

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 Public Works Director JD Smith, City Clerk Misty Ruiz, Police Chief Ron Oules and Deputy Clerk Desha Dawson.

❖ **PLEDGE OF ALLEGIANCE –**

ADDITIONS/CHANGES TO THE AGENDA:

Mayor Webster asked for the addition of the Conflict of Interest Letter from OMW.

MOTION: Council Member Freels made the motion to approve the August 15, 2012 City Council Final Agenda as is/with additions above. Council Member Scheller seconded the motion and it passed unanimously.

MINUTES APPROVAL:

June Minutes –

MOTION: Council Member Scheller made the motion to approve the June 13, 2012 City Council Minutes as submitted. Council Member Freels seconded the motion and it passed unanimously.

July Minutes –

These will be tabled until the September Council Meeting in order for clarification on the vote on a motion made by Council Member Freels regarding prior council presentation before a vacant position is filled should an employee quit or leave their job at the City.

PAYROLL AND ACCOUNTS PAYABLE APPROVAL:

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, August 15, 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 #312, #47660-#47673, #47680-#47749 in the total amount of \$119,119.11.

Payroll Fund voucher numbers #273-#280, #283-#301, #47614-#47620, #47623-#47626, #47628-#47659 and #47674 in the total amount of \$127,487.84.

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.

POLICE CHIEF RON OULES:

STATS AND UPDATES:

Police Chief Ron Oules stated that there has been a 10% increase in calls for service when compared to the same time the previous year. He believes this is due to less patrol time, less visibility. He stated that the overtime billing for July is the largest it has

been in 6 years. This is unavoidable given the circumstances and there has to be coverage when an officer is on leave, vacation or is ill. Council Member Dawson asked how the coverage was provided when we had two officers out on leave. Police Chief Oules stated that his officers traded leave and shifts to help cover the gaps. Council Member Scheller asked why they cannot do this now. Oules stated that his officers are tired. Positions have not been filled, or eliminated, and his department is feeling the strain. Council Member Scheller would like to meet with Chief Oules to go over his schedules – past and current.

PUBLIC COMMENT:

Mayor Webster opened the Public Comment portion of the meeting. Over 30 people, including citizens and business owners, filled the City Council Chambers regarding the Brewster Police Department. There were also three letters presented. Many of the citizens in attendance voiced their concerns over the talk of possibly disbanding of the BPD and contracting with Okanogan County for coverage, as well as the decrease in the number of BPD officers from six to five. Many expressed a shared concern about town safety, increase in crime and what will become of Brewster should there not be a City Police Department. Many were very concerned about how it will affect them as well as their families. Others expressed concerns that if the department is disbanded, that it will cost the City a large amount of money to try and reinstate it – which they may not be able to afford. Some citizens noted that they live, or have lived, where the local Police department had been eliminated and that public safety suffered because of that. No one there discredited the OCSO, however, stated that because we are such a large County, the Sheriff Dept. cannot be everywhere all of the time and our coverage may not be adequate, or result in delayed response.

Council Member Scheller stated he would only like to talk with the County, and that it would only be fair to at least obtain the information for comparison purposes. That does not mean the City is going to contract with the County, but look at the cost if that ever became a viable option.

Council Member Smyth stated he does not believe we have enough officers. He thinks that eliminating the PD, and/or not reinstating the sixth officer's position, is a threat to public safety and the safety of the current PD force. In his job as an EMT, he knows the importance of having those officers as first responders. Public Safety is a part of the City's infrastructure, not just water, sewer and streets.

MOTION: Council Member Smyth made the motion to rescind the previous motion to eliminate the sixth Brewster PD Officer position; replace that money from the eliminated officer position back into the PD budget; replace the overtime back into the PD budget from the general fund and begin the process of filling the sixth officer position immediately. Council Member Smith seconded the motion. The motion failed with a vote of two in favor (Smyth and Smith) and three opposed (Dawson, Scheller and Freels). The motion failed.

Council Member Freels stated that he is not comfortable considering the reinstatement of the sixth officer until after the budget is straightened out. Mayor Lee Webster stated that the current budget is set for the PD to have six officers. Council Member Scheller stated that the reports he has received and reviewed show that we are doing ok with five officers. Scheller went on to say that he is truly trying to make decisions that are best for the City.

Mayor Webster stated that it was seven years ago when he ran for Mayor of Brewster for this very reason – the Brewster Police Department. He believes that with the current budget and the financial status of the City at this time with money being put into reserves, that it is not a wise choice to take money from the PD and use it to “fix a street”. Safety is obviously a huge concern for the citizens of this community and their concerns and what they want for the City of Brewster need to be heard and considered.

The question was raised if these two topics could go out to a vote to the citizens of Brewster. City Attorney Zimmerman said you can run an advisory ballot, but ultimately the Council can do what they choose regardless of the advisory ballot outcome. The question was raised about sending out a questionnaire to the citizens of Brewster and having them rate what City Service is of highest priority and importance to them. This is also an option. Freels stated that he would want the citizens to be completely informed on all issues before these forms would be sent to the public. Police Chief Oules asked that if the public were completely informed of the issues, and the questionnaires were sent out and returned with the same results as what we have heard from the 30+ people here tonight, would Freels vote to reinstate the sixth officer position. Freels replied yes, he would vote to do what the public wants. Council Member Scheller stated if that were the case – that there was an overwhelming public response to do that, he would put it at rest and do what the public wants.

After nearly two hours public comment, the majority consensus of the citizens in attendance was that they did not want the City to disband the BPD and contract with the County for police coverage and they would like see the sixth officer position reinstated. The Mayor Webster thanked those in attendance for coming to the meeting tonight and voicing their concerns to himself and the Council.

****Mayor Webster announced a 5 minute recess at 8:30 PM.**

****Mayor Webster reconvened back to Regular Session at 8:35 PM.**

MAYOR WEBSTER:

CONFLICT OF INTEREST:

Mayor Webster reviewed the Potential Financial Conflict of Interest letter regarding Council Member David Freels and Godbey Red-E-Mix Concrete, Inc., of which he is Vice-President. City Attorney Chuck Zimmerman noted that he has advised Council Member Freels to not participate in any vote in projects that may involve his company as a material supplier directly to the City or to contractors retained by the City to perform City public works projects. There is also a statutory maximum annual amount of \$18K, provided that Council Member Freels follows the statutory procedures when matters of this nature come before City Council. Council Member Freels stated that he understands this.

UNION WAGE NEGOTIATION OPENER:

Mayor Webster stated he had received notification of the wage opener from the Union. Police Chief Ron Oules, Public Works Director Smith and Mayor Webster are scheduled to meet and discuss this, although no response has been heard back from the Union as of yet. Mayor Webster asked if any member of the Council would like to participate.

NCW ECONOMIC DEVELOPMENT DISTRICT ANNUAL DUES:

Mayor Webster discussed the invoice he received from the North Central Economic Development District for Annual Membership for \$250. Council opted not to pay for this last year. Council Member Smith asked if we benefit from this. Mayor Webster stated not much, as far as he is aware of. Public Works Director Smith stated he has submitted for funding for projects from them in the past, but we were never selected. City Attorney Chuck Zimmerman stated he is scheduled to meet with them this next week and will ask them if our payment of the annual participation fee will effect whether or not we are selected for grants. He also stated that a NCWEDD representative may be willing to come and speak with Council and cover any questions they may have.

ACTION LIST FOLLOW UP:

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

MISTY RUIZ – CITY CLERK TREASURER:

MONTHLY FINANCE REPORT:

Ruiz stated that the mid-year review shows that we are at 56% of our projected revenue, which is better than expected. She stated that most of the expenditures happen at the first of the year for projects and improvements. With the exception of the Airport, all other funds are within their budgets. The Pool and the RV Park are now their own separate funds. She also stated that there is less money going out, and more money coming in.

BREWSTER HOUSING AUTHORITY:

Clerk Ruiz announced that there is a Brewster Housing Authority Board vacancy as one member, Ty Stinson, moved out of the area. This is a volunteer position. Meetings are held at least once a month, and last about one hour. Ruiz stated that if anyone is interested in filling this board vacancy, that they contact her at City Hall.

TRAINING REQUESTS:

Ruiz stated that she and Deputy Clerk Desha Dawson will be attending the Annual Vision Software Users Conference in October. This will be held in Leavenworth, as it was last year. She stated that the cost of the class is \$175 per person, plus meals and lodging. She will bring an exact cost outline for Council review at the September Council Meeting.

JD SMITH – PUBLIC WORKS DEPARTMENT:

PUBLIC WORKS UPDATE:

AIPORT: The bid we applied for was approved at \$107,266.49. This is less than the engineer estimate of \$159K. State cut back their percentage from 5% to 2.5%, which means we will be paying \$14,378; State will pay \$4792.00. Public Works Director Smith stated we are looking to start the projects in September. The FAA and State DOT have both approved these projects.

GRAFITTI: Graffiti had not been a huge issue, until last night. Webster's Furniture, American Legion, City Park restrooms, trail, etc. were all hit pretty hard. Public Works Director Smith is unsure of how to deal with curtailing the issue.

CITY PARK RESTROOM VANDALISM: Public Works Director Smith stated that due to the "condition" of the restrooms in recent months, he believes it is now becoming a health hazard for his crew to clean up. He handed out pictures to Council to review. People are defecating on the floors and walls. They have tried locking them on evenings and weekends, and they will then defecate on the doors and outside the restrooms. Again, as with the graffiti, he is at a loss as to what to do and suggested possible removing the restrooms and having porta-potty's placed instead. This would only apply to the City restrooms, not the PUD park restrooms (we have no control to take them out). Council agrees that if this continues to be an issue, they should be locked and placement of porta-potty's should be done to test and see if this helps.

REC CENTER HVAC:

Public Works Director Smith stated the Rec Center HVAC has broken down. It will cost 7-8K to repair it, \$17K to replace it. If replaced, the design flow from the original installation will be corrected. The City Hall unit needs replaced as well, however, this expense was placed in the budget for 2012. Mayor Lee Webster asked Public Works Director Smith to check and see if these two units can be replaced under a blanket PUD loan to cover both.

GREENHOUSE GAS POLICY REVIEW:

Examples of other City's Green House Gas Policies were presented to Council for review and comparison. Deer Park has one of the best ones, as there is nothing binding in the policy. March 1, 2013 is the cut of date for this policy to be in place for Grant applications. Zimmerman stated he will have his office compose the Greenhouse Gas Policy for the City of Brewster (which will mirror that of Deer Park), Resolution #12-09, and forward it to the City, with an effective date of July 15, 2012.

MOTION: Council Member Smyth made the motion to approve Resolution No. 12-09, adopting a Green House Gas Reduction Emission Policy for the City of Brewster, effective date of July 15, 2012. Council Member Freels seconded the motion and the motion passed unanimously.

RESOLUTION 12-06 – SIX YEAR DOT STREET PLAN:

MOTION: Council Member Smith made the motion to approve Resolution No. 12-06, adopting a six-year comprehensive street program for calendar years 2012-2017. Council Member Scheller seconded the motion and the motion passed unanimously.

RESOLUTION 12-07 – 2010 COMP WATER SYSTEM PLAN:

MOTION: Council Member Scheller made the motion to approve Resolution No. 12-07, accepting the 2010 Comprehensive Water System Plan. Council Member Dawson seconded the motion and the motion passed unanimously.

RESOLUTION 12-08 – WATER USE EFFICIENCY PROGRAM:

MOTION: Council Member Freels made the motion to approve Resolution No. 12-08, accepting the Water Use Efficiency Program. Council Member Dawson seconded the motion and the motion passed unanimously.

RAIL AMERICA UPDATE – PLAZA WAY PROJECT: (Also noted on action item list)

Public Works Director Smith stated he has talked with the manager at Rail America. There are fees associated with the right of way access however they may waive this fee due to the mutual benefit to the City and the Railroad. We will however need to pay the engineer review fees of \$1500, which will allow for the permit to proceed with the project. Council members were in agreement with paying the \$1500 fee for the engineer review.

TRAINING REQUESTS:

Public Works Director Smith stated that in April, he became a Board Member for Evergreen Rural Water, as approved by Council. There will be a Board Meeting in Vancouver from August 27th through the 30th. Costs will include \$175 for the class, \$300 for the hotel plus fuel costs. At this meeting Public Works Director Smith will receive Utility Management credits, also giving him direct ties to the State for possible funding for projects.

MOTION: Council Member Scheller made the motion to approve Public Works Director Smith's attendance to the Annual ERWOW Board Meeting, August 27th-30th, in Vancouver and all costs and fees associated. Council Member Dawson seconded the motion and the motion passed unanimously.

SHAN MILLER – BREWSTER SWIMMING POOL UPDATE:

Manager Shan Miller stated that she would like to continue running as many programs at the pool as possible while there is still water in it. She has talked with the school about the possibility of a swimming program. She is scheduled to meet with Superintendent Eric Driessen on 8/17 to discuss this further. She will contact Public Works Director Smith on 8/20 to go over what was discussed at this meeting.

EXECUTIVE SESSION – FIFTEEN MINUTES – POTENTIAL LITIGATION:

Mayor Webster announced that Council will now convene into a 15-minute Executive Session to discuss potential litigation.

At 9:45, Council reconvened 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 9:45 p.m.

Mayor Lee Webster

ATTEST:

City Clerk/Treasurer, Misty Ruiz