

01/13/2010

Mayor Lee Webster called the meeting to order at 6:05 p.m. Council Members present were Kris Dawson, Bob Fateley, Dan Smith, John Scheller and Art Smyth. A quorum was present. Also present were Public Works Director Smith, Chief of Police Ron Oules, Finance Director Pamela Olsen and Deputy Clerk Desha Dawson.

SWEARING IN OF MAYOR:

Mayor Lee Webster was sworn in for his second, four-year term as Mayor, City of Brewster as elected, by Finance Director Pamela Olsen.

SWEARING IN OF CITY COUNCIL MEMBERS:

Council Members John Scheller, Dan Smith and Art Smyth were sworn in, as elected, by Mayor Lee Webster.

Council Member Smyth moved to approve the minutes from the Regular City Council Meeting on 12/09/09, with corrections, as well the Special Meeting minutes from 12/18/09. 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 01/13/10 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 #43240 through #43317 in the amount of \$70,216.04. Payroll Fund voucher numbers #11902 through #11932 in the total amount of \$94,534.75.

ADDITIONS/CHANGES TO THE AGENDA:

Public Works Director Smith stated that he would like to add the DOE and the DNR to his section of the agenda for discussion. Police Chief Ron Oules stated that he would like to add Council Member Bob Fateley under his section of the agenda to discuss a public complaint.

MOTION: Council Member Smyth moved to approve the Agenda for the January 13, 2010 Brewster City Council Meeting. Council Member Fateley seconded the motion and the motion passed unanimously.

PUBLIC COMMENT:

No Public Comment was brought forth.

TAMMY OTTINGER – JUNK VEHICLE/PUBLIC NUISANCE NOTIFICATION:

Police Chief Ron Oules stated that there would be no need to discuss this at Council, as it could be handled within the Police Department.

MAYOR WEBSTER:

GEBBERS DE-ANNEXATION:

For informational purposes only, Mayor Webster announced to Council that the Gebbers De-Annexation Request that ran during the November 3, 2009 General Election, failed to pass by one vote. It can be run again, but it will be at their expense.

PUBLIC HEARING – USDA GRANT:

Mayor Webster declared the Public Hearing for the USDA Grant. Public Works Director Smith stated that the Public Hearing is a requirement for the Grant that was applied for through the USDA for the Vehicle replacement monies.

No public comment was brought forth. Mayor Webster declared the public hearing closed.

ORDINANCE NO. 821, AMENDING ORDINANCE NO. 814 – REFERENCED INTERSECTIONS:

Ordinance No. 821 is presented to amend Ordinance No. 814 with respect to the placement of the speed limit signs. The prior Ordinance did not describe the placement correctly. Ordinance No. 821 will have the correct location of the speed limit sign placement. Then, the State will be able to come in and move these signs to the correct location.

MOTION: Council Member Smyth moved to approve Ordinance No. 821, which amends prior Ordinance No. 814, and designates the correct intersections for the speed limit sign placement on US Highway 97. Council Member Fateley seconded the motion and the motion passed unanimously.

ON-CALL AIRPORT ENGINEER – USKH:

The RFQ for the City Airport on-call engineer was opened. During the submission for the RFQ's, only one response was submitted. This was from USKH, out of Spokane. Public Works Director Smith spoke with Mary Vargas of the FAA and she is aware of the company and spoke very highly of them, as well as their work. USKH recently did the upgrades at the Pangborn Airport in Wenatchee. They are satisfied with their work as well. Their focus is primarily infrastructure and airport relations. Ms. Vargas also stated that as long as they fit the City's qualifications with respect to the needs of the airport, they can be our sole engineer. Public Works Director Smith has met with the USKH representatives and is equally impressed with them. If approved by Council, they will be our City Airport on-call engineer, and will perform work order based work only.

MOTION: Council Member Dan Smith moved to approve USKH as the on-call engineer for the City owned Airport. Council Member Dawson seconded the motion and the motion passed unanimously.

CONFLICT OF INTEREST ISSUES:

Mayor Webster stated there were concerns raised with respect to the Dan Smith, newly elected City Council Member, and conflict of interest issues related to the Airport.

Council Member Smith lives at the Airport and has a business (Black Dragon Choppers) at the Airport, his father also has a business at the Airport – Golden Wings Aviation. The question is in regards to whether or not Council Member Smith can vote on any issues that may come up at the Airport, as there are provisions that prohibit any City Official from voting on issues if they have a financial interest. The Mayor had asked Council Member Smith to submit a letter stating he had no interest in his father's business. City Attorney Chuck Zimmerman researched the issue and presented his opinion.

Council Member Dan Smith stated that he has researched the issue on the MRSC website, and as long as he is only involved, for example, in the making of a contract, and not the implementation of a contract, there are no provisions that would apply. He also stated that he has no interest in his father's business at the Airport, as it is a pre-existing business and contract, not a new one. If he were to be involved in anything with respect to his father's business, or any business at the Airport that would affect Golden Wings Aviation, he would then excuse himself from the discussion and the vote, due to a potential conflict of interest. He also stated that he has no financial ties with his father's business, and is not noted to be involved on any contracts with respect to the business. He also went on to state that he is not required to submit a letter stating as such, citing his research with MRSC and several legal cases.

Council Member Fateley asked Council Member Smith where he stands on being involved with decisions being made by Council at the Airport. Council Member Smith stated "that no law says I have to exempt myself from anything where I would have an interest". Council Member Fateley asked what if we deal with an issue with your father? Council Member Smith stated "then I would excuse myself".

Mayor Webster stated that the other area of concern with respect to conflict of interest involved Council Member Fateley, as Police Chief Ron Oules is his son-in-law. A question was raised as to why Council Member Fateley would be allowed to vote on Police Department issues According to City Attorney, Chuck Zimmerman, unless Council Member Fateley had a financial interest in the vote, that there would not be an issue and he would just excuse himself from the discussion and the vote, should that be the case.

12/09/09 COUNCIL MEETING MOTION UPDATE RE: POLICE STAFFING ISSUES:

Mayor Webster stated he had information with respect to a discussion, and motion, that took place during the 12/09/09 Regular City Council Meeting. Mayor Webster stated he spoke with Pat Mason, Senior Legal Consultant at MRSC, quite extensively regarding the issue of Police Staffing and the history of the issue brought up at the last City Council meeting. There had been two prior motions to reduce the PD officer numbers from six (6) to five (5) which both failed. Another motion for a reduction of an officer with regard to the COPS Grant was made and passed unanimously. This was followed by another motion at the December 9, 2009 City Council Meeting to reduce from six (6) to five (5) officers, which failed with a vote of three (3) to two (2).

Per Mr. Mason, the City Council has the ability and right to change its mind as many times as they want. Mayor Webster stated that even if Officer Cariker has signed a document (which she did not) stating that she would be leaving the force on Jan. 15, 2010 – she could withdraw that at any time, up to her leave date, per the Union and Civil Service laws.

He stated that at this time, there is no direction to reduce the Brewster PD force numbers. The 2010 budget is the same as the 2009 budget, and can support the current number of officers as 2009.

Council Member Scheller asked what the motivation was behind the motion to lay off an officer. Mayor Webster stated that this was due to projected budget constraints, and an effort to obtain the COPS Grant. Since the 2010 budget is the same as 2009, there are no issues with the budget and not being able to support the same number of officers, and therefore we do not need to reduce the numbers of the officers at the PD.

Council Member Scheller stated that the general consensus was that the motion was made to allow the PD to "get their big raises", and hopes that this was not the case. He would not want to think that an employee would be cut to benefit the rest of the department.

Council Member Fateley stated that when the motion in question was made, Officer Cariker was intending to leave the force and the Council was in hopes that the Grant would help cover the costs of replacing her. Police Chief Ron Oules also stated that the intent was not to hire additional officers; the intent was to maintain the same numbers.

