

Mayor Lee Webster called the meeting to order at 6:03 p.m. Council Members present were Dan Smith, Art Smyth and Kris Dawson. Council Member Scheller and Council Member Fateley were excused. Also present were Public Works Director JD Smith, City Clerk Misty Ruiz, Police Chief Ron Oules and Deputy Clerk Desha Dawson.

Council Member Smyth moved to approve the minutes from the Regular City Council Meeting on 10-19/2011 with correction to the motion at the end of the meeting regarding the Fit for Duty Training Class, which was approved for Officer Tim Rieb (not Chief Oules). Also approved were the Special Meeting Minutes from October 27th. The motion was seconded by Council Member Dawson 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 11/09/2011 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 #44889 through #44890 for October A/P #2 in the amount of \$1,480.82 and voucher numbers #44891 through #44946 for November A/P in the amount of \$155,230.37. Also approved was the October Municipal Court Remittance voucher #1942 and #1943 in the total amount of \$21,073.22. Payroll Fund voucher numbers #12777 through #12805 in the total amount of \$67,001.37.

ADDITIONS/CHANGES TO THE AGENDA:

There were no changes or additions to the Final Agenda.

MOTION: Council Member Dan Smith made the motion to approve the November 9, 2011 City Council Final Agenda. Council Member Smyth seconded the motion and it passed unanimously.

PUBLIC COMMENT: No public comment was brought forth.

MAYOR WEBSTER:

FIRE DISTRICT #15 – FIRE HALL:

Tonya and Bill Vallance, of Fire District #15, presented to Council to discuss a Community Development Block Grant they are hoping to apply for with respect to a new Fire Hall. The District had wanted to pursue this Grant last year; however the Okanogan Douglas Hospital also applied for the same Grant and was accepted. (The City agreed at that time to be the sponsoring agency for the Hospital CDBG Grant).

The Grant they are looking to apply for would encompass the EMS and Fire Departments. The District has been looking at several potential properties to possibly build a new Fire Hall/EMS station within the community and streamline the EMS system and storage of the equipment. However, in their search, most of the properties they have looked at are not suitable for several reasons. What they are now proposing is to possibly purchase the existing Fire Hall in Brewster, and remodel it to fit the needs of the District. This is primarily in the “idea” phase and are here to ask the Mayor and Council if this may be something the City would be interested in pursuing with regards to being the Sponsor for their Grant, as well as possibly selling the Fire Hall to the District.

At this point and time, it is in the application process. Tonya Vallance noted that if the existing Fire Hall is an option, as a part of the application process the District will need to have a Structural Engineer come in and assess the building for structural integrity as well as if it is at all a possibility to add on to this building in the future. This engineer assessment would be done at a cost to the District and in no way means that the City has agreed to do anything with the building, or sponsoring the grant, other than entertain the possibility of this transaction. She also noted that everything is contingent on the District being approved for this Grant.

Council Member Smith noted that he does not have an issue with them wanting to bring in a Structural Engineer to assess the building. Council Member Dawson stated she does not have an issue with it as well, as long as it is not a cost to the City and that the District understands that the City has not committed to anything.

Vallance stated again that this is in the planning phase right now and that they only need the City's approval to have the Structural Engineer evaluate the building. She did state, however, that if they apply for the Grant and are approved, they would like the City to be the Sponsoring agency for the Grant and would like to discuss the possible sale of the building to the District for the purposes noted above. Once the Engineer has done his assessment, Vallance will inform the City of their findings and how they (the District) would like to proceed.

PUBLIC HEARING – 2012 PRELIMINARY BUDGET:

Mayor Webster declared the public hearing for the 2012 Preliminary Budget open. No comments were brought forth. Mayor Webster declared the public hearing closed.

RESET PUBLIC HEARING FOR THE EMS LEVY/PROPERTY TAX LEVY:

Mayor Webster stated that due to the fact that we do not have the actual dollar amounts in from the County, we will need to reschedule the public hearing for the EMS Levy and Property Tax Levy. Council agreed to set the date for November 17th, which will be held as a Special Meeting at 6 pm in the Council Chambers.

MOTION: Council Member Smith made the motion to approve the new date for the Public Hearing regarding the EMS Levy and Property Tax Levy for Thursday November 17th. Council Member Dawson seconded the motion and the motion passed unanimously.

PUBLIC HEARING FOR THE CASCADE HOLDINGS SHORELINE DOCK PERMIT DETERMINATION OF NON-SIGNIFICANCE:

Mayor Webster declared the public hearing for the Cascade Holdings Shoreline Dock Permit open. No public comment was brought forth. Mayor Webster declared the public hearing closed.

Public Works Director Smith reviewed the Staff Report.

SET PUBLIC HEARING DATE FOR THE DEPT. OF AGRICULTURE POLICE DEPARTMENT VEHICLE GRANT:

Council agreed to set the Public Hearing date for the Department of Agriculture Police Department Vehicle Grant for the December 14th City Council Meeting.

MOTION: Council Member Smyth made the motion to set the Public Hearing date for the Department of Agriculture Police Department Vehicle Grant for December 14, 2011. Council Member Smith seconded the motion and the motion passed unanimously.

