

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

Council Member Freels moved to approve the minutes for 02/19/2008 with the following changes/corrections as noted. Council Member Tretwold requested that on page six (6), paragraph two (2), the correction be made to read "the City has 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" and replaces "the City has the final say with respect to the access widths (within reason and safety standard of the WSDOT)". 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 03/12/2008 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 #41455, #41457 and #41458 through #41502 in the total amount of \$31,628.44. Payroll Fund voucher numbers #10829 through #10870 in the total amount of \$72,019.49.

#### **OTHER BUSINESS:**

##### **JAIL FEES**

Council Member Tretwold presented Council with a copy of a letter from Rep. Brendan W. Williams regarding House Bill 2842. He stated that great progress has been made, with the consensus to move forward to help small Cities like Brewster in Okanogan County as well as other Cities around the state.

##### **DOUGLAS COUNTY PUD LETTER**

Council Member Tretwold asked if the letter had been sent to the Douglas County PUD with respect to the policies regarding fences on PUD land. Mayor Webster stated the letter had not been sent, but would be soon.

##### **MONTHLY TREASURERS REPORT**

Council Member Tretwold complimented Finance Director Pam Olsen on her work with setting up the previously requested Reserve Fund. At this time, Finance Director Olsen is putting \$835.00 per month into the Reserve Fund, which is restricted. Monies can only be taken out of this account with Council approval.

##### **MAYOR WEBSTER**

##### **GEBBERS/CITY LAND SWAP:**

Present on behalf of the Gebbers' for this discussion were the following individuals: Jody Gebbers, John Wyss and Tory Wulf. Allan Galbraith, Attorney for the Gebbers, was also present.

Mayor Webster announced that Council Member Tretwold would be summarizing and reviewing maps and land that is included in the proposed Gebbers/City Land Swap. Chuck Zimmerman, City Attorney, noted that the discussion would be recorded in order for Council Member Fateley, who is absent from the meeting tonight, to be able to listen to when he returns, solely for that purpose and not for the purpose of obligating the City or the Gebbers' to anything.

Council Member Tretwold opened the presentation by stating that he feels this would be a great opportunity for Gebbers as well as the City. He stated that he has worked very hard on this project and would like to present the proposal this evening with the intent of defining the benefits for Gebbers as well as the City should the land swap take place.

To start, he would like to go through each map of the land in the proposed land swap and give a brief description, discuss the pros and cons, and then go back through and address any questions on one or more particular area if needed.

On the first (1<sup>st</sup>) chart, which included an aerial view of all of the land proposed in the swap, Council Member Tretwold stated that the land marked on these maps (the yellow and red areas) are drawn from the Okanogan County Assessors records, and none of the land has been surveyed to this point. Council Member Tretwold also stated that as he goes through the presentation, he did not want anyone to be swayed by the amount of properties included in the proposed swap. The yellow zones represent the City owned property = 97.25 acres, and the red zones represent Gebbers owned property = 17.76 acres. Even though the land appears to be "teeter-tottered" with the City "swapping" more land than Gebbers, he stated that when you are comparing "dimes to pennies" the land that the City would be obtaining, ie: the airport property, the airport land that the City would be acquiring has far more potential for growth than what we currently own.

On review of the second (2<sup>nd</sup>) chart, the presentation was focused on the Airport property, 15.94 acres of land, which Gebbers is willing to swap to the City. Meetings have been held previously with respect to expanding the runway. When looking at expanding the runway, it is noted that there are some trees that would need to be removed, according to WSDOA standards. A small portion of land (6.04 acres) at the end of the runway is included in the proposed swap, that Gebbers currently had orchard planted on. Council Member Tretwold noted that the long triangle-shaped strip of land (3.58 acres) that runs the length of the runway on the railroad side would be in the City's interest to obtain, possibly for future hangars. The other triangle-shaped piece of land (6.32 acres) that is located on the Highway side of the runway would also be in the City's interest to obtain as it would allow us to expand our hangars, create an industrial park and new road access to the airport. Council Member Tretwold stated that even though these look like small portions of land, these are large with respect to the potential they have.