M.O.U. – JAIL FEES:

Mayor Webster asked Council to review the MOU for the Jail Fees. This MOU includes the Cities of Brewster, Okanogan, Coulee Dam, Pateros, Twisp, Oroville, Winthrop, Omak, Tonasket, Conconully and Elmer City. It will also designate representatives from each town. Even though this was due in 2009, Omak City Administrator Ralph Malone said to go ahead and sign it and not to worry about the dates. (Section #5 will be stricken from the actual agreement).

The old MOU/Agreement was based on a formula in which the larger cities were to pay more, thus lessening the burden on the smaller towns and cities. The consortium is working with the County on ways to cut down the costs, including home monitoring systems which would roughly cost \$11.00 per day, versus the \$38.00 per day for incarceration.

The consortium will meet once a month. Mayor Webster and Police Chief Ron Oules attended the last two meetings. A payment plan for the jail fees has been reached. Both the Mayor and the Chief recommended Council approve entering this agreement as we cannot do this alone.

MOTION: Council Member Fateley moved to authorize Mayor Lee Webster to sign (execute) the Memorandum of Understanding and Agreement Okanogan County Jail Fees. Council Member Smyth seconded the motion and the motion passed unanimously.

MOTION: Council Member Dan Smith made the motion to designate Ron Oules as the primary representative for the Criminal Justice Consortium, and Mayor Lee Webster as the alternate representative. Council Member Smyth seconded the motion and the motion passed unanimously.

FINANCE DIRECTOR PAMELA OLSEN:

MONTHLY FINANCE REPORT:

Finance Director Pamela Olsen stated that the Reserve Fund is 100% of what was requested for 2009. Spending is down significantly. By January 20th, Finance Director Pamela Olsen will be closing the books for 2009 by State Statute.

The Street fund and Parks fund will fall in line, and possibly the Airport Fund. The pool will need to borrow money to break even.

There is 60K left to pay for the jail fees. Currently, we are sending 5K in per month. The monies owed do not include 2009 fees. We are making an effort to get these fees paid and that is what counts.

Per Police Chief Ron Oules, Brewster gets hit the hardest with "ICE" holds (Border Patrol). These are very costly to the City, and even a simple traffic citation can lead to a booking with an "ICE" hold.

PUBLIC WORKS DIRECTOR - J.D. SMITH

PUBLIC WORKS UPDATE:

Public Works Director Smith stated that there are currently two leases in process at the Airport – the Lagoon/Loucks lease agreement and the Scott Baker hangar lease. Public Works Director Smith has sent the draft lease agreement for Mr. Baker's hangar lease to City Attorney Chuck Zimmerman for review.

The FAA has requested leases on all hangars and operations at the Airport to ensure that the Grant assurances are being met. Public Works Director Smith has submitted these and should hear back from the FAA within a week. This covers monies we have received, as well as future monies we may apply for.

With respect to the lagoon, Public Works Director Smith has contacted three different agencies regarding an aerator. These are odor control aerators for biosolids. The City will be looking into trying to discharge some of the "BOD's" (suspended solids in liquid) into the WWTP. If discharged in at the North Lift Station, this will bring the dilution rate down to acceptable discharge limits for the BOD's. At 8,000 gallons over a 24 hour discharge period, with will be an acceptable rate of discharge into the plant.

A fence contractor will be coming in to give an estimate for the installation of a chain link fencing for river head pump protection on all pump houses and the lagoon.

Public Works Director Smith stated that overtime for snow removal has been minimal this year. This is good for City expenses, but does not look good for the summer, as it will more than likely be very dry.

USDA GRANT UPDATE:

Public Works Director Smith stated that he spoke with Rose Running at the USDA. She recommended that the grants be applied for separately, one for the backhoe and one for the service vehicle, designating which had the highest priority for replacement. Public

Works Director Smith stated that the backhoe would be first priority. We are capped to receive \$44K from the USDA, which would leave our portion at \$22K to pay. Ms. Running stated that it looks good for approval.

DOE-EASTBAY WATER RIGHTS:

The DOE has approved the Eastbay Water Rights, however, there are restrictions with respect to "low-flow". A lot of money has been spent by the City to obtain 32 acre feet of water. Council Member Fateley stated that this money was spent due to the DOE and their requirements and red tape. Looking at what we have spent in attorney fees, we could have purchased these acre feet outright. The City did not anticipate spending the amount it did on this agreement.

Public Works Director Smith stated if these "low-flows" were to occur, which has never happened in the past, the City would then be required to shut down certain pumps. In that case, Public Works Director Smith stated we would shut down the 75 hp river pump and turn on the canyon pump to cover it. The river pump is shut off in the fall and winter and the line coverage is then diverted to the canyon pump.

DNR-AGREEMENT FOR PARK USE WITH CITY FOR FIRE CAMP:

Public Works Director Smith stated he had been contacted by Jake Townsend, DNR, with respect to a potential agreement between the City and the DNR for use of the City Park for a fire camp, in the event of a wildfire in our area. The area they are requesting is the dirt lot/old football field across from the pool/Rec Center. Mr. Townsend stated they would be willing to pay \$5.00 per day for each tent and vehicle.

Council Member Fateley encouraged entering the agreement, however, stated he does not feel \$5.00 per vehicle/tent is appropriate and would like Public Works Director Smith to research this further to come up with an acceptable amount per tent/vehicle. This agreement would need to benefit the City.

Public Works Director Smith stated he would contact Mr. Townsend with a counter-offer after he has done the research into an acceptable amount.

RV PARK RESTROOM PROPOSAL:

Last year, there were several complaints regarding cleanliness and crowding from RV Park patrons about the public restrooms and showers at the City Park. Public Works Director Smith has asked Craig Lameauroux to take a look at the old restrooms at the swimming pool and give us a quote on the costs to renovate these into a men's and women's shower/restroom facility. These would have cipher locks and only RV Park patrons would be allowed to use them.

Public Works Director Smith stated that 2% monies can be used for this as it promotes overnight stays. Once the quote from Craig is received, Public Works Director Smith will present those numbers to Council for further review and consideration.

RESOLUTION 10-01 – AMENDING RES. 09-06 (RATE/FEE SCHEDULE 2010)

Public Works Director Smith stated that at the first of the year, prior to the new rates going into effect, he reviewed the 2010 Rates/Fees schedule and found discrepancies in some of the rates. He has gone through all of the rates and adjusted them as close to 5% as possible (percentage increase approved by Council, based on original motion). There are some rates that are set by the County and these are not adjusted the same as the rest of the City rates and fees.

Council Member Dan Smith questioned the lagoon rates and fees with respect to the amount they are being charged to discharge into the WWTP. He asked if this fee was comparable to the rates that the City residents are paying per month for their sewer fees. He also asked what the impact would be to discharge the lagoon biosolids into the WWTP, the effects on the infrastructure, etc. He stating he was asking these questions on behalf of the citizens, as they are the ones who are ultimately paying for the upgrade.

Public Works Director Smith stated that this was a very valid question, and he would check into the numbers for Council Member Smith for comparisons.

Council Member Smith also questioned the need for the annual 5% rate increases. He stated that if our budget has balanced the last two years, why the need for increases? Public Works Director Smith stated that we recently completed a 4 Million dollar upgrade to our Waste Water Treatment Plant, and these incremental increases are to help absorb the costs associated with that upgrade. He also stated that we recently had a rate study performed by Evergreen Rural Water, who concluded that our rates are much lower than what they should be. If our rates are not in line with what is the standard or average for a City our size, we may have trouble getting funding for future projects and infrastructure upgrades due to the fact that we are not generating enough revenue to cover the costs. At this time, based on the rate study, it will take us at least three (3) years to get our rates where they should be.

MOTION: Council Member Fateley made the motion to approve the amended 2010 Rate/Fee Schedule, Resolution 10-01, which replaced Resolution 09-06, setting the 2010 Rates and Fees for the City of Brewster. Council Member Dawson seconded the motion and the motion passed with a vote of four (4) to one (1). Council Member Fateley, Council Member Dawson, Council Member Scheller and Council Member Smyth in favor, Council Member Dan Smith opposed.

