

Mayor Lee Webster called the meeting to order at 6:00 p.m. Council Members present were Art Smyth, Kris Dawson and Jerry Tretwold. Council Member Fateley and Council Member Freels were absent. A quorum was present.

Council Member Tretwold moved to approve the minutes for 01/09/2008, with corrections as noted by Mayor Webster and Council Member Tretwold. The first correction is to page 2 (two), paragraph 4 (four) which will read "Mr. Thomason stated that they would be building the pond whether the City approves the submitted proposal or not" and replaces "Mr. Thomason stated that if the City approves the submitted proposal, they would start to build a containment pond immediately". The second correction is on page 4 (four), paragraph 6 (six) which will read "adding a tax, one-tenth of one-percent, for law enforcement" and will replace "adding a 1% tax for law enforcement". The motion was seconded by Council Member Smyth 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 02/19/2008 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 #41335 through #41336 and #41348 through #41454 in the total amount of \$209,509.29. Payroll Fund voucher numbers #10790 through #10829 in the total amount of \$71,674.45.

**OATH OF OFFICE:**

Mayor Lee Webster swore Kris Dawson into Position #4 of the Brewster City Council.

**JAIL FEES:**

Council Member Tretwold stated that he had spoke with Scott Fuhrman at length with respect to the jail fees. They discussed proposing a bond to help cover the jail fees. Council Member Tretwold will look into this further with respect to an actual dollar amount. Mick Howe, Attorney, is working with other area Cities to see about sending a Bill to Legislature in the future, as there was just not enough time this go around to have it go through.

**GEBBERS/CITY LAND SWAP:**

Council Member Tretwold stated that he has contacted Ogden, Murphy & Wallace about the proposed land trade; however, since this will cost the City money, he would like approval from the Mayor to continue talks with OMW and to proceed with a walk through tour of the land with Chuck Zimmerman, City Attorney. Mayor Webster approved moving forward with the talks as Mr. Zimmerman is scheduled to be in the area later this spring.

**WWTP UPDATE:**

Levi Schoolroy and Don Buss of JUB Engineers, presented a letter detailing the WWTP Project Update. This is an overview of the Phase II WWTP Upgrades – Rebid. The

letter includes the project timeline, modifications to the project, substantial completion as of February 14<sup>th</sup> and the summary. There are four items that still need completion, however. Those include the South lift station pump installation; Return Activated Sludge pump; the secondary clarifier No. 1 installation and the Chemical Feed System components. Shannon Plumbing and Heating, project contractors, had indicated to JUB that these four items were not going to be finished by the February 14<sup>th</sup> deadline, and they have requested an extension. The four remaining items have a projected completion date of April 30, 2008.

Some of the items not completed were actually added on to the project after the initial project approval. Mr. Schoolroy indicated that even though there are four items that have not been completed as of the substantial completion date of February 14<sup>th</sup>, all of the completed items will begin warranty coverage. The warranty on the four remaining items will begin when the projects are finished.

Public Works Director Smith, Lynn Lawson and JUB had a phone conference previously to go over the partial substantial completion list. The list is complete and contract requirements have been met to date. There is a "punch" list that is completed by the contractor and monitored by JUB. Public Works Director Smith stated that the items on the "punch" list have been completed.

The JUB Engineers believe that Shannon Plumbing has performed well throughout the project and note that SPH had informed them of the four incomplete items soon enough that it will not disrupt the progress or create further delays. Mr. Buss stated that SPH has been very good about keeping things moving and keeping the project on schedule.

At this point, JUB has presented the partial substantial completion list for review. The total increase in the project cost is \$213,329.64. There is approximately 5% (\$125,000) in reserve to help cover some of the remaining costs. Finance Director Olsen and Mr. Schoolroy will meet to go over ideas of where the additional funding may be found.

Council agreed to approve the Phase II WWTP Upgrades, Substantial Completion List.

## **MAYOR WEBSTER**

### **PUBLIC HEARING – DOUGLAS STREET VACATION – RESOLUTION NO. 801**

Mayor Lee Webster opened the Public Hearing for Resolution No. 801 – Douglas Street Vacation Request. Council was asked if there were any objections to the Public Hearing at this time. None were stated. The floor was then opened for comment.

Public Works Director Smith stated that he has received several letters from the property owners affected by the vacation request. He has received letters of support and of non-support for the vacate.

