

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
September 05, 2023

MINUTES

Council Chambers
124 S. Lefevre Street

NOTE: This is not a verbatim transcript. Minutes contain only a summary of the discussion. A recording of the meeting is on file and available from City Hall.

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Chad Pritchard
Keli Shaffer
Art Kulibert
Don Kennedy
Bob Maxwell
Tony Harbolt
Ted Olson

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Scott Duncan, Public Works Director
Steve Cooper, WWTP Director
Glenn Horton, Parks & Rec Director
Sean King, City Attorney
Roxanne Wright, Administrative Asst.
Elisa Rodriguez, City Planner

WRITTEN PUBLIC COMMENTS

If you wish to provide written public comments for the council meeting, please email your comments to sweathers@medical-lake.org by 4:00 p.m. the day of the council meeting and include all the following information with your comments:

1. The Meeting Date
2. Your First and Last Name
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

*Note – If providing written comments, the comments received will be acknowledged during the public meeting, but not read. All written comments received by 4:00 p.m. will be provided to the mayor and city council members in advance of the meeting.

Questions or Need Assistance? Please contact City Hall at 509-565-5000

REGULAR SESSION – 6:30 PM

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

- A. Mayor Cooper called the meeting to order at 6:30 pm, led the Pledge of Allegiance, and conducted roll call. All council members were present in person.

2. AGENDA APPROVAL

- A. No changes. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, carried 7-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Diane Nichols, resident of Medical Lake – e-mailed comments to council regarding shipping container ordinance. Had questions and requested clarification.

4. REPORTS

A. Council Comments

- i. Councilmember Pritchard – no report
- ii. Councilmember Shaffer – excited to be here.
- iii. Councilmember Kennedy – no report
- iv. Councilmember Kulibert – no report. Suggested to Mayor Cooper that councilmember Shaffer be appointed to Finance Committee to fill former councilmember Starr's place. Mayor Cooper stated that committee assignments will be reviewed soon.
- v. Councilmember Maxwell – no report.
- vi. Councilmember Olson – no report.
- vii. Councilmember Harbolt – no report.

B. Mayor – no report at this time.

C. City Administrator & City Staff

- i. City Administrator, Sonny Weathers - gave quick update on Gray Road fire, all evacuations lifted. Weekly community meetings will take place at 6:30 pm on Wednesdays at Medical Lake High School gym and will be available via Zoom. Tomorrow's topic (September 6th) will be debris management then the following week will be forest recovery (with DNR). Meeting will consist of sharing information and resource updates and hearing from community members. Long term recovery group being organized, next meeting is Thursday, Sept. 7th, 5:30 pm at Spokane Community College, Lair Center. Essentially a board where resources are collected and decisions made to allocate them. Spokane Regional Clean Air Agency (SRCAA) has a vacancy on board of directors, would like representative from Medical Lake. Nominations due September 20th. Gave update on city road projects. Library roof replacement completed.
- ii. Finance Director, Koss Ronholt - utility account update. Will write off utility accounts for houses that were lost, finance committee discussed and agreed. Will bring forward at next council as a resolution for payment.
- iii. Dave Yuhas, Code Enforcement Officer – Code Enforcement Report
 - 1. See attached presentation.

5. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS – none.

6. WORKSHOP DISCUSSION

- A. Broadband Feasibility Study via Broadlinc, Ariane Schmidt and Joe Poire
 - i. See attached summary.
 - ii. Council is in agreement to move forward with the study.

- B. Special Events – Glen Horton, Parks and Recreation Director
 - i. Discussed issue of special events. Wants to change code to be more up to date with surrounding communities. 100 people or more warrants a special event permit. Road closures will be included in this. Create an ordinance to define special event parameters. Sonny shared that WCIA did audit and focused on special events.

7. ACTION ITEMS

- A. Consent Agenda
 - i. Approve **August 15, 2023**, and **August 29, 2023**, minutes.
 - 1. Motion to approve August 15, 2023 minutes made by councilmember Pritchard, seconded by councilmember Kennedy, carried 7-0. Motion to approve August 29, 2023 minutes made by councilmember Pritchard, seconded by councilmember Kulibert, carried 5-0-2 with councilmembers Kennedy and Harbolt abstaining because they were not in attendance for the meeting.
 - ii. Approve **September 5, 2023**, Claim Warrants **50463** through **50512** in the amount of **\$128,099.14**.
 - 1. Finance committee reviewed and councilmember Kulibert motioned to approve, seconded by councilmember Harbolt, carried 7-0.