POLICE CHIEF RON OULES:**POLICE DEPARTMENT UPDATE/STATS:**

Police Chief Ron Oules stated that 56 hours of the logged overtime is either contractual or reimbursed. Stats are in line for normal. The burglaries come in “bunches” with the person or people responsible going on sprees. Suspicious activity calls are up, which is good. The PD has encouraged citizens to call and report this, and with emphasis and the help of the media, more and more people are calling in to report suspicious activity. The officers also wrote more noise complaint tickets in 2009, compared to 2008, and continue to “crack down” on the loud music complaints.

Police Chief Ron Oules also reported that the Drug Task Force did arrest three (3) people last week on drug charges.

ORDINANCE NO. 824, AMENDING ORD. NO. 784 RE: JUNK VEHICLES:

Police Chief Ron Oules stated that in the prior Ordinance No. 784, the City Clerk originally handled the junk vehicle public hearing requests. It is noted that the City Police Department should be the ones handling this. The Municipal Court only handles ticketed cases; junk vehicles require a civil hearing. The Hearing Officer is to be designated by the Mayor.

At this time, there is one junk vehicle hearing, without a ticket, that needs to be scheduled. Police Chief Ron Oules is asking that Ordinance No. 824 be approved for the upcoming hearing, and we can go back and amend it further at a later date.

MOTION: Council Member Smyth made the motion to approve Ordinance No. 824, with further amendments to be made at a later date. Council Member Dawson seconded the motion and the motion passed unanimously.

PUBLIC DANCE FACILITY SECURITY:

Police Chief Ron Oules stated that there have been issues recently with Public Dance Facility functions, in particular, the event center located at the corner of 6th Street and Main. The main issue has been with alcohol. There have been several calls in to the PD with complaints, as well as minors in possession of alcohol at this particular location. Bridgeport allowed private event centers, but required them to have security, by Ordinance. Police Chief Ron Oules stated that these businesses here in Brewster that are hosting these kinds of events need to be held somewhat responsible for what is going on in their building.

Public Works Director Smith stated that he received a call regarding a party that was being held there. The complaint was of loud music, kids in the street, and garbage. Police Chief Ron Oules stated that on patrol, people attending the party were noted to be out in the middle of the street consuming alcohol. One person was cited for an MIP, as well as the person who furnished the alcohol to the minor, as well as a citation to the business owner.

The Columbia Cove Community Center hosts these type of events as well, but do not allow alcohol and have scheduled security on site. This has decreased the problems at the Rec Center tremendously.

Council Member Fateley agrees that this problem needs to be addressed. We do not want to "shut down" these facilities, but we do need to set some rules and specific guidelines. We have an obligation to the safety of our citizens. Council Member Fateley also stated he would like to hear any recommendations Police Chief Ron Oules may have regarding this. Police Chief Ron Oules stated he believes there needs to be certified security guards on site, not just party appointed security. Mayor Webster recommended educating the business owners, the Liquor Store that is issuing the permit for alcohol, as well as the people renting the facility regarding the repercussions of hosting events that can happen if they are not aware.

Police Chief Ron Oules will compile other community examples and present these to Council for further review.

COUNCIL MEMBER BOB FATELEY – CITIZEN COMPLAINT:

Council Member Fateley stated he received a complaint about an auto repair business that is located at 301 State Way. Public Works Director Smith stated that Darren Moore, Code Enforcement, is aware of this and has been working on it. There have been issues with time constraints and the amount of time he has been able to spend on investigating the complaint, but Public Works Director Smith will check into the progress.

At 8:10 pm, Mayor Webster announced he would be adjourning the meeting for a 5 minute break, at the end of which, Council would convene into a fifteen-minute (15-minute) Executive Session to discuss personnel.

EXECUTIVE SESSION, RCW 42.30.110, 15 MINUTES RE: PERSONNEL:

Mayor Webster announced that Council would be adjourning into an executive session at 8:15 p.m. to discuss personnel.

ADJOURNMENT:

At 8:30 p.m., Mayor Webster convened back into Regular Session. There were no actions taken, no motions made, during the Executive Session. With there being no further business to come before the Council, the meeting was adjourned at 8:31 p.m.

Mayor Lee Webster

ATTEST:

City Clerk/Finance Director Pamela Olsen, MMC