Another concern with the airport was the number of helicopters that are going to be coming to the airport during harvest. Last year, there were seven (7), with approximately twelve (12) expected this year. Council Member Tretwold stated that the Gebbers have a large "football field" piece of property to the East of the airport that they would be willing to clear out to accommodate the extra helicopters coming in, with approaches for landing/taking off toward the Okanogan River. By obtaining the property proposed by Gebbers, as well as the land they are willing to clear, Council Member Tretwold feels this may be an equitable solution to the helicopter problem.

Council Member Tretwold stated he believes it would be in the City's best interest to obtain this land at the airport and if we did obtain it, but did not have a need to remove the orchard that is currently planted in these areas, we could then lease this land back to Gebbers for orchard use until we decided when and what we would like to do with the land. Roger Erlandsen stated that this would eliminate all privately owned land between the airport and Highway 97.

On review of the third (3<sup>rd</sup>) chart, Council Member Tretwold focused the presentation on the City water tower, above the City Cemetery. There are 8.07 that Gebbers wants to acquire from the City, which in turn they would swap 1.82 acres of their land. Council Member Tretwold referred to this as the "encroachment" land, as the City has been accessing the water tower via Gebbers private road (the Bowls road) for several years. The road that is used is the one that was put in by Gebbers many years ago. He suggested that this is the preferred City access road to the water tower as the other City access road via the cemetery at the blue gate is not as easy to use, especially during the winter months.

Council Member Tretwold stated that pending the swap, Gebbers would be willing to enclose the tower with fencing and "enhance" the area and clean up the hillside, possibly applying some hydra-seed. He also stated that one of the benefits of the City swapping the land is that it would be more feasible for the City to expand the Cemetery.

On review of the fourth (4<sup>th</sup>) chart, Council Member Tretwold focused on the 1.66 acres of City land that Gebbers would like to have the City include in the swap. This land is located above the old City water tower and above the two current towers that are in use. It is above the dirt road and currently, Gebbers has orchard planted on it.

On review of the fifth (5<sup>th</sup>) chart, Council Member Tretwold focused the discussion on the land located on the Rat Lake Road. Total acreage of the City land is 80.55 acres. This land is where the City drying station is located as well as the firing range for the Police Department and the old City Dump.

Chuck Zimmerman, City Attorney, stated that with respect to the land where the old City dump is, there may be liability involved for the City if there is a transfer of ownership. Council Member Tretwold noted that there are issues whether or not the land could be involved in the swap.

Council Member Tretwold stated that Gebbers has offered to relocate our Police firing range our Police firing range and drying station to adequate alternate sites. They have also indicated that their primary intent for acquiring this land is to clean up the area and create a "back to nature" appearance. This section of road/land has a lot of "junk" along the road and with the possibility of putting in a golf course and housing. They would like to have this land, as it adjoins the property they are developing and they would like to be able to enhance the area and beautify it. They also stated that if they acquire the land, they would put a secondary entrance place with beautification at the old drying site as well as the original entrance.

On review of the sixth (6) chart, Council Member Tretwold focused discussion on the land above the Hanford Cut-off road, which involves 7.03 acres of land that Gebbers would like to have the City include in the swap. Gebbers has requesting this land be included primarily because they own all of the land around this site.

After Council Member Tretwold had presented and reviewed all seven (7) charts of the land included, discussion ensued.

Rick Witt asked what the limitations are regarding the airport. Public Works Director Smith stated that the West lot line includes thirty-seven (37) lots. Twenty-eight (28) are open for development with ten (10) of them possibly being developed for small industrial lots. On the other side, there are approximately fifteen (15) lots that may be developed in the future. There are seventy-five (75) total lots that may be developed. Our current lots that are available are in our ten-year (10) plan and he believes that there is a lot of room for growth at the airport.

Council Member Smyth asked what the total acres were that Gebbers is offering to us at the airport. Council Member Tretwold stated that according to the tax assessor records, there are 15.94 acres. Council Member Freels stated that we need to make sure the runway measurements are taken and accurately accounted for with respect to the property involved.

Another area of concern is with respect to the U.S. Government Easements that are involved with the property. Public Works Director Smith asked why the Government Easement was not extended to the road. John Wyss and Tory Wulf stated that they had included the entire glide path in the property, however, they excluded the easement at the end of the runway due to its high use, ie: railway delivery to the propane holding tanks and the shop use.

Rick Witt asked about development restrictions. Public Works Director Smith stated that there are none with respect to development, but there are height restrictions. The area has to comply with the glide path restrictions, which are set by the FAA. Gebbers has notched out orchard for the airport's requirement of an obstacle free zone. It has been recommended that the City own the entire portion at the end of the runway, but has been working well with Gebbers on keeping it obstacle free.

Discussion took place regarding the property above at the water tower (cemetery). Jody Gebbers asked about the road that is currently being used by the City; Gebbers and the City have been "sharing" this road for years. Ms. Gebbers stated that Gebbers did recently purchase the ten (10) acres of land, of which this road is included in, and begins at old Highway 97.

Discussion took place regarding the property on Rat Lake Road; drying bed station, Police firing range and old City dump. Tory Wulf asked about what the need is now for a drying bed station, considering all of the upgrades that have been done to the City's treatment plant. Public Works Director Smith stated that with the new upgrade, we are not required to have a drying station. Our issue is storage in the event that we could not haul the dried product to Mansfield, and where we would be able to put it. Mr. Wulf asked if using the product as a fertilizer was an option. Public Works Director Smith stated that there are many requirements and laws to cover in order to obtain a permit for this. Council Member Freels asked if a permit would be required for the shooting range as well.

Roger Erlandsen asked how much dried waste product is hauled. Public Works Director Smith estimated that 40 tons per month is hauled. The City pays to have it hauled away.

Chuck Zimmerman, City Attorney, stated that there may be some legal issues involved with certain property that the City wants to take into consideration. One of those being

the acreage involved. The fact is that the City is being asked to “swap” 97.25 acres for Gebbers 17.76. That makes a deficit in actual land swapped of 79.49 acres. He also stated that we need to understand that when looking at these maps, all of the land appears flat. We need to take into consideration the actual terrain of these areas. There is a requirement to have the land appraised, value for value, and if this is not done, it will be a red flag for the State Auditor. Gebbers can essentially “give” property away as they are a private company. This is a different scenario with respect to the City.

Another issue is the old City dump. It would be ideal if this area could be “carved out” of the equation and not included. If it were to be included in the swap, and Gebbers decided to develop it sometime down the road, we would then be faced with the issue of reclaiming a land fill. He stated the City would need to check into the documentation of this area to find out how much land is involved with the land fill, what is there, how deep, etc. There will more than likely be conditions of development and/or restrictions on development of this area. Until it is fully remediated, it is under the jurisdiction of the City.

Allan Galbraith, Gebbers Attorney, stated that there are apparently several issues with respect to the City using Gebbers land/roads and Gebbers utilizing City land. The meeting tonight may be a good starting point to resolving some of these long standing issues. Mr. Zimmerman agreed with this statement as well.

Gebbers stated that their main purpose for wanting to acquire this land at the old dump site, firing range and drying station is to accommodate a view corridor and an access as well as getting it “back to nature” in appearance.

Rick Witt stated that he has not performed any appraisals for either side, but believes he has an idea with respect to property values. He wanted to emphasize that he is not an advocate for either party involved. He did ask if there would be some sort of a “condemnation” or “public benefit analysis” required with the airport property. He stated that the City has assets and the airport is a huge asset, especially when you consider adding land to it. The best way to determine the total value of the property is after the land is added rather than looking at the value of each individual piece of land. He recommended that the City heavily consider the benefits of acquiring this land.

Roger Erlandsen stated that his company has been responding to both parties in helping out with maps and photos. He would like to stay neutral in this, as he has ties to both parties. He stated that fifteen (15) years ago when he surveyed the airport, he noted at that time he felt it would be in the best interest of the City to own this land and that he feels the same way today. He also stated that it would be wise to obtain title reports, encumbrances and supporting documents prior to having the land surveyed as well.

Council Member Tretwold stated in closing that he believes this is a good start and after the meeting tonight, he would like to be able to continue with this proposal. He stated that if there were any questions or ideas, that he and Tory Wulf be the contacts. Council Member Tretwold also stated that he would keep Public Works Director Smith informed of every move from this point on.

Chuck Zimmerman stated that if the City were to move forward with Council approval, it would be in our best interest to have all of the land surveyed with a decision as to who will pay for that service; obtain legal descriptions of the property; obtain title reports as to who really owns what and retain a qualified appraiser to appraise all of the property. Council Member Dawson agreed, stating she would prefer to have a cost estimate of all fees involved before proceeding further.

