

6/11/2008

Mayor Lee Webster called the meeting to order at 6:00 p.m. Council Members present were Art Smyth, Kris Dawson, Jerry Tretwold, Dave Freels and Bob Fateley. Also present were Public Works Director JD Smith, Chief of Police Ron Oules and Finance Director Pamela Olsen.

Council Member Tretwold moved to approve the Special Meeting minutes for 05/24/08 and 05/27/08 as sent as well as the City Council Meeting minutes for 05/14/2008 with corrections to the Jail Fees discussion regarding amounts due. The motion was seconded by Council Member Freels and passed unanimously.

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of this date 06/11/2008 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 #41688 through #41694 and #41696 through #41773 in the total amount of \$270,192.62. Payroll Fund voucher numbers #10982 through #11041 in the total amount of \$82,202.31.

#### **MAYOR WEBSTER**

##### **WSDOE: WWTP AWARD:**

Richard Marcley with the WA State Department of Ecology presented City of Brewster Waste Water Treatment Plant operators Lynn Lawson and Bob Freeman with an award for outstanding performance. Mr. Marcley stated that not many of these awards are handed out and this is the second year in a row that the City of Brewster has received this award. He also commended them on their second full year without any violations. Mayor Webster also congratulated them on a job well done.

##### **ANGLE TRAILER PARK – RATE INCREASES:**

Several residents from the Angle Trailer Park presented to the City Council meeting to discuss the Council approved rate increases. David Garcia, tenant, spoke on behalf of those attending who did not speak English. Mayor Webster stated that he and Public Works Director Smith had previously met with some of the residents of ATP on May 15<sup>th</sup> at the Rec Center, also discussing the increases, and the possibility of lowering this rate.

Mr. Garcia stated that the majority of the tenants at the Angle Trailer Park cannot afford this increase, which is nearly double what they have been paying in years past. Most of them work in agriculture and do not make that much money, therefore, this increase has really put a financial strain on most of the families living here.

Public Works Director Smith stated that these increases were approved by Council, and included an increase in the lot rent fee to \$250.00 for singlewides and \$300.00 for doublewides, as well as charging flat rate utilities, water, sewer and garbage, at \$77.52 per resident. The residents have never been charged for water/sewer/garbage, and this is now being charged to all ATP residents. We cannot “give” services away, and the general consensus of the Council was that all residents of the City of Brewster should be paying for utilities. We are only charging the ATP residents the flat rate utilities; ie:

\$23.36 for water, \$27.00 for sewer and \$18.33 for garbage. All of the residents of Brewster are billed for their water service on a consumption based rate on individual meters. Since the ATP is not individually metered, we are only charging the flat rate for these services. Public Works Director Smith had checked on the total consumption of the three (3) meters at the ATP for the last billing cycle which showed after each unit was totaled, minus the 600 cubic feet of water allowed per unit, that each home in the ATP was using an average of 3,000 cubic feet of water per month. This is high when compared to most of our monthly residential use averages. Smith also stated that if each one of the residents were to be billed for their overage, the utility portion of the bill would be higher than the \$77.52 they are currently being charged.

Mr. Garcia felt that it is not fair to charge all of the residents for overage when it may be only one or two of the residents that are overusing the water. Council Member Tretwold stated that the City does not want to individually meter each resident at the trailer park, but if the overuse continues, this may be necessary. Tretwold stated that one way to avoid this is for the residents to self monitor their use, and if they see someone just letting their water run out into the street, they can remind them to turn it off and help curb the overuse.

Public Works Director Smith also stated that the City has become aware of a Lease Holder Tax that should have been charged to each resident, and has not. This is a State imposed tax in which the State receives 53% of the money; and the City retains the other 47%. Public Works Director Smith stated that this tax will need to be charged on the lot rent to each resident of the trailer park which will be \$21.83 for singlewides and \$26.45 for doublewides. We are required by the State to charge this tax, and there is no way to get around it. Therefore, a Lease Holder Tax of 12.84% will be charged to each resident. The portion we retain will be saved and used for repairs and/or improvements to the trailer park in the future. Public Works Director Smith had also put together a comparison sheet of other area trailer park rates as well as a breakdown of what is currently being charged to the ATP residents and what has been discussed as far as rates should Council approve a change in the lot fee rate tonight.

