

Mayor Lee Webster called the meeting to order at 6:00 p.m. Council Members present were Dan Smith, Art Smyth, Bob Fateley, Kris Dawson and John Scheller. Also present were Assistant Public Works Director Lynn Lawson, Finance Director/Clerk Pamela Olsen, Chief of Police Ron Oules and Deputy Clerk Desha Dawson.

Council Member Scheller moved to approve the minutes from the Regular City Council Meeting on 01-19-2011, as submitted. The motion was seconded by Council Member Smyth 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 02/16/2011 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 #44225 through #44306, in the amount of \$152,836.02. Payroll Fund voucher numbers #12439 through #12500 in the total amount of \$88,036.93.

**ADDITIONS/CHANGES TO THE AGENDA:**

Mayor Webster noted the addition of an agenda item, Resolution No. 11-04, amending 10-12 regarding Police Department Paper Service Fees.

**MOTION:** Council Member Fateley made the motion to approve the February 16<sup>th</sup>, 2011 City Council Final Agenda with the addition of Resolution No. 11-04. Council Member Dawson seconded the motion and it passed unanimously.

**PUBLIC COMMENT:**

Roger Harnack presented to Council to discuss the Omak Chronicle and what services it offers, as well as the County it represents. He stated that there are 235 subscribers in Brewster. The paper represents all of Okanogan County. They have recently hired a reporter, formerly working for a local paper here in Brewster, and she now works for the Chronicle reporting on the Quad City area. Mayor Webster stated he was pleased to hear that they had hired Ms. Schweitzer as she does an excellent job reporting in the Quad City area. Council Member Dawson and Council Member Fateley also stated that the Chronicle does an excellent job reporting on this end of the County.

Mr. Harnack also presented Council with price quotes for running our legal advertising – as he feels they are competitive with respect to rates when compared to other newspapers that circulate in the area. A City of our size does not need to go to a bid process for our legal advertising paper (who we publish our notices with). Council Member Dawson recommended that we designate the Chronicle as our official newspaper. Mayor Webster stated that the Chronicle would be a good choice with respect to pricing and circulation base. Finance Director Pamela Olsen stated she will draft a resolution stating such for the March council meeting for review and pending approval.

**MAYOR WEBSTER:**

**UNION COMPLIANCE:**

Mayor Lee Webster stated that he would now read a Notice to Employees from the Public Relations Commission (PERC) with respect to WA Teamsters Local 760, Collective Bargaining, citing that the City of Brewster committed Unfair Labor Practices in violation of collective bargaining laws. Mayor Webster stated that the Law requires he read this notice and that it be integrated into the Council minutes. The Notice reads as follows:

*“The Washington Public Employment Relations Commission conducted a legal proceeding in which all parties had the opportunity to present evidence and argument. The Commission ruled that the City of Brewster committed unfair labor practices in violation of the State Collective Bargaining Laws, and ordered us to post this notice to employees”.*

*“We unlawfully failed to bargain in good faith by reversing tentative agreements made with Teamsters Local 760 in negotiations, and by refusing or failing to meet and negotiate with the union”.*

***“TO REMEDY OUR UNFAIR LABOR PRACTICES:***

*WE WILL meet and negotiate, upon request, in good faith with Teamsters Local 760 on a successor collective bargaining agreement to replace the agreement that expired December 31, 2009.*

*WE WILL NOT reverse tentative agreements made with Teamsters Local 760 in negotiations.*

*WE WILL NOT refuse or fail to meet and negotiate with the exclusive representative of our employees.*

*WE WILL NOT, in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington”.*

When finished reciting the above Notice to Employees, Mayor Webster stated that this has stemmed from a hearing that had been scheduled in Brewster. Mayor Webster stated that the City, he believes, was not properly notified of the meeting and did not have a City Representative present at this meeting. Therefore, we were in non-compliance.

There is another hearing scheduled for tomorrow. He received an e-mail notification of this at 1pm today; however no other notification had been received by him as of today. He contacted the Union representative and asked for a continuance of this meeting due to lack of notification, however, this was denied. Council Member Fateley stated that he believes with respect to collective bargaining, the City has been complying with what the Union has requested – what we have been notified of – and does not believe the City has “refused” to bargain at any time.

**INTENT TO ADOPT THE SHORELINE MASTER PLAN – RES. NO. 11-02**

Mayor Webster presented Resolution No. 11-02. The DOE wants the City of Brewster to signify that we are moving forward with our Shoreline Master Plan. This resolution will state our intent to adopt an updated Shoreline Master Plan. This has been many years in the works. At this point, there are some minor changes being made to the final

plan by the DOE. The SLMP does affect our funding, so it is imperative that we pass this resolution. Mayor Webster thanked the Planning Commission and people involved in this process as they have put a tremendous amount of work into it and he appreciates their efforts.

**MOTION:** Council Member Smith made the motion to approve Resolution No. 11-02, announcing the City of Brewster's intent to adopt an updated Shoreline Master Program. Council Member Smyth seconded the motion and it passed unanimously.

#### PERSONNEL POLICY ADOPTION OF AMENDMENTS – RES. NO. 11-03

Finance Director Pamela Olsen stated that this is a follow-up to a previous amendment to the City Policy and Procedure Manual that was originally done in 2006, and it was missed. It had been an action item on the minutes from that year, however, it was never followed up on and "fell through the cracks". It has to do with the FMLA portion of the P&P Manual. Currently, Mayor Webster and City Department Heads have been working on updating the P&P Manual and making changes and updating it where needed. At this time, it is requested that Council approve Resolution No. 11-03, which will formally adopt the changes made back in 2006.

**MOTION:** Council Member Smyth made the motion to adopt Resolution No. 11-03, repealing all former resolutions related to the adoption and amendment of the City of Brewster's Personnel Policies and adopting the revised Personnel Policies effective March 2006. Council Member Dawson seconded the motion and it passed with four (4) in favor, one (1) abstained. Council Member Smith abstained from the vote as he would prefer to review the P&P Manual before making his vote.

#### RESOLUTION NO. 11-04- AMENDING 10-12 REGARDING POLICE DEPT FEES:

Resolution No. 11-04 is presented to Council for review and approval tonight at the request of Police Chief Ron Oules. This will amend the fees charged for paper service. This fee was overlooked by Police Chief Oules when doing yearly fee increases. Compared to last year's fee, this is quite an increase, however, when compared to what the County charges for this service it is right in line. The fee proposed for paper service by the City of Brewster Police Department will be \$50.00, and includes the paper service, mileage, return of service and other fees associated.

**MOTION:** Council Member Smith made the motion to adopt Resolution No. 11-04, which amends Resolution No. 10-12, setting fees to be charged for Police Department Services – containing a severability clause. Council Member Smyth seconded the motion and it passed unanimously.

#### PAMELA OLSEN – CLERK/FINANCE DIRECTOR:

#### MONTHLY FINANCE REPORT:

Finance Director Pamela Olsen stated that the December report had been sent out for council review. She also provided copies of the interfund loans. Olsen stated the numbers are not as bad as expected, yet are still not where she would like to see them.

The Police Department vehicle grant money came in, which helped get this fund back into balance. Mayor Webster stated that January's numbers are looking much better than those from two months ago.

Council Member Dawson asked why things look so much better now than before? Finance Director Pamela Olsen stated that this is due to the interfund transfers to get things to balance for year end. She borrows from other funds to get others to balance, and then these borrowed balances are paid back to the appropriate funds. The streets fund may take a bit longer to build back up as there is not a lot of money that comes in for this fund. It would have been worse if our winter had been more severe.

Council Member Scheller asked Finance Director Pamela Olsen, based on her experience, does she feel comfortable with the budget for 2011 and how it is stacking up. Finance Director Pamela Olsen stated that she believes the City will be okay, so long as we are careful and do not spend any more money than we have to. We have had to pull our reserve funds down in order to cover costs, but is doing what she can where she can to get the reserves built back up. Council Member Fateley stated that as he recalls, about 7 years ago, our cumulative reserve fund was in the \$40K range. Today, it is only \$6K and we really need to focus on getting all of our reserves built back up. Council Member Fateley stated that not having our reserves is scary. We do not have our "cushion". With State funding disappearing, we need to have a back up.

#### **ASSISTANT PUBLIC WORKS DIRECTOR LYNN LAWSON:**

##### **PUBLIC WORKS UPDATE:**

Mayor Webster announced that Dave Reynolds has relinquished the Assistant Public Works Director position, and this position is now held by Lynn Lawson. Assistant Public Works Director Lawson is here tonight to give the Public Works Dept. report.

Assistant Director Lawson stated that there were about three or four repairs needed at the WWTP. It did not cost a lot of money, just took a lot of time. He stated that the trees at the RV Park (pine trees behind pool fence) had been removed. It was necessary to do this, as the trees (needles) were causing problems for the pool pumps and by taking these trees out it will hopefully cut down on some of the filtration/pump issues that were occurring. He also stated that some dangerous trees the Cove Park had been removed as well. Along with tree removal, the parks/streets crew has been working on equipment maintenance, tractors, mowers, etc., getting ready for spring.

##### **TRAINING REQUEST:**

Assistant Public Works Director Lawson submitted a training request for Building Inspector Darren Moore. This is a three-day conference in Leavenworth and is required for him to maintain his certifications. The class is March 16<sup>th</sup>-18<sup>th</sup>, with a total cost for meals, lodging and class fees of approximately \$650. Pateros has helped pay for this in the past as he does inspections for the City of Pateros via contract with the City of Brewster. Lawson believes the City of Pateros pays \$200.

**MOTION:** Council Member Fateley made the motion to approve the training request for Building Inspector Darren Moore, to attend the Building Inspector Recertification Conference, of which the City of Pateros pays no less than \$200 of the training cost. Council Member Smith seconded the motion and it passed unanimously.

**POLICE CHIEF RON OULES:**

**STATS AND UPDATES:**

Police Chief Ron Oules reviewed the 2010 stat comparisons. Calls for service in 2010 were 13% less than those numbers presented in 2009. He believes this decrease is due to the hard work of his officers in arresting most of the individuals who were responsible for these calls.

As for current statistics, there has been a lot of call out, and his officers will begin checking into junk vehicles. He thanked the City Staff and Crew for their help in January. That was a tough month for the PD with a lot of things happening with many officers off work due to injury or family emergency.

Police Chief Ron Oules stated that they have recently cleaned out the evidence room. This consisted mostly of firearms. Oules stated that these can be sold on a closed bid format. He also noted that they can be sold a group bundle to a gun dealer; however placing them up for sealed bid is more lucrative to the department financially. There are about 25 weapons that are cleared – all weapons in evidence require dispositions in order to release them for sale. All money from the sale of the weapons will go back into the PD budget for training, etc.

Police Chief Ron Oules informed Council that the DARE Program, recently funded through the Brewster PD, will now be funded and sponsored by the Brewster School District. It will begin this year. Brewster is the only town in the area that still has an active DARE program and is pleased that the school will now be restarting it.

**15 MINUTE EXECUTIVE SESSION:**

**RCW 42.30.110 – Discuss Personnel:**

At 7:05 pm, Mayor Webster announced that they would now be convening into an Executive Session, lasting 15 minutes, to discuss personnel.

At 7:20 pm, with no further discussion, Mayor Webster announced that the Council would now reconvene into Regular Session. No action was taken following the Executive Session.

**ADJOURNMENT:**

With there being no further business to come before the Council, the meeting was adjourned at 7:21p.m.

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Mayor Lee Webster

ATTEST:

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City Clerk/Finance Director Pamela Olsen, MMC