Mayor Webster stated that this is simply a starting point. Council can approve or disapprove moving forward with further talks and negotiations. This is not a vote on whether or not we accept the proposal. Council Member Freels stated that as long as there is room to negotiate, he is in favor of proceeding forward with future talks. However, if this were an offer "as is", then he would not be in favor of moving forward. John Wyss stated he would like to keep things moving along quickly and judiciously. If there is not a commitment to this on the part of the City, then they will simply move on with their work as usual. Jody Gebbers stated that the Gebbers' understand this is still in the planning stage, but would like to work with the City so that both parties can benefit from this and both be pleased with the outcome. She did state, however that the Gebbers' would like to know within ninety (90) days what the City's intent is. She went on to thank Council Member Tretwold, Tory Wulf and Roger Erlandsen for their efforts to this point on the project.

Council, as a majority, has agreed to move forward with future talks and negotiations with respect to the proposed Gebbers/City land swap.

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

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

Public Works Director Smith stated that the Planning Commission met last week. The extended UGA request was discussed, including the intent of the letter and the entire boundary. It was also discussed what the Planning Commission will be presenting to Council, as there is a conflict of interest with some of the Planning Commission members as three out of four of the members own property in the area that is included in the UGA. The Commission plans on reviewing the pros and cons and will present their ideas to Council. Perry Huston with the Okanogan County Planning Commission will be included in the decision process as well.

Mayor Webster did note that there is still one open position on the Planning Commission and encouraged anyone who may be interested in filling the vacancy to contact him.

#### **AIRPORT**

Public Works Director Smith noted that the Airport Commission had met last month. Goals were discussed, and include the lighted sign; power circuit and planning work will begin with Erlandsen & Associates regarding the new Group B well.

The beacon motor is not working. There is a problem with one of the motor gears. Dave Smith is working on getting this repaired or replaced. They had sent a part previously, but it was incompatible.

#### **DOT SIDEWALK PROJECT UPDATE**

Public Works Director Smith announced to Council that all of the proposed access points had been marked with paint and he encouraged them to all visit these areas to get a visual idea of what had been requested. He also presented maps that show aerial photos of the businesses and the requested accesses. These are what the City and the business owners have agreed upon to this point. Adjustment can be made as we go along, if needed, with the contractors.

After the meetings with the business owners, Council and the WSDOT, the following is a breakdown of the businesses and the current access widths noted on the maps:

### HIGHWAY 97

<u>Land owner/Business</u>	<u>Requested Access Width(s)</u>
Triangle Shell	100' at pumps, 40' at car wash
Chelan Fruit Parking	50' main entrance
Gebbers Lot (empty)	60' E (new), 60' center, 50 W
McDonald's/Chevron	100' at pumps 40' exit only McDonald's drive-thru
Brewster Market Place/Brewster Drug	100' W (BMP), 80' E (Brewster Drug)

### MAINSTREET EXTENSION

<u>Land owner/Business</u>	<u>Requested Access Width(s)</u>
North Cascades Bank	30' and 30'
Brewster Market Place	80' (back of store for delivery trucks)
Apple Avenue Auto Parts (new)	40' W, 30' E (one-way angle parking)

Public Works Director Smith stated that even though these are not the final plans, we need to keep moving forward. He would like to have an agreement drawn up by the April meeting for approval of the combination of the two projects. Mr. Mattson, WSDOT, also expressed the desire to have the proposed agreements approved in time to go to bid, as the bid process opens in June, with twenty-days to submit.

Public Works Director Smith stated that there needs to be Council approval of the currently submitted access widths, as noted on the maps, to allow the DOT to move forward with the bid process. This will not mean that the current widths cannot be adjusted at a later date with changes made as we go along, if needed.

After speaking with Mr. Mattson, Public Works Director Smith wanted to clarify a previous statement about the City being "grandfathered" with respect to access widths. He stated that solely referred to the number of access being "grandfathered", not the width of the accesses. We will be guaranteed the same number of accesses as previously promised, more if we need them, but it had nothing to do with the width of the accesses.