It was also noted that Mr. Helmick had requested a street vacation back in March of 2006. Due to an error in the filing of the request by the previous City of Brewster staff, the request was not handled appropriately. After researching the previous request, Public Works Director Smith went forward with the vacate request according to the set guidelines for such a request. This included property owner notification, posting of the request to vacate as well as setting a Public Hearing.

Public Works Director JD Smith then read the City of Brewster Staff Report. This

included descriptions of the background of the request, the location, zoning, comprehensive plan, agency comments, analysis and recommendation. In the report, Public Works Director Smith noted that the property identified in the current request is not used for through traffic, but does provide access to the Eastbay shoreline and may become an access to the Columbia River for further potential development of an extension to the existing river walk. He also noted that there had been a previous request to vacate the same property back in 1995, which was denied by City Council at that time.

He believes that due to the potential for future use(s) for the property as well as the current access use for Eastbay, it would be in the best interest of the City of Brewster to deny the current request as well.

Gordon Brett, Douglas County PUD, stated that the DC PUD had submitted a letter of non-support indicated they believe this property is a valuable public asset.

Harry Himmelhaver, property owner, asked if this property is not vacated, who would be maintaining it. Public Works Director Smith stated this is City property and the City would be maintaining it.

Bill Wood, property owner, asked if the public can use the dock located at Eastbay, since it is accessible via the public walk path that runs along the shore line. Mr. Brett, DC PUD, stated that the public cannot use the dock as this is private property. Mr. Wood then asked how to differentiate between what is public property and what is private? Mayor Webster suggested posting signs stating as such.

Steve Thomas, Eastbay property owner – Lot 1 - stated that he is in favor of the vacate. The area of property requested in the vacate, as he understands it, is privately controlled with no access to the dock. His primary concern is providing some sort of control over this piece of land. Who is in control of the landscaping and maintenance of the area? How can we assure that the area will be kept pristine? He has wanted to do some form of landscaping or plant grass, etc, but does not want to do so if someone, whether it be the City or Eastbay HOA, can come in and “tear it up”. He would like to develop it sometime, but does not want to do so if he cannot maintain it. However, if the vacate is approved and he were able to landscape the land, he would be willing to make sure that the Eastbay HOA and PUD can still have access to the area and through it for their needs.

Roger Erlandsen, of the Eastbay Homeowners Association and property owner (5 lots) of Columbia Shores, stated that letters were sent to the Eastbay homeowners to inform them of the vacate request as well as some of the restrictions that would be imposed should the vacate be approved, including removing the only access for the Eastbay HOA property owners and guests to access the community waterfront with motorized vehicles for maintenance, service for repairs, access for handicap members or matters of convenience, etc. This letter was sent with the intent of giving the property owners to approve or disapprove of the vacate request. Mr. Erlandsen also stated that there is basically no other way to get to the dock or the other areas for maintenance other than through the property requested in the vacate. Mr. Erlandsen stated that on prior discussions with Gordon Brett and previous Public Works Director Mike Shenyer, the idea to vacate the area was discussed and it was decided at that time it would significantly prohibit and restrict what Eastbay could do as far as access. Mr. Erlandsen stated that Eastbay has permits to use the portion of the land by the Homeowners Association. He also stated that there are signs posted stated that it is not for public use.

Tom Helmick, property owner, cousin and next-door neighbor of Steve Thomas, stated that he believes the decision has already been made not to vacate. There are currently two (2) access points, one for cars and one for foot traffic. He has had someone break into his house twice since the Eastbay development was established and believes it is due to the foot traffic through the area. He also stated that whether the vacate is approved or not, he will continue to try and maintain the area. He would, however, like to see something done regarding the public access and the amount of traffic he has coming through his yard.

He stated that there needs to be some substance to the promises the City has made, for example planting grass to control dust when the wind blows – dirt stabilization. This was promised and has not happened. He is losing faith in the verbal promises that have been made in the past.

Randy Loucks, property owner on Douglas Street, stated he is in favor of the vacate. He would like to know who “polices” the area. He stated that he has seen dogs, un-chaperoned kids and other people running around this area. He also has an issue with cars parking at the access and questions why they are allowed to park there as well as the activities that are taking place.

Roger Erlandsen stated that he would be more than happy to put up some sort of a fence to prohibit the traffic, if the PUD allowed. Gordon Brett, DC PUD stated he would need to check into whether or not the PUD would allow this.

Council Member Tretwold stated that in the past when he had problems with foot traffic through his property, he constructed a fence to control the problem.

Harry Himmelhaver disagreed with Council Member Tretwold with respect to the fence. He stated that a fence is not the answer. We do not “live on the west side” and should not have to put up fences to keep people off of our property.

The City cannot put a fence on the PUD property as well. Council Member Tretwold asked for a letter from Mr. Brett regarding land use policies with respect to fences. Roger Erlandsen suggested drafting a letter to the DC PUD regarding the use of this land and what we can and cannot do with it as well as what our options are. Mr. Brett can then take this letter to his supervisor(s), go over it and come back to us with some more definitive answers.

Tom Helmick stated that the City recently locked off the cemetery burn pile because of misuse and asked why the access area on Douglas Street cannot be locked off as well.

Public Works Director Smith stated that without a fence, what good would a locked gate be? It is hard to keep people off of your property if you do not have a fence in place to restrict access. The City would have the option of placing a fence on City property.

Council Member Tretwold stated that he would be willing to meet with the property owners to resolve the issues that have been discussed this evening. Public Works Director Smith will get a meeting set up to go over the issues and how to resolve them.

**MOTION:** Council Member Tretwold made the motion to reject the Douglas Street Vacation Request. Council Member Smyth seconded the motion and the motion passed unanimously.

## OKANOGAN COUNTY REC ACTION PLAN UPDATE – FERC PROJECT 2149

Mayor Webster presented Council with a letter from the Okanogan County Board of Commissioners with respect to the 2007 Recreation Action Plan Update for FERC Project #2149. This letter is in support of the City of Pateros's action to file an appeal on the 2007 RAP update filed in December of 2007 with FERC by the Douglas County PUD, FERC Project #2149 and request that FERC reject the Wells Project 2007 Rec Plan Update as submitted. Mayor Webster noted that he will be meeting with the Park and Recreation Committee of Brewster to draft a similar letter.

### HIGHWAY ACCESS LETTER – Re: Highway 97 Project

Business and property owners Doug Chantry and John Pariseau presented to Council to discuss the letter that had been presented with respect to the Highway Sidewalk Project and Access Management. The letter of request was signed by five (5) business and/or property owners along Highway 97, and include: Ron Anderson of Brewster Drug, Scott Anderson of North Cascades National Bank, Doug Chantry of Tri-River Grocery and John Pariseau and Mac Gebbers of Brewster Triad.

The letter addressed the issue of restricting the current access to Highway 97. The business owners have submitted a written request to have an 80-foot access measured westerly from the existing sidewalk paralleling Highway 97 near Brewster Drug, and a 100-foot access measured easterly from the existing curb built by North Cascades National Bank.

Mr. Pariseau and Mr. Chantry conveyed their concerns with respect to the access widths. The WSDOT proposed width for the access at Brewster Drug is 60-feet and NCNB at 70-feet. They believe the larger access widths they have requested will still promote safety, but also believe the larger accesses are a necessity to accommodate the larger vehicles that enter the parking lot. They do not want potential customers to drive by simply because they cannot pull in easily with a motor home, boat trailer, etc. Economic vitality is their main concern and the customers guarantee that vitality.

Public Works Director Smith stated that in 2007, the City had to adopt a Highway Access Management Plan. This meant we could either come up with our own, or adopt the one in place by the State. We chose to adopt the one set by the State. The access widths set by the State are 40-feet and 50-feet. Larger accesses require justification. The WSDOT can do studies to research the requests for increased access widths, which include turn radius studies.

James Reynolds, WSDOT representative, stated that the main goal of the Highway 97 project is to eliminate the amount of cars accessing the highway at one time, therefore making it safer. They do not, however, want to make any changes or final decisions with respect to access widths especially if the businesses will be adversely affected by this.

Mr. Chantry suggested that a caution light be placed at the intersection of 7<sup>th</sup> and Highway 97. Public Works Director Smith stated that this area has been studied, but we do not meet the requirements for this. There will be an island with crosswalks at this location to help ease the congestion and increase pedestrian and traffic safety.

Public Works Director Smith wants to make sure that all requests for access widths are fully researched, justified and documented before any final decisions are made. Nothing is concrete until the concrete has set. He does want to ensure that the business

owners have input with respect to the access widths and their business vitality.

Council Member Tretwold noted that he and Terry Mattson, WSDOT, recently had a rather extensive conversation regarding this issue. As he understands, the City has the final say with respect to the access widths and that we have a lot of leeway to change as long as the changes are documented with good reasons to support them. There is the exception of the third (3<sup>rd</sup>) 60-foot access on Gebbers lot between McDonald's and the Triangle Shell, which cannot be changed. He again stated that per Mr. Mattson, as long as the requests are documented and the WSDOT has done the research required and conclude that the larger access widths are safe and justifiable, there is no reason they cannot be done.

