

02/10/2010

Mayor Lee Webster called the meeting to order at 6:00 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 and Deputy Clerk Desha Dawson.

Council Member Fateley motioned to table the approval of the minutes from the Regular City Council Meeting on 01/13/2010, due to numerous corrections requested by Council Member Dan Smith. The motion was seconded by Council Member Smyth and passed unanimously. Mayor Webster will meet with Deputy Clerk Dawson to go over these corrections for approval at the March 10, 2010 City Council Meeting.

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

As of this date 02/10/10 the Council, Council Member Smith made the motion to approve for payment those vouchers included in the voucher payment list and further described as follows: Claims Fund voucher numbers #43318 through #43388 and #11943 in the amount of \$110,310.05. Payroll Fund voucher numbers #11933 through #11969 in the total amount of \$94,056.26. Council Member Dawson seconded the motion and the motion passed unanimously.

ADDITIONS/CHANGES TO THE AGENDA:

Mayor Webster stated he would be adding "Miscellaneous Requests for Donations" to the agenda. Police Chief Ron Oules stated he would be adding "Storage Container" to his section of the agenda.

MOTION: Council Member Scheller made the motion to approve the above noted additions/changes to the agenda. Council Member Dawson seconded the motion and the motion passed unanimously.

PUBLIC COMMENT:

AARON CHAVEZ – BREWSTER SCHOOL LEVY:

Mayor Webster stated that Superintendent Chavez would not be able to make the meeting tonight. He also stated that at this time, the current Levy is passing.

LUCIANO ARZATE – CITIZEN:

Mr. Arzate presented with a friend to interpret his concern, as he does not speak English. Via his friend, Mr. Arzate expressed a complaint over his neighbor's tree and the leaves that blow into his yard from that tree. He asked if there is anything that the City can do regarding this. He also stated that this same neighbor has complained about his dog not being on a leash, and he was recently issued a ticket regarding this.

Mayor Webster stated that this sounds like more of a conflict between Mr. Arzate and his neighbor, and he is not sure there is anything the City can do with respect to neighbor disputes and that the City Council, nor himself, can go tell his neighbor to rake up the leaves. However, he did recommend that Mr. Arzate contact the Police Department for civil standby should he want to talk to his neighbor about these issues,

but that the City cannot get involved in neighbor disputes. He also recommended that Mr. Arzate come to City Hall and speak with our Code Enforcer, Darren Moore, regarding the leaves from his neighbors tree to verify if we have an ordinance for this.

JIM GOTTI – SUNRISE DISPOSAL CONTRACT:

Richard Howe, Sunrise Disposal, presented to Council to discuss the upcoming contract negotiations. The current contract with Sunrise will expire in June of this year. Mr. How presented Council with a rate comparison with service levels vs. pricing. He went on to state that that Sunrise has always tried to keep their rates competitive with the surrounding cities and continually strive to lower the costs to benefit the customers.

At this time, Mr. Howe is asking for the agreement of Council to enter negotiations for a new contract for solid waste disposal for the City of Brewster. Mayor Webster, and Council, all agreed this should be done and have agreed to meet in March.

Deputy Clerk Dawson will contact Mr. Howe and Mr. Gotti regarding a time/date for them to meet with the Mayor and the City's Solid Waste Committee to discuss the upcoming contract.

YURI MORALES – CENSUS BUREAU UPDATE:

Yuri Morales and Laura Hurtado, of the 2010 Census Bureau, presented to Council to discuss updates and upcoming events.

Ms. Morales stated that at the end of February, there will be Census representatives going door to door delivering the census worksheets. They are still currently testing for hires at the Community Center in Brewster on Wednesdays. She also stated that there will be a QAC center and help desk set up at the Pateros School soon, she is not sure when they will be holding this in Brewster, but will keep us informed.

Laura Hurtado stated that on March 6th from 4:00 to 7:00 pm at the Performing Arts Center in Omak, there will be a Census 2010 event to high light the 2010 census, raise awareness and for the participating Cities to give their proclamation to the Census. There will be many local performers, including local Native-American comedian, Vaughn Eaglebear, a Country Music band and a Mariachi Band. She invited the Brewster City Council and the Mayor to attend.

IRMA CHILDERS – LOCUST WAY STREET LIGHTING:

Mrs. Irma Childers, a resident on Locust Way, and several other residents presented to City Council to discuss the lack of proper lighting on their street. Mrs. Childers stated that they are concerned for their safety and believes by properly lighting this street; it may help to reduce some of the crime, and increase the feeling of safety for the residents. Mrs. Betty Smith stated that in May of last year, she had her home broken into while she was sleeping. She lives alone and this was very frightening for her. She has taken proper measures since then to remove bushes from around her home, lighting around her home has been increased, and she has installed a security system. She commended the BPD for their help during that time as well. Mrs. Childers stated a major concern is that many of the residents on Locust way are women, are widows, and live alone.

All of the residents in attendance state that there has been a large increase in the foot traffic (mostly men) that is an area of concern. Groups of men, by the dozens, will walk up and down the Cemetery Hill Road (Locust Way) all hours of the day. Another resident on Hospital Way (on the downhill side of Locust Way) states he has had groups of people walking down the hill and cutting through his property to access the roadway. Police Chief Ron Oules stated he believes these are groups of workers walking to town from the Labor Camps.

Mayor Webster stated he understands the concerns that have been presented this evening. He believes that the City does have some power poles available for installation for additional lighting. **Public Works Director Smith will contact George Howe, PUD, to go over the actual cost of installing additional lighting and will have this information available at the next City Council Meeting.** In the mean time, however, Public Works Director Smith suggested that these residents get in contact with the BPD to set up extra patrols and possibly go over additional safety measures that can be taken. Police Chief Ron Oules stated that the PD can help with performing evaluations of their properties and suggest ways to make their homes safer. He has some information on affordable security systems that the residents may be interested in as well.

Council Member Fateley emphasized to all the residents to please call the Police Department if they have any concerns or feel threatened in any way, to not hesitate to call the PD for any reason.

Mrs. Smith and Mrs. Lois Ferguson stated that have also heard “whistling” and seen flashlights sending “code flashes” back and forth. Police Chief Ron Oules stated this is how some of the gang members communicate. He stated that if any of the residents heard the whistling or witness the flashlight communication to call the PD immediately.

Mrs. Childers asked about a time frame the light placement. Public Works Director Smith stated he would be contacting the PUD as soon as possible and would contact her with any information regarding the placement of the additional lighting.

Council Member Fateley asked that Police Chief Ron Oules follow-up with the residents on Locust Way to keep communication open and address any additional concerns they have in the interim, while the lighting issue is looked into. Police Chief Ron Oules stated he would be sure to do this.

ROBERT VILLAGRANA – MEMORAL SKATE PARK:

Mr. Villagrana, and a group of friends, presented to Council with the proposal of a Memorial Skate Park, in memory of their friend – Zak Swezey – who passed away last year. Mr. Villagrana stated that Brewster is primarily a “commercial” town and that there are not a lot of things for the youth of the area to participate in as far as activities. He would like to construct a skate park so that those kids in the area that are interested in skating can have a place to do so and improve their skills. He also sees this as a way to keep some of these kids “out of trouble”. The closest skate park is more than 30 miles away.

Mr. Villagrana presented a petition in favor of a skate park in Brewster. He also stated he has an individual who is willing to donate the land and is hoping to have time and materials donated which would mean the City would not have to be involved, and no tax monies would be used. His question at this time is how to go about getting this

started. Does he need to have permission from the City or a permit? Mayor Webster stated that he does not believe they need permission from the City, particularly if the land is donated (private). Mayor Webster suggested that Mr. Villagrana contact the City of Bridgeport as they were checking into a skate park awhile back and may have some information that will be useful to him. Public Works Director Smith suggested that they also contact the City of Omak and Chelan to see what was needed in order to get their skate parks up and running.

Mr. Villagrana thanked the City Council and the Mayor for their enthusiasm and information regarding this project. He will keep them informed of its progress.

MAYOR WEBSTER:

REQUESTS FOR FUNDS/DONATIONS:

Mayor Webster stated he has received four (4) requests for donations. These requests are from the Red Cross, Economic Development Program, Okanogan County Transportation and Nutrition Department and the NCRCDC. The Mayor stated this can be discussed at the March Council Meeting, however, wanted Council to be aware of these requests. We have donated money/paid annual dues to some of the above noted agencies in the past. Council Member Dawson stated she would like to discuss this further, in particular the Transportation and Nutrition Program (Senior Bus) at the next meeting. She went on to state that we should discuss this in March, after review of our 2010 Budget to see if these requests are feasible.

FINANCE DIRECTOR PAMELA OLSEN:

Finance Director Pamela Olsen was not present for this City Council meeting. No finance report was available at this time. Council Member Dawson asked that Mayor Webster get the Council copies of the Monthly Finance Report as soon as possible. **Mayor Webster stated, as an action item, that he would have Finance Director Pamela Olsen distribute these reports as soon as they are completed/available.** He also noted that at the March City Council Meeting, the Clerks budget would be available for review, as previously requested.

PUBLIC WORKS DIRECTOR - J.D. SMITH

PUBLIC WORKS UPDATE:

a. **PLANNING COMMISSION:**

Public Works Director Smith stated that the changes to the proposed amendments to Comp Plan regarding the Land Use Element and Maps have been reviewed. The packets that the Council Members received are for them to review. The public hearing has been set for March 2, 2010 at the regular Planning Commission Meeting. Once this goes to council, there will be an approximate two-month time frame for the review to take place, and once the public comment phase is closed, it will go to final review and approval.

b. AIRPORT UPDATE:

Public Works Director Smith stated the USKH contract (Airport On-Call Engineer) has been received and is currently being reviewed by the City Attorney. He also stated that the water meters have been installed on the unmetered water at the Airport. Public Works Director Smith also reported that Paul Tift, who has a hangar at the Airport, does not have a taxiway. Mr. Tift asked if a temporary taxiway could be placed using gravel in the mean time. Public Works Director Smith feels this is a reasonable request and has contacted Godbey Redimix on the cost of hauling 100 yds of gravel for this. The cost would be approximately \$1,500.

c. RIVER PUMP:

Public Works Director Smith stated that the 75 HP River Pump (located on Sunset/Hull Road) has a bad bearing and needs replaced. The pump is currently pulled and being checked now. He has contacted Gray's Electric regarding a quote on repairs, but is expecting this to be a \$2,000 repair. He also stated that the PUD recently performed a main line change out on Sunset. In doing so, they discovered that one of our primary phase lines were exposed and in need of replacement. The PUD has recommended running a new line underground. Public Works Director Smith stated this will cost the City \$1,950 and would like to have Council's approval to do this, as the line is necessary.

MOTION: Council Member Scheller made the motion to approve the PUD installation of a new primary phase line on Sunset, as well as the fees associated at \$1,950. Council Member Dawson seconded the motion and the motion passed unanimously.

d. WWTP UPDATE:

Public Works Director Smith stated that the UV disinfecting light system used at the WWTP needs replacement bulbs. It is approximately 120 lights, 3 banks, with one bank that needs replacing. These cost approximately \$35 per bulb. He contacted the City of Omak as to who they order their UV bulbs from. The company stated we could place a bulk order with them at approximately \$3,180 for 120 bulbs at \$26.50 each; saving us about \$9 per bulb. This expenditure, although costly, would last us about 3-years, due to the fact we would be rotating the new bulbs in on a schedule rather than putting them all in at once. By placing an order with Omak, we will get a cost break. Public Works Director Smith would like permission from Council to make this order/purchase with the City of Omak.

MOTION: Council Member Scheller made the motion to approve the purchase of the UV disinfecting light bulbs for the Brewster Waste Water Treatment Plant, with the City of Omak, for a cost of \$3,180 for 120 bulbs. Council Member Smith seconded the motion and the motion passed unanimously.

e. TRUCK #83 ENGINE REPLACEMENT:

Public Works Director Smith stated that Truck #83 (white truck) blew the engine last year. He would like to replace the motor, as we will be using this truck quite a bit in the spring and this truck is also used as a back-up vehicle should the current truck we are using to haul or biosolids to Mansfield should break down. City Crewman John LaBree contacted Motor Trucks Inc, Mt. Vernon, regarding a replacement motor. They have a motor for approximately \$7,200, with a core charge of approximately \$1,800. The total approximate cost of replacing the motor is around \$9,000. Our crew would go over and pick up the engine and deliver the core back to Motor Trucks Inc, saving the City roughly \$600 in shipping fees. Council Member Scheller asked if this motor was rebuilt, does it come with an extended service life warranty. Public Works Director Smith stated that this is a reconditioned motor with a 15-20 year service life. Another cost savings to the City is that our crew is capable of installing the motor themselves.

MOTION: Council Member Dawson made the motion to authorize the purchase of a reconditioned motor from Motor Trucks Inc, Mt. Vernon, for Truck #83. Council Member Smith seconded the motion and the motion passed unanimously.

GFI UTILITY SUPPLEMENTAL STATEMENT & WATER RIGHTS TRANSFER:

Public Works Director Smith presented Council with a letter addressed to Gebbers Farms Inc. regarding the Water Utility Supplement Statement and Water Rights Transfer Confirmation. This is in respect to the Outside Water Utility Agreement between the City and Gebbers Farms, in which it is stated "the City shall charge and Gebbers Farms shall pay for all gallons used in excess of the annual Historic Consumption Level one and one-half times the highest applicable per gallon outside the City rate". This applies to three meters; the new Pre-size Unit which has a 2" and a 10" meter, and the existing Main Shed, which has a 2" meter. The agreement is that Gebbers will pay for any water use that exceeds their normal usage at the end of the year.

The accumulated consumption for both meters at the new GFI Complex started in June of 2009 and is accurate. The existing Main Shed meter, however, malfunctioned in October of 2009. This was an existing meter, and the readings have not been accurate. The City crew checked this meter and we recently received a data collection/diagnostic device from Sensus and we will be running a diagnostics test on it tomorrow.

The question at this time is due to the fact that we do not have an accurate Historic Consumption for the existing Main Shed meter, is how to properly bill them for the excess water usage considering only two of the three meters have had accurate reads. Public Works Director Smith has discussed this with City Attorney Chuck Zimmerman. It was recommended by Public Works Director Smith to use the 2008 read history of the Main Shed meter, instead of the 2009 reads. Public Works Director Smith has also discussed this with Gebbers Farms, and they are agreeable.

Also in this agreement was the Water Transfer Agreement. Using the 2009 numbers, it is calculated that based on overage, Gebbers Farms would need to transfer 18.22 acre feet of water to the City. At this time, Public Works Director Smith would like to reset the Water Transfer Agreement to reflect 2010 water use to be transferred in 2011, rather

than the 2009 water use/transfer in 2010. This is primarily due to the fact that we cannot truly verify accurate reads on the Main Shed meter in the last 3 months of 2009. He states that if the water reclamation pond works as it is intended (using re-circulated water) that this will suffice as the 2010 transfer.

Council Member Fateley stated since we do not have accurate reads to bill for the historical use, he does not see how we can do this any other way. Public Works Director Smith stated that using the 2009 reads on all three meters; the excess use billing would have been \$19,045.20. With the readjusted excess use figures, using 2008 readings, the new billing is \$14,546.00.

Public Works Director Smith stated that he would like to have Council approval to bill Gebbers Farms for the excess water use using the 2008 numbers, as well as postponing the Water Rights Transfer until 2011.

MOTION: Council Member Fateley made the motion to approve Public Works Director Smith's recommendation of the adjusted excess water use billing for Gebbers Farms (using 2008 meter reads) in the amount of \$14,465.00, and postponing the Water Rights Transfer until 2011. The Historical Consumption will be re-assessed for 2010 when all three meters are actively functioning properly, therefore giving accurate read/consumption histories. Council Member Dawson seconded the motion and the motion passed unanimously.

TRAINING:

Public Works Director Smith stated that there are two training sessions coming up for himself and the City Building Inspector, Darren Moore. Public Works Director Smith would like to attend the Evergreen Rural Water Conference in Yakima, February 16th-19th. The total cost of this training/conference is \$600. The Conference for the Building Inspector is in Leavenworth and will be held in March. This is a CEU course, and is required to maintain certifications. Pateros has agreed to pay \$200 of the course fee, as he does inspections for the City of Pateros as well. The total cost to the City of Brewster would therefore be \$535, with the total conference being \$735. Council Member Fateley asked if both of these conferences were in the budget for training. Public Works Director Smith stated that they are.

