

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

Council Member Tretwold moved to approve the minutes for 12/12/2007, with corrections as noted by Mayor Webster. The motion was seconded by Council Member Fateley 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 01/09/2008, 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 #41265 through #41333 in the total amount of \$1,361,132.23. Payroll Fund voucher numbers #10733 through #10790 in the total amount of \$75,151.25.

OATH OF OFFICE:

Mayor Lee Webster swore Bob Fateley into Position #5 of the Brewster City Council.

OTHER BUSINESS:

DYLAN GAMBLE – SNOW REMOVAL:

Dylan Gamble presented to Council with a question regarding private entities and snow removal in the City limits. He stated that a week or two prior, he and another plow driver for Gebbers Farms were in the town of Brewster plowing snow on Gebbers lots and properties. A City of Brewster snowplow driver approached Mr. Gamble at the Triangle Shell and informed him that his tail lights were out and that he could not come into the town of Brewster and plow snow until the lights were fixed.

Later on that day, the other Gebbers plow driver was confronted by the same City employee about plowing snow across the City streets. Mr. Gamble stated that the City employee was rude to both him and the other plow driver. His question being, who has the authority within the City of Brewster Public Works Department to inform private plow drivers of the dos and don'ts of plowing? Public Works Director Smith stated that if there are any questions, they should be directed to either himself or the Mayor. He also stated that if there are any problems with private snow plow drivers pushing snow, or piling it incorrectly that his crew witnesses, they should relay this information to him and he would then contact the private drivers.

Police Chief Oules stated that as far as the brake lights being out, the City employees can tell the people that they are out as a courtesy, but the Police are the only ones who have the authority to keep someone from driving or operating their vehicle with faulty equipment.

Public Works Director Smith did note that with respect to the private plow drivers pushing snow across the streets and piling it incorrectly, there have been problems in the past with people pushing snow across or into the streets and leaving a mess for the City to clean up. Another problem has been with people pushing snow into other people's property. If a member of the City Public Works crew witnesses this, they have

been asking people not to do so. Public Works Director Smith will ask that any snow removal complaints from the City crew go through him first so he can address them as they arise. Council Member Fateley agreed with that approach as well.

GEBBERS EXCESS DISCHARGE REQUEST:

Richard Thomason, Plant Engineer for Gebbers Farms, presented Council with a proposal letter, consumptive use/month breakdown, gallon per minute return to the WWTP and maps of the proposed collection lagoon and feed line to the sewer. He also stated that he understood the major concern that the City had with respect to the excess discharge request was in respect to the City's ability to handle the excess discharge in the event of a large amount of homes being built and losing these connections. Mr. Thomason pointed out that the proposal included a "2 year" plan, which would make the contract null and void with a 2 year written notice from either party.

Mr. Thomason stated that Gebbers is not currently under pressure from the DOE to do anything right away, they are just trying to get ahead of any future requirements. They are looking to have a short term fix to allow them time to come up with a long term solution.

Council Member Fateley asked if Gebbers is planning on building a containment pond. Mr. Thomason stated that they would be building the pond whether the City approves the submitted proposal or not.

Council Member Tretwold asked about filtering the water that would be discharged back to the WWTP. Mr. Thomason noted that he has researched running the water back through filters, similar to that which is used in France.

Public Works Director Smith stated that if the affluence of the discharge water is maintained, there should not be a problem as far as chemical level changes. He has spoke with Lynn Lawson, WWTP Operator, and he has not noted any problems with their current discharge.

Mr. Thomason also noted that as chemical use changes in the industry, they are constantly looking for resolutions to the problems they may face. He stated that they plan on going to a "green" process which will include using a soap water process within a few years which would allow them to be able to discharge processed water into storm drains safely.

Council Member Tretwold stated that if approved, he does like the idea of having a set cut-off date. He would, however, like to have it stated in the proposal that there would be a review of the process at one (1) year, with either the availability of an extension of the contract or the right to terminate the contract depending upon the needs of the City. The contract would not, however, exceed two (2) years for any reason.