Council Member Tretwold asked Public Works Director Smith if he felt that the property owners were satisfied with the access widths as presented on the maps that were reviewed tonight, as well as discussed (listed above). Public Works Director Smith stated to this point, he feels everyone has been satisfied with the changes that have been made. Council Member Tretwold asked Mr. Mattson if the newly requested and implemented access widths were acceptable as far as turn radius safety. Mr. Mattson stated that the current accesses will allow for adequate turn radiuses.

City Attorney, Chuck Zimmerman asked if the currently requested accesses comply with City Ordinance. Mr. Mattson stated yes they do, but also suggested that we look at the RCW's (1992) accesses. The accesses need to be equal to the State standard and acceptable to the RCW's.

Council Member Tretwold also asked about the previously discussed "safety zone" or "safe walk zone" at the Bridge Street/Highway 97 intersection. Mr. Mattson stated that this is not in the plans for the current project, but one option may be to have this "safe

zone” discussed when this section of Highway 173 is addressed with respect to the regional drainage list. He stated that this area is high on the priority list for drainage issues and the request for a “safe zone” may have a better chance at getting addressed during this time, possibly within the next year or two.

Council Member Tretwold asked, with respect to the Highway 97 Project, if there were going to be any changes or improvements done to eliminate the semi trucks that “park” in the turn lane waiting to be loaded, or pull in, between Brewster Market Place and Gebbers Warehouse. Mr. Mattson stated that the legality of that was a law enforcement issues, but to his belief it was not legal to do so.

It was noted, however, that the southern shoulder of the highway would be decreased from eight (8) feet to six (6) feet and that an extra two (2) feet would be added to the center turn lane to accommodate a larger turn radius. Mayor Webster noted that an area of concern for him at this point is the accesses located at Brewster Drug and Brewster Market Place. He is concerned that these larger accesses may still allow for vehicles to “stack” up and therefore having too many vehicles accessing the highway at the same time. Since this is the main problem we are trying to eliminate, he still has some concern with the larger access widths. He did state, however, one option may be to have the business owners directional arrow strip or post signage indicating set exit and entrance points. Mr. Mattson stated this is a good idea and since there have been fourteen (14) accidents in this particular area in the past five (5) years according to DOT records, anything we can do to promote safety and decrease accidents is the main focus.

Mr. Mattson stated that the City will be held liable for agreeing to allow any changes with respect to the access widths, especially if they are larger than what has been recommended by the State. He highly suggests that we document everything, including the business owners’ requests, the vehicles that will primarily be using these accesses, what kind of vehicles and the number of vehicles.

Public Works Director Smith again emphasized that the businesses affected by the project have been asked to submit written documentation of the requested access widths they desire for their business as well as the justification/reasoning behind requesting the larger accesses.

Pedro DelaCerde, Citizen, stated that some of the business/property owners along the South side of the Main Street Extension were concerned about the widening of Main Street and how this would affect drainage. Mayor Webster stated that this would not be an issue at the current time, as the project for improvements and to extend Main Street would not affect the South side. The street will be ten (10) feet wider with sidewalks and accesses being addressed on the North side. Public Works Director Smith did state, however, that the current Main Street extension out to the highway would be narrower than the original Main Street extension.

MOTION: Council Member Freels moved to accept and approve the plans for accesses, as submitted at this time, for the Main Street Extension Project and the Highway 97 Project proposals to allow them to go to the bid process. Council Member Dawson seconded the motion and the motion passed unanimously.

**EXECUTIVE SESSION – APPROXIMATELY 15 MINUTES**

**RCW 42.30.110 DISCUSSION: POTENTIAL PROPERTY ACQUISITION**

Mayor Webster convened into Executive Session at 8:45 pm to discuss the potential

property acquisition. At 9:00 pm, Mayor Webster announced an extension of the Executive Session for another thirty (30) minutes to continue the discussion about the potential property acquisition.

The Executive Session was adjourned at 9:30 pm. Mayor Webster then reconvened to Open Session.

In the open session, it was decided by Council to hold a Special Meeting on Monday, March 24, 2008 at 5:30 pm to go on a site visit of each property in the potential land acquisition for further information. An agenda and media notification will be distributed as such.

Work load issues within the Clerk's Office were discussed. A solution to the issue is in progress.

**PUBLIC COMMENT**

No public comment was brought forth.

**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 9:45 pm.

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC