

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

Council Member Freels moved to approve the minutes from the Regular City Council Meeting on 12/10/08 with corrections requested by Mayor Webster. Correction is noted on page 4 (four), paragraph 4 (four), second sentence to read "2008 *adopted* budget" instead of "2008 budget". 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 01/15/2009 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 #42280 through #42358 in the total amount of \$200,786.79. Payroll Fund voucher numbers #11343 through #11388 in the total amount of \$77,819.66.

PUBLIC COMMENT: No public comment was brought forth.

MAYOR WEBSTER

OTHER BUSINESS – EMPLOYEE TRAINING APPROVAL:

At the December meeting, Council Member Dawson had suggested that any training that is desired for employees, that is not already figured into the budget ie: required to maintain certifications, have prior approval. Mayor Webster stated that he would like to be able to approve the attendance of any local meetings, as those will be more difficult to get Council approval prior to the actual date of the meeting. It was also stated that should a meeting/training date fall before the next scheduled Council meeting, that approval may be sought from the Department Heads.

MOTION: Council Member Dawson made a motion stating that should there be a need for any employee to require training outside what is required for their current certification maintenance that all requests go before Council for review and approval prior to the date of the training. The employee name, location, costs and purpose shall be documented. Mayor Webster has authorization to approve any attendance at local meetings. Council Member Freels seconded the motion and the motion passed unanimously.

GEBBERS EASEMENT EXCHANGE:

Council had received and reviewed two (2) proposed agreements from the Gebbers Farms. These included the Roadway Easement and Easements for Utility Lines, Roadway and Landscaping with respect to the Honda Bowl Roadway/City Reservoir. Mayor Webster, Council Member Fateley, Public Works Director Smith and Gebbers Representative Tory Wulf had gone on a site visit to the Honda Bowl Road/City Reservoir to get a better perspective on the fence placement around the Reservoir, which Gebbers has proposed in exchange for road easement.

City Attorney, Chuck Zimmerman, stated that the Easements for Utility Lines, Roadway and Landscaping did have a change from the prior drafted agreement. The change was reflected on page 1 of the Easement wherein the City of Brewster is the Grantor. Also attached to this was the legal description for the boundary line adjustment.

Mr. Zimmerman suggested that there also should be an addition of a Penalty Provision added by a separate agreement. He also stated that if Council agreed to both of the Easement proposals tonight, they could pass them and allow for the Penalty Provision to be drawn up and signed at a later date. Mr. Zimmerman stated that this Penalty Provision will be drawn up as a separate agreement to insure that the fence will be built, and in a timely manner. The easement will be filed prior to the fence being built.

Council Member Tretwold asked Mr. Wulf if these two agreements were acceptable to Gebbers Farms as well, with the addition of the Penalty Provision agreement. Mr. Wulf stated Gebbers Farms is in favor. Public Works Director Smith stated that the City is in favor as well, however, does want the Penalty Provision agreement with wording that if the easement is granted, there will be a timeline in place for completion of the fencing around the Reservoir, for example twenty-four (24) months. If the fence is not completed in that timeframe, then Gebbers Farms will pay the City \$50,000 for violation of the provision.

Mr. Wulf indicated such an agreement would be acceptable to Gebbers Farms. The amount of \$50,000 was also agreed upon by Mr. Wulf.

Action: Mr. Zimmerman will draft the Penalty Provision agreement.

The following motion was made by Council Member Tretwold:

MOTION: Motion to authorize Mayor Webster to execute the two (2) easements with the Gebbers Group one (1) with the City as Grantor and one (1) with the City as Grantee, on the condition that the Gebbers Group (parties to the easement wherein the City is Grantor) execute an agreement with the City providing that the Gebbers Group will pay the City \$50,000 in the event the fence to be constructed by the Gebbers Group on the City property as described in the easement is not constructed in accordance with the fence construction timeline set forth therein, which agreement the Mayor is hereby authorized to negotiate and execute on behalf of the City. Council Member Freels seconded the motion and the motion passed unanimously.

