

09/12/2007

Mayor Lee Webster called the 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 08/08/07 with changes to the Highway 97 Sidewalk Project as noted. 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 09/12/07 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 #40899 through #40989 in the total amount of \$517,603.78. Payroll Fund voucher numbers #10520 through #10575 in the total amount of \$85,245.60.

### **MAYOR WEBSTER**

#### **RES. NO. 2007-10, CONSENT & APPROVAL OF MILLENNIUM CABLE FRANCHISE AGREEMENT:**

Mayor Webster presented Resolution No. 2007-10, regarding Consent and Approval of the Millennium Cable Franchise Assignment. This company has recently changed hands. Chuck Zimmerman, City attorney from Ogden, Murphy & Wallace, has reviewed our Franchise agreements and has recommended the amount of the Franchise Fee be \$2000.00. We do not get an "annual" fee, but the City does receive monthly percentages of the area earnings. Council Member Tretwold asked how we are checking these monthly payments to make sure we are receiving the correct amounts. Council Member Fateley recommended a year end audit, as well as month-to-month verification of payments to be sure we are receiving the correct amounts based on what the company is charging our area residents.

**Council Member Tretwold asked that Finance Director Olsen obtain a year-end statement from Millennium Cable and compare what we are receiving monetarily from them to what they are actually charging their customers.**

With respect to the Resolution 2007-10, MDM Holdings has restructured its financial arrangements by amending and restating the existing credit agreements and has entered into 2<sup>nd</sup> lien credit arrangement which calls for restructuring of the equity participation of the MDM Holdings, therefore the MDM Holdings will change from TSG Cable Investment Corp & TSG Cable Investment Corp III to Caravelle Millennium Investment Corp and Highland Crusader Offshore Partners, LLP, collectively as the "grantee". The Grantor (City of Brewster) shall also receive a fee of \$2,000.00 from the Grantee prior to the effective date of this resolution.

MOTION: Council Member Tretwold moved to approve the Millennium Cable Franchise Assignment Resolution No. 2007-10, with the recommended auditing tools as noted above. Council Member Smyth seconded the motion and the motion passed unanimously.

#### **CLERICAL WORKERS' LABOR AGREEMENT:**

Mayor Webster presented the Public Works Department and the Brewster Police Department Union Contracts for discussion. He and Council Member Fateley had met

previously and reviewed them. The current contracts include the Clerical Workers' addendum to each contract. The prior Police Department Union Contract had been approved Mayor Webster stated after review of the April 16, 2007 Council Minutes. However, this contract did not include the Clerical Workers for the Police Department and their addendum was accepted after the original Police contract had been approved. The Public Works Department Union Contract was not previously approved and does include the City Clerical Workers as well. The addendums address wages, benefits and holiday schedules.

Some of the Council Members questioned why the Clerical Staff wanted to join with the Teamsters Union, as they have always received equivalent benefits, wages and incentives of those employees who were Union? The talks with the Union regarding the Clerical Workers at City Hall began when the prior Deputy City Clerk and Administrative Assistant were still on staff, then carried over with the consent of the new clerical office staff at City Hall. Both Public Works Director Smith and Police Chief Oules stated that they had absolutely no problem with the Clerical Workers being added to their contracts. Police Chief Oules also noted that his Clerical Staff had an interest in joining for both the benefits of the Union as well as a feeling of protection and safety of their employment. Council Member Fateley stated that the Council cannot question why the Clerical Staff would like to join the Union, but does need to make sure that the new agreements are appropriate for each department.

Council Member Tretwold questioned if the Clerical Workers should have their own separate contract rather than have their portion be an "addendum" to already existing contracts. He would like to see three (3) separate contracts, one for the Police, one for the Public Works and one for the Clerical Workers.

Council Member Fateley made note that even though the Police Department Union Contract had apparently been approved back in April, it would only seem logical to have the start date for both Contracts be the actual date of approval by Council for all staff, including the Clerical staff, whenever Council approved them.

Council Member Tretwold stated that nothing should be approved now, especially at mid month, and should have an effective date of the first of the approval month for either contract. Council Member Tretwold also noted that he did not feel that he, nor the rest of the Council, should make any decisions regarding the Union Agreements with the Clerical Workers addendums until they have all had a chance to review them in entirety as some of them had not reviewed the new agreements. Council Member Fateley recommended having copies delivered to the Council Members for review with discussion at the October 12, 2007 City Council Meeting.

MOTION: Council Member Fateley made the motion to approve the Police Department Union Agreement without the Clerical Addendum and the Public Works Department Union Agreement without the Clerical Addendum. Council Member Tretwold seconded the motion and the motion passed unanimously.

Mayor Webster asked that copies of the Police Department and the Public Works Department Union contracts be copied and delivered to all of the Council members for review prior to the October Council meeting. Desha Dawson, Deputy City Clerk, will copy and distribute those contracts to the Council members.

NEW EMPLOYEE – GARY REESE, RECREATION DIRECTOR:

Mayor Webster introduced Gary Reese, who was hired as the Recreation Director for the City of Brewster. He states that he is very excited to have Gary on board and is

looking forward to having him as an employee.

Recreation Director Reese stated that he has several ideas and events in the works right now. Some of the upcoming events include having a Piano Trio from Icicle Creek perform at the Rec Center some time in November or December. He has been in contact with the Brewster School District regarding intramural programs for after school as well as possibly holding basketball tournaments at the Rec Center as well. Mayor Webster stated that he has spoken with Eric Dreissen, Elementary Principal, and he has expressed an interest in the intramural programs for after school.

In addition, Recreation Director Reese is in the process of trying to set up a Health Heart Class for seniors which would include exercise classes and blood pressure checks. He has also been working on repair of the diving boards at the pool as well as looking into a pergola (shade awning) for the pool which may be obtained through an IAC grant that is due October 1<sup>st</sup>. He is also hoping to revive the Jack & Jill softball tournament for Bonanza Days as well as hosting some 50-60 year-old softball tournaments next summer.

He recently had twenty (20) new members from The Children's House join the Rec Center – a one year membership for each.

There is a meeting set up tomorrow, September 13<sup>th</sup> at 2 pm regarding the 2007 PUD Recreation Action Plan in the Council Chamber here at City Hall. Since the Council Chambers are currently in use by the State Auditors, Recreation Director Reese stated the meeting could be held at the Rec Center and he will set this up.

#### **FINANCE DIRECTOR – PAMELA OLSEN**

##### **ANNUAL COUNCIL RETREAT – SEPTEMBER 21, 2007:**

Finance Director Olsen asked those Council Members and other employees of the City of Brewster who would be planning to attend the Annual Council Retreat in Chelan this year to get an accurate head count for the meeting. All of the Council members stated they would be attending with the exception of Council Member Smyth, who stated due to scheduling at his place of employment would not be able to attend.

##### **COURT FINE COLLECTIONS:**

Finance Director Olsen wanted to commend Misty Ruiz for her efforts in collecting court fines. She has collected nearly \$10,700.00 for the month of August so far.

#### **PUBLIC WORKS DIRECTOR - J.D. SMITH**

##### **PLAZA POINT UPDATE:**

Public Works Director Smith stated that there was a brief committee meeting held regarding the Plaza Point Development with Dave, Roger Erlandsen and Tory Wolfe to set the preliminary development plan agreement. A copy of this agreement was sent to the City Attorney, Chuck Zimmerman, who reviewed this and had some change recommendations. Highlands Associates does have a copy of this agreement with the recommended changes. The committee will plan to meet in seven (7) to ten (10) days. Public Works Director Smith would like this agreement to be solid before it is presented to the Council with respect to the streets and pavement repairs. It is hoped to have this agreement approved with a Resolution soon.

### SUMMER FOOD PROGRAM:

As noted in the July 11, 2007 Council Minutes, Council Member Tretwold had asked Public Works Director Smith for a report on tracking and accountability of the Summer Food Program. Public Works Director J.D. Smith presented the Council with a summary of the 2007 Summer Food Program. Public Works Director Smith noted that for the months of June, July and August that there were a total of 9,667 meals served with a cost per meal of \$1.40. State reimbursement per meal is \$2.915. The total State reimbursement was \$28,179.30 with the gross reimbursement, minus food costs, being \$14,566.32. He also figured in administrative/wage/benefit costs and utilities, which shows a net profit of \$3,591.09 total for the Summer Food Program.

Public Works Director Smith stated that the SFP inventory is controlled by what Food Services of America delivers (manifest listing) as well as receipts from food purchases made at Brewster Market Place. Stock totals are checked every day, and items that are below the minimum counts are re-ordered or purchased locally. Inventory is kept at minimum to reduce over-stocking. The State checks all manifest listings and receipts and has approved all of the requests for reimbursement without question. Public Works Director Smith also noted that the State has commented how well the City of Brewster has done with the Summer Food Program. He also feels that Jerry Haight, who prepares the meals, is doing a great job as far as meals and keeping a good inventory. Mayor Webster inquired as to how long this program runs. Public Works Director Smith stated that this program runs for three (3) months to include June, July and August.

Public Works Director Smith did note, however, that our net profit may be too high and he will talk with the State regarding how we could close the net profit margin or check into possibly using some of that money for repairs or for upgrading some of the appliances used for the program.

### WWTP UPDATE – EASEMENT BRIEF:

Public Works Director Smith presented the Council with a preliminary exhibit of ownership map drawn up by Erlandsen Surveying showing a one (1) foot gap in ownership of the property located on 4<sup>th</sup> Street, which runs to Bridge Street on the north side of the fence. One side of this is bordered by the Lucas property, the other is bordered by Godbey Red-E-Mix. This area would require an easement request by the City, as this area is needed to perform the South Lift Station Upgrade. According to a Tax Sifter search on the Okanogan County Assessor website, the owner of this property is listed as William Morris. Mayor Webster questioned if we could ask the County for a boundary adjustment. Finance Director Olsen stated that we should probably contact our City attorneys to find out exactly what needs to be done in this case.

Public Works Director Smith will contact Ogden, Murphy & Wallace, City Attorneys, regarding legalities on obtaining this property needed for the Lift Station Upgrade.

### EQUIPMENT – RE: SWEEPER AVAILABLE THROUGH THE GENERAL SERVICE ADMINISTRATION:

Public Works Director Smith informed the Council that our current City owned street sweeper has major electrical problems and is basically beyond repair. Several citizens in the community have complained about the condition of the city streets, and why we have not swept them. He would like to purchase a newer used sweeper, which is a vacuum type of sweeper. The County that owns this sweeper-vac has a 6-year change out on their equipment and it is in very good condition. The price is around \$42,000.00. Public Works Director Smith stated that initially, he was very interested in pursuing

this purchase, but understands that this is not in our budget at this time.

Mayor Webster and Assistant Public Works Director Dave Reynolds have talked with the City of Bridgeport with respect to using their sweeper either as a loan out or a rental. Council Member Tretwold asked about the fee that would be charged for the use of their sweeper and what would happen in case of damages or breakdown that occurred while in our possession? Council Member Tretwold and Council Member Fateley both stated that they were opposed to using "loaned equipment" just for the fact that it could end up costing the City of Brewster more money if we had to pay for repairs. Council Member Tretwold asked why this sweeping service could not be contracted through a sweeping company. Council Member Fateley stated that we could call and get a bid through North Country Sweeping, and if the cost was not too much, have them contracted to sweep the streets, at least once, just to see how it goes.

**Public Works Director Smith stated that this may be the best option for us, given the circumstances, and will contact North Country Sweeping and get a bid on street sweeping for the City of Brewster.**

Public Works Director Smith also noted that he has found that the current City owned backhoe is not adequate for digging down below an eight (8) foot depth. He has found that the Department of Agriculture does have grant money available, as well as low interest loans for cities that qualify. Currently, the City of Brewster would qualify for \$75,000.00 for a replacement backhoe, with the City needing to make up that difference of around \$28,000.00. Finance Director Olsen suggested the possibility of an equipment bond. Council Member Freels recommended renting a backhoe from a company in Moses Lake who rents out heavy equipment. Council Member Fateley was also in favor of renting a backhoe or any other heavy equipment we needed as it would more than likely be cheaper than buying it outright since the City would not be paying the maintenance fees or have the loan payments per month to buy it.

**Council Member Tretwold asked for a copy of the list of City loans. Finance Director Olsen will have these ready and available at the Annual Council Retreat. Public Works Director Smith will also have a list of rental costs, with and without an operator, from local companies.**

#### CHRISTMAS LIGHTS:

Public Works Director Smith presented the Council with a print out of the 60" Lamplighter Wreath Christmas decorations that we could purchase to decorate the new light posts on Main Street. This decoration is a lighted wreath that would mount over the light posts. These wreaths cost \$429.00 each, with an additional \$2000.00 for LED upgrades (sixty bulbs per wreath). Public Works Director Smith spoke with the company and we may be able to get a price break on them. We have thirty-six (36) light posts on Main Street, six (6) per block. He stated that we would not have to decorate all of them initially; possibly decorating only four lights per block. Public Works Director Smith would also like to purchase banners for the light posts as well to have displayed during other seasons and holidays of the year, but this is not something he would like to pursue right at this time.

Council Member Fateley recommended speaking with the Chamber of Commerce about splitting the costs as well as having some of the local businesses sponsor a wreath or even an entire block. Public Works Director Smith stated that he does intend to speak to the Chamber about this as well.

Council Member Tretwold asked about the City's old decorations. Public Works Director Smith stated that these are not in great shape, but we can look into selling them

to help cover some of the costs of the new decorations, if purchased. Finance Director Olsen stated that in the past, we have sold some of our old decorations to the City of Nespelem, so we can sell them, and have before, as surplus.

### POLICE CHIEF RON OULES

#### POLICE DEPARTMENT UPDATE:

Police Chief Oules wanted to thank the City employees for painting the parking lines, crosswalk lines as well as the lines painted on Plaza Way. With school starting, this was much needed.

Police Chief Oules also noted that Officer Kelly Hook is now back to work, on light duty.

#### STATS:

The stats were presented for the month of August. Police Chief Oules noted that the numbers have been pretty consistent. There was a large spike in the malicious mischief calls, primarily related to gang graffiti, which usually pick up once school has started. Police Chief Oules stated that he has talked with the local businesses and they are trying to monitor and curtail the sale of spray paint. He noted that this appears to be working, somewhat, as they are not seeing the "usual" colors and the people doing the tagging are having to resort to "what they already have".

Council Member Tretwold commented that he had read an article about how some gangs are now tagging vehicles. Police Chief Oules stated though we have not had any reported in our area, he has heard of vehicles in the Chelan area being tagged and that it is only a matter of time before it heads our way.

Mayor Webster asked how these malicious mischief calls are logged. Police Chief Oules started that each call is logged separately, ie: if one business has called three different times in one month regarding graffiti, they are logged on the incident report as three separate calls. However, they are logged together when reported to the County, ie: total number of hits per business or address.

#### OVERTIME:

Police Chief Oules presented the Council with the August Overtime report for the Brewster Police Department. There were ninety-five (95) hours of overtime for the month of August with thirty-five (35) of those hours being for DUI Emphasis Patrol and twenty-nine (29) being for security. He did state that of those ninety-five (95) hours, around sixty-eight (68) of them would be reimbursed.

Police Chief Oules also noted that Agency Assist calls have been reduced and will continue to be reduced. If there is not a supervisor on duty to cover when they are called out for an assist, they are not being allowed to respond. Mayor Webster thanked Police Chief Oules for the reduction in agency assists stating that when it is really needed, we should assist, but otherwise feels that our officers need to be in the city limits to respond to our local calls first.

#### TAKE HOME CARS POLICY:

Police Chief Oules presented the City Council with the Take Home Car Policy. These were presented for review. He reported that allowing the officers to take their patrol cars home has been working out very well. The officers have reported that it works out

much better for them in allowing them to respond to calls directly from home instead of having to come into the Police Department, pick up their vehicle and then respond to the call. He states that officer accountability for minor damages has improved as well.

#### PATROL CAR CAMERAS:

Council Member Tretwold asked Police Chief Oules how the patrol car cameras were working out. Chief Oules stated that these have been a great investment. The officers are happy to have all of their traffic stops and other duties recorded. They did have one instance, during an arrest, where the subject was extremely verbally abusive to the arresting officer, all of which was recorded. This was submitted to the court with the intent of filing additional charges. (Police Chief Oules noted that this persona actually came in after their court hearing and apologized to the arresting officer for his/her behavior).

#### REGISTERED SEX OFFENDERS:

Council Member Tretwold asked Police Chief Oules about how sex offenders in the Brewster area are registered and tracked. Chief Oules stated that sex offenders that move into the area are required to register. The Okanogan County Sheriff's office does have a website that lists sex offenders that are registered in Okanogan County, which includes addresses, etc. Council Member Tretwold asked if there were any in the Brewster area. Chief Oules stated that they have learned about one here in the Brewster area, but this was only after the person was arrested for a theft crime. This person is a juvenile. Thus far, Police Chief Oules stated that they have not had any problems reported regarding this individual or any others.

Council Member Tretwold asked if the Police can go to the residence(s) of registered sex offenders and check on them and perform routine checks to make sure that they are not re-offending. Chief Oules stated that they cannot just go and check on them at random, but can drive by their residences on regular patrols and through department awareness.

#### MULTI-CITIZEN NOISE COMPLAINT RE: BARKING DOGS:

A letter from several citizens had been presented by Mr. Tom Helmick to the Police Department and the Council on August 23rd regarding a complaint about barking dogs on 1<sup>st</sup> Street. Police Chief Oules stated that all parties with complaints need to be reported to the Police Department, preferably as it is happening, so that the Police can go and investigate it. Police Chief Oules also stated that the owners of the dogs on 1<sup>st</sup> Street have been talked to. It was recommended that anyone with a noise complaint call the Police Department and report it as soon as possible.

Public Works Director Smith also noted that he has spoken with our Building Inspector, Darren Moore, regarding Pit Bulls and the enforcement of the Ordinance that was set in place. We will be enforcing this with respect to notifying owners of the animals of the ordinance and their need to comply. Copies of the ordinance will be made.

#### PUBLIC COMMENT

Tom Helmick asked where the residents of Brewster can go to dump their yard debris. He stated that last year, the City closed the cemetery to public dumping of yard debris, but was told by "a City employee" that he could take his yard debris to the dump site on the Rat Lake Road. Public Works Director Smith stated that the cemetery was never designated as a public dump site and we have never told anyone to take their yard debris to the dump site on the Rat Lake road. He also noted that in the past in some instances, we had allowed certain people to take yard debris to the City burn pile at the

cemetery, but had to stop this due to the fact that it was being abused and people who were dumping household garbage and other items that were not acceptable.

Currently, there is no public dump site, other than the transfer station on the Bridgeport Bar. Public Works Director Smith stated that the City does offer yard debris pickup in the spring and if necessary, we may have to start offering this twice a year. He also noted that if a resident has something specific, ie: tree stumps, trimmings or other yard debris that needs to be cleared, to come talk to him and we may allow for these things to be taken to the City burn pile at the cemetery.

**ADJOURNMENT**

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

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC