



**CITY COUNCIL MEETING AGENDA
TUESDAY, MARCH 21, 2023
HELD REMOTELY & IN PERSON AT CITY HALL
124 S. LEFEVRE ST.**

- Sign up to provide Public Comment at the meeting via calling in
- Submit Written Public Comment Before 4 pm on (March 21, 2023) - *SEE NOTE*
- Join the Zoom Meeting –
<https://us06web.zoom.us/j/86884780873?pwd=ZINBcU1VTTR0ckx1SEU5Q1NzYlZUQT09>

Meeting ID: 868 8478 0873

Passcode: 552228

One tap mobile

+12532158782,,86884780873#,,,,*552228# US (Tacoma)

+12532050468,,86884780873#,,,,*552228# US

Find your local number: <https://us06web.zoom.us/j/86884780873?pwd=ZINBcU1VTTR0ckx1SEU5Q1NzYlZUQT09>

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**
2. **AGENDA APPROVAL**
3. **INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
4. **ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS**
 - A. West Plains Groundwater Presentation
5. **REPORTS**
 - A. Council Comments
 - B. Mayor
 - C. City Administrator & City Staff
6. **WORKSHOP DISCUSSION**
 - A. Complete Streets Ordinance
 - B. Garbage Fund and Rate Review
 - C. MLMC Chapter 2.6 Amendment Establishing a Salary Commission
7. **EXECUTIVE SESSION** – None scheduled.
8. **ACTION ITEMS**
 - A. Consent Agenda
 - i. Approve **February 21, 2023**, and **March 7, 2023**, minutes.
 - ii. Approve **March 21, 2023**, Payroll Claim Warrants **42250** through **42257** and Payroll Payable Warrants **20191** through **20196** in the amount of **\$141,187.29** and Claim Warrants **42258** through **42300** in the amount of **\$118,900.29**.
9. **RESOLUTIONS**
 - A. 23-577 E & H Engineering Master Agreement
 - B. 23-579 TransAlta Grant Agreement
 - C. 23-580 Asset Management Policy
10. **PUBLIC HEARING** – No items listed.
11. **ORDINANCES** – No items listed.
12. **EMERGENCY ORDINANCES** – No items listed.
13. **UPCOMING AGENDA ITEMS**
14. **INTERESTED CITIZENS**
15. **CONCLUSION**

Preliminary Groundwater modeling of the West Plains, Spokane County, Washington: Deciphering erratic trends in PFAS contamination

Erin Toulou and Dr. Chad Pritchard
Eastern Washington University
Department of Geosciences

West Plains growth dampened

Problems with storm runoff, ground water create big challenge; county can require up to 40% of a site be dedicated to evaporation

By Anita Burke
Of the Bureau of Business

and economic-development officials—say the problems are significant and expensive. The

Department of Ecology News Release - September 8, 2011
11-249

Airway Heights agrees to stop pumping from Parkwest well

SPOKANE — The Washington State Department of Ecology (Ecology) and the city of Airway Heights today signed a legal agreement to shut down the Parkwest well, just south of Airway Heights, because pumping from that well has caused major water supply problems in the area. The Airway Heights City Council approved the agreement last night (Wednesday, Sept. 7, 2011).

Pumping from the Parkwest well has lowered the water table so that some nearby residents have not been able to get the water they are entitled to.

Cheney
FREE PRESS

News Sports Opinion Neighborhood Obituaries

City Well No. 5 contaminated

By Jonathan Olsen-Kozlowski
Cheney Free Press

Last updated 3/17/2022 at 9:24am

8 Comments



CHENEY — They city of Cheney sent notice to residents on March 2 that potentially harmful chemicals known as polyfluoroalkyl substances (PFAS) were found in Well No. 5. The well is a seasonal water source located on Presley Drive used to compensate for additional water use during the summer months.

According to the notice, the city's water division collected PFAS samples from the well on Oct. 7, 2021. A second set of samples taken on Dec. 6 confirmed the initial test results.

The Washington State Board of health requires water systems be tested for a new class of contaminants.

Well 5 contained 7.96 parts per trillion (ppt) of PFOA and 34.6 ppt of PFOS, which are below the state advisory levels for PFOA (10 ppt) and PFOS (15 ppt). The health advisory level for both chemicals is 70 ppt.

THE SPOKESMAN-REVIEW

News Sports A&E Obits Search Q Menu ☰

Wash Idaho Business

SPOKANE

More wells near Fairchild test positive for firefighting chemicals – north of the base

UPDATED: Thu., July 27, 2017, 10:35 p.m.

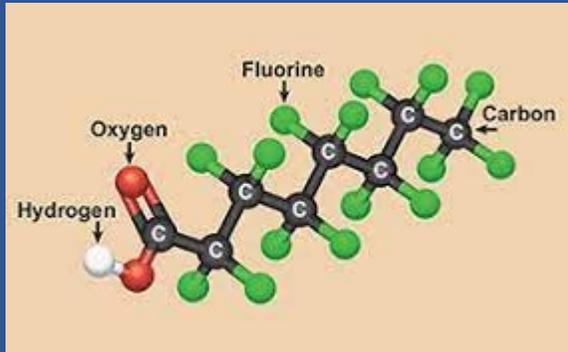


Airway Heights Public Works Department flushes potentially contaminated water from a fire hydrant into Aspen Grove Park in Airway Heights, Friday May 19, 2017. The city is working to remove contaminants from the water pipes caused when chemicals used for fire suppression at Fairchild Air Force Base entered the water supply. (Darin Muhony / The Spokesman-Review)

Water Issues & Background

Stormwater – Water Quality – Water Quantity

P-What?

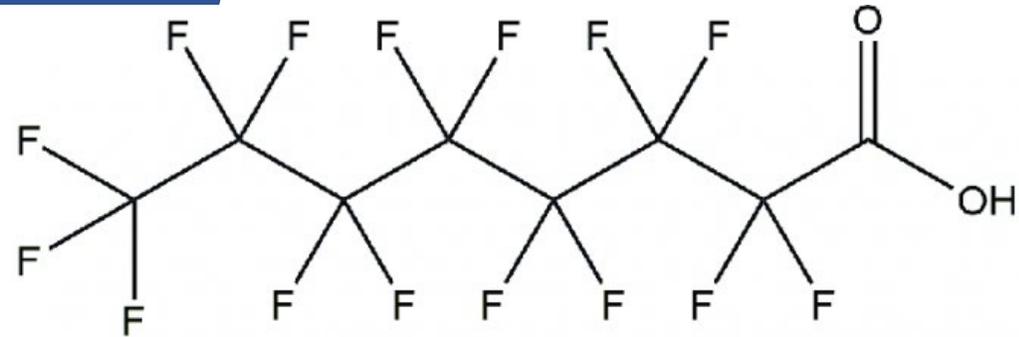


Polyfluorinated substance

... tend to last, don't easily degrade
... water Soluble, easily transported in
... groundwater
... negative health effects...

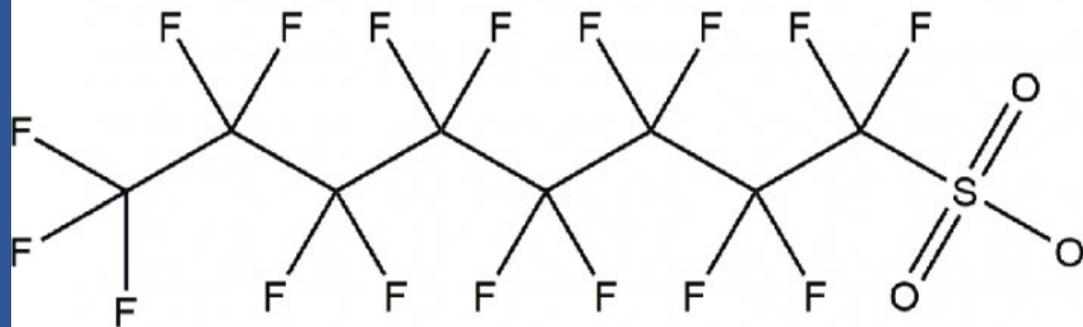
Common types found
in drinking water:

PFOA:
perfluorooctanoic
acid



Perfluorooctanoic acid (PFOA)

PFOS: perfluorooctane
sulfonic acid



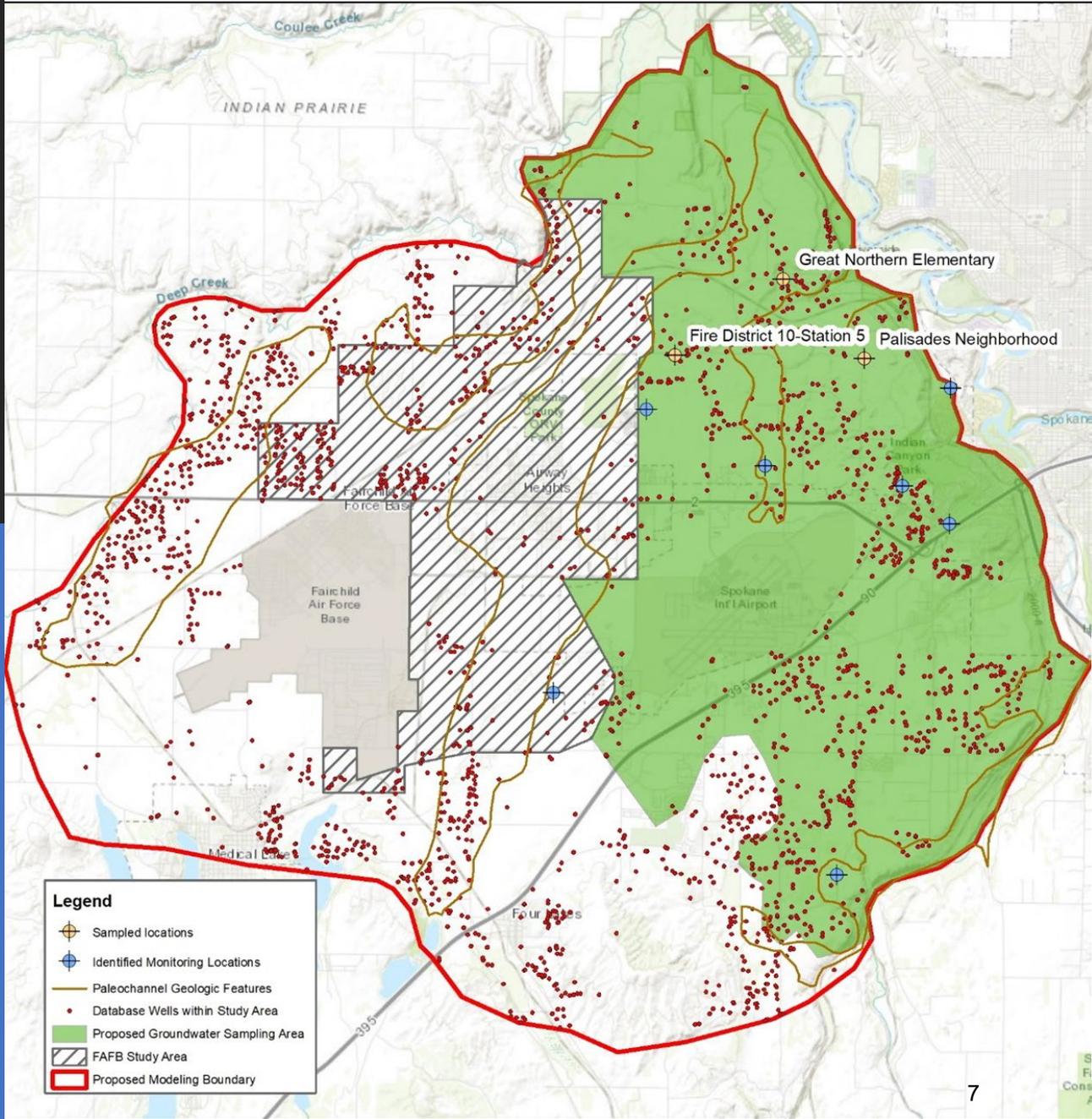
Perfluorooctane sulfonate (PFOS)



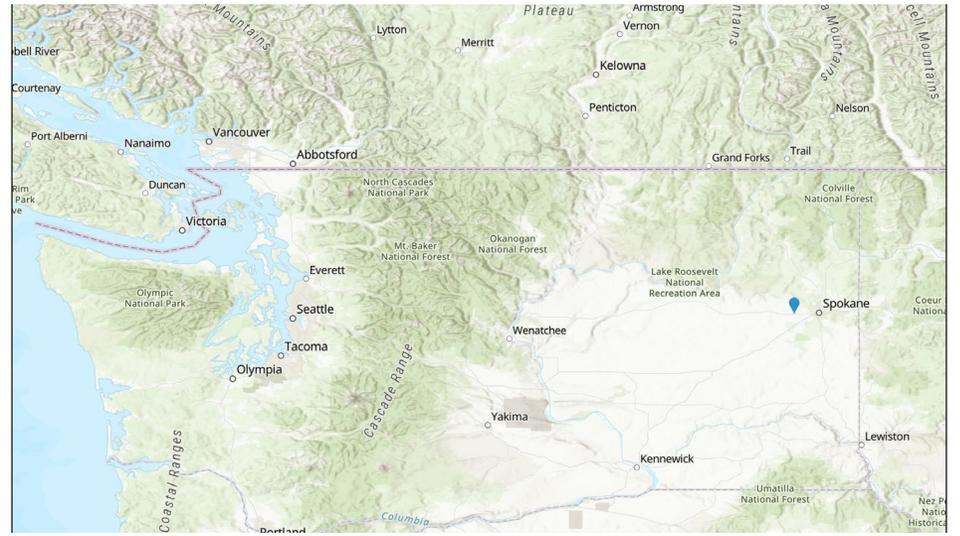


Health Concerns

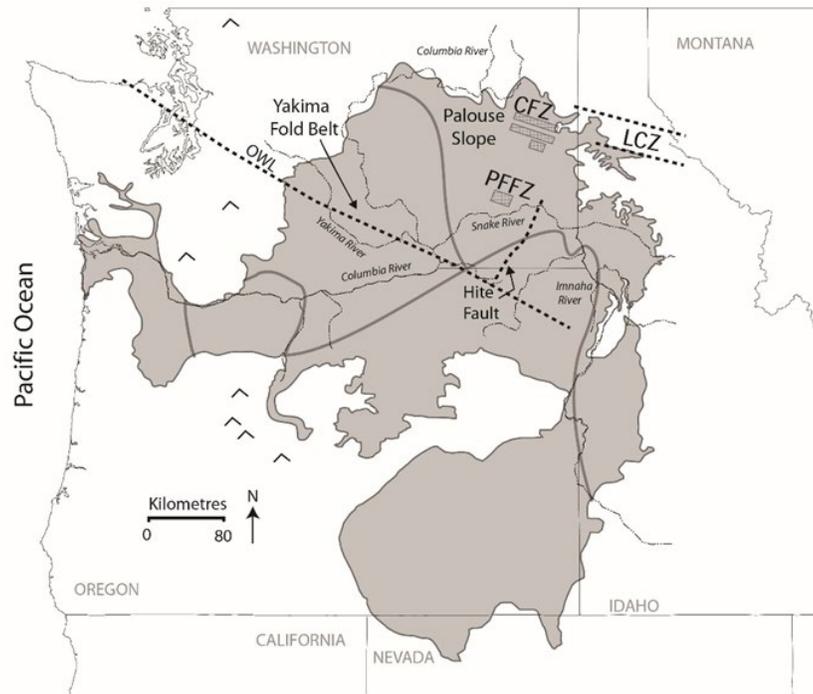
- Growth and development defects
- Cancer
- Thyroid problems
- Compromised immune system
- Liver issues



