

MINUTES OF THE COUNCIL MEETING OF THE  
MAYOR AND COUNCIL OF THE CITY OF WARDEN  
HELD IN COUNCIL CHAMBERS

May 26, 2015

Mayor Massa called to order the regular council meeting at 7:00 PM.

Pledge of Allegiance

Roll Call: C/Kight, Starkey, Haworth, Barr and Leavitt present.

Staff: K. Shuler, R. Martin,  
M. Martin, G. Klein, G. Talbot, A. Talbot

Guests: attached list

Adoption of Agenda: M/Leavitt. Second Starkey. All in favor.

Minutes for Approval: Approved as written.

Consent Agenda: Motion Leavitt . Second Starkey. All in favor.

Payroll: 28716 through 28724, \$62,663.64

Staff Reports –

R. Martin – Has attended FBI Training at Spokane County Sheriff and Sheriff and Police Chief meeting. There has been approval to raise the freeway speed to 75MPH.

The dept. is concerned over a plea deal for a captured fleeing subject.

Code Enf – Looking into reason to find three dogs shot at a home area.

Five dogs transferred to Quincy Animal Shelter, one dog that was sick was transferred to the ML Animal Shelter.

K. Shuler- Public Works detail; water leak repairs, three cemetery services.

Mowing, keeping up with grass and tree water.

Well 6 repairs complete and the residence's have been notified.

Trailriders were in Warden for 3 days.

Other; Dog Fair will be July July 11<sup>th</sup>

Summer Rec is in the planning stage in conjunction with the School Summer Program.

Working with CDBG on the contract paperwork. The Annual report was submitted on time. Attended processor meeting with the Mayor and staff meetings.

Mayor- Board of Health meeting, phone meetings and the Processor meeting plan.

Citizen Comment and Request for Action –

Tom Pruneda – Request to install upright marker (double) at wifes grave. Mr. Pruneda is directed to contact Kriss Shuler at City Hall to start process for Request of Action.

Ramon Reyna – Concern over no charges being filed against his childs mother when she admits to wrong doing. There were no charges brought against himself. But his child was removed from his home with the assistance of Mike Martin and no one is doing anything to investigate this.

B. Starkey – have you spoke to the District Attorney’s Office? Mr.Reyna indicates he has “filed” paperwork to determine the reason he has had rights taken away to see his child.

Chief Martin – A letter from the Chief of Pleasant Grove Utah, regarding his own son serving a LDS mission in Warden. The son had been insured in a pellet gun shooting and the Chief commends the officers (M. Martin, G. Klein, and G. Talbot) for doing an outstanding job securing help for his son and apprehending the suspect in the shooting. Chief Martin also wrote a letter of commendation for the officers.

Maria Pruneda and Susy Pruneda – Request road closure of Alder Street from the Alley between E 7<sup>th</sup> and E 8<sup>th</sup> Street for a family Graduate celebration. K. Shuler supplied a map and recommendation to grand the road closure for the event. This does not block anyone’s property but these two individuals. Street closure granted for June 13, 6-11 pm.

Melissa Edwards request to use the Community Center – extend hours to 2 AM for Senior Graduate celebration on June 5<sup>th</sup>-6<sup>th</sup>. Council agrees to extend hours for event.

Public Hearing opened at 7:18 Pm to hear comment regarding the use of ATV on public roadways.

B. Garza- Pro. Understands issues and problems associated. Same rules as motorcycles.

M. Earney – Pro/Con. ATV are not designed for city roads. Mr. Earney stated facts from a 2003 study from Consumer Safety on use of ATV for lack of safety. There is a concern with noise and accessibility from the home.

M. Edwards – Pro. Kids have nothing to do.

P. Benson – Con. They tear apart alleys now and running on my property. There are enough fast drivers without ATV’s.

A. Gonzalez – Pro. They are licensed and insured. Proper equipment makes them legal. There is an inspection for on road use.

C. Martin – Con. Currently see riders without helmets. And they speed pass our house three at a time. They cause a noise problem. The users currently make donuts in the roads. City should think about consequences.

D. Martinez – Agree there needs to be rules. At 6<sup>th</sup> and Madison, you can see where they travel and drift in the gravel.

R. Tapper – Living in last house on W. 5<sup>th</sup>. The dust caused now by these types of vehicles cause me to be unable to see across the park.