Mayor Webster stated he would like to protect the capacity limits we have for our connections. The City has an opportunity to allow for growth in our community and does not want to use up our connections with one facility's excess discharge.

Public Works Director Smith stated that the City has invested \$10,000,000 into the WWTP upgrades over the last five (5) years and we cannot expand anymore than we already have. His concern is that if we take away connections by allowing the excess discharge, we may not be able to afford to give them up. We also cannot afford to move our treatment plant or perform any further upgrades to our current plant.

Council Member Fateley stated that he liked what Council Member Tretwold proposed which would allow the two (2) year contract with a review at one (1) year and the option to continue or terminate at that time. He stated that frankly, the City should not have to fix their problem as it is not our responsibility legally or otherwise. He stated his main concern is to protect our citizens and protect our limits for expansion. He would also like to see the discharged water metered, if this proposal is allowed.

MOTION: Council Member Tretwold made the motion to approve Gebbers Farms request for excess discharge, effective on January 9, 2008, with review of the contract at one (1) year and the decision to continue or terminate the agreement at that time. Due to lack of a second on the motion, the motion died.

Council Member Smyth asked if the City should seek legal advice on this subject before any further motions are made. Council Member Fateley asked what the repercussions would be if we allowed Gebbers to do this as Custom (Starr Ranch Growers) came to us with a similar request in early 2007, which was denied. If we allow Gebbers to do this, would we therefore be required to allow Custom to do the same?

Tory Wulf asked if they can have their attorney draw up a revised proposal and then have the City review the document. Public Works Director Smith stated that would be fine, as the City does not want to tie up a lot of money in attorney fees, as this could go on for quite awhile. Mr. Wulf also stated he would ask their attorney about the appraisal issue with respect to the Land Swap as well.

Council Member Fateley noted that there are still a lot of questions that need to be answered. He would not be opposed to having a special meeting to go over the proposal/request in further detail. He wants to be sure that the City is protected. He does not want to see us (the City) do something for Gebbers and then have them do nothing to remedy their problem.

Mayor Webster encouraged Mr. Wulf and Mr. Thomason to contact Public Works Director Smith about going over the proposal in further detail. Public Works Director Smith stated that he will contact the City attorney, Chuck Zimmerman as well as AWC and AWSC before they meet as well to get copies, if available, of other cities that have similar agreements.

MAYOR WEBSTER

DOUGLAS STREET VACATION - Resolution No. 08-01:

Mayor Webster reviewed Resolution No. 08-01 – setting a Public Hearing and time for a street vacation at the most easterly portion of East Douglas Avenue beginning at South First Street.

This particular street vacation was discussed three months ago and our Municipal Code states there must be a Public Hearing Process. Due to the holidays and the inability to publish the previously set Public Hearing, previously set for today's date, a new resolution has been presented for the same.

MOTION: Council Member Art Smyth made the motion to set the Public Hearing for the Douglas Avenue street vacation for February 19, 2008 to be held at the regularly scheduled City Council Meeting. Council Member Tretwold seconded the motion and the motion passed unanimously.

CLERICAL WORKERS LABOR AGREEMENT:

Mayor Webster stated he would like to proceed forward with the approval of the Clerical Workers Union Agreements. Those Council Members present were in agreement.

MOTION: Council Member Fateley moved to approve the Clerical Workers Union contracts, which consists of the City Clerks Staff inclusion with the Public Works Contract and the Police Department Clerical Staff addendum to the Police Department Contract. Council Member Smyth seconded the motion and the motion passed unanimously.

COUNCIL MEMBER JERRY TRETWOLD:

JAIL FEES:

Council Member Tretwold discussed jail fees. He stated that there is a problem, in that they were not worked into the 2007 budget process, as we were not informed that they were due until October of 2007. The 2006 jail fee billing is \$64,910.53. Currently, there is \$38,000 budgeted and available for the jail fees, but we still need to come up with approximately \$27,000 to cover the rest of the cost. He also stated that we have not received the 2007 jail fee billing statement.