The letter also suggests moving the proposed sidewalk extension along Main Avenue to the other side of Main. The current plans have the sidewalk located on the street that runs directly behind Brewster Market Place. His concern is the property he owns at the corner of 7<sup>th</sup> Street and Main. As the property owner, he asked about future development in this area and how the access would be affected in this area with respect to the Main Street extension project. Finance Director Olsen stated that Mr. Pariseau had allowed the City to construct a park in this space, with the understanding that he could develop it at any time. Mr. Pariseau stated that a sidewalk on this side of the street would affect his access to the area. He stated that he would like to see the sidewalk placed on the other side of the street. Public Works Director Smith stated that pedestrian safety is the key.

Mr. Pariseau suggested setting up a meeting with Public Works Director Smith to discuss the possibility of returning previously deeded property (behind BMP) to the city for a trade/compromise of moving the sidewalk to the other side of the street. Mr. Pariseau also stated that they would be willing to put forth some funding for additional flowers if this is approved as Mrs. Ellis would lose the area that she has maintained for several years with flowers and plants along Main Street.

Mr. Chantry also pointed out that he would like to have two (2) access points instead of one (1) along the back of his store as well. This is the area where the delivery trucks enter to deliver products and he is concerned about their ability to access the area for delivery. He stated that he will get the request to Public Works Director Smith as well as the requested widths for those accesses.

Council Member Tretwold requested that the access issue be resolved by the March 12<sup>th</sup> Council meeting so Mr. Mattson and the DOT can begin the bid process.

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

#### **MONTHLY TREASURERS REPORT**

Finance Director Pamela Olsen presented Council with the monthly Treasurers Report. She reviewed the items on the report. Council Member Tretwold requested that a revised copy of this report be mailed to the Council showing the total amount in the reserve fund, as it was not included on this report. Finance Director Olsen stated it should have been included on the current report, but will have a revised copy mailed.

#### **ORDINANCE NO 805 – Adoption of the 2008 Budget**

Finance Director Pamela Olsen presented City Council with Ordinance #805, an ordinance amending ordinance #803, adopting a budget for the year 2008 for the City of

Brewster, in the amount of \$5,043,204 with the breakdown as follows and approving this title as a summary of the ordinance. Council reviewed the amended ordinance.

MOTION: Council Member Tretwold made the motion to approve Ordinance #805. Council Member Smyth seconded the motion and the motion passed unanimously.

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

#### **MONTHLY PLANNING COMMISSION REPORT**

Public Works Director Smith stated that the Planning Commission had not had a meeting in February; therefore he had nothing new to report. Mayor Webster did announce that Gene Barrutia had been appointed to Position No. 4 of the Planning Commission in January.

Roger Erlandsen stated that he attended the Okanogan County Planning Commission meeting at the Rec Center. The meeting was to discuss the County Comprehensive Plan and the Urban Growth Boundary. Mr. Erlandsen stated that not too many people attended the meeting and he strongly encouraged the Public Works Director and the Council to attend these meetings as it is important to have the City's input. He believes the next meeting will be within the next week or so.

#### **WATER COMP PLAN – ERLANDSEN LETTER**

Roger Erlandsen of Erlandsen & Associates presented to discuss the letter that had been presented to Council with respect to the Water Comp Plan. At the January Council meeting, Council was presented with an "estimate" from Erlandsen & Associates, prepared by Eric Smith, which outlined the costs that the City might incur preparing an update the City's Water Comp Plan.

Mr. Erlandsen stated that after the January Council meeting, he left with the impression that the Mayor and the City council viewed this as an actual "bid" and that the bid was too high.

Mr. Erlandsen stated that this was not intended to be submitted as a "bid" or a "quote". This was a basic summarization of each section of the Water Comp Plan and the estimated costs that the City may incur, whether it were Erlandsen & Associates or another agency performing the job. This estimation was drawn up for the City to use as a guide to realize potential costs to complete such a document. The information was drawn up after a culmination of conversations between Mr. Erlandsen and Public Works Director Smith with respect to the Water Comp Plan and what our costs could be.

Public Works Director Smith stated that he would check with AWC, or a similar agency, and have the engineering portion done by the company that best suits our needs.

#### **EXECUTIVE SESSION – APPROXIMATELY 15 MINUTES**

Mayor Webster convened to Executive Session at 8:15 PM to discuss potential litigation. 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 at 8:35 pm.

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC