

Mayor Lee Webster called the meeting to order at 6 p.m. Council Members present were Dan Smith, Art Smyth, John Scheller, Kris Dawson and Bob Fateley. Also present were Public Works Director JD Smith, City Clerk Misty Ruiz, Police Chief Ron Oules, Deputy Clerk Desha Dawson and City Attorneys Chuck Zimmerman and Julie Norton.

Council Member Scheller moved to approve the minutes from the Special Council Meeting on 6/8/2011 and the Regular City Council Meeting on 6/22/2011 with grammatical corrections to page pages 1 and 4 and Council Member Smith asked that the word "commercial" be removed from page 6, paragraph 7 to read as "One rate was for aviation, the other for non-aviation" instead of *commercial aviation and non-aviation commercial*. 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 07/13/2011 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 #44613 through #44670 in the amount of \$40,344.89. Payroll Fund voucher numbers #12653 through #12698 in the total amount of \$81,864.86.

ADDITIONS/CHANGES TO THE AGENDA:

Mayor Webster asked for the addition of a 20 minute Executive Session at the end of the agenda to discuss Potential Litigation. City Attorneys Chuck Zimmerman and Julie Norton are present at this meeting.

MOTION: Council Member Fateley made the motion to approve the July 13, 2011 City Council Final Agenda with the addition of the 20 minute Executive Session. Council Member Smith seconded the motion and it passed unanimously.

PUBLIC COMMENT:

SCOTT BAKER – AIRPORT:

Scott Baker of Versatile Investments (also a lease holder at the Anderson Field Airport) presented to Council once again to ask what has happened since the last meeting. It was his belief that at the last meeting, a motion had been made to begin the termination process for the Golden Wings Aviation lease (Smith's). A motion was not made during that meeting. City Attorney Chuck Zimmerman stated that it is not that easy. There are procedures that need to be followed when terminating a lease. Mr. Baker stated that he had received a letter from the City stating that his lease would be revoked if he violated the terms of the lease again – so why not the same treatment for the Smith's as they have consistently violated the terms of their lease? Baker says he is frustrated as some of the lease holders at the airport, he in particular, fought to get ordinances and policies in place in order to avoid all of the issues that are occurring at the airport on a daily basis, yet no one is enforcing them.

Mr. Baker is also frustrated with the fact that Council Member Dan Smith is allowed to be on Council, live at the airport, and not do anything when he sees that his father's business (Golden Wings Aviation) is violating the terms of their lease. Mr. Zimmerman stated that he has recommended that Council Member Smith not

participate in any discussion regarding the airport, whether that be in the open meeting or in an executive session, however, it is ultimately up to Council Member Smith, not to Mayor Webster and the rest of Council's discretion whether or not he participate. Mr. Zimmerman, however, strongly advises Council Member Smith not to participate in any discussions regarding the airport.

Baker stated that he has the Police called on him on a regular basis, yet when he calls to report a violation, no one shows up and nothing is done. Mayor Webster stated that the Police need to be called when the violation is taking place, not days after the fact. In order to determine whether anyone is committing a violation, the sooner the call – the sooner something can be done.

Mr. Zimmerman stated that at this time, determination is being made on what the actual violations are and which lease the violations are occurring on, if it is one or all of them. If a notice of violation is issued, they have 30 days to rectify the violation. If the violations are not corrected, then the lease(s) will not be renewed. This applies to any lease holder at the airport. Public Works Director JD Smith stated that when a violation is noted, a letter is issued stating the violation and the time allowed to correct it. When that time limit is up, then daily fines are imposed (with respect to parking for example). He also stated that letters have been issued regarding violations and it is being monitored daily.

Baker states that it is his understanding, from previous minutes, it was stated by Council that Mr. Baker would have one space, Smith's would have a space and the other space would be designated for transient parking. Public Works Director Smith noted that this was stated only in the minutes and is not reflected in the ordinance and this needs to be changed. It should be stated that leased property owners at the airport will not be allowed to park on the ramp, and this ordinance will be changed. At one time, there were 13 aircraft on the ramp and Med Star came in for a patient transport and no place to park. This cannot happen again.

It is also noted that residences at the airport are no longer allowed. There had been a previous provision to this when the airport manager lived at the airport; however, the airport manager is now the Public Works Director.

Council Member Fateley stated that he was on Council when the Smith's hangar went up 25+ years ago. At that time, the Smith's were the only ones out there. With the increase in the hangars and leases, we are now running into problems. It is his hope that City Attorney Zimmerman can give the City the direction we need to handle these issues from now on. He feels the Council is working hard to rectify the things that are happening out there and agrees that things do need to change. Mr. Zimmerman stated that the plan is to find balance between all of the lease holders and the competing business at the airport and get ordinances and regulations in place for everyone to follow, no exceptions.

Council Member Fateley stated in his opinion, the Smith's have not been "stellar" tenants over the years and agrees that things need to change. Our airport looks awful compared to other airports with all the junk that is out there. Dave Smith Jr (Golden Wings Aviation) stated he does not think this is true, as his mother did many improvements over the years with respect to planting grass, flowers, etc. Fateley stated that that is irrelevant and would prefer that Mr. Dave Smith stick to his "no comment" status. Flowers and grass are not the issue at hand.

Baker stated it is his opinion the airport will not attract new tenants for two reasons – the overall appearance of the airport and all of the issues that are going on. Tom Benner, attorney present and representing Golden Wings Aviation, stated he believes Mr. Baker tends to make the problems bigger than they are. He also stated that the Smith's would like to resolve the issues they have with the City. Baker is a direct competitor with them. He also stated that the ramp fees are unfair and sporadic. Mr. Benner stated that the Smith's (Golden Wings Aviation) want to continue to operate their business at the airport and continue their leases. They have an investment in this and hopes that when their competitor (Scott Baker, Versatile Investments) comes to the Council meetings and "screams and rants" about his clients (Smiths) that it does not affect the way the City deals with the situation. Benner and Zimmerman will set up a meeting to discuss this further at a later date.

City Attorney Chuck Zimmerman stated that historically, this is the time of year when all of the airport issues arise – it is busy season at the airport with cherry harvest, etc. He stated that the City does need to get ordinances and regulations in place so we are not back here again the same time next year dealing with the same issues. Regulations and ordinances in conjunction with appropriate enforcement are key.

Mr. Baker stated all he is asking for are 100%, bulletproof regulations and ordinances for the airport that are clear, concise and enforced properly and apply to everyone. Mayor Webster stated that this is the intent, and changes will be made.

MAYOR WEBSTER:

ORDINANCE NO. 835 – SETTING NEW DATE FOR PLANNING COMMISSION MEETING:

Ordinance No. 835 was presented to Council for review and approval. If approved, the new meeting date for the Planning Commission would be the fourth Wednesday of each month, 6:00 pm, at the Brewster City Hall.

MOTION: Council Member Smyth made the motion to approve Ordinance No. 835, setting the new meeting date for the Planning Commission for the fourth Wednesday of each month. Council Member Dawson seconded the motion and the motion passed unanimously.

OKANOGAN COUNTY PUD PRIVILEGE TAX – RES. 130-2011 REVIEW:

Mayor Webster reviewed the letter and attached copy of Resolution 130-2011 from the Okanogan County Commissioners regarding our PUD privilege tax monies and their disbursement. The City of Brewster will receive approximately \$14K per year for our portion. This amount may fluctuate with power sales. This money, when received, will go into the General Fund.

GEBBERS FARMS URBAN GROWTH BOUNDARY MODIFICATION REQUEST:

(This was reviewed under the Public Works Planning Commission Updates)

LETTER OF RESIGNATION:

Mayor Webster stated that he had received a letter of resignation from prior Clerk/Treasurer Pamela Olsen, dated July 5, 2011.

MISTY RUIZ – CITY CLERK TREASURER:**MONTHLY FINANCE REPORT:**

Clerk Misty Ruiz stated that the City is making improvements with respect to our finances. She stated that the Clerk's office has been very busy lately accommodating everyone, from the auditors to making sure the accounts payable and minutes are done in time to get the packets out on Friday before Council as requested, etc. She stated that with the auditors here and the trouble with the Utility billing this month it was difficult to get this all done in the short amount of time between the Council meetings, but it did get done.

She informed Council that \$7,500 went to the Okanogan County Treasurer for Jail Fees this month. The \$80K Public Works Trust Fund payment went out this month as well. She stated that all three department heads and their staff have been working very hard to cut costs and are working very well together, far better than in years past.

On follow-up to previous Council meetings, she stated that bids for getting a new copy machine will come in at the end of this year. IKON is a state bid copier service, and is one we will be looking at. Our current supplier (Rodstol) has been notified and will be presenting cost comparisons.

The previously scheduled special meeting for July 20th was cancelled because of a conflict with scheduling. Clerk/Treasurer Ruiz had a meeting scheduled with a consultant during that time. The information gained during this consult would be relevant to the special meeting and Ruiz stated that this special meeting would be rescheduled after the information from the consultant had been obtained.

Public Works Director Smith stated that he would like to see more Council involvement with respect to the departments at the City, how they are doing and just how they are ran. To his knowledge, he does not know of any of the Council members coming to City Hall and meeting with the department heads to discuss just how their specific departments are doing with respect to staffing and budgeting. In particular, there had been a motion at a prior Council meeting that each department lay off one employee in order to save money in light of budget constraints. The motion did not pass; however, he does not believe this is a fair for Council to ask for cuts like this without first sitting down and discussing the whole picture with each department head and the Clerk. He stated that this is just his opinion. Council Member Scheller stated he believes Smith brings up a relevant point and it is a good idea, however, states that some hard decisions may need to take place that will end up effecting certain departments. Scheller stated that after months of sitting back and observing things, he sees where things, such as potential employee lay off's, may need to happen. Public Works Director Smith stated again that this is only his opinion and is a defensive reaction on his part because he feels that Council is making decisions without knowing what is really going on in each department and how our financial status has improved as well as how hard each department has been working to make cuts and save money.

Council Member Dawson stated that she is at times embarrassed to be on the Council because our streets are terrible and need to be fixed. When citizens ask her why the streets are not being fixed, she feels bad telling them that it is because we (City) are broke and cannot tell them why we are broke. Something needs to be done.

Council Member Smyth stated that we are finally starting to see good numbers on our finances. The prior numbers were not right and it is not fair to make any decisions until

after Clerk Ruiz meets with the consultant, the audit is completed and then we can make decisions based on that information, if needed.

PUBLIC WORKS DIRECTOR JD SMITH:

PUBLIC WORKS UPDATE:

The Water Comp Plan should be done by July 31st. Erlandsen's has been working on this for us. They currently have a billing submitted for \$4,061 for engineering functions. Because this amount is over \$2,000, Public Works Director Smith stated he needs Council approval to pay this invoice.

MOTION: Council Member Smyth made the motion to approve the payment of \$4,061 to Erlandsen & Associates for engineering functions performed with respect to the City of Brewster Water Comp Plan. Council Member Dawson seconded the motion and the motion passed unanimously.

Public Works Director Smith stated that 3rd Street has been graded as requested by the residents on this street at the last Council meeting. He also reported that there have been three new water service connections installed, two inside city limits and one outside, which resulted in revenue of \$7,844.

AIRPORT UPDATE:

(Discussion on this topic is covered under Public Comment).

PLANNING COMMISSION UPDATE:

Public Works Director Smith reviewed the letter sent to the Mayor from Gebbers Farms regarding their request for the City to modify the City Comp Plan to include property they are developing into our Urban Growth Boundary.

Mayor Webster stated that the City has water rights that we need to use or we will lose them. We need to show our potential for growth with respect to these water rights. Mayor Webster stated, in his opinion, if Gebbers wants this are included in the UGB, the City will provide domestic water, charge each person requesting a water connection the fees for such as well as the monthly utility billing, however, Gebbers would need to be responsible for all of the development of the water infrastructure.

The Planning Commission would like to set up a workshop with Council to discuss the UGB request as well as any changes to our current UGB that may need to be done in order to accommodate Gebbers request. The Planning Commission would like at least two Council members to attend this workshop. Council Member Dawson and Council Member Smyth both volunteered to attend. A meeting will be set up for this week, or the following week.

CITY PHONE PLAN REVIEW:

Public Works Director Smith stated that he has been working with Frontier Communications and Verizon Wireless regarding our internet/main phone services as well as our cell plans to see how we can reduce some of our monthly charges. At this time with the plan revisions, he has calculated a savings on the phone/internet service of \$6243 per year; cell savings of \$3810 per year. There are two employees who wish to

have additional services on their cell phones that are not covered by the City and they will have payroll deductions set up to cover those additional fees.

POLICE CHIEF RON OULES:

STATS AND UPDATES:

Police Chief Ron Oules stated that overtime is in line with normal. The June overtime was completely reimbursed. Stats are in line with normal as well, including calls for service. His department continues to do what they can to save money and cut costs.

At 7:30 pm, Mayor Webster announced that Council will now adjourn for a 5 minute break. After the break, Council will reconvene and then adjourn into an Executive Session.

20 MINUTE EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION:

Mr. Zimmerman stated that because this potential litigation discussion involves Golden Wings Aviation, it is his recommendation that Council Member Dan Smith not attend or participate in this executive session (as Council Member Smith had previously stated that he would not participate in any discussions involving his father's leases, ie: Golden Wings Aviation). This is Mr. Zimmerman's recommendation. At that time, Council Member Smith excused himself from the meeting and did not attend nor participate in the Executive Session.

At 7:35 pm, Mayor Webster announced that the Council Meeting will convene into an Executive Session, lasting 20-minutes, to discuss potential litigation. Council Members Dawson, Smyth, Scheller and Fateley were in attendance. Council Member Smith was not present. City Attorneys Chuck Zimmerman and Julie Norton from Ogden, Murphy, Wallace were also present.

At 7:55, Mayor Webster announced a 15 minute extension of the Executive Session.

At 8:10 pm, with no further discussion and no action, Mayor Webster announced that the Council will now convene back into Regular Session.

ADJOURNMENT:

With there being no further business to come before the Council, the meeting was adjourned at 8:10 p.m.

Mayor Lee Webster

ATTEST:

City Clerk/Treasurer, Misty Ruiz