

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, Lieutenant Kelly Hook, Finance Director Pamela Olsen and Deputy Clerk Desha Dawson.

Council Member Dan Smith moved to approve the minutes from the Regular City Council Meeting on 02/10/2010. The motion was seconded by Council Member Kris Dawson and passed unanimously.

Council Member Smith made the motion to table the January Minutes once again, until the April Meeting so that he, Deputy Clerk Dawson and Mayor Webster can review the changes that have been made to the Conflict of Interest Issues at the Airport, and Council Member Smith's comments regarding such. Council Member Scheller seconded the motion and the motion passed unanimously.

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

As of this date 03/10/10 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 #43389 through #43404 in the amount of \$14,897.06 and voucher numbers #43406 through #43468 in the amount of 161,502.41 for a total Accounts Payable of \$176,399.47. (Skip in check sequence – check #43405, was a reissued check for void check #43312). Payroll Fund voucher numbers #11970 through #12006 in the total amount of \$78,052.34.

#### **ADDITIONS/CHANGES TO THE AGENDA:**

Mayor Webster asked that the Council take time to review and discuss the Planning Commission letter that went out in the Council Packets. This letter was from Committee Chairman Fred Wiltse, stating that the committee is recommending approval of the Transportation and Land Use elements including the Land Designation map of the City's Comprehensive Plan. After the March 2<sup>nd</sup> public hearing, it was the recommendation of the committee that it be sent to City Council for review. After that, the Public Hearing can be set. The Comp Plan has gone through SEPA review.

Kurt Danison, City Planner, stated that this has been in process for 2 years. There have been issues come up with respect to the UGA and the de-annexation as well as other areas. The Commission has gone through the land use and transportation portions of the Comp Plan and are currently looking over the rules and regulations with the County. The UGA will be expanded to the south, and reduced to the north. The Commission looked at modifying the land use with some possible commercial expansions as well as the rural areas and more specific designation at the Airport with respect to land use. The Airport Development designation will be changed as well as adding Industrial use. The main focus is to protect the airport as an investment and manage the growth around it.

**MOTION:** Council Member Smyth made the motion to accept the recommendation of the Planning Commission, and set the Public Hearing date for May 12, 2010 for the proposed amendments to the

Transportation and Land Use Elements including the Land Designation Map of the City of Brewster Comprehensive Plan. Council Member Dawson seconded the motion and the motion passed unanimously.

**PUBLIC COMMENT:**

There was no public comment brought forth.

**MAYOR WEBSTER:**

**ACTION ITEMS FOR FOLLOW-UP:**

1. Sunrise Disposal: Council Member Fateley, Council Member Smyth and Public Works Director JD Smith met with Dick Howe and Jim Gotti of Sunrise Disposal to discuss the upcoming contract, which is up for renewal in July of 2010. Sunrise is interested in renewing the contract, as is the City of Brewster. Sunrise would like to have a similar contract as before, five-year contract with renewal option at the end of the five years. Council Member Fateley stated that the company has not requested any COLA increases. One area of concern was increases due to fuel costs. Council Member Fateley stated that Mr. Gotti indicated that they may raise their fees if the gas prices go up, but will lower them back down to the original rates when the price of fuel goes back down. They are also looking to change their operations with trucks that are equipped to handle one man operated trucks.

Mr. Gotti and Mr. Howe also asked the City what other services they could provide for us. Council Member Dawson asked about the possibility of establishing a recycling program as several residents have expressed a strong interest in this. Council Member Fateley stated this was brought up at the meeting, however at this time, the recycling service is not offered. If it does become available, this City will have the option of doing so.

2. Street Lights on Locust Way: Mayor Webster stated this was taken care of very quickly. The PUD was able to install three light poles the very next day. We will receive a monthly billing for this added service. The total cost to the City to install these lights came in at \$350.57. The residents on Locust Way were very pleased with the result. Mrs. Irma Childers had later requested an additional light be placed near her property. This was checked by Mayor Webster and Council Member Smyth and it was noted she has two lights that illuminate her back yard quite well, and Mayor Webster will talk to her about options of putting up additional lighting on her own property.
3. Monthly Finance Report: Finance Director Pamela Olsen completed this and sent the reports to Council within the week.
4. Brewster PD/Locust Way Resident Follow-up: Per Lieutenant Kelly Hook, Police Chief Ron Oules followed up with the residents regarding their concerns and all were pleased with results of lighting and information received from the BPD.