Mr. Garcia stated that though most of the residents received the notification of a rate increase, his concern that there was never an amount listed and therefore, the residents were not able to prepare for such a huge increase. The residents had assumed it would be the 2-5% increase as it was in the past years. Also, Mr. Garcia indicated that three of the letters were in English, and only one was in Spanish, which he felt created a lack of information.

Public Works Director Smith stated that this was a miscommunication on the part of the City, as we understood according to the RCW's, we were only required to send out three (3) notifications of a rate increase, but nowhere in the RCW did it state we had to indicate how much. He also stated that any letters, from this point on, will be in both Spanish and English.

Several of the residents expressed concerns about safety and improvements in the trailer park. Areas of concern included lighting; dust control and/or paving the roads in the trailer park, filling in holes on the road to reduce rain water collection, putting in speed bumps to slow traffic down and have extra police patrols for safety. Police Chief Oules stated that the residents need to call the Police Department when they have problems that require officer assistance. He also stated that if residents are having problems with loud music, speeding or any other reportable issue, they could tell the

person they will call the Police if the issue is not resolved, and if it is not – then they definitely need to call the Police Department and let them handle it from there. One resident asked if the residents could fence their lot for more privacy. Public Works Director Smith stated that he would check the regulations, but did feel this was a definite possibility.

After much discussion, and interpretation of the discussion to the non-English speaking residents by Sandra Miranda, Administrative Assistant for the City, Mayor Webster proposed reducing the lot fee back to the original rate of \$170.00 for singlewides and \$206.00 for doublewides, charging the flat rate utilities and the lease holder tax. This would be a reduction of approximately \$100.00 per month per resident from the previously approved rate increase, with the new singlewide rate being \$269.35 per month and doublewide rate being \$309.97. This includes lot rent, utilities and Lease Holder Tax. Mayor Webster also stated that these rates would be retroactive to May 1<sup>st</sup>, including the Lease Holder Tax. This means that anyone who has paid the new rate since May 1<sup>st</sup> would be credited for the lot fee payment for each month they have paid the higher rate, minus the lease holder tax for May and June. Anyone who had not been charged the new rate, as their lease had not come due, would be charged the Lease Holder Tax, retroactive to May 1<sup>st</sup>.

After interpreting this proposal to the non-English speaking residents, Mr. Garcia stated that they were in favor of this new rate as and associated Lease Holder Tax fees as Mayor Webster had proposed. Mayor Webster also stated that the garbage rate would be going up approximately 2.75%, as Sunrise Disposal had submitted their annual garbage rate increase, which would be approved tonight and be effective July 1<sup>st</sup>. This was interpreted to the residents and they understood. Desha Dawson, Deputy Clerk, will try to have all of the account credits applied prior to the next billing cycle and stated that if the residents had any questions regarding their statement to contact her directly.

Mayor Webster also stated that this meeting has really brought to his attention the need to open the lines of communication between the City and the ATP residents and possibly holding monthly or quarterly meetings with the residents will help improve the relationship. Mayor Webster also encouraged any of the residents to call him or City Hall with any concerns, at any time.

**MOTION:** Council Member Smyth made the motion to approve the revised Angle Trailer Park rate increases, which includes changing the lot rent fees back to the original \$170.00 for singlewides and \$206.00 for doublewides, including the 12.84% Lease Holder Tax and flat rate utilities fees for water, sewer and garbage. Council Member Tretwold seconded the motion and the motion passed unanimously.

#### TOM HELMICK:

Mr. Tom Helmick presented to Council to discuss the growing dog problem in our community. He stated that he fears for people's safety; particularly the children in his neighborhood. Mr. Helmick recently witnessed a young girl walking her dog on a leash, when three other large-breed dogs started to chase her. He then went to assist her and chased the other dogs away, but wants to know why people are not being ticketed or contacted when they continuously allow their dogs to run loose and cause

problems in the community. Mr. Helmick then asked what the City or the Police department can do to make sure that the owners of the dogs that are letting them run around, at large, are being held accountable for their actions.

Mayor Webster stated that the City does not have an Animal Control officer; therefore the Police Department handles a majority of the dog complaints. The officers will respond to calls and pick up dogs if they are running "at large" and issue citations to the owners for this offense. However, they do not enforce licensing issues. Public Works Director Smith stated that when the officers pick up dogs, they are placed in the pound at the WWTP and if no one claims the animal after a set amount of days, the animal is euthanized. If someone does come to claim the animal, fees are charged for the animal being placed in the pound and the owner is then required to purchase a license if they do not have one.

Council Member Tretwold stated he understood where Mr. Helmick was coming from, but also stated that the City does not have the funding right now to hire an Animal Control Officer. Council Member Tretwold asked Mr. Helmick to take one minute explain exactly what he thinks the City should do to help resolve this issue. Mr. Helmick stated plain and simple, the City needs to hire a Dog Catcher.

Again reiterating the fact that the City does not have the money to hire an Animal Control Officer, Council Member Tretwold asked Mr. Helmick if he thought the citizens would be in favor of a tax increase to help cover the costs of hiring an Animal Control Officer. Mr. Helmick stated that would be one option.

Dave Smith Sr. asked if Mr. Helmick would be willing to volunteer as a "Dog Catcher", especially since this issue seems to be very important to him. Mr. Helmick stated that he would be willing to commit to 20 hours per week as a volunteer Dog Catcher, if the City were to provide him with the equipment and some training. Mayor Webster said this may be just what we need to help resolve the issue. Mayor Webster thanked Mr. Helmick for his offer and will contact him to discuss this further at a later date.

#### SUNRISE DISPOSAL RATE INCREASE PROPOSAL:

Sunrise Disposal has submitted their annual garbage rate increase request. This request is to help cover rising operations and fuel costs. The annual increases are noted in their contract. The increase they have requested is 2.75% and will be effective July 1, 2008.

MOTION: Council Member Tretwold made the motion to approve the Sunrise Disposal annual garbage rate increase of 2.75%. Council Member Fateley seconded the motion and the motion passed unanimously.

#### FIREWORKS STAND PERMIT:

The Brewster Kiwanis Club had presented their annual 4<sup>th</sup> of July Fireworks stand permit for this coming 4<sup>th</sup> of July for Council Approval.

MOTION: Council Member Fateley made the motion to approve the Kiwanis Club Fireworks Stand permit, so long as they work in conjunction with the Fire Department as far as safety. Council Member Freels seconded the motion and the motion passed unanimously.

**FINANCE DIRECTOR – PAMELA OLSEN:**

**MONTHLY TREASURERS REPORT:**

Finance Director Pamela Olsen reviewed the monthly Treasurers Report with Council. She stated that the Arterial Streets fund will be in the black soon. The Streets fund is working its way out of the red, and will more than likely be in the black once we receive the property tax monies.

Council Member Tretwold asked about the Rec Center. There have been several complaints about the Rec Center not being open at certain times. Public Works Director Smith stated they have not replaced Miguel Garcia, who was the Assistant Manager, who resigned in May. They are looking to find someone to replace him and are taking applications for qualified applicants. The Rec Center had been closed a couple of days for lifeguard training in Okanogan. Public Works Director Smith stated that money is an issue with hiring someone. We want to make sure that whoever is hired is committed to the job. The new hire will also be on a probation status for a certain amount of time to make sure they will work out.

Council Member Tretwold asked if Public Works Director Smith could come up with some figures to show how far in the red the Rec Center will be by the end of the year if we continue to have the Rec Center running at the current rate. Public Works Director Smith will check into this.

Council Member Tretwold went on to discuss the jail fees. He believes that these need to be in the budget for next year. Council Member Freels and Police Chief Oules have a meeting scheduled to discuss this. Tretwold is also concerned where the City will come up with the money to pay the current jail fees owed. Council Member Freels is also concerned about where the City will find the money. Finance Director Olsen stated that we currently owe \$34,000.00 for 2006 and we do not know at this time how much we will owe for 2007.

Council Member Fateley stated that Sheriff's Office has never given us an amount to budget for in the past and have always just sent us a bill. Fateley stated that we need to get an exact amount from the Sheriff's Office that we can budget for. He does not understand how the County can send us a bill to pay without any substance to it. Council Member Fateley suggested one way to come up with the money for the Jail Fees is to not have department "wish lists" in the budget for next year. Council Member Freels stated that we need to find the money to pay these fees somewhere, and if that means we have to lay-off some employees, then we need to consider this.

