

Mayor Lee Webster called the meeting to order at 6:00 p.m. Council Members present were Dan Smith, Art Smyth, Bob Fateley and Kris Dawson. John Scheller was absent (excused). Also present were Public Works Director JD Smith, Finance Director/Clerk Pamela Olsen, Finance Director/Clerk in Training Misty Ruiz, Chief of Police Ron Oules, Deputy Clerk Desha Dawson and City Attorney Chuck Zimmerman.

Council Member Smyth moved to approve the minutes from the Regular City Council Meeting on 02-16-2011 as with correction to the Building Inspector training date (March 16th to 18th – not 16th to 8th). The motion was seconded by Council Member Smith 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 03/16/2011 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 #44307 through #44392 in the amount of \$110,984.32. (Council Member Fateley stated he did not want to receive a mileage reimbursement check included in this A/P for \$76.05). This will be voided and the amended A/P amount noted at the April Council. Payroll Fund voucher numbers #12501 through #12543 in the total amount of \$89,400.34.

ADDITIONS/CHANGES TO THE AGENDA:

MOTION: Council Member Fateley made the motion to approve the March 16th, 2011 City Council Final Agenda with the addition of Keith Johnson under Public Comment. Council Member Smith seconded the motion and it passed unanimously.

PUBLIC COMMENT:

Keith Johnson, local business man and resident, presented to Council to discuss the Utility Late Fees. He believes this amount (\$40.00) is ridiculous. He stated that the City of Brewster charges a 40% late fee on past due balances and does not think it is fair. He has checked with other local cities, Bridgeport charging \$8.00, Pateros \$5.00 at mid month, \$5.00 at end of month and a \$25.00 shut off fee. He believes that the City of Brewster is not being fair to those in the community who can barely afford their water bills, let alone a \$40.00 late fee.

Council Member Dawson states that this is a monthly fee that is imposed to everyone – no exceptions. As a single mother, she had to budget for her monthly bills and understood the consequences if not paid on time. The water bill is something that is sent out every month. Public Works Director Smith stated that when he started working at the City in 2007, the utility late fee reports were generating upwards of 75 or more late fee notices per month, with shut off's in the teens. With the implementation of the higher late fees over the past three years, the actual number of late fee notices that are being sent out have decreased significantly, as have the number of shut offs (1-2 per month, if any).

When someone does not pay their bill on time, and late fees (notices) need to be processed, this creates a lot of work for the billing clerk and public works crew. Since having the increased late fee, more people have been paying on time and thus reducing the amount of work for the utility clerk and crew.

City Attorney Chuck Zimmerman noted that the City could lower the late fee, but in order to cover the costs of processing late fee notices and performing the shut off's, the City would have to raise the water rates of all customers, including the ones who pay on time, to offset those costs that the higher late fee covers a majority of at this time. Council Member Dan Smith stated he would like to see the comparisons of the numbers of late fee notices and shut offs from 2007 to current to see what the difference is.

Deputy Clerk Dawson stated that the City does have a deferral plan, which is offered to each customer, twice a year if they choose. This deferral allows them to pay their bill after the due date of the 18th without being charged a late fee. If they do not pay the balance due by the date they stated they will on the deferral, then the late fee is imposed and they will not be allowed another deferral.

Mr. Johnson went on to state his disappointment regarding the removal of the basketball court at the Columbia Cove Park. He stated that he enjoyed watching the kids play ball there, and now these kids that were playing there and were staying out of trouble, don't have anywhere to play basketball. He asked if the City could put up a portable hoop in the newly paved boat launch parking area, since it is pretty much empty most of the time. Mayor Webster stated that the original plan when the PUD started they boat launch improvements, was to move the basketball court to the old Rec Center. The building will be demolished, and the existing court resurfaced. This space will either accommodate two, three-quarter courts or one full court and one half court. It will still be named the "Goehry Memorial Court". Public Works Director Smith stated that we can put back boards up at the old Rec Center court until we have the funding to fully refurbish it as planned.

MAYOR WEBSTER:

RESOLUTION NO. 11-05 – CITY NEWSPAPER DESIGNATION:

Resolution No. 11-05 had been presented to Council for review, which if approved, would designate the Omak Chronicle as the official paper for the City of Brewster. This is a follow-up Resolution from the February Council meeting. Council Member Dan Smith asked about getting price comparisons for the Quad City Herald and the Chronicle, to see which paper is more affordable. He also asked about the subscriber numbers and feels we need to pick a newspaper within our customer base and one that will be the best route to communicate with our customers. Finance Director Pamela Olsen stated that the Chronicle's fees are substantially less than the Quad. Council Member Fateley stated that he sells all the area newspapers in his store, and the Chronicle is the one he sells the most, and people come in and ask for the Chronicle, as it has more information about the Brewster area in it.

MOTION: Council Member Smyth made the motion to approve Resolution No. 11-05, designating the Omak Chronicle as the official newspaper of the City of Brewster for the purpose of publishing ordinances and legal notices. Council Member Dawson seconded the motion and the motion passed with a vote of three (3) in favor (Dawson, Smyth and Fateley) and one (1) opposed (Dan Smith).

PAMELA OLSEN – CLERK/FINANCE DIRECTOR:

MONTHLY FINANCE REPORT:

Finance Director Pamela Olsen stated that some funds are back in the red. This is

affecting primarily the general fund which the jail fees come out of. Council approved a monthly payment of \$7500, and there were \$17,500 paid out this month. Council Member Dawson stated that we need to contact the County if there is a month where we cannot pay, as a simple phone call may make the difference. We need to make any effort we can to pay them, however, if something should arise and we can't we need to keep good communication with them.

Finance Director Pamela Olsen also stated that the Police Vehicle Reserve fund balance will come back up next month, as the grant money came in and will reflect on the next month's finance report.

PUBLIC WORKS DIRECTOR JD SMITH:

PUBLIC WORKS UPDATE:

Public Works Director Smith stated that the public works crew has been working on some sewer issues. There were some problems on the southeast end of town on Bridge, as well as a force main on Cliff and Ferry. The crew found a lot of grease plugs and rags in the line. This is a big issue and he is looking for ways to inform customers not to put these things down their drains. There was also a problem at the DelaCerde Trailer court on Ansel and Bridge, but this has now been cleared as well.

A water leak was discovered on West Indian (near highway). This is a main service line. It has been repaired, no further leaks.

Grading and road repair will start as soon as we can in early spring. By the end of April, we should have the cold mix needed to repair potholes. Road repairs will be done on Martha's Road, Indian, 1st Street and Plaza Way.

Public Works Director Smith stated that he has met with Eric Smith, Erlandsen's, to go over our Water Comp Plan. DOE gave us an extension until August of 2011 to get this completed and submitted. It is progressing well and will be brought before Council for final review and approval.

AIRPORT:

Public Works Director Smith stated that he needs Council approval for the \$7,000 of matching money (5%) for the Airport improvements, as was discussed last month. This money will come out of the Capital Outlay fund to cover the FAA required runway overlay project and fencing project. The runway overlay and restriping will occur in 2011, with the fence project to go to the pre-plan phase this year, with completion in 2012.

MOTION: Council Member Smyth made the motion to approve the \$7,000, (5% matching money), for the FAA required runway overlay/restriping, (to be completed 2011), and the fence project planning, (to be completed in 2012). This money will come out of Capital Outlay. Council Member Smith seconded the motion and the motion passed with a vote of three (3) in favor (Smyth, Smith and Dawson), and one (1) opposed (Fateley).

POLICE CHIEF RON OULES:

STATS AND UPDATES:

Police Chief Ron Oules stated that the PD overtime is in line with normal, attributing most of it to holidays. He stated that calls for service in February were low, and is expecting low numbers again in March. He stated this is primarily because the individuals who were responsible for a majority of the crimes being committed are now incarcerated.

He went on to note that in May, he will be attending a media relations class in Burien at the Academy for a total cost of \$500.00. This includes \$140 for meals, \$250 for the class and \$200 or less for travel expenses. This is a two day class.

He is also requesting that he be allowed to send the new Court Clerk, Becky Smith, to a Records Dissemination Class, also at the Academy during the first week in May. The total cost of this class is approximately \$900.00. This is a week long course and is required.

MOTION: Council Member Smyth made the motion to approve the above mentioned training for Police Chief Ron Oules and new hire Court Clerk Becky Smith. Council Member Smith seconded the motion and the motion passed unanimously.

Police Chief Ron Oules stated that the DARE Program is now being held at the Brewster School. Officer Cariker is still teaching this program, however, the school is funding it.

The evidence room guns are still being processed and he will keep Council informed of the progress, but hopes to have this completed by next month.

30 MINUTE EXECUTIVE SESSION:RCW 42.30.110 – Discuss Potential Litigation, Pending Litigation and Union Negotiations:

At 7:00 pm, Mayor Webster announced that they would now be convening into an Executive Session, lasting 30 minutes, to discuss potential litigation, pending litigation and union negotiations.

At 7:30 pm, Mayor Webster extended the Executive Session for another fifteen (15) minutes, until 7:45 pm. At 7:45 pm, Mayor Webster again announced there would be a ten (10) minute extension of the Executive Session, until 7:55 pm. At 7:55 pm, with no further discussion, Mayor Webster announced that the Council would now reconvene into Regular Session.

Following the Executive Session, the following action was taken:

ORDINANCE NO. 833:

MOTION: Council Member Smyth made the motion to approve Ordinance No. 833, authorizing a per diem allowance for the Mayor associated with the Mayor's attendance as the City representative at the Alejandra Solis v. City of Brewster, et al trial; containing a severability clause, and setting an effective date. Council Member Smith seconded the motion and the motion passed unanimously.

RESOLUTION NO. 11-06:

MOTION: Council Member Smyth made the motion to adopt Resolution No. 11-06, confirming indemnification of Chief Ronald J. Oules and Officer Timothy Rieb with respect to civil liability, if any, arising out of the claims of Plaintiff Alejandra Solis in cause No. CV-08-021-3FS pending in United States District Court for the Eastern District of Washington at Spokane. Council Member Dawson seconded the motion and the motion passed unanimously.

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/Finance Director Pamela Olsen, MMC