REQUEST FOR DONATIONS:

Mayor Webster reviewed the previously noted requests for donations and membership dues from the NCWRCDC – (new membership), Economic Development District – (new membership), Okanogan County Transportation and Nutrition – (bus replacement fund previously donated to) as well as the Red Cross (donation).

It was discussed and decided by City Council to decline membership request for the NCWRCDC the Economic Development District as these are voluntary memberships and are not required. Council Member Smith stated he does not feel comfortable making a donation of public funds to the charities.

Council Member Dawson stated she would like to consider making the \$1000.00 donation to the Senior Center for the Senior Bus Fund as this service provides transportation for the elderly to their doctor appointments, post office, grocery store, etc. Council Member Fateley stated there is sufficient transportation for the town to town commuters; however, he does see the need for senior citizen transportation locally. Council Member Fateley would like Finance Director Pamela Olsen to see if we can possibly donate \$500.00 to the Senior Center for the Okanogan County Transportation and Nutrition Bus Fund now, and then review it in 6 months to see if we can afford to donate the other \$500.00.

MOTION: Council Member Fateley made the motion to decline the requests for membership/donation to the NCWRCDC, Economic Development District and the Red Cross. Further inquiry into a potential donation to the Senior Center for the Ok. Co. Transportation and Nutrition Bus fund will be discussed and decided at a later date. Council Member Dawson seconded the motion and the motion passes unanimously.

CONFLICT OF INTEREST ISSUES – AIRPORT:

Mayor Webster handed information/correspondence packets between himself and Pat Mason, MRSC, regarding the conflict of interest issues at the airport. Mr. Mason stated that in his opinion, Council Member Smith does not have to resign his position on the Council, however, does feel he should abstain from voting on any issues regarding the City Airport. This was also the prior recommendation of the City Attorney Chuck Zimmerman.

Mayor Webster went on to state that Council Member Smith is free to do what he wants, no one has the authority to say what he can and cannot vote on, however, recommended that Council Member Smith consider the liability to the City if he does choose to participate in any votes or decisions regarding the airport.

Council Member Smith stated he would take each issue (with respect to the Airport) as it comes. He can contact Pat Mason for his opinion on whether he should or should not participate in the vote. He will do what is right and do the best he can.

VOLUNTEER 7<sup>th</sup> DAY ADVENTIST YOUTH GROUP / BREWSTER SCHOOL STUDENTS:

Mayor Webster stated that he has been contacted by a Church Youth Group and a local Brewster School Youth Group that is interested in performing Public Service for the City of Brewster, ie: painting over graffiti, park clean up, trail clean up, etc. The Mayor

suggested to the School Group that painting the north and south train trestles may be a good place to start, as these were both recently hit with extensive graffiti. The DOT recently sand blasted both train trestles. The railroad may be able to provide the paint; however, the City would need to work with the DOT as far as possible road closure and/or flagging while the work is being done.

The 7<sup>th</sup> Day Adventist Youth Group is interested in helping with spring clean up in the parks and walk trail. This is being coordinated by Community Center Director Eddie Allen. As the group is also working on completing the Spanish SDA Church on 7<sup>th</sup> Street, he will be working with their coordinator to set up times and locations for the group to help out with the spring clean up at the park.

USDA GRANT – RATIFICATION OF SIGNATURES:

Mayor Webster stated that he and Public Works Director Smith had met with Rose Running regarding the USDA Grant, and all is moving forward. Finance Director Pamela Olsen stated the Resolution will be ready for the April City Council Meeting. Mayor Webster stated at this time, he needs Council to motion for authorization of his signature on the contracts.

**MOTION:** Council Member Smyth made a motion to authorize Mayor Lee Webster to sign the USDA Grant contract for the Public Works Service Vehicle and Backhoe replacement. Council Member Dawson seconded the motion and the motion passed unanimously.

PUD AGREEMENT:

Prior to entering discussion, Council Member Scheller stated he would prefer to abstain from the discussion and motion to approve or disapprove of the agreement due to a conflict of interest. (He is an employee of Wells Dam).

Mayor Webster presented the DCPUD M&O Agreement. This is part of the Wells Dam Re-licensing Project that has been about 6 years in the works. The Mayor himself has put in many hours working with the DCPUD on this project. The agreement summarizes the responsibilities of each agency involved. What has been outlined in the agreement is that the City of Brewster will provide the DCPUD with a perpetual easement of the property located at the Columbia Cove near the white dock, most of which is underwater. In exchange for this easement, as well as the City's support for the relicensing project, the DCPUD will provide the City of Brewster with \$60,000 per year for Park Maintenance and Operations. This agreement also includes an easement for a portion of the Foyle Orchard (between softball field and cove entrance). Mayor Webster stated he would like to see this property designated as a future site for the RV Park expansion.