GEBBERS WATER AGREEMENT:

Mayor Webster and Council began discussion on the Outside Water Agreement with respect to Gebbers Farms new pre-size building. Issues are currently still being addressed. A meeting is scheduled for January 19, 2009 to go over some of these issues. At this time, the new pre-size facility will not be annexed into the City; however, the Gebbers Group desires that City water service be provided for the new facility.

Mr. Zimmerman stated that a legal policy change would be required to deliver water outside the City on the terms in the current draft of the agreement. A 1988 Ordinance requires those who have requested water/sewer service to annex into the City. What

makes the request from Gebbers different is that there are currently approximately 30 million gallons now being used by Gebbers within the City limits, and they want to transfer this use to outside the City limits. Another factor is that the property will not be annexed into the City. Annexation of the new pre-size facility into the City limits would require connection to the City sewer system, and the City's WWTP facility may be unable to handle this capacity without payment by Gebbers of necessary WWTP Facility capacity upgrades.

Mr. Zimmerman stated he could draft an ordinance with an exception that does not require property to be annexed into the City to obtain/maintain water service. This will need to be approved by the Council prior to the agreement being approved.

Mr. Zimmerman asked if he should draft a new section to the existing code allowing a property with current water service inside the City limits, to distribute that connection/service to outside the City limits to immediately adjacent property without requiring annexation of the property into the City.

Council Member Tretwold asked if this exception can be worded as such to be specific to Gebbers, so that it only applies to them. Mr. Zimmerman stated that we should design a "one size fits all" exception to this ordinance that will apply to all properties, but likely be limited in actual applications to properties like the Gebbers' agricultural industry property.

Council Member Tretwold asked Public Works Director Smith if he feels that things are moving forward with this agreement. Public Works Director Smith stated yes, things are moving forward, however, there are still several issues that need to be addressed and it is just a matter of getting all of those involved together to discuss them. Mr. Wulf stated that right now, the rate is an issue (unused portion). This is not a legal issue, but will still need to be addressed by the City and Gebbers. Public Works Director Smith stated that he had run the figures on the past three (3) years of water use at the current pre-size shed, and run the numbers for total consumption for four (4) years, and they did not change.

Mr. Zimmerman stated that the LID issue is acceptable to Gebbers at this point, as long as Gebbers owns the land there should not be an issue. The annexation issue would be resolved with the exception ordinance in place. Tory Wulf, Gebbers Representative, stated that with respect to the LID provision, there was no concern.

Mr. Zimmerman stated that the City cannot enter into this agreement with the current ordinance that is in place. The exception provision ordinance will need to be in place first.

Council Member Tretwold asked if the Apple House water connection is secured at this property. Public Works Director Smith stated that although there is minimal to no water use at this time to the Apple House facility, the meter is in place and as long as the service is not stopped, the water service is still active at this facility. Public Works Director Smith stated the meter would not be pulled unless the business submits a written request to discontinue the water service.

Council Member Fateley asked when the City would instruct Mr. Zimmerman to go forward with the ordinance changes. Mr. Zimmerman stated that there is no need to begin on a draft at this point, as the City will be able to pass the new ordinance and the

exception to the ordinance at the same meeting in the future. Once a mutual agreement is reached on the other outstanding issues, the Mayor can instruct him to draft the ordinance.

Mayor Webster stated that he will keep Mr. Zimmerman informed of any discussions held in the mean time. Mr. Zimmerman recommended calling a special meeting prior to the February Council Meeting to discuss the progress. Mr. Wulf stated that the water (ordinance) issue is holding progress up somewhat, but as long as things keep moving forward, this should not be a major issue.

FINANCE DIRECTOR PAMELA OLSEN:

MONTHLY TREASURERS REPORT:

Finance Director Pamela Olsen stated that there are three (3) funds in the red right now for November. Those include Parks, Pool and Sewer. We will need to borrow funds to balance (short-term general fund loan). December will not close out until January 20th, 2009. The Sewer Fund should come back up in December, as it usually falls into the red in November with a rebound in December.

