

06/13/07

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

Council Member Fateley moved to approve the minutes for 05/09/07 as sent. The motion was seconded by Council Member Tretwold 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 06/13/07 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 40613 through 40711 in the total amount of \$170,948.38. Payroll Fund voucher numbers 10409 through 10469 in the total amount of \$76,751.09.

REQUEST FOR REDUCED EXCESSIVE WATER CHARGE - BOB FOYLE

Bob Foyle was not present at the Council Meeting to discuss his request for reduction of excessive water charges. Public Works Director, J.D. Smith, is reviewing his account which shows his 2006 average for the same time frame to be between 4,500-13,700 gallons. Thus far for 2007, his usage has shown a significant increase to 40,800 gallons of usage over the last four months. Mr. Foyle had stated that there were renters in the house, but they moved out in January. Public Works Director, J.D. Smith, explained that there is not really much we can do about it at this point since Mr. Foyle really cannot explain the excess use. We will see if Mr. Foyle can attend the next Council meeting for further discussion.

MAYOR LEE WEBSTER:

PIT BULL ORDINANCE

A copy of the Pit Bull Ordinance from the City of Bridgeport and the City of Twisp were reviewed. It is felt that the City of Brewster is in need of a Pit Bull Ordinance as well. Ordinances for Pit Bulls has nearly become Nation wide, primarily because of how the owners of this type of breed are handling them. Council Member Fateley stated that he had witnessed two men walking with Pit Bulls on leashes. He stated that neither one of these men appeared to have any "control" over the animals. He felt that this is of great concern specifically regarding the safety of the public. Police Chief Oules noted that in his experience, some of the owners of this breed of dog have them primarily for purposes of intimidation, which is also a threat to public safety.

A citizen raised the question of why just an ordinance for Pit Bulls? Why not an ordinance for any "aggressive, threatening dog", noting that there are some other breeds that can be equally aggressive? Police Chief Oules stated that in this area, the main problem with intimidation and aggression is related to the Pit Bull breed. There are ordinances in place for aggressive dogs, but nothing focusing specifically on the Pit Bull breed. Pit Bulls do have a history of being overly aggressive and threatening.

Council Member Fateley stated that we need to be more specific regarding the definition of a "Pit Bull". Police Chief Oules noted that we could have definitions which include Pit Bulls and Pit Bull mixed-breeds and what will be required of the owners for each.

The City of Bridgeport currently has an ordinance in place with several specific requirements for all Pit Bull owners, to include definitions, keeping of pit bull dogs, impounding of pit bull dogs and keeping of licensed pit bull dogs. There are also penalties for violations with the first offense being \$250.00 and each additional violation being \$500.00. The penalties are charged per violation, not per animal. There is also a "grandfather" clause in place for those people who owned Pit Bulls at the time the ordinance was put into effect.

It was felt that the City of Brewster is in need of a Pit Bull Ordinance. Council Member Tretwold noted that the Brewster Police Department has been doing an excellent job with dog control, but feels this ordinance would help them and the community. It was recommended that we proceed with an ordinance for Pit Bulls in the City of Brewster.

RED CROSS LETTER

Mayor Webster noted that the City of Brewster had received a letter from the Red Cross regarding continued donations. We recently donated \$1000.00 to the Red Cross. We do utilize the Red Cross and will continue to use the services we receive from them, however, we did agree to a one-time \$1000.00 donation for the year 2007. There is a resolution in process regarding donations made by the City to certain organizations. Mayor Webster will call and talk with them directly regarding this letter.

ORDINANCE No. 799

The Planning Commission had held a public hearing to consider Zoning Code text amendment set forth in Ordinance No. 799. The adopted revisions were in reference to Title 17, Chapter 8.16, sections 17.08.020, 17.36.110, 17.42.010 and 17.44.010 of the Brewster Municipal Code relating to nuisances. The new provisions necessitated revisions to parts of Title 17 of the City Code. The amendments were reviewed.

MOTION:

Council Member Freels moved to approve the amendments to Title 17, Chapter 8.16, sections 17.08.020, 17.36.110, 17.42.010 and 17.44.010 of the Brewster Municipal Code relating to definitions of nuisances, Ordinance No. 799. Council Member Smyth seconded the motion and the motion passed unanimously.