He is concerned about the fees as well as how to budget for them. Council Member Tretwold would like to meet with the County Commissioners to discuss the jail fees. He would also like to have Police Chief Oules and Council Member Freels attend the meeting as well.

The problem he is seeing is that when one of our officer's books someone into the Okanogan County Jail, the Brewster Police Department is being charged for each day the person is incarcerated. If the Border Patrol places that person on hold for any amount of time, the Brewster Police Department is still being charged a jail fee.

Council Member Tretwold is currently working with the Legislature to have this changed so that small cities are not responsible for fees for Border Patrol holds on inmates. We are currently short on funds to pay these fees and there is not enough in the budget for 2007 to cover these costs if they are the same or higher than 2006. Mayor Webster asked about adding a tax, one-tenth of one-percent, for law enforcement to help cover some of these costs. Finance Director Olsen stated that if enough cities are in favor of this as well, it could happen. Council Member Tretwold will keep the Council informed of any information he obtains regarding this subject.

RESERVE FUNDS:

Council Member Tretwold stated that he would like to have monthly reports regarding the Reserve Funds and the Planning Commission. Finance Director Pamela Olsen will give monthly treasurers report with respect to the Reserve Funds. Public Works Director Smith will give monthly Planning Commission reports as well. Both will be added to the monthly agendas as permanent items for review.

GEBBERS/CITY LAND TRADE:

Council Member Tretwold addressed the Council with respect to the Gebbers/City of Brewster proposed land trade. Council Member Tretwold has met with Tory Wulf, a representative of Gebbers Farms. He also met with Erlandsen & Associates on January 9th, at which time adjustments were made. He hopes to have all of the maps and other information regarding the land swap together soon so the proposal can be shared and reviewed as a whole. Council Member Tretwold also stated that if there were any questions, or if anyone were interested in seeing the land, he would be more than willing to discuss the proposal as well as take them on a tour of the land.

Council Member Tretwold stated he strongly believes that it would be in the best interest of the City to go ahead with the land swap, especially when looking forward to the future and possible expansion of the Airport. It will also benefit Gebbers and their future development as well. Roger Erlandsen of Erlandsen & Associates stated he also believed it would be a good investment for the City as well.

Council Member Fateley asked if the City can legally “trade” land without an appraisal. Council Member Tretwold stated he was unsure of this could be done without an appraisal, but that he would contact Chuck Zimmerman, City Attorney, regarding the necessity of an appraisal for the proposed land swap.

Council Member Tretwold will contact Chuck Zimmerman of Ogden, Murphy and Wallace regarding the need for an appraisal of the lands involved in the proposed Gebbers/City land swap.

PUBLIC WORKS:

HIGHWAY 97 SIDEWALK PROJECT:

Public Works Director Smith stated that the Main Street Extension and the Highway 97 Sidewalk Project have now been combined into one project. The only problem with these two projects being combined is that it will push the start date back a couple of months to allow for additional planning.

Council Member Fateley asked that since the two projects are now combined, if a business owner in the area of these projects can request changes be made to access, is the City, or the City Council, the ones making the final decisions regarding accesses. There are some business owners that are concerned regarding the size of the access points into their locations, as what they are requesting may not be exactly what the DOE/JUB approves. Public Works Director Smith noted that the decisions with respect to the City having final say on accesses, he would prefer that any changes or requests go through Council with the Mayor and the Council having final say on any changes.

Council Member Fateley also asked how “sure” the funding for this project is. Public Works Director Smith stated that the money is sure and will not be taken back.

Public Works Director Smith also noted that on January 17th, JUB will be meeting with at least three of the business owners to discuss what they would like to have done regarding their business accesses/sidewalks. Also, on February 6th, there will be an Open House with the representatives from DOE and the engineers from JUB present to answer any questions or address concerns that the public may have. This meeting will be held at the Columbia Cove Recreation Center from 4:30 pm to 7:30 pm. A translator will also be provided.

WATER COMP PLAN:

Public Works Director Smith had requested that Erlandsen and Associates give us a Professional Engineering Services Estimate with respect to the 2008 Water Comp Plan that needs to be completed for the City. Roger Erlandsen presented Council with the fee summary of the estimate, which came in at \$59,700.00. Public Works Director Smith noted that this estimate includes the entire Comp Plan, start to finish. Smith stated that currently, there are not enough funds available in the budget to cover the costs of having Erlandsen's do our Water Comp Plan.

Public Works Director Smith has talked with the Public Works Director at Coulee City as they recently had their WCP completed with help from a group similar to Evergreen Water, and this group led them through the entire process at no cost to Coulee City. Public Works Director Smith will check into this further as our Water Comp Plan needs to be completed and if there is a way we can do this with a little guidance and no actual cost, it will benefit everyone.

AIRPORT UPDATE:

Public Works Director Smith stated that we are going to go ahead as planned with the airport group B well. We have the funding available and we are well within our budget for this project. He would like to move forward as soon as next month, pending Council's review of the project.

SNOW REMOVAL – ORDINANCE NO. 804:

With the significant amount of snow the area has had recently, Building Inspector Darren Moore has noted that there has been some problem with snow not being removed by businesses and residences correctly, and not in a timely fashion. He had asked Public Works Director Smith about a particular ordinance from early 2007 which related to snow removal. Public Works Director Smith checked into this and found that the ordinance had been drawn up and Council had passed it, but it had never been updated in the Brewster Municipal Code.

Council Member Tretwold asked, with respect to residential snow removal, if a resident shovels snow or uses a snow blower and pushes or blows the snow out into a City roadway - evenly distributed and not just piled in the road – is this an acceptable action? Public Works Director Smith stated that although this is not encouraged, the City is giving leniency if it is done before the roads are plowed and is not making a "mess" in that section of the street. He did state, however, that some of the business on Main Street that do not have anywhere else to put the snow the shovel from their sidewalks are given an exception.

At this time, Public Works Director Smith has presented Ordinance No. 804, amending the subsection 16 of section 8.16.020 of the Brewster Municipal Code. Although this ordinance had previously passed, he would like Council to re-approve it, with an effective date 5 (five) days after tonight's Council meeting.

MOTION: Council Member Fateley made the motion to approve Ordinance No. 804, amending the subsection 16 of section 8.16.020 of the Brewster Municipal Code; amending provisions related to sidewalk snow removal nuisances, containing a severability clause, and setting an effective date. Council Member Tretwold seconded the motion and the motion passed unanimously, effective five (5) days after approval, January 14, 2008.

SUPRLUS VEHICLES:

Public Works Director Smith presented the Council with a list of three (3) City owned vehicles he would like to surplus. Those vehicles include a 1976 Toyota flatbed pick-up "Wally"; a 1991 GMC Jimmy and a 1971 International single-axel dump truck. Each of these vehicles are in need of significant repairs and it would end up costing the City more in repairs than the vehicles are actually worth.

MOTION: Council Member Tretwold made the motion to approve the surplus of the 1976 Toyota pick-up, the 1971 International single-axle dump truck and the 1991 GMC Jimmy. Council Member Fateley seconded the motion and the motion passed unanimously.

BUSINESS OF THE YEAR:

Public Works Director Smith announced that Erlandsen and Associates had been named Business of the Year for the City of Brewster and wanted to congratulate Roger Erlandsen on a well deserved award.

POLICE DEPARTMENT – RON OULES

PD UPDATE:

Police Chief Oules stated that so far, things have been relatively quiet for the Police Department. The nature of the 911 calls has been normal as well. They have had some problems with graffiti recently, but do have a suspect and plan to make an arrest, possibly as soon as this Friday.

As of January 5th, the department is back to full staff for the first time in seven months. Due to delays in equipment shipping, the new patrol vehicle (Explorer) went to be outfitted today and should be on patrol by the week of the 14th.

STATS:

Police Chief Oules stated that the overtime hours logged for the month of December are within normal limits for this time of year.

EXECUTIVE SESSION – APPROXIMATELY 30 MINUTES:

Mayor Webster convened to Executive Session at 7:50 PM to discuss personnel. The Executive Session was ended at 8:30 PM. No action or comment was presented.

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