The Park/Pool fund took a major hit after crediting the ATP residents the rental increases and utility charges for 2008. Had those credits not been applied, the Park/Pool funds would have been much better, actually in the black.

Mayor Webster stated he is very pleased with the Rec Center and it is definitely on its way to supporting itself. He thanked Director Eddie Allen doing such a great job with the Rec Center insuring its vitality in the community.

Public Works Director Smith stated that the main pump for the pool went out the day before the 2008 season was to end. This will be repaired and he does not foresee any major repairs to the pool in the future.

Council Member Tretwold stated that it is his understanding that AWC, Association of Washington Cities, is pushing for a new accounting system for Washington Cities. Currently, he stated ours is difficult to follow and feels we should seize the opportunity to make ours work better. Council Member Tretwold asked Finance Director Olsen if she thought the AWC accounting system was something she would be willing to look into for the City of Brewster. She stated she is willing to do whatever Council suggests with respect to the City and will get information for Council on what AWC is currently suggesting. Finance Director Olsen stated she will contact Toni Nelson, with the Auditor's Office, to go over our current accounting system to give us some insight of what we may need, as far as what the auditors look at, or even give a class on such. Olsen also stated this is more than likely something we can do on our current system, she will just need to know what is required.

Council Member Tretwold, Council Member Smyth and Council Member Dawson stated they would like to know about the training, as well as the costs. This may be something that the Cities of Pateros and Bridgeport may be interested in attending as well, and the three (3) cities could benefit, as well as splitting the costs.

Finance Director Olsen stated she will be attending a Finance Class in Spokane on February 5, 2009. She will look into other workshops and classes offered that include

workshops for City Councils. Council Member Dawson stated she would be interested in attending one of these classes.

PUBLIC WORKS DIRECTOR - J.D. SMITH

WWTP UPDATE:

Public Works Director Smith stated that when the Secondary Clarifier was installed, the old, existing stem wall did not have a sealer. When the new Clarifier was put into service, a leak was noted. This will be repaired by JUB/Shannon Plumbing by installing a new 8" (eight-inch) stub wall, complete with a band and a concrete seal. Overall project costs to date are within budget and the repair will be done with no additional costs to the City.

As for the Chlorine injector, the vendors were here onsite and it is now installed and working. Previously, the plant was using liquid bottled chlorine with a concentration of 6% (six-percent) at a relatively high expense. The new injector, which uses Chlorine pellets at 64% (sixty-four percent) concentration, is more efficient and is safer with respect to handling the chlorine. There is still an issue with the injector pumps, as they are running at maximum capacity. The City and the engineers are dealing with the vendors of the Chlorine injector to make sure that it complies with the specs.

PLANNING COMMISSION UPDATE:

Public Works Director Smith stated they are currently reviewing the Shoreline Master Plan. Title 17 of the City Code is still being reviewed and will have some changes.

Mayor Webster announced that the Planning Commission would like to set up a workshop, with Council, regarding the UGA. Perry Huston and Kurt Danison will also be attending the workshop. Mayor Webster has an attendance sheet for those Council Members who like to attend this workshop, to indicate so by marking "yes" or "no". All five (5) Council Members indicated they would like to attend a workshop of this nature. Mayor Webster also indicated that he would like to attend. A date/time for this workshop will be set at a later date, and all of those wishing to attend will be notified.

ORDINANCE NO. 812 – PLANNING COMMISSION MEETING DATE & TIME:

Public Works Director Smith stated this Ordinance has been presented to Council to request a change in the Planning Commission meeting date. Currently, the meetings are scheduled to be held on the third (3rd) Wednesday of each month. It was becoming increasingly difficult to hold the Planning Commission meetings due to the members having schedule conflicts with this date. This Ordinance presented tonight would change the Planning Commission meeting date to the first (1st) Tuesday of each month, thus coinciding with the members schedules.

MOTION: Council Member Fateley made motion to approve Ordinance No. 812, amending section 2.32.050 of the Brewster Municipal Code, setting the meeting date and time for the Planning Commission at 6:00 pm on the first (1st) Tuesday of each month, to be held at the Brewster City Hall. Council Member Smyth seconded the motion and the motion passed unanimously.