Once the agreement is signed and entered, the easements to the PUD would take effect immediately, however the City would not receive the M&O funding until our relicensing date, which is in the year 2012. Once we begin receiving the funds in 2012, what we do not use of the 60K will roll over to the next year.

Mayor Webster stated that this has been a long process. He has pushed as hard as he can without going to FERC. This is basically the DCPUD's final offer. He has worked

very diligently on this agreement in order to obtain the best deal for the City, but stated we are pretty much at a standstill at this point.

He also stated that should the City of Brewster decide not to enter into this agreement, the PUD will not enter into their agreement with Pateros and Bridgeport. At this time, Mayor Webster stated the Council needs to decide whether or not we enter into this agreement, and he recommends signing it, as we are not in a position to bargain. He believes that entering into this agreement will benefit us in the long run, and will not undermine the other local cities incorporated in the same.

**MOTION:** Council Member Smyth made a motion authorizing the Mayor to sign the DCPUD M&O Agreement, Wells Relicensing Project between the DCPUD and The City of Brewster. Council Member Smith seconded the motion and the motion passed unanimously. (Council Member John Scheller abstained from the vote).

**FINANCE DIRECTOR PAMELA OLSEN:**

**MONTHLY FINANCE REPORT:**

Finance Director Pamela Olsen stated that as of January, all funds were paid with the exception of streets and the airport. Most funds are all back where they belong, however February should give truer numbers. Director Olsen stated that overall, spending within the departments has significantly decreased which helps keep the funds in good balance.

**TRAINING:**

Finance Director Pamela Olsen requested Council to approve the attendance of the Annual Springbrook Users Conference in Portland, Oregon May 12<sup>th</sup> through the 14<sup>th</sup> by Finance Director Pamela Olsen and Deputy Clerk Dawson. Due to budget constraints, Finance Director Pamela Olsen stated she has chosen this conference, (out of several) as the most important one for them to attend as this is the software company that our entire system is operating on. This conference has many useful classes and is very informational. It will cost approximately \$1500.00 for them to attend, possibly more including air fare and meals.

**MOTION:** Council Member Smyth made the motion to approve the attendance of Finance Director Pamela Olsen and Deputy Clerk Desha Dawson at the Annual Springbrook Users Conference in Portland, Oregon, May 12<sup>th</sup> through the 14<sup>th</sup>. Council Member Scheller seconded the motion and the motion passed unanimously.

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

**PUBLIC WORKS UPDATE:**

**Planning Commission:** The Shoreline Management Plan will be coming up for review soon. There have been regular meetings and even though we are spending time to go over it now, the DOE has already received most of our proposed changes and this will help expedite the process. Any grant monies we receive will need to be used by June 1<sup>st</sup>.

Airport Update: With respect to the Airport Lagoon, Mayor Webster, Public Works Director Smith, City Attorney Chuck Zimmerman and Randy Loucks (owner of Blue Water Sanitation) have met and agreed to a contract/lease that will work for everyone involved. It has been agreed to a set fee for the annual lease, rather than a per gallon rate for the use of the lagoon. Randy will be responsible for land application permits; the City will not be required to do this. Basically, if we are leasing the property to Mr. Loucks, he then becomes responsible for the use and maintenance, permits and associated fees.

Public Works Director Smith stated that since we have what is called an “anaerobic lagoon” that installing an aerator would only make the odor problem worse. If odor should become an issue, the City will work with Mr. Loucks to remedy the problem. Mr. Loucks has eliminated grease dumping at the lagoon which will allow a good sludge layer to form, thus helping eliminate the odor.

Public Works Director Smith stated that the lagoon permit for Okanogan was approved, and this should decrease the number of users at the Brewster Airport lagoon. Mayor Webster stated this was the most feasible agreement for all involved. Once the lease is complete, it will come back to Council for final review.

Public Works Director Smith stated that the Scott Baker lease is still being reviewed. City Attorney Chuck Zimmerman is currently processing this. Mr. Zimmerman also stated that with respect to the fuel dock, an exclusive public use fuel dock is not permitted at the airport.

Public Works Director Smith noted that he has met with Airport On-call Engineer, USKH and City Engineer, Erlandsen & Associates, to review plans for improvements at the Airport. At this time, \$22,650.00 will go back to the FAA as we do not have any current projects in the works. This money will then be reassigned and we can get the money back from the FAA once we have a project in line.

Public Works Director Smith also stated that he has received the pricing for the crushed rock needed for the Paul Tift taxiway. It will cost \$625.00, and we will haul it. This will be for 88 cubic yards of gravel, 1.5” base layer.

#### STOUT STREET VACATION – SET DATE FOR PUBLIC HEARING:

Public Works Director Smith reviewed Resolution No. 10-02, regarding setting the Public Hearing for the Stout Street Vacation. The original Public Hearing date had been set back in January, but due to some changes to the agreement and the necessity for further review, this Public Hearing was not held. The newly requested Public Hearing date has been set for April 14, 2010. Currently, the agreement is being reviewed by City Attorney Chuck Zimmerman. Public Works Director Smith, Kris Erlandsen and Dr. Luwayne Stout have met and have worked out the agreement terms.

Public Works Director Smith stated that the area of concern was that a main City sewer line runs through the property listed for the street vacation. There is no legal easement for this line. The changes to the agreement include the fees associated with the vacation. The cost to relocate this line would be about the same as the vacation fees. Dr. Stout has agreed to allow the easement of the City sewer line in lieu of the street vacation fees. Public Works Director Smith also stated that as long as the fees are equal, the exchange will not be an issue. Dr. Stout also stated that he collected signatures

from those residents who will be directly affected by this street vacate, and only two (2) residents did not respond. It is noted, that only 60% of the property owners need to agree to this to have it approved.

**MOTION:** Council Member Fateley made the motion to set the Public Hearing for the Stout Street Vacation for April 14<sup>th</sup>, 2010 at 6:00 pm in the Council Chambers during the regularly scheduled City Council Meeting. Council Member Smyth seconded the motion and the motion passed unanimously.

DOE WATER RIGHTS APPLICATION:

Public Works Director Smith stated that on April 7, 1993, the City of Brewster had requested 650 acre feet of water rights from the DOE. Currently, we need to update our records, indicating that the request is still valid, we would like to move forward with our request for the water. At this point, it is his understanding that all agencies that had previously requested water rights will be permitted to have them. He will be working on updating this request and will keep council informed of any developments.

CIAW INSURANCE CLAIM DENIAL:

Public Works Director Smith stated that there have been several pump failures in the months past. The City had filed a claim with CIAW for reimbursement of the expenditures to repair these pumps. One claim (river pump) was denied because it was deemed a "wear and tear" failure and not a "catastrophic" failure (which would have been covered). The City has paid the repair bill, which came out of Capital Expenditures.

GEBBERS FARMS MAIN SHED WATER METER FAILURE:

Public Works Director Smith stated on follow-up of the suspected meter failure at the main Gebbers Warehouse shed, we performed the diagnostic data read on the meter as Sensus had suggested. This was performed from January 1<sup>st</sup> through March 2<sup>nd</sup> of this year. According to the data collected, the meter is reading correctly. A second test will be run in March for confirmation.

Although there was a true failure of this meter from October to December of 2009, it is reading correctly now. Since those months were averaged for billing, we may need to credit them for the over billed consumption amounts. This testing has confirmed that the meter is reading correctly and they do not have a leak, indicating that they have truly reduced their water use at this facility.

MISCELLANEOUS:

Public Works Director Smith informed Council that the City will be conducting the annual Spring Clean Up. Information will be sent out in the spring newsletter, with date/time/street announcements made on the local radio and through the local newspaper.

Smith also stated that the engine replacement on truck #83 is complete, and only took our guys two days to install it.

**POLICE LIEUTENANT KELLY HOOK:**

**POLICE DEPARTMENT UPDATE/STATS:**

Lieutenant Hook reported that for the month of February, all but two (2) of the 29 (twenty-nine) hours of overtime were contractual and will be reimbursed. The department is still dealing with graffiti issues, with the north and south train trestles and City Water towers being the most recent areas hit. There was also a recent burglary at the Pateros Hardware store. The subjects stole a variety of items. The case is still under investigation.

It had previously been stated that Officer Marcos Ruiz would be attending a meeting related to Gang issues in Spokane. He is not going at this time, as it would not be conducive for him to attend. Hook stated it would cost more to send him to the meeting than the department would actually benefit from.

Lieutenant Hook also stated that the department will begin emphasis patrols in April.

**ADJOURNMENT:**

With there being no further business to come before the Council, the meeting was adjourned at 8:20 p.m.

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC