the main pump being investigated. Council Member Tretwold may have a backup pump or spare. Smith will check into this.

POLICE DEPARTMENT UPDATE

Police Chief Ron Oules went over the monthly stats and answered questions. Oules reported that the new County wide Spillman computer program was going live on April 20, 2007.

Oules relayed that he had put the recently seized Grand Am into service.

Mayor Webster asked Chief Oules the status of the Municipal Judge Contract. Oules will bring it to council next meeting.

Action: Chief Oules will bring the Municipal Judge Contract to the May 9, 2007 meeting.

UNION NEGOTIATIONS

Council Member Fateley and the Police Department have been working on establishing a fund for excess vacation. City Clerk Olsen will set up the fund and is requesting approval for this fund. The Police Department has already voted their approval reflecting a 6% pay increase as well as the change in holiday pay now being 10 equals 10 hours of pay and 8 equals 8 hours of pay. A Physical Fitness Education incentive was introduced and outlines the coordinating pay increase in the contract.

MOTION:

Council Member Freels moved to approve the Police Contract as presented with the proposed raise retroactive to January 1, 2007 and the contract effective date of March 28, 2007. The motion was seconded by Council Member Smyth and passed unanimously.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION – APPROXIMATELY 10 MINUTES TO DISCUSS PERSONNEL

Mayor Webster adjourned into executive session for approximately 10 minutes to discuss personnel at 8:15 p.m.

Mayor Webster reconvened into regular session at 8:25 p.m.

There was no action taken.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned.

Mayor Lee Webster

ATTEST:

City Clerk/Finance Director Pamela Olsen, MMC