

MINUTES REGULAR SOAP LAKE CITY COUNCIL MEETING

January 19, 2022

CALL TO ORDER

Mayor Kovach called the regular council meeting to order at 5:30 pm.

ROLL CALL

Council members present: Mayor Kovach, Arnold, Bratton, Bryson, Rushton, Taylor and Woodhouse.

City Staff Members Present: City Administrator Tijerina, Police Chief Cox, City Attorney Norton and Administrative Assistant Siebert.

AGENDA ITEMS

- **CONSENT AGENDA**
 - A. Regular Council Meeting Minutes – January 5, 2022
 - B. Special Council Meeting Minutes – January 14, 2022
 - C. Claim EFTs & Claims #21506-21529 in the amount of \$63,222.86
 - D. Payroll EFTs & Claims #26149-26151 in the amount of \$57,837.75
- **MAYOR'S MESSAGE**
- **REPORTS OF STANDING/SPECIAL COMMITTEES**
- **PUBLIC COMMENT**
- **OLD BUSINESS**
- **NEW BUSINESS**
 - A. Port of Ephrata Use Agreement
 - B. Soap Lake Police Department Extra-Duty Police Services Contract – Live Nation
 - C. Council Meeting furniture Set-up and Return Plan
 - D. Use of Public Facilities to Post Ballot Measure Information
 - E. Soap Lake Mineral Water Right and System
- **REPORT OF CITY OFFICERS**
- **NEXT ORDINANCE #1324; NEXT RESOLUTION #971**
- **EXECUTIVE SESSION** – Performance of a public employee RCW 42.30.110(1)(g)
- **COMMENTS**
- **ADJOURNMENT**

M/Bratton, S/Arnold; to excuse Councilmember Agliano from this evening's meeting. **Motion carried unanimously.**

CONSENT AGENDA

M/Bratton, S/Taylor; to accept the consent agenda as presented. **Motion carried unanimously.**

MAYOR'S MESSAGE

Mayor Kovach thanked the community for helping out their neighbors during the recent snow storm by clearing driveways and sidewalks. The City does have a snow removal policy posted on the City's website. The Mayor did address several inquiries from residents, but reminded everyone that there are private snow-plow drivers removing snow which may cause some discrepancies throughout the City.

Mayor and City Administrator Tijerina are working on performance evaluations and Teamsters negotiations. Some job descriptions need to be updated with salary wage ranges.

Grant County Health District has information about COVID testing on their website. There are testing kits available at the library or they can be ordered through the Postal Service.

REPORTS OF STANDING/SPECIAL COMMITTEES

Judith Gorman spoke for the Lake Liaison Committee – she congratulated the new Councilmembers and thanked the continuing Councilmembers for their service to the community. The Committee is looking for 1-2 Councilmembers to join the Lake Liaison Committee. Their focus is issues that affect the Lake. Members can research impacts on the Lake and give recommendations to the Council.

PUBLIC COMMENT

Ella Rowan, 213 Lakeshore Dr. – (submitted statement to be read by Mayor) shared her concern about the ecosystem of the Lake and surrounding area. She is opposed to any lease of the mineral water rights and believes that it is the City's responsibility to preserve the Lake.

Jeff McGrath – (submitted statement to be read by Mayor) he has stayed at the local hotel and thinks that it is a waste of the mineral water to go down sewer lines after use instead of being recycled.

Fredrick & Leslie Slough – (submitted a letter to be read by Mayor dated Oct. 31, 2013) they are owners of the Smokiam Spa in the downtown area and would like expanded mineral water access. Would like the City to consider their proposal to lease rights for a fee.

Cindi Rang – (submitted statement to be read by Mayor) she is concerned about the City signing away mineral water rights. This could have an adverse effect on tourism.

Duane Nycz – (submitted statement to be read by Mayor) he is a resident and property owner and is against the City selling mineral water rights. He believes a short term, renewable lease could work.

Eileen Beckwith, 33 Dogwood N – she would like a solution that would provide mineral water to the Spa as this affects all businesses and the City.

Burr Beckwith, 33 Dogwood N – he believes that the City should control rights to mineral water and lease rights to Spa and Spa should be responsible for all costs.

Melinda Henery, from the Soap Lake Resort & Spa – she confirmed that the Spa is looking to expand and has supported the community and local businesses. She denied rumors of the Spa owners “back dealing” with the Councilmembers. She would like the City to consider a mineral water lease option.

Woman, identified herself as “sharp”, no address given – believes there is a conflict of interest between the Spa owners and City Councilmembers.

Judith Gorman, 207 Ginkgo N- she would like to see minerals captured during a desalination process and placed back into the Lake after mineral water is used. She believes any lease agreement should include “values” that the business believes and consequences if not followed through. She mentioned Resolution 849 as an example. She also agrees that the City should maintain oversight of any agreement/lease.

OLD BUSINESS

None

NEW BUSINESS

- A. Port of Ephrata Use Agreement – **M/Rushton, S/Arnold**; to accept the agreement between the Soap Lake Police Department and the Port of Ephrata. **Motion carried unanimously.** This is a yearly contract allowing SLPD to use the Port for EVOC training.
- B. Soap Lake Police Department Extra-Duty Police Services Contract – Live Nation – **M/Bratton, S/Rushton**; to accept the agreement between the Soap Lake Police Department and Live Nation Worldwide, INC. **Motion carried unanimously.** This contract allows SLPD Officers to work extra details at the Gorge Amphitheatre for the year 2022.
- C. Council Meeting Furniture Set-up and Return Plan – Councilmembers divided the duty of setting up furniture and returning the furniture as found before and after meetings in the Soap Lake School Library.
- D. Use of Public Facilities to Post Ballot Measure Information – **M/Arnold, S/Taylor**; to approve the use of the City website and staff for printing and mailing information about the 0.2% Transportation Benefit District Sales Tax Ballot Resolution. **Motion carried unanimously.** A FAQ page and Flashcards will be added to the City website. A poster will be printed and mailed out.
- E. Soap Lake Mineral Water Right and System – **M/Bratton, S/Rushton**; to authorize the Mayor to negotiate a lease agreement with the Soap Lake Natural Spa & Resort, LLC, for use of the mineral water system subject to the Resort paying costs of review of documents and document preparation fees and a response by next council meeting. Councilmember Arnold voted Nay. **Motion passed.** This was a long discussion between the Mayor, City Attorney Norton, Nancy Wetch from Gray & Osborne and Councilmembers. Before the discussion began, Mayor Kovach gave a disclaimer that the owners of the Spa donated to his Mayoral campaign and his father is an architect consultant for the Spa. The

Mayor then asked each Councilmember to weigh in on their thoughts about continued use of the mineral water system and preservation of the Lake.

Councilmember Bratton: believes an agreement should include how to recycle the minerals and put them back into the Lake, include a fee to use the mineral water and restrict use of mineral water to local businesses only with consequences if agreement is breached.

Councilmember Taylor: she favored continued City use of broken system and no removal of mineral water from the Lake.

City Attorney Norton: explained options for Councilmembers to consider. One, does the City want to maintain control of the mineral water? Two, should the City do nothing and address this at a different time? Three, will the Council pursue an agreement with a private business? This last option would need significant time to negotiate a proposal, explore costs and bring back to Council for review and approval.

Councilmember Bryson: stated that the Resort is currently without a mineral water delivery system and the City has no monies for any repairs to the system. She believes that the City should maintain rights to the mineral water and that a solution is time sensitive and has financial limits. A potential short-term solution could be to use pumper trucks to gather and deliver mineral water to the Resort, at their expense, which would allow the Resort to stay in business.

Councilmember Rushton: local businesses need to stay in business as the tax revenue and tourism is very important to Soap Lake. She believes a lease of the mineral water rights would allow the Resort to use water and in turn benefit the whole City.

Councilmember Arnold: while he feels bad that a local business is struggling, he thinks the water should remain in the Lake. Tourist can enjoy the Lake and the City should not give up rights to the mineral water.

Councilmember Woodhouse: she obtained a copy of the Gray & Osborne mineral water report and feels that what was done in the past is not sustainable for the future. She also has concerns for the local businesses wanting mineral water, but would like to see the Lake used by tourists. She is not in favor of giving away mineral water rights and would like more time to discuss and come up with a favorable solution.

Mayor Kovach: The mineral water study done by Gray & Osborne is part of the City's Comprehensive Plan in the Mineral Water Plan section. This was a feasibility study that gave options of what could be done: 1. Have private use of the mineral water system 2. Fix the existing mineral water distribution system 3. Have a City owned/partnership with the Resort.

Nancy Wetch with G&O: Gave a brief overview of the options that were presented in 2020 study and the cost associated with each option.

Councilmember Bryson: stated that the cost to repair the mineral water system infrastructure is too great and that the City should explore the lease option with the Resort.

Councilmember Rushton: She agreed with Councilmember Bryson.

Mayor asked City Planner Piercy for comment: he feels that the mineral water system benefits businesses and that they should play an active role in any expenses. Also, that the City should not sell or transfer their mineral water rights, but explore a long-term lease option.

Since some Councilmembers were concerned with “draining” the Lake by allowing continued use of the mineral water, Mayor Kovach offered an explanation of mineral water usage. The reservoir is currently filled 2 to 4 times a year. To drop the level of the Lake by one-third (1/3) of an inch, the reservoir would need to be filled 70 times in a year. This calculation was confirmed by Nancy Wetch with G&O.

REPORTS OF CITY OFFICERS

City Administrator Tijerina – Still working on the state audit. He is waiting for them to review a bunch of information that was sent and should be done in early February.

Police Chief Cox – A couple of active cases are being reviewed at the State Attorney General’s Office and one other active case is being assisted by INET.

Two new patrol vehicles are here.

K-9 Billy is continuing his training.

Next Ordinance #1324; Next Resolution #971

Executive Session - Performance of a public employee RCW 42.30.110(1)(g)

Start 7:40 pm for 10 minutes

Extended 10 minutes

Extended 10 more minutes

End 8:11 pm

No action taken.

COMMENTS

None

ADJOURNMENT

M/Bratton, S/Arnold; move to adjourn at 8:12 PM. Motion carried unanimously.

Alex Kovach, Mayor

Jody Siebert, Administrative Assistant