8. RESOLUTIONS

- A. Resolution 23-620 Rent.fun Service Agreement
 - i. Motion to approve made by councilmember Kennedy, seconded by councilmember Olson, carried 7-0.
- B. Resolution 23-623 BuyBoard ILA Purchasing Cooperative
 - i. Koss explained how the cooperative will work. Allows the city to choose from already vetted bids. Cooperative does the requests and compiles list of lowest bidders. Motion to approve made by councilmember Pritchard, seconded by councilmember Shaffer, carried 7-0.
- C. Resolution 23-624 EWU Groundwater Contract for Services
 - i. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0-1 with councilmember Pritchard abstaining due to his involvement with the study.

9. PUBLIC HEARING – None scheduled.

10. ORDINANCES

- A. Second Read Ordinance 1115 Shipping Containers
 - i. City Planner, Elisa Rodriguez gave update and shared that the ordinance in packet is redlined with proposed amendments. Clarified redlined sections and addressed questions. Mayor would like to add language to specify containers “not to be used for habitation”.
 - ii. Motion to accept as written made by councilmember Kulibert, no second. Motion failed. Motion to table to next meeting made by councilmember Shaffer, seconded by councilmember Kulibert, motion failed 2-5 with councilmembers Kulibert and Shaffer voting aye, all others voting nay. Motion to send ordinance back for additional workshop made by councilmember Kulibert, seconded by councilmember Maxwell, carried 5-2 with councilmembers Harbolt and Olson voting nay.

11. EXECUTIVE SESSION – None scheduled.

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS

- A. None listed.

14. INTERESTED CITIZENS

- A. Lance Speirs, resident – spoke on language for shipping containers being used during building and the time limit of 2 weeks without permit.
- B. Lahnle Henderson, resident – commented on shipping container ordinance.
- C. Mayor shared about community meeting tomorrow night. Also shared that Spokanerealtor.com has a \$1500 grant available to residents affected by the wildfire. Red Cross at Redemption Church daily, 10 am – 6 pm. Encouraged citizens to register with them.

15. CONCLUSION

- A. Motion to conclude meeting at 8:13 pm made by councilmember Pritchard, seconded by councilmember Kulibert, carried 7-0.


Terri Cooper, Mayor


Koss Ronholt, Finance Director/City Clerk

PROPOSAL FOR BROADLINC MEMBER CITY FEASIBILITY STUDIES

PURPOSE

BROADLINC was formed to oversee public broadband infrastructure capacity enhancements on behalf of its membership including robust digital equity strategies to increase adoption and access for households, business and anchor institutions. BROADLINC acknowledges focus for identified populations in the Federal Digital Equity Act for BEAD funding in its priorities for implementation projects:

- Households with income is under 150% of the federal poverty level
- Aging Individuals
- Incarcerated, or formerly incarcerated, individuals
- Veterans
- Individuals with disabilities
- Individuals of racial or ethnic minority groups
- Individuals who primarily reside in a rural area
- Individuals with a language barrier, including those who are English learners, or have
- Households with low levels of literacy

Additionally, the Washington State Legislature has also identified “Underserved Populations” in HB 1723 which must be considered in state digital equity planning:

- Children and youth in foster care
- Individuals experiencing housing instability

BROADLINC recognizes each member city, town and unincorporated area within the county is unique. Hence, the solutions to address broadband needs for each community and its constituents must also be tailored and unique.

Traditionally, broadband feasibility studies have been funded through WA CERB Board awards. However, funding for this activity has ceased. Therefore, BROADLINC desires to create localized approach to feasibility studies to inform and direct its Board and membership city stakeholders in best fit solution recommendations within the constraints of the numerous funding opportunities that lie ahead.

DELIVERABLES

A feasibility study may be conducted for each BROADLINC member city or town with a signed ILA. The approach will consist of a standard set of critical components as required by State and Federal funding sources. These include, but are not limited to:

- FCC Fabric Broadband Services Locations (BSL)
- Reported discrepancies is reported areas of service quality discrepancy (basis of BEAD services challenge) process to allow for BLS eligible areas
- Digital Equity Divide Score including current ACP subscriber rate and BEAD eligible covered populations within the geographic
- Infrastructure gaps (fiber, wireless, other) at the middle mile and last mile (aka Fiber to the Home FFTH) level, including legacy infrastructure that may need to be updated
- Options for interim solutions for near term capacity (Examples include semi-fixed wireless) while long term solutions are constructed



RECOMMENDATIONS

Based on the identified outcome deliverable for each study, next step recommendations will be prepared for the elected leadership for each town, city or unincorporated area. Components will give options for various combination of Risk, Ownership and Revenue models in the execution path for the roles of the (1) city/town (2) BROADLINC (3) private sector (ISP) engagement.

TIMELINE

Each study is expected to be conducted within 4-6 weeks with a preliminary report to the municipal leadership for review and comments. The final report will be submitted to the town/city legislative body and BROADLINC board.

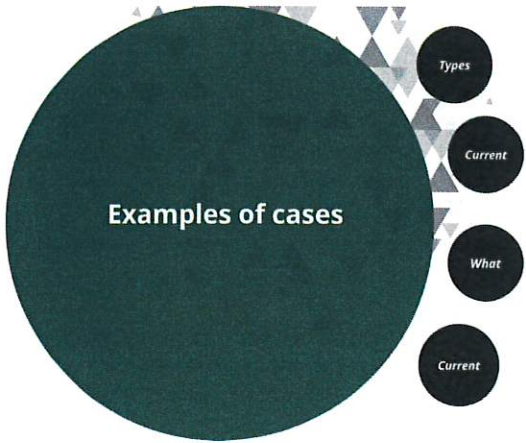
COST AND FUNDING

Each study will be allocated up to \$15,000 for contracted technical and professional services to perform the analysis and technical writing. Oversight will be done by BROADLINC. The funding source will be the Spokane County ARP Funding Award from the Broadland Other Eligible Category (5.21) up to a total of \$200,000. All studies will be concluded before December 31, 2026.

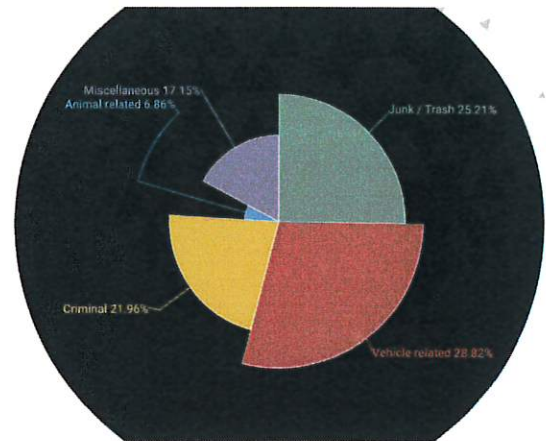
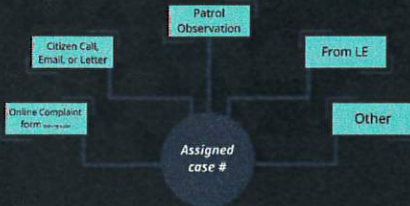
OUTCOME

The feasibility will be used for the basis of funding requests and grant proposals.

Attachment to 9/5/23 CC Minutes

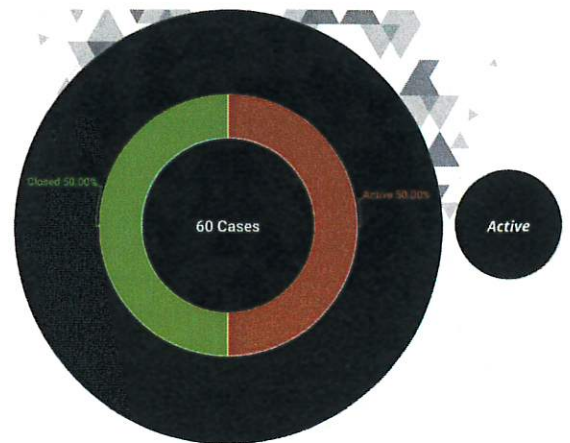


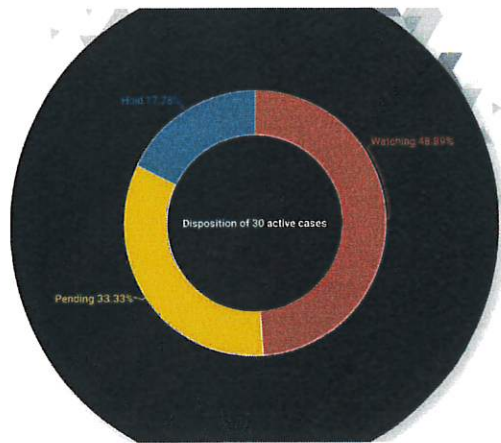
What gets a case number?



Current Case Load

As of 08/30/23
60 recorded cases





Medical lake Code Enforcement

CITY COUNCIL UPDATE
MAY - AUGUST 2023



Moving
forward

Obstacles

Cases

Intro

Blighted Locations

- Homes with persistent issues -



There are several with a history

Junk
Vehicles

Community
support

Outdated
Code

Chapter 8.32 - JUNK VEHICLES

"Junk vehicle" means a vehicle
substantially meeting *at least*
three of the following criteria:

- (1) Is under plans for sale;
- (2) Is seriously damaged, such damage including, but not limited to, any of the following: a broken window or windshield, missing wheels, tires, motor, or transmission;
- (3) Is a safety hazard;
- (4) Has an estimated fair market value equal to or less than the appraised value of the property.



Municipal Code updates are needed

- The Code Enforcement Officer position is vaguely defined in the Municipal Code.
- The line between - Code Enforcement Officer and Building Code Enforcement is blurry
- The MLMC mentions the Medical Lake Police Department (46) times.
- There are several parts of the MLMC that could use some "fine tuning" for easier enforcement and understanding.

Working with the community

Some may not have the resources to deal with their current issue.

- Family member left them the situation.
- Not physically able to address it.
- Transportation issues.

***In some instances, a
different approach
may be necessary.***

We aim to collaborate with the community when necessary to help locate resources.

Medical lake Code Enforcement

CITY COUNCIL UPDATE
MAY - AUGUST 2023

Moving
forward

Obstacles

Cases

Intro





Plans moving forward

- *Sheriff's Office Commission - The specifics of TBD.*
- *Create an Internal Code Enforcement Policy.*
- *Make adjustments to MLMC that are outdated.*
- *Create new door knockers.*

Thank you

dyuhas@medical-lake.org

From: Diane Nichols <hsteacher509@gmail.com>

Sent: Tuesday, September 5, 2023 11:42 AM

To: Sonny Weathers <SWeathers@medical-lake.org>; Mayor Terri Cooper <tcooper@medical-lake.org>; Theodore Olson <tolson@medical-lake.org>; Chad Pritchard <cpritchard@medical-lake.org>; Art Kulibert <akulibert@medical-lake.org>; Bob Maxwell <bmaxwell@medical-lake.org>; Don Kennedy <dkennedy@medical-lake.org>; Tony Harbolt <tharbolt@medical-lake.org>; Keli Shaffer <kshaffer@medical-lake.org>

Subject: Second Reading of Ordinance

Dear Mayor, Administrator and Council Members,

Diane Nichols
Medical Lake Resident
Agenda Item 10A Ordinance 115

I am once again expressing my concern over this ordinance to allow shipping containers throughout Medical Lake in all zoning areas. I urge you to reconsider this and vote no.

There is no way for this ordinance to be enforced and I can only conclude that all of you know that based on what I witnessed at the last council meeting.

At the last meeting, there was already a question raised by a resident about those who have a 40 foot container or other sizes on their property that do not meet the ordinance requirements. The city administrator stated they could apply for a variance. Council Member Kennedy stated that this would apply to containers going forward once the ordinance is in place. That leads me to conclude that we are going to grandfather in existing structures that will be exempt from the requirements around such containers. Are those positions stated in the ordinance? If not, then how can some officials change what the ordinance states without any votes on the changes? If the city officials are already making exemptions to the ordinance before it is fully passed, what is the point? I would like to see this clarified/discussed at the council meeting tonight. If these exemptions are going to be the norm then everyone needs to go on public record supporting it.

There is absolutely no way for a PART TIME Code Enforcement Officer to follow up on the placement, painting, logos, appropriate screening and upkeep of these containers which will pop up all over the city. Is the city planner or building inspector going to be involved? Do they have authority to enforce code violations? What will be the penalty for code violation? It is not humanly possible for Code Enforcement to do it all, so what is the plan for enforcement?? This needs to be explained in the council meeting while discussing this second reading of the ordinance.

Once again, I will raise the very real concern that people will be living in these in spite of the stipulations in the ordinance. How do I know that? We already have people living in RVs in yards, driveways or on the street around this city and they have been there for months (prior to the fire). I can pinpoint three that have been in use all summer. I noticed a fourth this past week, I don't know if that is someone displaced from the fire or not. The point is that the city has done nothing about these RVs (and I am sure there are more than I know of), so there is no feasible way to prevent these containers from being turned into tiny homes. If I can see these examples, I am sure you are aware also. Then I can only conclude that you are ok with that. Otherwise, there is no justification for allowing these containers in residential areas that history proves will be used for purposes other than listed in the ordinance. I

would like this discussed in the meeting and for it to be public record as to how you could possibly enforce or prevent this. Current evidence around the city shows that it can't be done.

If you are wanting to have a theme or brand for this city to draw tourists, this is not the way to do it. We have derelict, junk vehicles with expired tabs all over different neighborhoods; large lots and yards filled with noxious weeds and trash; Rvs, boats, flatbed trailers parked everywhere; loose dogs (see my post on Medical Lake Facebook Community Post page 9/4/23 regarding loose dog incident over the weekend); none of these citizen concerns are being addressed. How can you, as responsible City Administration and Council Members pass this ordinance in good conscience without a plan for enforcing it? Why are citizen concerns about the deterioration of this city not addressed but you just add to the problem? How do you expect citizens to support your vision and endeavors when you ignore our comments and concerns?

I cannot support this ordinance and I cannot support any administration or council members who ignore citizen concerns and continue to add to the problem.

Respectfully,
Diane Nichols