Finance Director Olsen and Police Chief Oules will check the current contract with the Okanogan County Sheriff's Office regarding our jail fees. Chief Oules is also in agreement that the County should be informing us of what our jail fee billing will be. Council Member Freels feels the City has some bargaining room, especially since our officers do respond to County calls.

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

**MONTHLY PLANNING COMMISSION REPORT:**

No report at this time; a meeting was not held in June.

AIRPORT REPORT:

Airport Commission Chair Dan Smith reported that all of the runway lights are working correctly. There have been no major problems to date with airport operations. Public Works Director Smith stated that Med Star had previously discussed purchasing a hangar at the airport, and this is still a possibility. As far as having the Brewster Airport as their base, they currently have a contract with Odessa for this, however, Brewster is still a prospect for the future.

Public Works Director Smith has contacted George Howe and Mr. Howe will be digging the ditch and putting in the electrical cable for his hangar.

Council Member Tretwold asked if there had been any contact with Mike Chapman regarding the lagoon at the Airport. Public Works Director Smith said that a certified letter had been mailed, along with the 2004 minutes, discussing the lagoon and what would be done with it. Public Works Director Smith stated that he is now waiting for a response from Mr. Chapman. Randy Loucks is the new owner of the Porta-Potty business and he took information from the last airport meeting to discuss with Mr. Chapman.

ORDINANCE #809:

Public Works Director Smith presented Council with Ordinance #809. This ordinance will amend the Brewster Municipal Code, Section 2.56.060 with respect to the date and time of the Airport Commission meeting. The previous had stated the meeting would be held the last Wednesday of each month, beginning at 6:00 pm. The new ordinance would indicate the Airport Commission meetings would be held the last Wednesday of each month, beginning at 5:30 pm.

MOTION: Council Member Fateley made the motion to approve Ordinance #809, which would change the Airport Commission meeting time to 5:30 pm on the last Wednesday of each month. Council Member Smyth seconded the motion and the motion passed unanimously.

HIGHWAY 97/MAIN STREET SIDEWALK PROJECT UPDATE:

Public Works Director Smith stated that the project bid let went out May 27, 2008. He also stated that the WSDOT posted the notice to place bids for the Highway 97 Sidewalk/Main Street Extension Project in the Seattle Journal with contractor notifications in the Seattle area. Public Works Director Smith contacted the State to let them know that there were contractors in the local area who may be interested in placing bids as well. Mayor Webster asked if there had been a completion date set. Public Works Director Smith stated he did not know the exact finish date as the bid to start date had been changed. He does, however, speculate that the start date could be around mid July or the end of July depending upon how many bids come in.

Council Member Tretwold asked about the triangle-shaped piece of land near the North Cascades National Bank, which is currently just bare dirt, and what was going to be done with this area with respect to the project, ie: paving, landscaping, etc. Public Works Director Smith stated that this is DOT property and is unsure of what their plans

are. Police Chief Oules stated he has never seen the State leave any "dirt" areas that are included in a project, particularly when it borders a business or other street/highway. Mayor Webster proposed possibly contacting the Methow Valley Arts group to see about getting a sign for this area. They are currently designing totem inspired signs for the City of Chelan, at around \$3000.00 a piece. The City of Brewster, if interested in going with a similar sign design, could use some of the hotel/motel tax to fund a portion of this, with the City coming up around \$2000.00. Council Member Tretwold stated this is merely a proposal, but believes it is worth looking into if we can afford it.

ORDINANCE #808:

Public Works Director Smith presented Council with Ordinance #808. This ordinance would repeal ordinance #324 and amend section 10.08.020 of the Brewster Municipal Code regulating the speed of vehicles on State Hwy 97, reducing the speed from 40 mph to 35 mph.

Public Works Director Smith stated that this ordinance is in conjunction with the WSDOT Hwy 97 Sidewalk Project in order to promote pedestrian safety. Council Member Fately stated he does not see a need to reduce the speed limit. The question was raised about simply moving the signs out a bit to have the speed limit take effect prior to City limits. Public Works Director Smith will contact the WSDOT with the questions brought forth tonight and if this ordinance is a required part of the project.

MOTION: Council Member Smyth made the motion to pass Ordinance #808, which would reduce the speed limit from 40 mph to 35 mph on State Hwy 97 in the City limits of Brewster. There was no second of the motion brought fourth, therefore the motion died.

PARKS DEPARTMENT:

Public Works Director Smith stated that as of now, he has put off the previously approved backhoe replacement. This is a cost that his department cannot afford right now, and this money will be used to cover the rising cost of fuel.

Public Works Director Smith also stated that there had been several complaints, both verbal and written (newspaper) with respect to the cemetery. Several complaints were made about the gates being locked on weekends as well as the overall appearance of the cemetery (not be mowed). The appearance of the cemetery, with respect to the grass not being mowed, was due primarily to the fact that the mower was broke down. As far as the cemetery being locked, it had been locked due to vandalism and illegal dumping. The gate is now open, and one of the Park employees is staying at the cemetery in his fifth-wheel trailer which will allow for daily monitoring. Public Works Director Smith stated that his employees did an exception job of getting the cemetery mowed and cleaned up for the Memorial Day weekend. To his knowledge, there have not been any further complaints.

Public Works Director Smith went on to say that the Gravely mower's transfer case was broken beyond repair. The Parks Department is now down to one (1) mower and it is running five (5) days a week just to keep up with all of the mowing that needs to be done. Public Works Director Smith has looked at purchasing another mower and has found one in Sacramento, California. It is identical to the Gravely mower we have. It is a demo mower with 178 hours on it. The mower is used but in excellent shape. Smith

presented Council with photos of the mower. He would like to purchase this mower, and repair the old one to be used as an extra, or for back up. The total cost of the new mower, plus repairs to the old mower, would total \$6677.95.

MOTION: Council Member Fately made the motion to approve the purchase of the new Gravely mower out of Sacramento, California as well as the cost of repairs to the old mower, totaling \$6677.95. Council Member Freels seconded the motion and the motion passed unanimously.

BONANZA DAYS – EVENT FEES:

Public Works Director Smith stated that the Brewster Chamber of Commerce has respectfully requested that the City Council waive the \$30.00 event fees for the Brewster Bonanza Days Celebration to be held this coming weekend, June 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>.

MOTION: Council Member Smyth made the motion to approve the request made by the Brewster Chamber of Commerce to waive the \$30.00 event fees for the Brewster Bonanza Days Celebration. Council Member Fateley seconded the motion and the motion passed unanimously.

POLICE CHIEF – RON OULES:

POLICE DEPARTMENT UPDATE/STATISTICS:

Police Chief Oules stated that overtime for the officers has been within normal limits for this time of year. Calls for service have increased in conjunction with harvest, which brings a lot of workers into the area.

Chief Oules also stated that the PUD walk trail is now opened. All of his officers have keys to the gate which will allow them to patrol the walk path regularly. On the first day of patrols, one of his officers had encountered three individuals partaking in illegal activities ie: smoking marijuana. He hopes that the increased patrols, better lighting and public awareness of these patrols will help to further decrease the illegal activities that have been taking place here.

He also stated that there have been a few graffiti calls, however, the resident whose home had previously been “tagged” failed to contact the Police when the person “tagging” the residence returned. Apparently the resident could hear the person shaking the spray paint can outside of their window. He strongly encourages people to contact the Police Department immediately when suspicious activity is taking place, therefore the Police can respond and catch these people red handed.

Chief Oules noted that since this upcoming weekend is Brewster Bonanza Days, there will be increased patrols with more officers working.

BREAK:

Mayor Webster adjourned at 8:00 pm the Council Meeting for a 5-minute break, at the end of which Council will resume into Executive Session,

**EXECUTIVE SESSION – APPROXIMATELY 15 MINUTES**  
**RCW 42.30.110 DISCUSSION: POTENTIAL LITIGATION:**

Mayor Webster announced at 8:05 pm that the City Council would convene to Executive Session to discuss potential litigation. The Executive Session ended at 8:20 pm. No action or comment was presented.

**PUBLIC COMMENT:**

There was no public comment brought forth.

**ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 8:25 p.m.

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC