

CALL TO ORDER:

Mayor Pro Tem Tim Wilson called the workshop to order at 7:00 p.m.

Present: Councilmembers Eleanor Brodahl, Kathy Carlton, Kenneth Caylor, Everett Cole, Marc Spohr, Tim Wilson and Dale Wyman.

Also Present: Department Heads: Curt Andrews, Debbie Kudrna, Mike Bailey, Police Chief Steve Dunnagan, Jay VanNess; and City Administrator Ehman Sheldon.

Absent Was: Mayor Shannon McKay

DEPARTMENT OF ECOLOGY – DISCUSSION OF WATER RIGHTS

Kevin Brown, lead permit writer from the Eastern Regional Office of the Department of Ecology (DOE) in Spokane, explained the water right applications and permit process. He advised that the water right application is a three part process. The DOE will review an application to determine if it meets all four criteria tests: is there water available for appropriation; issuing the permit won't impair existing rights; if it is in the public's interest; and if it is a beneficial use. If the application meets those four criteria a permit can be issued, which is an authorization to construct a project, put water to beneficial use, and develop a right to that authorization. The permittee is then allowed to go forward with the project in accordance with the permit conditions: the development of the well; putting the water to beneficial use; filing a document with the DOE that the project is complete; then, a certificate can be issued. The certificate becomes the water right, attaches and becomes appertain to the land; the application and certificate become personal property and do not convey with purchases, however they can be conveyed through an assignment process to another property owner. He further explained that a water right application and permit can be assigned to another party or new owners. The permit is personal property of the permittee; it does not convey with the property but can be conveyed through an assignment filed with the State. A permittee can file an application for a local change, provided it meets the same criteria as when it was originally filed, including drawing from the same body of public ground water. He advised that if any of the four tests cannot be met, DOE is under obligation to deny the application. He clarified that once an application is filed; DOE performs a field exam and will determine if it meets the four tests.

Mr. Brown explained that within the 50814 sub-area, there have been applications on hold for a long period of time because there are questions over water availability with the Bureau of Reclamation. These discussion with the Bureau are regarding artificially stored water verses natural occurring state water within the area, and until the issues are resolved all applications within the boundaries will remain on hold. There are studies to be completed; negotiations to be held with the Bureau; new rules to be written; and the public process will be followed to issue the new rules about the water within 50814 sub-area.

Mr. Brown explained that if the City had a pending application and it was an issue regarding public health and safety needs, for example: when there is a failing water system to satisfy public need, then the application may be expedited. New growth and new population do not necessarily meet public health and safety needs, and it would not expedite the process or be considered before other applications. Water applications filed with DOE are considered by "first in time is first in right" and there is no current statute that provides that municipal applications would be considered before other pending applications. If an application is transferred to a municipality and is not modified, then the original priority date of that application would remain the same. If the application is modified, the priority date will change. Once a permit is issued, that water right can be transferred to a new location within the same body of public ground water, and as long as the original intent is not changed. He explained that HSB 1338 established that municipality rights have certain criteria and if they have unused water rights available for future growth, they have a better standing. Municipalities have a maximum instantaneous quantity, a maximum annual capacity; a service area defined within their comprehensive plan; and how they manage their water within their utility is up to them and the Department of Health (DOH). He explained that filing

a water right application gets it in line for DOE to review it. It is held in line for the quantities that they requested and may or may not have a monetary value. A water permit for irrigation use can be transferred to a permit for municipal use if it meets certain criteria. The DOE utilizes the public water sizing guidelines issued by DOH to determine the quantities of water for home dwellings and other users. Mr. Brown explained that applications request volume of water and DOE will allocate the amount of water that is necessary for that project. The permit will allocate a maximum instantaneous quantity and maximum acre footage quantity for the permit purposes, which is the authorization to construct and sets the maximum parameters of the project. The applicant can then drill, set pumps, and meet that capacity. If the applicant uses or pumps less than the permit authorizes, the actual certificate can be reduced down. He advised that DOH regulates fire flow storage capacity for a municipal system. He explained that until the issues are resolved with the Bureau of Reclamation regarding designation of water, the DOE can not assist the City of Othello or the developer of the golf course to get their water application reviewed any faster. He advised that if multiple aquifers are interacting and flow from one to the other, this becomes a well construction issue and DOE does not allow intermixing of aquifers. This can be corrected by filling the bottom up or casing down to go deeper. He reported that the Spokane regional office would like to see the water issues resolved with the Bureau and be able to review the pending applications. Mr. Brown explained that if the City provided water service to areas outside of their water area, as defined in the comprehensive water plan, it would be recommended that the area be amended through the DOH to include that new area.

THIRD QUARTER REPORT FROM ADAMS COUNTY FIRE DISTRICT 5

Adams County Fire Chief Clyde Fought advised that they have completed the annual pump testing on all of the apparatus and vehicles and all have passed. They expect to begin hydrant fire flow testing soon. They plan to stay on schedule with the fire hydrant maintenance program and test all sections of town on a yearly rotation. He advised that Adams County is not included within the state wide burn ban. The Fire Department has developed English and Spanish handouts about what can be burned when a burning permit has been issued. They will be developing tighter guidelines to educate the community about open burning.

SUBMISSION OF THE PROPOSED PRELIMINARY BUDGET

Finance Officer Mike Bailey reviewed the current information on revenues and expenditures for the current year and provided a proposed draft of the preliminary budget for 2007. He reviewed the General Fund expenditures and estimated revenues, which includes an estimation of year end figures. The figures do not include capital projects. The 2007 estimate for the Fire Department contract fee includes the statutory increase, although the Fire District has not yet advised if they will impose the CPI increase. The park and recreation department includes expected costs for the pool operation. The report indicates that revenues exceed expenditures in the General Fund for the FY 2007, and capital projects have not been included in the figures yet. Mr. Bailey reviewed the street, water, sewer, and solid waste funds expenditures and revenues.

Councilmember Caylor stated that the water and sewer projections indicate zero growth and the building department projections identifies \$50,000 worth of building permits. He questioned why new buildings did not increase water and sewer use, and noted his concern that the tourism fund revenues indicate a decrease in the tourism fund. Councilmember Spohr advised that the tourism fund revenues are generated from the tax collected at the local motels.

City Administrator Ehman Sheldon advised that the Council will have a public hearing on the revenues. They will also have a time to review capital projects. The budget committees will be selected by the Mayor, and staff will coordinate the budget meetings based upon the committee's schedules.

BAR CODE SOFTWARE SYSTEM FOR POLICE DEPARTMENT EVIDENCE

Police Chief Dunnagan advised that the Police Department completed an audit of the evidence property and he was very pleased with the results. He stated that the department does not have a

secure computer program designed to track and log evidence accurately. They currently use the property section of the Spillman program, which is a shared software program. They want to alleviate any problems with evidence control and use a controlled data base. He researched software programs and found one, Evidence On Q, which several departments are using. They give small departments a 50% discount towards the purchase, and our cost would be approximately \$10,000. He advised the funds are available in his FY 2006 capital budget. This program can be designed for their specific needs and could reduce the time to log and enter evidence and property significantly. It utilizes a bar code system; is a secure system; provides a chain of custody; will help develop a purge process, and will be helpful with retrieval for audit purposes. It could also be used in conjunction with the City's inventory and property management process. Chief Dunnagan advised that there will be a \$50 per month fee for continued software updates and technical support. Council consensus was to authorize the purchase of the bar code software system, using the current budgeted amount.

Mayor Pro Tem introduced Jay VanNess the new Municipal Services Coordinator. He reviewed the current issues that Public Works is working on and explained what his duties will be. He advised that he will work cooperatively with the Lead Maintenance Worker.

UNFINISHED BUSINESS

Councilmember Caylor inquired about the traffic study on S. 4th Avenue. Mr. Sheldon advised that the Police Department has implemented traffic enforcement and monitors in the area and Public Works will perform a traffic count.

NEW BUSINESS

Councilmember Caylor inquired if the City could host a fall clean up. He suggested that a 2 day event be organized to help citizens clean up their properties.

ADJOURNMENT

With no further items to discuss, Mayor McKay adjourned the workshop at 8:20 p.m.

By: _____
TIM WILSON, Mayor Pro Tem

ATTEST:

By: _____
DEBBIE L. KUDRNA, Clerk