

Mayor Lee Webster called the meeting to order at 6:00 p.m. Council Members present were Dan Smith, Art Smyth, Kris Dawson, Dave Freels and John Scheller. Also present were City Attorney Chuck Zimmerman, Public Works Director JD Smith, City Clerk Misty Ruiz, Police Chief Ron Oules and Deputy Clerk Desha Dawson.

❖ **PLEDGE OF ALLEGIANCE**

1. Ordinance No. 842 – Brewster Municipal Airport (Amendment to Ord. No. 840)

City Attorney Chuck Zimmerman reviewed Ordinance No 842 and Resolution No. 12-04. Zimmerman stated that the Ord. 842 defines provisions related to parking aircraft and rotorcraft. He noted that this specifically states anyone who holds a lease on Airport land, and is paying the favorable rent rates, cannot also lease transient tie down spaces that are designated for “transient aircraft”. Zimmerman stated the ordinance and resolution were the result of input and evaluation of alternatives by Mayor Webster, JD Smith, and the Council Committee composed of Council Member Scheller and Council Member Dawson.

MOTION: Council Member Scheller made the motion to approve Ordinance No. 842, amending previous Ordinance No. 840, outlining that leaseholders or airport-based owners and operators of aircraft, including rotorcraft, shall not be eligible to obtain permits for transient-or temporary parking of aircraft (rotorcraft) in the limited number of spaces located on the airport ramp. Council Member Dawson seconded the motion. Following the Discussion summarized below, the motion passed with a vote of four (4) in favor, one (1) opposed (Council Member Dan Smith opposed).

2. Res. No. 12-04 – Brewster Municipal Airport (Amendment to Res. No. 12-01)

City Attorney Chuck Zimmerman reviewed Resolution No. 12-04, which amends previous Resolution No. 12-01. Zimmerman stated that the Res. 12-04 which amends the previously set fees clarify that the per square foot lot lease rates are applicable to only unimproved aviation and non-aviation leases at the Airport and that lots with improvements built on them should be subject to a lease rate approved by the City Council and generally based upon the value of the improved property. (The annual tie down fee was removed).

These provisions now address the two lease agreements with respect to undeveloped land, and that they will want to make improvements on them.

MOTION: Council Member Scheller made the motion to approve Resolution No 12-04, amending previous Resolution No. 12-01, as outlined above. Council Member Dawson seconded the motion. Following the Discussion summarized below, the motion passed with a vote of four (4) in favor, one (1) opposed (Council Member Dan Smith opposed).

Discussion:

Council Member Smith asked if these proposals were run through the FAA and the WSDOT Airport Layout Plan to see if it violates our grant assurances. Zimmerman stated that he did not, and does not know if anyone else did. Council Member Smith went on to state that he believes the ordinance/resolution are inconsistent with our grant agreements and are inappropriate. Zimmerman asked Council Member Smith to

identify which specific grant assurances were violated by the Ordinance and Resolution. Council Member Smith stated he did not have them in front of him, but he believes a violation exists.

Smith states that these documents deny tenants the ability to pay for and use these lots for short periods of time for loading and unloading. He is not aware of any airport in the state that does not allow tenants to use the tie down parking spaces. Zimmerman stated that they are not denying use of these areas, and that it simply states you cannot "camp" or "park" an aircraft there for an extended period of time. The fines for parking on the ramp are only imposed after 30 minutes, which should give anyone operating an aircraft in this area sufficient time to do what is needed and move on. Council Member Smith stated he believes the problems at the airport are due to ignorance. He then asked if the airport engineer was consulted with respect to the changes.

Mayor Webster stated that these are "living" documents. If the City is doing something that is found to be "inappropriate" by the FAA, or that violates the City's approved WSDOT Airport Layout Plan, we can make any necessary changes.

Public Works Director Smith stated that the issue with use of the transient spaces came to light in 2009. The entire tie down space area was in use by fixed tenants and there was nowhere for a transient aircraft to park. Zimmerman stated that this does not mean tenants cannot park on unimproved areas at the airport, as designated by the manager. It simply means that tenants cannot park in the tie down area designated for transient aircraft parking.

Council Member Smith stated that the FAA allots the ramp space, which is determined by the operations at the airport. He said the last study was done in 2005. He states that one (1) business (fixed base operator) does 90% of operations at the airport. Ramp space is based on airport activity, activity is performed by the tenants and those tenants should be allowed to use the FAA allotted ramp space. He believes that the City should not punish these tenants of almost 40 years (full based operation tenants).

Individuals associated with Golden Wings Aviation have requested to rent four (4) of the tie down parking spaces at the airport, two spaces were requested by Dave Smith Jr and two spaces were requested by Dave Smith Sr.

Dave Smith Jr. stated that not allowing tenants to rent the tie down spaces or utilize the ramp is ignorant and it is stupid to ask him to land his aircraft/rotorcraft at night in a dirt space or a space that is not lighted properly. It is unsafe and ignorant on the part of the City.

20 MINUTE EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION:

MOTION: Council Member Freels made the motion to convene into a 20-minute Executive Session at 6:30 pm to discuss potential litigation. Council Member Smyth seconded the motion and the motion passed unanimously. Council Member Smith did not participate in the Executive Session.

At 6:50 pm, Mayor Webster announced the closing of the Executive Session, and convened back into regular session. No formal action was taken.

Council Member Freels moved to approve the minutes from the Regular City Council Meeting on 02-15-2012 and Special Meeting on 2-08-2012 (with wording correction requested by Council Member Smith, pg2). 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 03-14-2012 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 #47087-#47095 and #47124-#47181 in the total amount of \$105,030.11. Payroll Fund voucher numbers #112-#120, #126-#142, #153, #47026-#47029, #47086, #47096-#47108, #47110-#47115 and #47117-#47119 in the total amount of \$100,678.22.

MOTION: Council Member Smyth made the motion to approve the above noted bills and payroll for payment. Council Member Scheller seconded the motion and the motion passed unanimously.

ADDITIONS/CHANGES TO THE AGENDA:

Mayor Webster asked that Mr. Zearl Wilson be added to Public Comment. He also asked that the Interlocal Agreement with Okanogan County for Building Inspection Services be added to the Council agenda under the Mayor's section.

MOTION: Council Member Freels made the motion to approve the March 14, 2012 City Council Final Agenda with the addition of the items noted above by Mayor Webster. Council Member Smyth seconded the motion and it passed unanimously.

PUBLIC COMMENT:

IRMA CHILDERS – LOCUST WAY LIGHTING:

Ms. Childers presented to request additional lighting on Locust Way. Council discussed this, as well as that additional lighting had been placed as previously requested by Ms. Childers and other residents on Locust Way in 2010. Council discussed this with no formal action was taken at this time.

ZEARL WILSON – COMPLAINT ABOUT JUNK VEHICLE CONTACT BY PD:

Mr. Wilson presented to Council to voice his complaint about how he was contacted regarding a possible junk vehicle in front of his home. He stated it was after 8:30 at night. He was told it needed to be licensed and operational. He has licensed it and the vehicle is operational. Police Chief Oules explained the junk vehicle rules and said he would check into how and when he was contacted.

Mr. Wilson also stated that the City has several areas that only have weeds growing in them and he would be happy to plant flowers and help maintain them for the City. Council Member Freels stated he would contact him regarding himself personally purchasing the plants for this purpose.

DRAFT DEVELOPMENT AGREEMENT REVIEW (GEBBERS FARMS)

Public Works Director Smith, Roger Erlandsen, Mayor Webster and two (2) Council members will meet to discuss and review this further, prior to April Council. No formal action was taken at this time.

ORDINANCE NO. 839:

Ordinance No. 839 was presented to Council prior to the meeting for review.

MOTION: Council Member Smyth made the motion to approve Ordinance No. 839, amending certain provisions of Chapter 5.04 of the BMC to provide for the denial of business licenses for any activity that is detrimental to public peace, health, or welfare, or that is illegal under State or Federal law. Council Member Freels seconded the motion and the motion passed with a vote of four (4) in favor, one (1) opposed. (Council Member Smith opposed).

COUNCIL MINUTES FORMAT:

Mayor Webster stated that on the recommendation from City Attorney Chuck Zimmerman, that our Council Minutes format be changed from verbatim minutes to action minutes. Typing the verbatim minutes is very time consuming for the Deputy Clerk and since we (City) are now digitally recording our minutes, he does not see the need to have lengthy typed minutes when we have the tapes to refer back to if any questions arise. There are also members of the audience, media and Council that are recording the minutes as well.

BUDGET REVIEW:

Mayor Webster stated that there needs to be a discussion with regards to the Police Department. A decision needs to be made whether or not to replace Officer Rieb's position. Mayor Webster believes that the City needs to replace the officer. Police Chief Ron Oules stated that if he is allowed to replace Officer Rieb's position, he will still be within his budget for the year. Council Member Freels stated that he has been told by some citizens in Brewster that we have too many police officers. Council Member Smyth believes that a public survey or public meeting to discuss this may be helpful in that informing the citizens of Brewster how many officers we have on shift, where the gaps in coverage are, or may be and how it may or may not affect them.

Council reviewed the 2011 W-2 recipient list for the City of Brewster. This includes full-time, part-time, temporary/per diem, and seasonal (pool, summer food, park) employees. The City currently employs seventeen (17) full-time employees.

MOTION: Council Member Scheller made the motion, considering the City's financial status at this time, that we continue the City wide hiring freeze. This includes no hiring of any full-time or additional part-time positions not listed on the 2011 W-2 recipient list. (See attached). Council Member Dawson seconded the motion and the motion passed with a vote of three (3) in favor, two (2) opposed. (Council Members Scheller, Freels and Dawson in favor, Council Members Smyth and Smith opposed).

DISCUSSION: Council Member Smyth stated that he is against not hiring an officer to replace Rieb's position. He stated that you cannot put a monetary amount on public safety. He also stated that he believes it is a detriment to our community's safety and well being.

MOTION: Council Member Smyth made the motion that the current hiring freeze of any full-time or additional part-time positions not listed on the 2011 W-2 recipient list (previous motion) be reviewed every other month, beginning in April 2012. Council Member Smith seconded the motion and the motion passed with all in favor.

In response to the City's financial status, Oules noted that we (City) are sitting better now than we were a year ago. Why are we still stating that we are broke? The City Department Heads and staff have done everything that has been requested of them, and more, to save money and cut costs.

Council Member Scheller and Freels stated that we need to get our reserve funds built back up in order to complete necessary projects and prepare for unexpected expenses. Council Member Dawson stated she would like to see projects be done this year. Council Member Freels believes top priority should be repairing the Plaza Way drain system and would like quotes for this repair to be done by the City crew. Public Works Director Smith stated that it would be approximately 47K to do this. Public Works Director Smith asked if Council would be willing to approve this expenditure. Council Member Freels stated that Grants for this repair should be investigated. If we can get a grant to help cover some of the costs – that would be great, but if not, we will need to spend the money out of our budget to do it.

ACTION LIST FOLLOW UP:

The action item list from the February Council meeting was reviewed (see attached). The following requests, notes and discussions are outlined on the action item list for April.

INTERLOCAL AGREEMENT WITH OKANOGAN COUNTY (BUILDING INSPECTION AGREEMENT):

Mayor Webster stated that since the abrupt resignation of our previous building inspector in August of 2011, the City has been working hard to fulfill any building permit requests submitted, however due to the fact that we have had to enlist the services of inspectors in Twisp and Okanogan, this has been a difficult task. The County has agreed to provide interim building inspector services, however, will require an Interlocal Agreement to do so.

Citizen Martin Hurtado presented to voice his frustration over the process he has had to go through in getting approval and permits to open his new business for the past three to four months. Mayor Webster apologized to Mr. Hurtado for the delay, and again reiterated that we have been working to remedy our building inspection issues. With the Interlocal Agreement, this will allow the County to provide these services for us.

MOTION: Council Member Smyth made the motion to authorize the approval of the final draft of the Interlocal Agreement with Okanogan County for building inspection services with the City of Brewster. Council Member Smith seconded the motion and the motion passed unanimously.

Public Works Director Smith told Mr. Hurtado to present to City Hall at 8 am tomorrow morning (3/15/12) and he would then be able to sign off on the permit and issue him a business license. Mr. Hurtado thanked him and stated he would be in tomorrow.

MISTY RUIZ – CITY CLERK TREASURER:
MONTHLY FINANCE REPORT:

Clerk Ruiz reviewed the monthly financial status with the Council. She also reviewed the requests for information made by Council Member Scheller, Dawson and Freels on the morning of Council stating that her staff did the best they would with the time frame given to obtain this information. Ruiz stated she had been at training in Chelan and did not have time to get all of the information gathered, but did what she could.

With respect to the City funds, she does want to keep any transfers to a minimum. She also stated that the Cash and Investment report will be available to Council every month and if anyone has any questions they can contact her any time.

JD SMITH – PUBLIC WORKS DEPARTMENT:

PUBLIC WORKS UPDATE:

Public Works Director Smith stated that the crew has finished the repairs on the sweeper and have started sweeping the streets. There have been some issues lately with people dumping garbage at the cemetery in the burn pile. Also, when the gates are locked, people are driving around them going through the grass and driving over the headstones. This will not continue and the City will be putting signs up and making it so that the cemetery cannot be accessed except through the main gate and will only be open Monday through Friday, 8am to 3:30pm.

POLICE CHIEF RON OULES:
STATS AND UPDATES:

Police Chief Ron Oules reviewed the March Stats and February Overtime reports. He stated that these are in line with normal with the stats actually showing a 20% increase in calls for service compared to this same time last year. Oules also stated that the DARE program will restart Monday at the Brewster School. The school is reimbursing the department for the time spent teaching the program.

ELECTION OF THE MAYOR PRO-TEM:

MOTION: Council Member Scheller made the motion to elect Council Member Art Smyth as Mayor Pro-tem. Council Member Smith seconded the motion and the motion passed with a vote of four (4) in favor, one (1) opposed. (Council Member Smyth opposed).

ADJOURNMENT:

With there being no further business to come before the Council, the meeting was adjourned at 10:06 p.m.

Mayor Lee Webster

ATTEST

City Clerk/Treasurer, Misty Ruiz