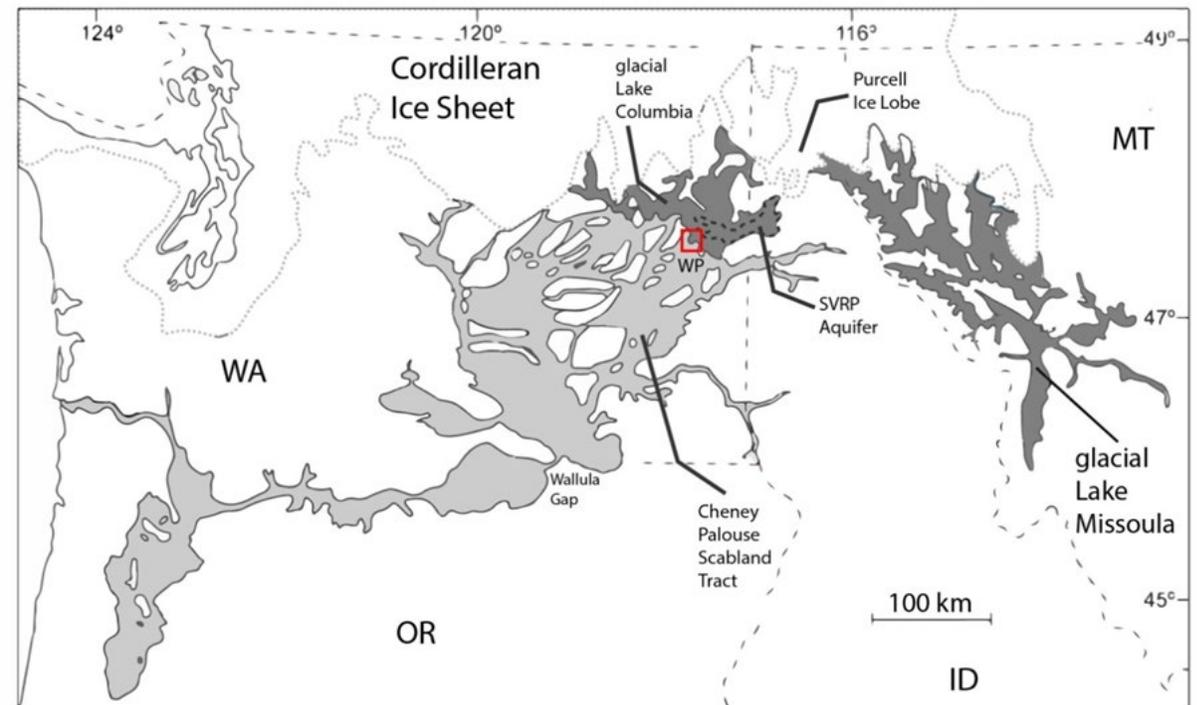
Location: West Plains, Spokane County, WA



Columbia River Basalt and Missoula Floods

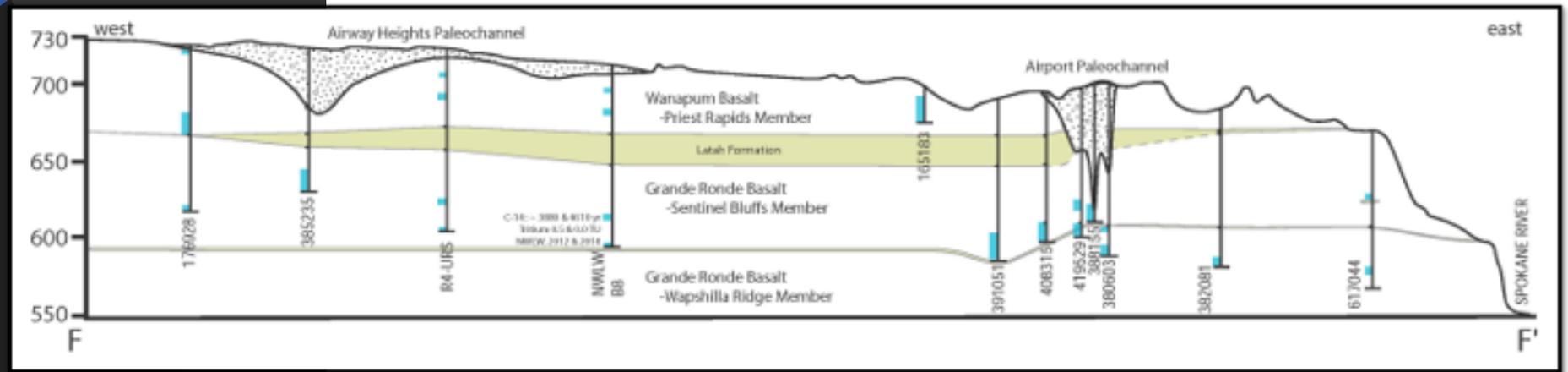
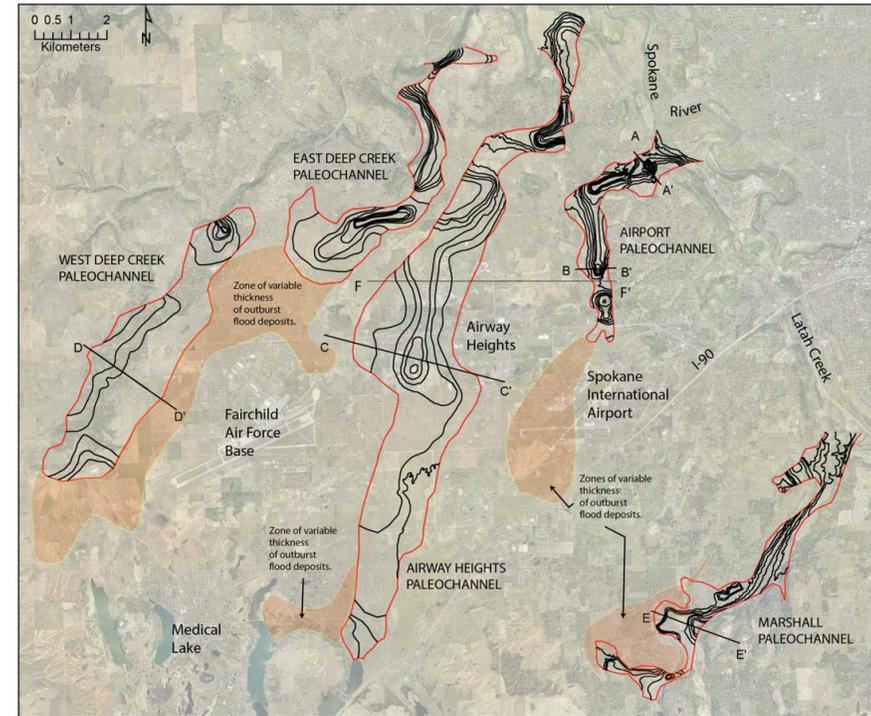


16 million years ago
 Basalt – hydraulic conductivity ~ 0.0005 cm/s



16,000 years ago
 Sand & Gravel – hydraulic conductivity ~ 0.1 cm/s

Cross sectional view



The Department of Ecology does NOT Warranty the Data and/or the information on this Well Report.

WATER WELL REPORT

State of Washington Date Printed: 03-Oct-2005 Log No. 15605
 Construction / Decommission: Original Construction Notice 1751168

Amendment

CURRENT Notice of Intent No.: W181154
 Unique Ecology Well I.D. No. AKA183
 Water Right Permit Number:
 OWNER: CONSTRUCTION, CONDRON
 OWNER ADD: 802 W. ROSEWOOD SITE B SPOKANE, WA 99208
 Well Add: GREENWOOD RD (SPOKANE)
 City: SPOKANE County: SPOKANE
 Location: SE 1/4 SE 1/4 Sec 17 T 25 R 42E EW
 Lat/Long: N, L, R (REQUIRED) Long Dog Long Min/Sec
 Tax Parcel No.:

PROPOSED USE: DOMESTIC

TYPE OF WORK: Owners Well Number (if more than one well): 1
 Method: ROTARY

DIMENSIONS Diameter of well: 6 inches
 Drilled: 287 ft. Depth of completed well: 287 ft.

CONSTRUCTION DETAILS: Casing installed: WELDED
 Liner installed: 6" Dia from 0 ft. to 284 ft.
 " Dia from ft. to ft. " Dia from ft. to ft.

Perforations: No Used In:
 Type of perforator used
 SIZE of perforations in. b in. ft. ft. ft. ft.

Screens: No K-Pac Location
 Manufacturer's Name
 Type: Model No.
 Diam. slot size from ft. to ft. ft. ft. ft. ft.
 Diam. slot size from ft. to ft. ft. ft. ft. ft.

Gravel/Filter packed: No Size of Gravel: ft. to ft.
 Material placed in: ft. to ft.

Surface seal: Yes To what depth: 18 ft.
 Seal method: Material used in seal: BENTONITE
 Did any strata contain unusable water: No
 Type of water: Depth of strata
 Method of sealing strata off:

PUMP: Manufacturer's name: H.P. 0

WATER LEVELS Land-surface elevation above mean sea level: 0 ft.
 Static level: 210 ft. below top of well Date: 05/17/2005
 Artesian Pressure: lbs per square inch Date:
 Artesian water controlled by:

WELL TESTS: Drawdown is amount water level is lowered below static level
 Was a pump test made: No If yes, by whom:
 Yield: gal/min with ft. drawdown after
 Yield: gal/min with ft. drawdown after
 Yield: gal/min with ft. drawdown after
 Recovery data (time taken as zero when pump turned off/water level measured from well top to water level)
 Time: Water Level Time: Water Level Time: Water Level
 Date of test: gal/min ft. drawdown after hrs.
 Barrier test: Air test: 25 gal/min w/ stem set at 280 ft. for 1 hours
 Artesian flow: gpm Date
 Temperature of water: Was a chemical analysis made: No

WELL CONSTRUCTION CERTIFICATION:
 I constructed and/or accept responsibility for construction of this well and its compliance with all Washington well construction standards. Materials used and the information reported are true to my best knowledge and belief.
 Driller Engineer Trainee
 Name: TODD LIVELY License No.: 2321
 Signature: [Signature]
 If name, licensed driller is: License No.:
 Licensed Driller Signature:
Drilling Company:
 NAME: FOGLE PUMP & SUPPLY, INC. Shop: AIRWAY HEIGHTS
 ADDRESS: PO BOX 1450
 Airway Heights, WA 99001
 Phone: (509) 244-0846 Toll Free: (888) 343-8355
 E-Mail: akk@foglepump.com
 FAX: (509) 244-2875 WELL Site: WWW.FOGLEPUMP.COM
 Contractor's Registration No.: FOGLEPS095L4 Date Log Created: 05/28/2005

Well ID	Depth 1	Depth 2	Lithology	Comments
419529	0	1	1	topsoil
419529	1	12	5	sand and gravel
419529	12	15	3	boulders
419529	15	92	5	sand and gravel
419529	92	195	10	basalt, broken
419529	195	201	16	clay
419529	201	222	19	sand, clay, gravel, water
419529	222	257	20	sandy clay
419529	257	287	10	basalt, broken. Water

Well ID	Depth 1	Depth 2	Stratigraphy	Elev 1	Elev 2
419529	0	1	1	2258	2257
419529	1	92	2	2257	2166
419529	92	195	8	2166	2063
419529	195	257	10	2063	2001
419529	257	287	9	2001	1971

Location Method

- GPS (field verified)
- Parcel Number
- Orthophoto
- Measured from Professional Report/Site Plan

Lithology

- soil or overburden
- sand, unconsolidated
- gravel, unconsolidated
- clay, unconsolidated
- sand & gravel, unconsolidated
- basalt debris, unconsolidated
- sand, gravel, and clay, unconsolidated
- sand & clay, unconsolidated
- basalt, hard
- basalt, fractured
- basalt, medium
- basalt, soft or decomposed
- basalt, porous or vesicular
- basalt w/ clay or shale
- sand, interbed
- clay, interbed
- gravel, interbed
- sand & gravel, interbed
- sand, gravel, and clay, interbed
- clay, sand, interbed
- basement rock

Stratigraphy

- unconsolidated
- paleodrainage
- basalt - Wanapum, Priest Rapids member
- Latah I
- basalt - Grande Ronde
 - Sentinel Bluffs member, Grande Ronde
 - NE-RZ interbed
 - Wapshilla Ridge member, Grande Ronde
- Latah II
- basement

Well Construction

- screen
- casing (above ground surface is not noted)
- perforations
- liner

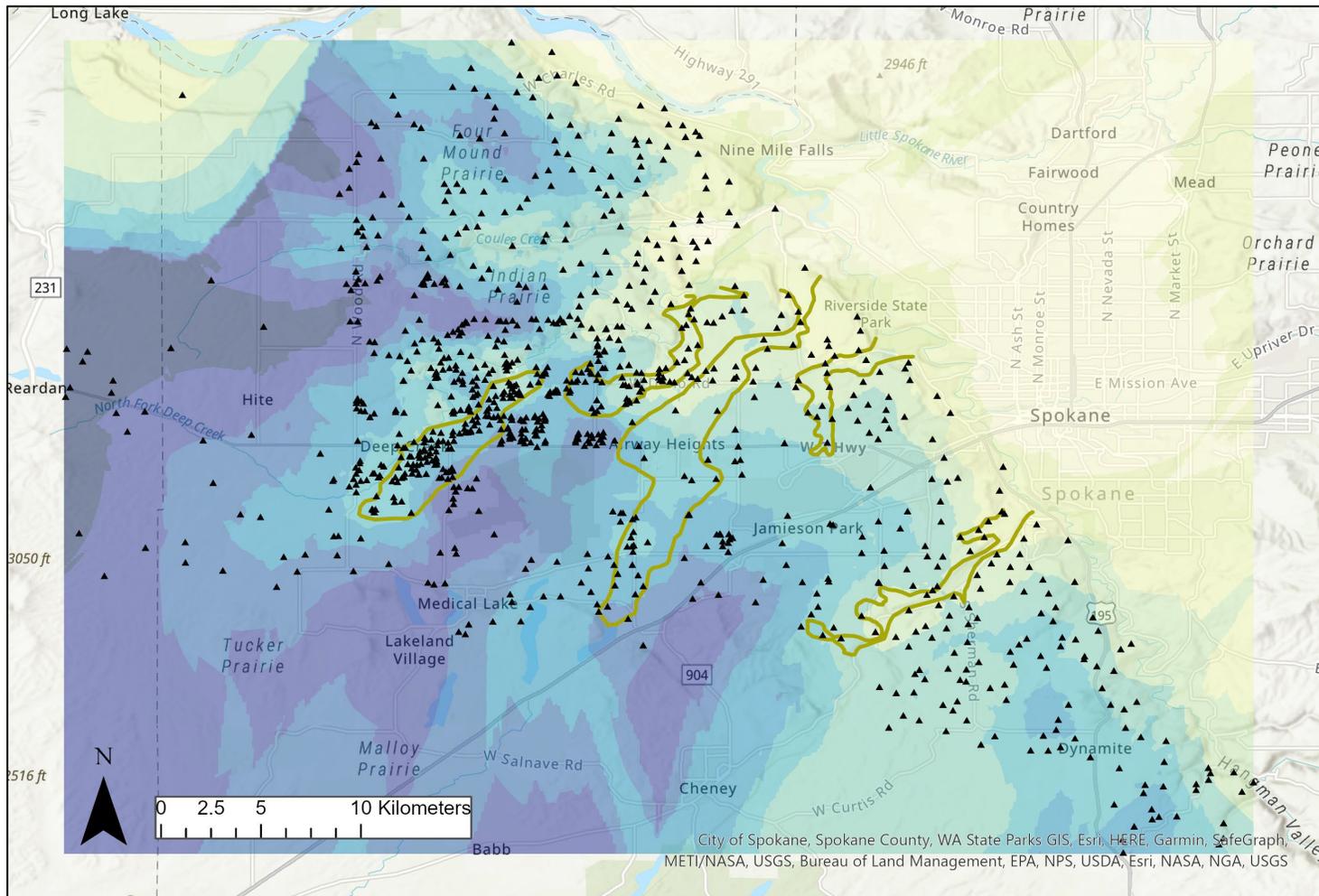
Aquifers

- upper sand & gravel
- sub-upper sand & gravel
- basalt
- sub-basalt
- lower sand and gravel
- sub-lower sand and gravel
- basement
- sub-basement
- static water level
- dry
- artesian

Summary / Lithology / Aquifer / stratigraphy / constuction / Codes

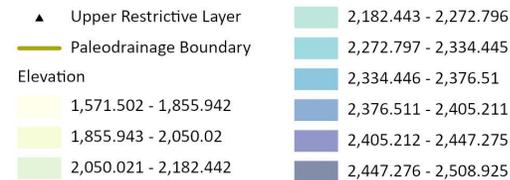
The Evil Key... but good for quick QC and interp:)

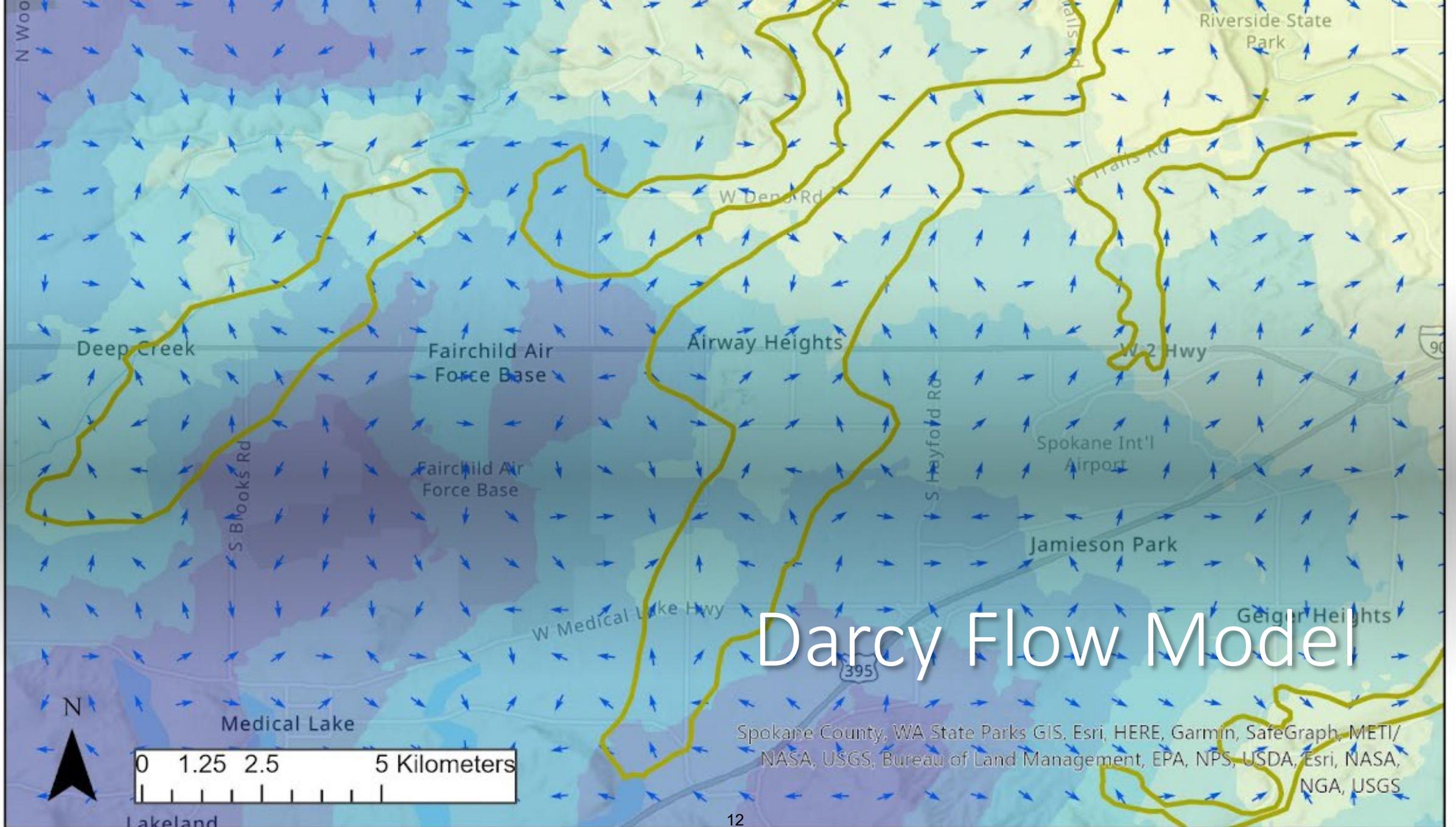
MOST water well reports from the WA Dept. Of Ecology



Upper restrictive layers

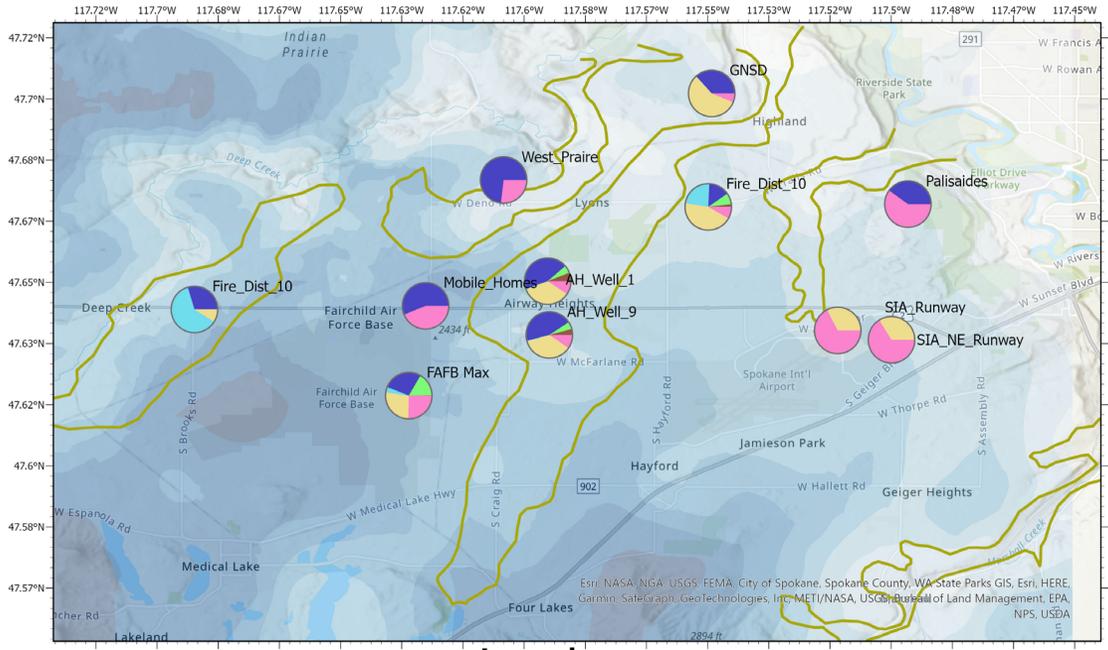
- Highest elevation of restrictive layer (clay or basalt)
- Stormwater perches on the restrictive layer and should flow perpendicular to the contours



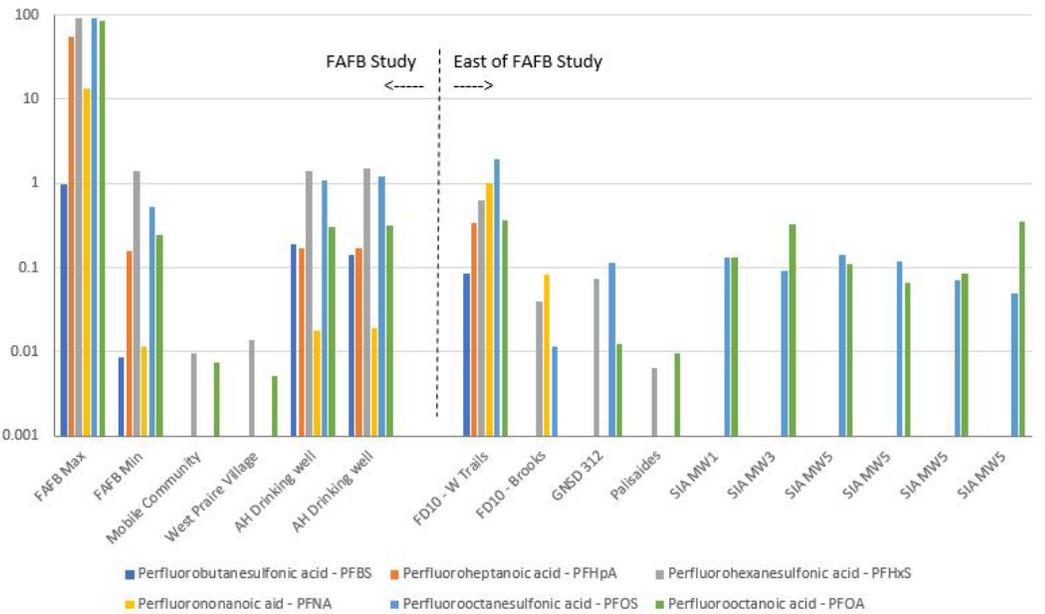


Darcy Flow Model

Spokane County, WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, METI/
NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA,
NGA, USGS



Proposed state action levels of PFOS/PFOA



- Relative types of PFAS at erratic sites, ppm (parts per million)

What's planned

Contamination initially found in the shallow basalt aquifer, but we have found more extensive contamination in deeper aquifers

Area wide groundwater investigation grant (\$500,000) from Department of Ecology, money for sampling and modeling. Waiting on politics...

Quarterly monitoring and sampling will provide much needed data for modeling groundwater flows. PFAS and volatile organic compounds (VOCs) are planned to be analyzed.

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 1109**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE, WASHINGTON, ADDING
CHAPTER 11.23, COMPLETE STREETS POLICY, TO MEDICAL LAKE MUNICIPAL
CODE TITLE 11, STREETS AND SIDEWALKS, CREATING THE COMPLETE
STREETS POLICY FOR USE WHEN CREATING FUTURE TRANSPORTATION
PROJECTS AS AN OPPORTUNITY TO IMPROVE PUBLIC STREETS FOR
PEDESTRIANS, BICYCLISTS, AND TRANSIT USERS REGARDLESS OF AGE OR
ABILITY; SEVERABILITY; AND ESTABLISHING EFFECTIVE DATE**

WHEREAS, the term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel for all users, including pedestrians, bicyclists, motor vehicle drivers, transit users, emergency service providers and freight, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities; and

WHEREAS, in 2011, the state legislature passed the Complete Streets Act, codified in RCW 47.04.320-340, encouraging local governments to adopt their own complete streets ordinances. In particular, RCW 47.04.320(1) states that such ordinances should "provide safe access to all users, including bicyclists, pedestrians, motorists, and public transportation users."

WHEREAS, RCW 47.04.330 requires the Washington State Department of Transportation (WSDOT) to consult with local jurisdictions and consider the needs of all users by applying context sensitive solutions when constructing, reconstructing, or making major improvements to streets that are part of the state highway system; and

WHEREAS, RCW 47.04.320 establishes a grant program to help cities, towns, and counties pay for complete streets projects. To be eligible for a grant, RCW 47.04.320(2)(b) requires local governments to adopt a jurisdiction-wide complete streets ordinance; and

WHEREAS, more than 110,000 pedestrians and bicyclists are injured each year on roads in the United States with children and older adults at greatest risk and disproportionately affected; and

WHEREAS, the occurrence and severity of pedestrian and bicyclist injuries could readily be decreased by implementing Complete Streets practices; and

WHEREAS, the one-third of Americans that do not drive, disproportionately represented by older adults, low-income people, people with disabilities, and children would greatly benefit from the equitable distribution of safe, alternative means of travel that will result from Complete Streets practices; and

WHEREAS, the City of Medical Lake wants to create convenient, enjoyable connections from the parks and trails to its lakes, downtown business core, and the businesses located on Highway 902 within the city limits of Medical Lake to promote tourism and create economic development opportunities while creating a more sustainable community; and

WHEREAS, the Medical Lake City Council intends to improve the safety of City streets, enhance the quality of life of residents, encourage active living, and reduce traffic congestion and fossil fuel use by providing safe, convenient, and comfortable routes for walking, bicycling, and public transportation; and

WHEREAS, the Comprehensive Plan for the City of Medical Lake, as adopted in 2019, encourages efficient, multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans including pedestrian and bicycle travel.

NOW, THEREFORE, the City Council of the City of Medical Lake, Washington, does hereby ordain as follows:

Section 1. Title 11, Streets and Sidewalks, of the Medical Lake Municipal Code is hereby amended to include a new Chapter 11.23, Complete Streets Policy, which reads as follows:

11.23- Complete Streets Policy.

11.23.010 Purpose.

The City of Medical Lake shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction projects. Through ongoing operations and maintenance, the City of Medical Lake shall identify cost-effective opportunities to include Complete Streets practices.

11.23.020 Exceptions.

Facilities for pedestrians, bicyclists, transit users and/or people of all abilities are not required to be provided when:

- A. A documented absence of current or future need exists;
- B. Non-motorized uses are prohibited by law;
- C. Routine maintenance of the transportation network is performed that does not change the roadway geometry or operations, such as mowing, sweeping and spot repair;
- D. The cost would be disproportionate to the current need or probable future uses;
or
- E. In instances where a documented exception is granted by the Mayor.

11.23.030 Complete Streets Infrastructure.

As feasible, the City of Medical Lake shall incorporate "Complete Streets Infrastructure" into existing public and private streets to create a comprehensive, integrated, connected transportation network for Medical Lake that balances access, mobility, health and safety needs of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities, ensuring a fully connected, integrated network that provides transportation options. "Complete Streets Infrastructure" means design features that contribute to a safe, convenient, or comfortable travel experience for users, including but not limited to features such as: sidewalks; shared use paths; bicycle lanes; automobile lanes; paved shoulders; street trees and landscaping; planting strips; curbs; accessible curb ramps; bulb outs; crosswalks; refuge islands; pedestrian and traffic signals, including countdown and accessible signals; signage; street furniture; bicycle parking facilities; public transportation stops and facilities; transit priority signalization; traffic calming devices such as rotary circles, traffic bumps, and

surface treatments such as paving blocks, textured asphalt, and concrete; narrow vehicle lanes; raised medians; and dedicated transit lanes.

11.23.040 Goals to Foster Partnerships.

It is a goal of the City of Medical Lake to foster partnerships with all Washington State transportation funding agencies including the WSDOT, the Federal Highway Administration, Spokane County, Medical Lake School District, citizens, businesses, interest groups, neighborhoods, and any funding agency to implement the Complete Streets ordinance.

11.23.050 Best Practice Criteria.

The Mayor or designee shall modify, develop and adopt policies, design criteria, standards and guidelines based upon recognized best practices in street design, construction, and operations including but not limited to the latest editions of American Association of State Highway Transportation Officials, Institute of Transportation Engineers and National Association of City Transportation Officials while reflecting the context and character of the surrounding built and natural environments and enhance the appearance of such.

11.23.060 Performance Standards.

The City of Medical Lake shall put into place performance standards with measurable benchmarks to continuously evaluate the Complete Streets ordinance for success and opportunities for improvement. Performance standards may include transportation and mode shift, miles of bicycle facilities or sidewalks, public participation, number of ADA accommodations built, and number of exemptions from this policy approved.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this _____ day of _____ 2023.

Mayor, Terri Cooper

ATTEST:

Finance Director/City Clerk Koss Ronholt

APPROVED AS TO FORM:

City Attorney, Sean P. Boutz

Date of Publication:

Effective Date:

DRAFT

CURRENT CODE LANGUAGE

2.16 - SALARIES

2.16.010 - Fixed.

The salary of the office of mayor and the salary of each member of the city council shall be set in the city's salary ordinance.

(Ord. 669 §2, 1986: Ord. 591 §1, 1982: Ord. 517 §1, 1979: Ord. 454 §1, 1975: Ord. 336 §1, 1967).

2.16.020 - Limitations.

The compensation of the members of the city council shall not be increased or diminished after their election (or appointment) nor during their terms of office, including, but not limited to, the current terms of office of the now incumbent members of the city council.

(Ord. 669 §3, 1986: Ord. 591 §2, 1982: Ord. 517 §2, 1979: Ord. 336 §2, 1967).

2.16.030 - Reimbursement for travel expenses authorized.

In the event any city officers or employees incur expenses in an authorized pursuit of city business, reasonable reimbursement may be made in accordance with the city's Personnel Rules and Regulations. Advance travel expense may be approved by the mayor or city administrator.

(Ord. 655 §1, 1986: Ord. 384 §1, 1972: Ord. 347 §1, 1967).

2.16.040 - Payment per mile for use of private vehicle.

For the use of a private passenger vehicle in performing travel on behalf of the city, payment for such use shall be at the rate approved by the city's Personnel Rules and Procedures.

(Ord. 655 §2, 1986: Ord. 529 §1, 1979: Ord. 477 §1, 1977: Ord. 379 §1(part), 1971: Ord. 347 §2, 1967).

DRAFT PROPOSED CODE LANGUAGE

2.16 - SALARIES

2.16.010 Salary

A. Council Members. Each city council member shall be entitled to receive a salary as established by the independent salary commission, or as established through adoption by city council of a separate ordinance setting the salary for city council members. This salary shall be paid once per month.

B. Mayor. The mayor shall be entitled to a salary as established by the independent salary commission, or as established through adoption by city council of a separate ordinance setting the salary for the mayor. This salary shall be paid once per month.

C. Adjustment by Independent Salary Commission. If the City's independent salary commission establishes a salary schedule for the mayor and council members, those salaries shall take effect at the times, in the amounts, and under the conditions established in the schedule or as otherwise provided by law.

2.16.020 Independent salary commission

A. Independent Salary Commission.

1. Creation of Independent Salary Commission. The City may appoint an independent salary commission.
2. Purpose. The purpose of the independent salary commission shall be to review and establish the salaries of the mayor and the council members.
3. Composition. The independent salary commission shall consist of five members appointed by the mayor and confirmed by the city council.
4. Compensation. The independent salary commission shall serve without compensation.
5. Term. The term of appointment is up to one year.
6. Qualifications.
 - a. Each person appointed to serve as a member of the independent salary commission shall be a citizen of the United States, a resident of the City for at least one year immediately preceding such appointment and while serving on the independent salary commission, and a registered voter in Spokane County.
 - b. No officer, official, or employee of the City or any of their immediate family members may serve on the independent salary commission. "Immediate family member" as used in this section means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

7. Operation.

- a. The independent salary commission shall elect a chair and vice chair from among its members. The independent salary commission may establish and adopt rules of procedure for the efficient and fair conduct of its business.
- b. The city administrator shall appoint staff and make available supplies and equipment to assist the independent salary commission in preparation of its reports and records.
- c. Any communication from the independent salary commission to any member of the city council while reviewing the schedule of salaries shall be in writing and made part of the record of the independent salary commission's proceedings.
- d. The independent salary commission shall keep a written record of its proceedings, which shall be a public record in accordance with state law, and shall actively solicit public comment at all meetings which shall be subject to the Open Public Meetings Act, Chapter 42.30 RCW.
- e. The first meeting of the independent salary commission shall occur no later than 20 days after the appointments are made by the city council, and the commission shall review and, if it so determines, amend and file its schedule of salaries with the city clerk within 90 days after appointments are made by the city council.
- f. Three members of the independent salary commission shall constitute a quorum and the affirmative vote of three members shall be sufficient for the decision of all matters and the transaction of all business.

8. Responsibilities. To determine the appropriate rate of compensation, the independent salary commission shall assess the market rate of compensation for elected city officials and study the relationship of salaries to the duties of the mayor and the city council members. Salaries shall be established by an affirmative vote of not less than three members.

9. Removal. A member of the independent salary commission may only be removed during the appointment term for cause such as incapacity, incompetence, neglect of duty, malfeasance, or for a disqualifying change of residence.

10. Filing Date – Salary Schedule. The independent salary commission shall file its salary schedule with the city clerk who will publish the schedule two times, at least one week apart, in the official newspaper of the City. The second date of publication shall be considered the official filing date of the salary schedule.

11. Effective Date – Salaries. The independent salary commission's salary schedule shall become effective in the amounts, at the times, and under the conditions established in the schedule unless a referendum has been filed pursuant to MLC 2.16.020(B). Once filed, the schedule shall be incorporated into the City budget without further action of the city council or independent salary commission. Salary adjustments established by the independent salary commission that result in a salary increase shall be effective immediately as to all council members and/or the mayor,

regardless of their terms of office. If the salary adjustment established by the independent salary commission results in a salary decrease, the decreased salary shall be effective at the commencement of the incumbent's next subsequent term of office.

B. Referendum.

1. Salary Schedule Subject to Referendum Petition.

a. The independent salary commission's adopted salary schedule shall be subject to referendum petition by the people of the City. Any such petition shall be filed with the city clerk within 30 days after the official filing date of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people.

b. Referendum measures shall be submitted to the voters of the City at the next following general or municipal election occurring 30 days or more after the petition is filed, and shall be otherwise governed by the provisions of the Washington State Constitution or other laws generally applicable to referendum measures.

2. Referendum Statement. A referendum statement on a petition shall be phrased in the following language:

Should the salary schedule filed with the City Clerk of the City of Spokane Valley by the Independent Salary Commission on _____ be repealed in its entirety? Your signature on this petition indicates your vote in favor of repeal of the attached salary schedule in its entirety.

A copy of the salary schedule or ordinance to such referendum petition shall be attached to each referendum petition for the information of the parties requested to sign such petition.

3. Initiative Provisions Applied to Referendum Process. All state law provisions applicable to the form of the petition and sufficiency of signatures required for an initiative petition as set forth herein, and to the submission to the vote of the people as set forth herein, shall apply to a referendum petition and to the salary schedule sought to be defeated thereby.

4. Referendum – Effective Date – Record. If a majority of the number of votes cast on the referendum oppose the salary schedule or ordinance, such salary schedule or ordinance shall be deemed repealed following the certification of the vote.

2.16.030 - Reimbursement for travel expenses authorized.

In the event any city officers or employees incur expenses in an authorized pursuit of city business, reasonable reimbursement may be made in accordance with the city's Personnel Rules and Regulations. Advance travel expense may be approved by the mayor or city administrator.

(Ord. 655 §1, 1986; Ord. 384 §1, 1972; Ord. 347 §1, 1967).

2.16.040 - Payment per mile for use of private vehicle.

For the use of a private passenger vehicle in performing travel on behalf of the city, payment for such use shall be at the rate approved by the city's Personnel Rules and Procedures.

(Ord. 655 §2, 1986: Ord. 529 §1, 1979: Ord. 477 §1, 1977: Ord. 379 §1(part), 1971: Ord. 347 §2, 1967).

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
February 21, 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

Don Kennedy
Chad Pritchard
Art Kulibert (via Zoom)
Heather Starr
Tony Harbolt
Bob Maxwell

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Roxanne Wright, Admin. Assistant
Sean King, City Attorney
Scott Duncan, Public Works Director
Elisa Rodriguez, City Planner
Steve Cooper, WWTP Director

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

- A. Mayor Cooper called the meeting to order at 6:34 pm, led the pledge of allegiance, and conducted roll call. Position #2 is vacant, councilmember Kulibert was present on Zoom, councilmembers Pritchard, Starr, Kennedy, Harbolt, and Maxwell were all present in person.