T. Pruneda- 1<sup>st</sup>/Main – Good idea as long as regulations are followed. There is no difference from an AT than a motorcycle.

G. Talbot – Con. If breaking laws, then we can pull them over. Not that easy, I have had an ATV run from me while cutting through a park, fields and yard.

R. Gonzalez – Pro. They will be licensed as an on road vehicle. Just like a jeep. The dust is same as a truck. If there is illegal activity, then people should call the police. Deaths on a motorcycle, have less than cars. The legal ATV's are inspected with the correct equipment and a stock spark arrester.

J. Guerra – Pro. If you legalize, we will be easier to control. Parents will help enforce the laws.

B. Garza – relates that the kit to legalize ATV is \$500 and \$50 to certify the vehicle.

M. Earney- Is motorcycle endorsement required? Can the city require the endorsement? Items for consideration – 18 years old, insurance, MC education course, designate ROW, look at access path, improvements for use.

B. Garza- This will separate those responsible, and those not. There are safety courses available.

C. Martin – A motorcycle endorsement is an idea. Would the city look at options of closures of certain roads.

M. Edwards – my kid did run from the police on his 4 wheeler. We spoke with Officer Talbot.

A. Gonzalez – An ATV is like a jeep. Othello, Soap Lake and other cities have already adopted city regulations.

B. Garza – The UTV has no training class.

Mary Lee Mtz – A Harley Davidson is more noisy than an ATV. Cars go faster on E 5<sup>th</sup> already.

T. Pruneda – I would use mine to go to fire calls.

M. Pruneda – For concerns, limit speed and age. They are no different than cars or a jeep.

B. Garza – Even after an ATV is certified street legal, the owner can change it and make it not legal.

R. Gonzalez – Craft the ordinance and educate the public.

Mayor – We are hear to address the concerns.

M. Leavitt – Thanks to the public for being here. Shows people care. This is what America is all about. We talk about punishments. If a kid is driving, can it be confiscated?, or if it is not being ridden in a lawful manner.

M. Pruneda – Can the ATV be impounded if the driver is unlicensed.?

M. Pruneda – Do other communities have problems.? Mayor relates there is no data.  
Regular Council Meeting

M. Earney – Sheriff office knows of the Soap Lake problems.

Eric Vela – I think the driving age of ATV's should be 16 years and up.

Public Hearing closed at 8:24 PM.

Council Direction –

Kight – Move forward and set up an ordinance, with ROW restrictions, 18 years age to drive and a class training for drivers 18-25, required insurance.

Starkey – I have problems w/ATV drivers in my neighborhood. The ordinance should restrict ROW and noise suppression and ability to impound.

Haworth – ROW restriction, education training, time frame for allowed use. I am concerned with the ability to enforce and control riders. Education required for 18-21 years. Impound with fine.

Barr – Like to see class training, Liability insurance and ability to impound.

Leavitt – What is the point of training? Is it knowledge of ATV?

I would like to know the penalty amount. There is no need for ROW restriction, they are no different that restricting a bicycle or small car. Like to see the enforcement of current illegal problem riders.

Mayor Massa takes a poll by raise of hands.

Liability insurance requirement – Majority of hands.

No insurance – 2

Age restriction 18+ - 10 plus hands

16+ - less than 10

The city will craft an ordinance that includes training, insurance, noise and time line consideration. Limit roads for use.

Mr. R. Gonzalez asks how much longer for ordinance.

M. Leavitt – We hear the people, we see what other communities are doing. It is understood that you are frustrated.

Mayor – we will draft an ordinance with this information and review at next meeting.

Repurpose Well No. 5 and Equip Well No. 8 – The low bidder was POW contracting.

Gray & Osborne reviewed all the documents and calculation. It is recommended that the city award the contract to POW Contracting Inc. Motion Leavitt. Second Starkey to award the contract to POW Contracting Inc.

School Interlocal Farm Agreement – The school would like to transfer the agreement to PAWS to oversee the program. Legal Counsel relates that regular lease rates would apply to PAWS since they are not a government agency. Shuler will speak with the school.

Regular Council Meeting  
May 26, 2015  
Page 5 of 5

Meeting Adjourned at 8:51 PM.

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Mayor

ATTEST:

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Clerk-Treasurer