AIRPORT REPORT – DAN SMITH, COMMISSION CHAIR:

Airport Commission Chairman Dan Smith publicly thanked the City Crew for the outstanding job they have done this winter with respect to snow removal at the Airport.

Public Works Director Smith stated that the navigation beacon at the Airport is currently out of service. A new beacon would cost approximately \$5,000.00. The broken beacon cannot be repaired. Mayor Webster stated this item should be listed on the 10 year plan for the Airport, with possible replacement sooner as the FAA may require that it be operational.

Council Member Tretwold asked about the progress of the single-phase power line installation at the Airport. Public Works Director Smith stated that the line is installed to the transformer box. Weather did not allow further progress out to the sign. However, when weather does permit, the line will be run the remainder of the way to the light.

RESOLUTION NO. 09-01 – NCRTPO VOTING REPRESENTATIVE & ALTERNATE:

Council Members received and reviewed Resolution No. 09-01. Public Works Director Smith stated that this Resolution would designate the Public Works Director as the voting Representative and the City Building Inspector, Darren Moore, as the Alternate, for the North Central Regional Transportation Planning Organization. Public Works Director Smith stated that he attends these meetings once a quarter and finds them to be very beneficial to the City.

MOTION: Council Member Fateley made the motion to approve Resolution No. 09-01, designated Public Works Director JD Smith as the voting Representative and Building Inspector Darren Moore as the Alternate for the North Central Regional Transportation Planning Organization. Council Member Tretwold seconded the motion and the motion passed unanimously.

SNOW REMOVAL – EQUIPMENT AND OVERTIME:

Public Works Director Smith stated that his employees worked 144.5 hours of overtime in the month of December due to heavy snowfall. He also stated he thought his crew had done an outstanding job considering the amount of snow and the cold temperatures during this time.

Public Works Director Smith also stated that a snow blower had been attached to the Gravely Mower for snow removal this year as well. Its primary use was to remove snow from the sidewalks on Main Street, 7th Street and Hospital Way. This made a considerable difference in street maintenance and several Citizens positively commented on this being done. Public Works Director Smith believes this was money well spent for the City of Brewster.

REPAIRS: EQUIPMENT/WATER:

Public Works Director Smith stated he had two major vehicle repairs in December. The Blue Chevy 1-ton lost the axle; the Gravely (used with the snow blower) lost a wheel. The grader also required a repair, as it was losing oil.

The crew also spent quite a bit of time at the North Cascades National Bank meter. At first it was thought that the meter had frozen, but it was later determined that the main service line had frozen. Although it was frozen, it did not break. This was in part due to how the line was placed, depth and angle. Nonetheless, the City crew had to cut an L-shaped portion of the new pavement on the new Main Street extension in order to thaw the line. For the future, the NCN Bank will be asked to run their water in the winter months to prevent the line from freezing again, with an adjustment given on the billing for consumption credit. This meter will also be heavily insulated as well. Come Spring of 2009, the repair and revision of this line will begin. A Hydrant will be placed at the island on Martha's road, thus re-routing the line to the Bank.

TRAINING:

Public Works Director Smith stated that he would like to send Lynn Lawson, WWTP Operator, to the 2009 WWOW Conference – Washington Wastewater Operators Workshop – that will be held at Ocean Shores, Washington, March 21st, 22nd and 23rd. He stated the total cost for the class would be roughly \$800.00, including hotels, registration and meals. Public Works Director Smith stated this workshop was budgeted for and offers important information and training for Wastewater Treatment Plant Operators. Council agreed and all stated he should attend. Public Works Director Smith stated he had figured this training workshop into his budget.

POLICE CHIEF RON OULES- POLICE DEPARTMENT:

POLICE DEPARTMENT UPDATE/STATS:

Police Chief Oules stated that for the month of December, there were forty-four (44) hours of overtime, with forty (40) of those hours being contractual, four (4) hours being reimbursed. He is doing his best to avoid overtime.

With respect to the PD statistics, the burglary numbers are high. One (1) person was arrested and confessed to nine (9) burglaries. This person was responsible, they believe, for at least ten (10) burglaries in one month and the PD has solved at least ten (10) of the reported burglaries. Agency assists are low, but this is due to the time of year and the fact that the labor camps have closed.

Malicious mischief is about the same, particularly with respect to graffiti. Public Works Director Smith stated he would like to get an ordinance in place regarding graffiti removal, making it a criminal infraction if it is not removed in a specific time frame. Public Works Director Smith passed out a draft ordinance to Council for review.

Police Chief Oules also stated that there are currently two (2) local individuals enrolled in the Police Department Reserve Academy. These two Reserve Officers, if they complete and pass the course, will be a welcome addition to Brewster especially during Bonanza Days/4th of July for officer assistance and more "eyes" out there during the busy celebration. Currently, for the Bonanza Days/4th of July Celebration, there will be three (3) officers on duty, with two (2) of those officers being assigned specifically to the Columbia Cove Park. Chief Oules stated that none of his officers will be given vacation during the 4th of July, as he understands the need for the patrols during this time is necessary. He will have officers on duty, but will not be able to add additional officers. He did, however, recommend that the Chamber of Commerce consider hiring private security, similar to those who were hired during the annual Salmon Derby as this was very beneficial during the derby.

Police Chief Oules also stated that the Department of Homeland Security increased their funds to 16 million dollars for increased Border Security. Currently, the City of Oroville has increased the number of Border Patrol Agents they have to fifty (50), and may be looking at adding more. The City of Brewster applied, along with Okanogan County, for \$100,000 worth of equipment offered by the Department of Homeland Security. If the City of Brewster does receive any of the money or equipment, they will need to perform Homeland Security Patrols in local areas, such as the Airport, to insure security. This would also provide approximately \$14,000 worth of security monitoring equipment for the Airport. Police Chief Oules feels they would be foolish not to try and obtain some of this funding, even if it is only 60% of what has been requested. He stated that Okanogan County is the highest along the National border for cross border incursions.

Police Chief Oules stated with respect to the Council's request for pre-authorization for any training, he would like to let them know that there is a training course for his officers that will be occurring on February 4, 2009 at a cost of \$464.00 per person. This is, however, fully reimbursed and does go toward their yearly training requirements.

The Mayor asked Chief Oules if clarification had been made to the local newspaper with respect to the Police Department Budget. Chief Oules stated he had contacted the paper, as the Mayor had asked him to do.

RECESS: At 7:40 pm, Mayor Webster adjourned the City Council Meeting for a five (5) minute recess, at the end of which, Council would convene into Executive Session to discuss Potential Litigation and collective bargaining.

**EXECUTIVE SESSION – RCW 42.30.110 – POTENTIAL LITIGATION,
APPROXIMATELY ONE-HALF HOUR:**

Mayor Webster announced that Council would be adjourning into an executive session at 7:45 p.m. to discuss potential litigation for approximately 30 (thirty) minutes. In addition, the Council would be discussing collective bargaining. At 8:15 p.m. Mayor Webster announced that the executive session would be extended an additional thirty (30) minutes. The Council reconvened at 8:45 p.m.

**EXECUTIVE SESSION – RCW 42.30.110 – POTENTIAL LITIGATION,
APPROXIMATELY 15 (Fifteen) MINUTES:**

Mayor Webster announced that Council would be adjourning into an executive session at 8:45 pm to discuss potential litigation for approximately 15 (fifteen) minutes. At this time, Mayor Webster and Council Member Smyth excused themselves from the Executive Session. The Session would be conducted by Mayor Pro Tem Bob Fateley. At 9:00 pm, Mayor Pro Tem Fateley announced that the executive session had ended. He then reconvened into regular session at 9:00 pm.

OTHER BUSINESS: No other business was brought forth.

01/15/2009

ADJOURNMENT

With there being no further business to come before the Council, the meeting was adjourned at 9:01 p.m.

Mayor Lee Webster

Mayor Pro Tem, Bob Fateley

ATTEST:

City Clerk/Finance Director Pamela Olsen, MMC