MOTION: Council Member Smyth made the motion to approve the attendance of the Evergreen Rural Water Conference by Public Works Director Smith and the Building Inspector Conference in Leavenworth by Darren Moore, as well as the fees associated with the class. Council Member Scheller seconded the motion and the motion passed unanimously.

POLICE CHIEF RON OULES:

POLICE DEPARTMENT UPDATE/STATS:

Police Chief Ron Oules stated that 43 hours of the 50.50 total overtime hours are contractual and will be reimbursed. Otherwise, overtime hours are right in line. The stats for the month are also right in line with normal, with the exception of the

Malicious Mischief calls being a bit higher. This is due to the amount of graffiti calls. One person may tag six different businesses/homes in one night, but each one is a different case number. Therefore, one person creates 60% of the Malicious Mischief calls, as each call is a different case. Two individuals were picked up for graffiti related charges on February 9th. This call came in from the County (Sunset Drive) which would have normally been handled by OSCO, however since the subjects were seen driving towards the City limits of Brewster and a Sheriff was not immediately available, the Brewster PD responded and did apprehend the them. It is believed that one of these individuals is responsible for some of the graffiti in Brewster; however, we cannot prove this.

There has been good compliance with the Junk Vehicle ordinance. One public hearing has been held with one more waiting to be scheduled.

STORAGE UNIT:

Police Chief Ron Oules stated that even though it is not listed in his 2010 budget, he would like to get Council approval to purchase a Steel Connex storage unit. The dimensions on this are 10x12ft and will cost approximately \$1,600 delivered. The current storage the PD has is not adequate. Council Member Dawson asked how long the PD keeps their records. Police Chief Ron Oules stated it is approximately 10 years.

The storage unit can be paid for either by surplus money acquired through selling the DARE Van, or through the Federal "JAG" Grant, however it is an initial out of pocket expense to the PD with the money being reimbursed after the invoice is submitted to the Grant Department. Either way, he would like permission to purchase this storage container. On surplus of the DARE van, the storage container would be placed where the DARE van is currently parked.

MOTION: Council Member Fateley made the motion to approve the surplus sale of the BPD DARE Van. Council Member Smyth seconded the motion and the motion passed unanimously.

MOTION: Council Member Smith made the motion to approve the purchase of the Steel Connex Storage container by the BPD, to be paid for with either the DARE van surplus monies, or through submission of a reimbursement through the Federal "JAG" Grant. Council Member Smyth seconded the motion and the motion passed unanimously.

JAIL FEES:

Police Chief Ron Oules stated that in 2009, the City had a good year with respect to jail fees, with \$37,500 in the budget for 2009 just for these fees. Court revenues were up last year with the Municipal Court coming in around \$32,500 in revenue for 2009, which was more than what was projected in the budget. Currently, that extra money is in our hands, being \$15,000 over expected revenue for the Court. As much as Police Chief Ron Oules would like this money to go towards the vehicle replacement fund, he believes the honorable and right thing to do is to put this money towards the remainder of the Jail Fees. Although we have not received a final billing for the '09 jail fees, he believes it is around \$40,000.

Police Chief Ron Oules stated that even though the City cannot afford to pay all of the jail fee billing (roughly \$70K per year); he would like to keep paying what we can, when we can, in a good faith effort to pay off the fees. What we pay now is going towards prior years' fees; however, we are making progress and would like to continue this.

Mayor Webster stated that the Consortium is working on ways to get the jail fees reduced, and is impressed with their efforts and progress thus far. The Mayor also stated that he appreciates Police Chief Ron Oules' perspective with respect to putting this money towards our jail fees, rather than putting it into the vehicle replacement fund, and thanked him for the sacrifice.

TRAINING:

Police Chief Ron Oules stated that Officer Ruiz will be attending a meeting in Spokane in May regarding Gangs. This is a 2-3 day meeting for Officer Ruiz, with the total projected costs for hotel and meals at \$300-\$400. He would like Council approval for \$400, even if it is not all used. This is a very beneficial meeting to the BPD and would like for Officer Ruiz to attend.

MOTION: Council Member Smyth made the motion to approve the requested \$400 for Officer Marcos Ruiz to attend training related to Gangs in Spokane in May. Council Member Dawson seconded the motion and the motion passes unanimously.

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