MINUTES FROM STATE ARCHIVES:

As noted in discussions at the previous Council meetings, the question had been raised by a prior Council member regarding minutes that pertained to the Airport – specifically the passage of the Smith’s lease in March of 2006 – and that these were “changed”. Clerk Ruiz, Deputy Clerk Dawson and Web Master Darryl Shenyer have researched this and provided evidence that these minutes were not changed and have not been modified since they were created in 2006. Mr. Shenyer printed a screenshot of the website files showing the same dates as what are shown on Ms. Dawson’s computer (where the minutes are saved) as well as a disc that these minutes were saved to and stored in the vault in 2008. Mayor Webster stated that although these particular minutes have not been “archived” with the State, there is consistent and factual proof that these minutes have not been “changed” as indicated, and all records we have in our possession show this.

MISTY RUIZ – CITY CLERK TREASURER:

MONTHLY FINANCE REPORT:

Clerk Ruiz stated that the finance report has not changed much since last month’s meeting. We did receive approximately 71K in property tax monies in November, and should be receiving more soon.

COPY MACHINE CONTRACTS:

Clerk Ruiz had previously sent out cost comparisons of the two companies we are looking to contract our copy services through (Rodstol/Ricoh). Both contracts include the machine, toners and scheduled maintenance and repairs. Rodstol does not offer staples for the machine as a part of their package. Ruiz believes both companies have given good proposals and feels now it is a matter of who can provide the services for the least amount of money. Council agreed, stating we should go with the least expensive company.

2012-2015 RATES AND FEES SCHEDULE FOR THE CITY OF BREWSTER SERVICES/PRELIMINARY BUDGET 2012:

Council had received the Resolution No. 11-11 regarding the 2012-2015 Rates and Fees for the City of Brewster. Discussion as follows:

Public Works Director Smith stated that the fees for water services will increase 8.69% for 2012 and 2013, and a 5% increase for 2014 and 2015. The fees for sewer services will increase 41.5% in 2012, and a 5% increase for years 2012 to 2015. All other rates and fees are set to increase at 5% each year for the next 4 years. Clerk Misty Ruiz noted that the utility late fees, NSF fee and yard sale permits fees were not raised. The RV Park rates were raised in even amount increments.

Public Works Director Smith asked Council how they would like to set the fees, if any, for use of the Rec Center by Churches and Non-Profit organizations. The fees for these two groups previously stated “Donation”. All Council Members present at this

meeting agreed it should remain a donation based fee, but Council Member Smyth stated that it should read "Reasonable Donation", and all agreed. These fees are all approved by Council.

With regards to the high sewer increase in 2012 (41.5%) Council Member Dawson asked if this was the lowest rate increase available in order to cover the costs of maintaining the sewer. Public Works Director Smith stated that in order to help cover the costs of the \$4.2 million dollar upgrade performed in 2007, this increase is unavoidable. The fees for sewer were not raised accordingly after the upgrade and therefore we have no choice but to do so now. Public Works Director Smith feels it is better to do one large increase now, and then drop it back down to 5% for the remaining three years to get our sewer fund back where it needs to be. Council Member Dawson asked that notifications be sent to our utility customers explaining the large increase, either through the news paper or the monthly billing. Public Works Director Smith stated this could be done.

Council Member Dan Smith stated that he would like to see a rates/fee justification and comparisons for all services to show our customers that the fees we are charging them are justifiable for our basic services and why we set the fees where we do. Public Works Director Smith stated that this can be done, but it will take a significant amount of time on the part of the staff and may be difficult since historically we have not had true numbers to run on when we are talking about the budget. Mayor Webster stated that even without a fee schedule comparison, we are going to start seeing good numbers come through on our financials come June/July of 2012. He understands that this is going to be tough for our citizens, but as a City we have to look at what it is going to take to ensure that we are charging what we need to in order to maintain the services we provide.

Council Member Smith went on to state that he still has issues with the amount the City charges for late fees for utilities. He believes we should not be "making money" on our late fees and he thinks the amount we charge is abusive. Based on his observation, the City had a significant improvement, with a decrease in the amount of late fee accounts after we raised the fee to \$40.00, yet we continue to charge the higher fee. Public Works Director Smith stated that he did not factor in an increase to the late fees over the next 4 years and left it at the previously approved \$40.00. Smith again stated that these fees are voted on and approved by the Council. If Council wants to raise the rates, or lower them, it is their decision to do so.

Council Member Smith stated he would like the late fee to be reduced to \$30.00. Public Works Director Smith states that if it is lowered, he would not like it to be lowered to a point that we see an increase in the amount of late notices, which in turn generates more work for the staff and crew. Council Member Smyth agrees that it should be reduced, but feels more comfortable with lowering it to \$35.00. Council Member Dawson agreed. Council Member Smith stated that we can lower the fee and see how it goes. If there is a significant increase in the number of late notices, we can then revisit the late fee amount and adjust it accordingly if need be. Council Member Smyth stated he was happy to see that we were not raising it, yet feels we need to be realistic in the amount if we decide to decrease it from the current amount. He also stated that we can implement a reduced late fee (35.00) and review the late fee account listing quarterly. If there is a need at that time to consider raising it, or lowering it, it can be reviewed quarterly and adjusted if needed. Council agreed.

Council Member Smith then raised a concern he had on the rates and fees schedule, Exhibit G, Airport Lot Lease fees. He stated that the wording of "Non-Commercial"

and "Commercial/Industrial Business" is incorrect. He believes this should read "Aviation" and "Non-Aviation". The FAA states you cannot have different fee schedules for aviation uses and that there are guidelines for the Lease fees.

Public Works Director Smith stated that he will check into this. Setting the fees has been a learning curve for Public Works Director Smith and Clerk Ruiz. He stated they are not trying to manipulate the fees or steer anyone wrong in anyway. Public Works Director Smith did state that there are going to be changes occurring at the airport, including charging for services provided at the airport – ie: water - as this is a utility service the City provides to the customers at the airport and we should be charging accordingly as we do for anyone else who we provide a utility service to. The City will give them a 90-day notification of the services we provide at the airport and the fees we will be charging for them.

Mayor Webster stated that City Attorney Chuck Zimmerman will be asked to look at our Municipal Code and have him address the concern regarding the Lot Lease fees at the airport (Aviation/Non-Aviation vs. Commercial/Non-Commercial) and give us his recommendation.

Council Member Smith stated that Resolution No. 11-11 as a whole looks good, however, he would like to have the late fee reduced to \$35.00 and have Exhibit G removed from the Resolution until it can be reviewed. Council agreed.

MOTION: Council Member Smyth made the motion to approve Resolution No. 11-11, setting the fees to be charged for City Services, with the exception of the late fee, which will be changed to \$35.00 with quarterly review, and striking Exhibit G (regarding Airport Fees) until further review by the City Attorney. All other fees were approved. Council Member Smith seconded the motion and the motion passed unanimously.

PUBLIC WORKS DIRECTOR JD SMITH:

PUBLIC WORKS UPDATE:

Public Works Director Smith stated that his crews have been working on winter preparations of the equipment – installing the plows and sanders, blowing out water lines and insulating water meters. The RV Park restrooms will remain open throughout the winter for the individuals choosing to stay at the RV Park through the winter. Public Works Director Smith also noted that the Safety Hoist, a purchase previously approved by Council, has been ordered.

Smith also noted that he had attended the CDBG Grant meeting with respect to potential water projects. There will be money available through the DOH that will be primarily for low income regions within municipalities. Our primary focus will be to individually meter all of the homes at the Angle Trailer Court.

BMC – TITLE 17 AMENDMENTS:

Public Works Director Smith presented Ordinance No. 836, which is an amendment to Title 17 of the Brewster Municipal Code with respect to the amount of notice required to be given to neighboring property owners of a variance application.

MOTION: Council Member Smith made the motion to approve Ordinance No. 836, as amended and noted in the ordinance. Council Member Smyth seconded the motion and the motion passed unanimously.

PLANNING COMMISSION UPDATE:

Kurt Danison, City Planner, presented to Council to review areas of the FSA amendments to the City of Brewster Comp Plan. City Attorney Chuck Zimmerman also had recommendations regarding the Development Agreement – Gamble Ranch Resort and handouts of these recommendations were given to Council. Danison stated that it is his recommendation that Council review the amendments to the Development Agreement based on the requests from Gebbers Farms (Gamble Ranch Resort) including the request that the City provide water services which would be offset by revenue sharing with the County, ie: 15% of taxes if homes are built, etc. He has also recommended that the City meet with the County to discuss this as well with Council review again after the meeting. If everything is agreed upon, the City could then consider submitting the Draft Development Agreement along with Gebbers Farms (Gamble Ranch Resort) for processing once both parties agree on a mutual attorney to do so, for a joint write up.

Danison also recommended that Council set a Public Hearing date for the Comp Plan regarding the amendments. Council agreed to set the Public Hearing date for December 14, 2011.

MOTION: Council Member Smyth made the motion to set the Public Hearing date for the Comp Plan review (Comp Plan with FSA amendments) for Wednesday, December 14th, at the Regular City Council Meeting. Council Member Dawson seconded the motion and the motion passed unanimously.

POLICE CHIEF RON OULES:

STATS AND UPDATES:

Police Chief Ron Oules stated that all stats are in line with normal. All but four hours of the overtime is being reimbursed. At this time with respect to the DOA PD vehicle replacement, they are awaiting more information from the DOA. The public hearing has been set, and more information should be available soon. The previously approved Fit for Duty Training for Officer Rieb will take place in Spokane and Okanogan – not in Brewster – for the appearance of fairness.

TEN MINUTE EXECUTIVE SESSION TO DISCUSS PERSONNEL:

At 7:45 pm, Mayor Webster announced that Council will now convene into a ten-minute executive session to discuss personnel.

At 7:55, Mayor Webster announced the closing of the executive session, and reconvened into the regular session.

ADJOURNMENT:

With there being no further business to come before the Council, the meeting was adjourned at 7:56 p.m.

Mayor Lee Webster

ATTEST:

City Clerk/Treasurer, Misty Ruiz