SPECIAL COUNCIL MEETING – EAGLE ROCK CLINIC VARIANCE REQUEST:

Mayor Webster wanted to let the Council Members know that after the conclusion of the Special Council Meeting on May 30th regarding the Eagle Rock Clinic Variance Request, he was told by Lisa Sonneman that she did not actually own the building, as the sale had not closed yet. Finance Director, Pam Olsen stated that she had received a phone call from Ron Nielsen, owner of Eagle Rock Clinic, stating that the sale had gone through and he was calling to cancel his utility services.

COMMUNITY CENTER:

Finance Director, Pamela Olsen, presented the Council with a listing of monies that the Rec Center has received in 2007. To date, the Community Center has received 11,245.00. This includes money from donations as well as income from public functions and advertisements. This is a great profit and Community Center Manager Jerald Aldridge has been working very hard at promoting the Community Center. The result has been an outstanding amount of support through use and donations.

PUBLIC WORKS

STAR RANCH GROWERS

Marty Richland, DOE, CRO Yakima and Steve Huber, DOE, CRO, came to meet with the Council and Public Works Director J.D. Smith to discuss Starr Ranch Growers (Custom Apple Packers). Starr Ranch representatives have had a preliminary meeting with Public Works Director J.D. Smith, the Department of Ecology and Lynn Lawson, WWTP Manager. Starr Ranch has made a proposal to the City with respect to running a 2" line from their plant into our system, thus tying them into the City water/sewer system. This is based on a 2,000 gallon per day discharge, debris free and neutralization is at DOE standards. (Previously they were at 25,000 gallons per day discharge). This would eliminate the need for the current percolation ponds, which are in need of repair and upgrades.

The question is, does the City want to do this. This would require annexation of Sunset Drive and installing another lift station. The question was raised as to how the City would benefit from putting this line in for them. Public Works Director J.D. Smith and Lynn Lawson, WWTP Manager, recommended that if the City were to put in this line down Sunset, that it be a 4-6" pressurized line with its primary use being for the City. This line would also accommodate Starr Ranch, but would be able to handle future growth of residences on Sunset Drive better than a 2" line. If Starr Ranch were to put in the 2" line, it would run as a private line for them. We did have significant upgrades done on our WWTP, but would it be enough to handle another packing shed.

Council Member Fateley asked how the line would be monitored. Public Works Director Smith was unsure of that, but did speculate that flow meters would more than likely be installed. If this were something the City were interested in pursuing, we would need to know the potential for growth, what size of line would need to be installed and where the lift station would need to be placed as well as the projected longevity of the company.

The DOE representatives stated that they are not pushing one option or the other with respect to the new line or the pond upgrades, but they are looking into ways that will benefit everyone involved. Council Member Tretwold asked what would happen to Starr Ranch if the City declined their offer. The DOE representatives stated that they are willing to work with Starr Ranch to help them comply with the standards regarding the ponds and the upgrades needed. The current timeframe on the necessary upgrades to the percolation ponds is to have them complete and functioning by next season.

Mayor Webster stated that he has met with Starr Ranch Growers at least once, as well as Public Works Director Smith. The decision was made at this Council meeting that we need more information than what has been discussed so far and we would like them to attend Council or special meeting and state what their plans are and also, if possible, have their engineers here to help answer some of the questions. The DOE representatives, Steve Huber and Marty Richland, requested to be notified if such a meeting were arranged.

PLAZA POINT PROJECT

Public Works Director Smith stated that he had met with Chuck Zimmerman, City Attorney, as well as with Kurt Danielson of Highlands Associates regarding the Plaza Point Project. Mr. Danielson is concerned about the time constraints regarding the codes. We have had public hearings and the planning commission has met with the City. Public Works Director Smith has checked and he cannot find any information regarding a timeline for the code.

Public Works Director Smith has recommended that a flow study. He stated that this is in the works, but will need to be done. He also recommended that we set a date for a Council to meet with the Planning Commission and Kurt Danielson to go over the conditions of the project before any further approvals are made. We have approved their submission for the subdivision concept, but no approval has been made for the construction to begin. Council Member Fateley recommended that the City require them to address certain conditions before we proceed with any approvals for construction. Those conditions to be addressed would be in regards to water rights, flow studies, fire suppression, drainage, irrigation, landscape, structure height and who will enforce this as well as who is responsible for the roads and maintenance. Council Member Fateley also recommended that if they want the City to approve this subdivision, it should be the City setting the standards for the water and sewer service. This subdivision will be in the City limits, but will be considered a private community. If they are putting in their own water system, it should be up to code if we, the City, ever had to take it over.

As far as the water rights, the Council Members felt that we should get the water rights up front if they want this approved. It was also felt that there should be a clause if the water rights ever revert from City control, what would happen to them.

Council Member Fateley asked at what point in this process would we allow them to proceed with construction. Public Works Director Smith stated that it would seem only right to allow construction when all of the conditions are met and approved, with the timeline starting once the planning commission has submitted their plan.

WWTP: ADDITIONAL FUNDING

Public Works Director Smith announced that he has received an additional \$950,000.00 Hardship Grant from the Department of Ecology for the Treatment Plant Upgrades. This was received as a partial loan and partial grant. This money will be used for the secondary clarifier as well as for upgrades on the head works building.

SANITARY SURVEY

Public Works Director Smith stated that we have recently been through our Sanitary Survey. The survey included checks on our well heads, our reservoirs and the office paper work. He reports that we did well and should have an official report in about fifteen days. We were already yellow flagged for our system, primarily because our water comp plan is not in yet. This will be finished soon, long before the September 01,2007 due date.

WWTP AWARD

Public Works Director Smith stated that the Brewster City WWTP had received an award from the Washington State Department of Ecology for Outstanding WWTP of the Year. Out of 300 WWTP's, we were one of the 55 who were selected to receive this award. The recipients were chosen based on their full compliance with discharge permits in 2006. An actual award presentation will take place at a later date, most likely at a City Council meeting, with a representative from the DOE here to make the presentation with Lynn Lawson and Bob Freeman present to accept the award.

Mayor Webster expressed his appreciation to the WWTP employees and the Public Works Department for the great job they have done.

CONSERVATION LOAN FOR POOL

Public Works Director Smith stated that all of the quotes are in and the loan application is completed regarding the Conservation Loan for the Brewster City Pool. He will be getting a letter out to the PUD. The total of the loan \$24,538.06, which is just under the projected \$25,000.00 which was originally estimated. This loan will help cover repairs including the pool blanket system, filters and covers, solar panel array, solar panel pump, pool heater and waterslide pump.

MOTION: Council Member Smyth moved to approve the Mayor's signature of the PUD conservation loan for the Brewster City Pool repairs. Council Member Fateley seconded the motion and the motion passed unanimously.

AIRPORT:

Public Works Director Smith stated that Ron Orford with ACM is interested in moving his factory to the airport. This would require running a 3-phase power line. The PUD estimated that this would cost an extra \$17,000.00 to run a 3-phase line directly to his new plant. Mr. Orford had asked if the City would possibly want to split those costs with ACM. Public Works Director Smith stated that if we were going to put in a 3-phase line, rather than having it run directly to the ACM factory, we would like to run it a different route to accommodate both ACM and the airport for further use. However, running it that way would cost the City around \$40,000.00, which is not in our budget at this time.

Council Member Tretwold stated it appears that the 3-phase line, at this point, would primarily benefit the ACM factory, no matter which way it was installed. It was felt that if ACM would like to relocate their factory, they would need to be responsible for the complete \$17,000.00. The airport currently has other issues that need to be addressed first, including the well, obtaining a sign, lights and road repairs. These items should probably be addressed first before we consider any other additional costs for the airport.

Another item for discussion was the R. Scott Baker Airport Lease Compliance. According to Public Works Director Smith, Mr. Baker has not met the conditions of his lease. A draft letter for Notice of Default has been written to Mr. Baker which addresses three issues. The first issue is Mr. Baker's failure to produce appropriate Certificates of Insurance. The second issue is regarding two significant oil spills located on airport property, which is in violation of terms of his lease. The third issue is regarding the cease of take-offs directly from the sandy area adjacent and parallel to the ramp and runway as well as the area directly in front of his leased airport hanger.

Public Works Director Smith noted that Mr. Baker's failure to bring these three issues into compliance will result in legal action for termination of his lease.

STREET CLOSURE

Harlan Tverberg, owner of the Brewster located Napa parts store – Rio Auto Supply – submitted a request for street closure on Monday, July 16, 2007. The street closure will effect 4th Street between Main Avenue and the alley behind the Rio Auto Supply. This will leave the alley way joining 4th Street as access. The purpose of this closure is to allow for enough space to accommodate a large truck and all of the tools and equipment supplied by Napa that will be for sale that day. The sale will take place between 6 am and 6 pm.

The question was raised regarding the PUD employees and their ability to access the back lot for parking. It was decided that even though the street would be closed, the PUD employees would still be able to park there during that time.

POLICE DEPARTMENT UPDATE

STATS

Police Chief Oules reported that the new computer system is nearly up and running full speed. He also reported that there were nearly 150 complaints in May. The new computer system is now documenting every complaint that comes in, which was not being done with the old system. The May numbers do not translate into more complaints, it is simply that the new system is tracking it much better than the old system. This new system also allows them to track complaints by the time, the officer and the type of complaint.

TASK FORCE

The Brewster Police Department usually receives about \$2,000.00 per year for the task force. Police Chief Oules stated that everything has been signed and Finance Director, Pamela Olsen, is awaiting the paperwork.

OVERTIME

Police Chief Oules stated that there was approximately \$2,400.00 in overtime paid out in the month of May to the Brewster Police Department. This is partly due to the community events that require extra patrols for security. Some of this will be reimbursed through Traffic Safety – during the nighttime seatbelt emphasis patrol, approximately 4-6 seatbelt related tickets were issued, however, several other violation arrests were made as a result of the seatbelt emphasis. Police Chief Oules stated that even though there were not a lot of citations for seatbelt related infractions, this was a very productive time for them.

PATROL CAR CAMERAS

A proposal was submitted by the Brewster Police Department for the possible installation of patrol car cameras. The system that they have researched and feel would be the best overall is the Digital Ally In-Car Video System. The cost of each unit would be \$4210.00 each, based on a five unit purchase. The system consists of an inside rearview mirror with an integrated 3.5" TFT color monitor, rear camera, GPS system, 900 MHz transceiver, speaker, internal microphone, wireless microphone kit, 120x digital color camera 4GB high speed DV card, mounts, cables, operating manual, basic video manager software and a 2 year warranty. Officer Natalie Cariker has been doing most of the research related to the different units available and based on demonstrations as well as talking with other departments who currently use the same system, the Digital Ally System is the best fit for our department needs. These units could be installed into the cars by the officers themselves.

Council Member Tretwold and Police Chief Oules feel that having cameras in the patrol cars will greatly benefit our department, especially with respect to reduced insurance rates that other police department agencies have received for installing these units into their cars. These cameras were originally set in the 5-year budget plan, but it is felt that the sooner they can be obtained, the better. Finance Director, Pamela Olsen, suggested

that the department could surplus some of their equipment or have a yard sale to help cover some of the costs of the cameras. She also stated that the monies could be borrowed from one of the reserves as long as interest was paid to that reserve. Police Chief Oules thought that these were good ideas and thanked Finance Director Olsen for her help.

MOTION:

Council Member Trewtold moved to approve proceeding with applying for bids and approval of the Brewster Police Department patrol car cameras. Council Member Smyth seconded the motion and the motion passed unanimously.

TAKE-HOME CARS FOR TRIAL PERIOD

Police Chief Oules requested an extension to include a long-term take home patrol car trial period. He would like to see how this effects response time. In the short-term take home period, two cars were returned completely washed and detailed. He also believes by allowing the officers to take the cars home that it has boosted the moral of the department. There are restrictions for the take home trial period, which includes distance traveled when not on duty.

OTHER BUSINESS:

Council Member Fateley stated that the Colville Confederated Tribes will be putting in a Salmon hatchery at Chief Joseph Dam. Bonneville Power, Chelan and Douglas County PUD are assisting them in this hatchery. This is the last one of four hatcheries to be installed, and it is only about 40 years late. There are currently three in use. These fish will not be going past Chief Joseph Dam and the State will be regulating their seasons. Any net fishermen will be required to have a special permit. This could mean less fish in the lower Columbia River, but given the great Salmon season we have, this should not be a factor.

Council Member Fateley asked if anyone from the City or the Council had ever sent a letter of support regarding this hatchery. He would like to compose a letter of support for them, as he feels this hatchery will be an all-around great benefit for our community. Desha Dawson, Deputy City Clerk, will meet with Council Member Fateley and compose the letter. Mayor Webster stated that he would be more than willing to sign this letter showing Brewster's support of the Salmon Hatchery at Chief Joseph Dam.

EXECUTIVE SESSION – APPROXIMATELY 25 MINUTES:

Mayor Webster adjourned into executive session for approximately 30 minutes to discuss personnel at 0720 p.m.

Mayor Webster reconvened into regular session at 0750 p.m.

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