2. AGENDA APPROVAL

- A. Motion made by councilmember Kennedy, seconded by councilmember Harbolt, to strike agenda item 1A as it was inadvertently left on the agenda from the last council meeting and councilmember Kennedy is present. Motion carried 6-0.
- B. Motion to approve agenda as amended made by councilmember Starr, seconded by councilmember Kennedy, carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Tammy Roberson 424 S Brooks – shared comments on the proposed Critical Areas Ordinance. See attached.
- B. Mike Bauman N Stanley – Shared concerns over increased speeding on Stanley Street. Suggested placing the mobile radar units in a more permanent placement.

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

- A. Councilmember Harbolt submitted a request for absence from the March 7, 2023, council meeting. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, carried 5-0 with councilmember Harbolt abstaining.

5. REPORTS

A. City Council & Council Committee Reports

- i. Finance Committee – Councilmember Starr shared that the committee reviewed claims and warrants. Other topics of conversation will be covered throughout the remainder of this meeting.
- ii. Public Safety Committee – Councilmember Maxwell was chosen as committee chair. Shared update from SCSO that seven vehicle thefts occurred in Medical Lake last year. Reminded citizens to lock cars and not leave valuables in them to deter theft.
- iii. General Government Committee – Mayor Cooper shared that the meeting time for this committee will change due to a conflict with another committee meeting. Councilmember Pritchard shared that they discussed voting in a committee chair, Public Works equipment procurement, and the upcoming complete streets workshop. Reported that the city wells are looking good. Congratulated Steve Cooper, WWTP director, on procuring the solar array grant.

B. Council Comments

- i. Councilmember Pritchard – Attended the Housing and Community Development Advisory Committee (HCDAC) meeting and reported that Medical Lake will be recommended for some funding. Shared that the next Medical Lake Geo walk will be Saturday, April 11, 2023, beginning at noon. Shared that the Medical Lake School District STEM night will be on May 3, 2023, 6-7:30 pm at Medical Lake Middle School.
- ii. Councilmember Starr – no report
- iii. Councilmember Kennedy – Reported on the Spokane Transit Authority (STA) meeting last week. Updated on City line bus stops. It will be the first rapid transit in eastern Washington. Ridership for STA was up 14% in 2022.
- iv. Councilmember Maxwell – no report
- v. Councilmember Kulibert – Reported that there are some advance tickets available through the Blue Waters website, for the Bluegrass Festival in August.
- vi. Councilmember Harbolt – Shared that he was glad to be back in person.
- vii. Mayor Cooper – Shared that Re*Imagine Medical Lake is rolling out a brand-new website with Founder’s Day information. Shared that Ptera is rolling out fixed wireless. Citizens can go to the Ptera website, select services, and under “coming soon to Medical Lake” they can put in their address to check eligibility for connection. Shared that credit card payments are now accepted at the front counter of City Hall. Reported that there are four applicants for the Parks and Recreation Director position and there will be an interview next week for the Code Enforcement position.

C. City Administrator & City Staff

- i. Public Safety Update (SCSO & FD3)
 - 1. Chief Rohrbach FD3 – Reported that the January call volume was 67 which is high normal. Overall response time is right around seven minutes for Medical Lake.

Shared that they received a grant for self-contained breathing apparatus and training on them is in progress.

2. Lt. Gladden SCSO – followed up on crime statistics and how they are delivered to the city. Responded to the previous citizen complaint of speeding. Shared that when reporting the speeding to them, it is helpful to have time of day, day of the week, etc. Citizens can call into Crime Check with that information.
- ii. Sonny Weathers, City Administrator
 1. Attended Commute Trip Reduction Champion Awards. Shared information about the program.
 - a. Mayor Cooper presented city staff member, Marilyn Eaker, with a Silver Employee Champion Award and the Bronze Jurisdiction Award from Commute Trip Reduction Program.
 - i. Ms. Eaker shared her desire to research the possibility of scooters for employee use.
 2. Shared about the solar array grant and the project that it will fund.

6. WORKSHOP DISCUSSION

A. Mnati Consulting Retainer Contract

- i. Mayor Cooper shared information regarding the grant writing consultant and the process used. Discussion held regarding compensation. Mayor Cooper asked the council to decide on a starting retainer fee to present to Ms. Mnati.
 1. Motion to set retainer fee at \$2500 made by councilmember Pritchard, seconded by councilmember Starr, then after further council discussion, councilmember Pritchard retracted his motion. Motion to increase the amount to \$5000 made by councilmember Maxwell, seconded by councilmember Pritchard, carried 6-0.
 2. Mayor Cooper stated that the contract will be brought forward at the next meeting.

B. City Council Appointment, Position 2 Candidate Interviews

- i. Mayor Cooper welcomed the three candidates and explained the process for the interviews and selection.
- ii. Candidate Lance Speirs – introduced himself and shared some personal information and reasons for desiring to serve on council.
 1. Councilmembers questions
- iii. Candidate Kelli Shaffer – introduced herself, shared some personal information and reasons for desiring to serve on council.
 1. Councilmember questions
- iv. Candidate Ted Olson – introduced himself, shared some personal information and his reasons for desiring to serve on council.
 1. Councilmember questions

7. EXECUTIVE SESSION – Scheduled per RCW 42.30.110(h) (City Council candidate(s) qualifications)

- A. Mayor Cooper excused council at 7:42 pm for a twenty-minute executive session to discuss candidates. Returned at 8 pm and meeting resumed.

8. ACTION ITEMS

- A. Nomination and Selection of City Council Appointment, Position 2

- i. Motion to nominate Kelli Shaffer made by councilmember Starr, seconded by councilmember Pritchard. Vote of 2-4 with councilmembers Kennedy, Maxwell, Kulibert, and Harbolt voting nay, motion failed.
 - ii. Motion to nominate Ted Olson made by councilmember Kennedy, seconded by councilmember Maxwell. Vote of 3-3, with councilmembers Pritchard, Starr, and Harbolt voting nay leaving Mayor Cooper as the tie-breaking vote. Motion carried 4-3 and Ted Olson will take council position 2.
 - iii. Mayor Cooper explained to other candidates how to register for council elections happening this year.
 - B. Consent Agenda
 - i. Approve **February 7, 2023**, minutes.
 - 1. Motion to approve made by councilmember Kennedy, seconded by councilmember Pritchard, carried 5-1, with councilmember Kulibert not voting (see below). Motion to approve as amended made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.
 - a. At this point, councilmember Kulibert suggested a correction to show that the answer to one of his questions at the previous meeting was no (section 10.C.i. in the minutes). Since it was noted in the minutes that research would be done and answers provided at the next meeting, no correction is needed and therefore, not made. Legal counsel addressed the questions and provided the answers later in this meeting in section 11.A.iii.
 - ii. Approve **February 21, 2023**, Claim Warrants **42167** through **42218** in the amount of **\$135,703.77**, Payroll Claim Warrants **42158** through **42166**, and Payroll Payable Warrants **20186** through **20190** in the amount of **\$139,360.07**.
 - 1. Finance Committee reviewed and approved. Motion to approve made by councilmember Starr, seconded by councilmember Kennedy, carried 6-0.

9. RESOLUTIONS

- A. 23-573 Consortium Agreement with Spokane Testing Solutions
 - i. Public Works Director, Scott Duncan, explained the need for the agreement. Motion to approve made by councilmember Pritchard, seconded by councilmember Kennedy, carried 6-0.
- B. 23-574 EFT Policy
 - i. Mr. Weathers explained the basics of the policy. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.
- C. 23-575 Lake Street ADA Upgrades Prospectus and Local Agency Agreement
 - i. Mr. Duncan explained the agreement. Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 6-0.
- D. 23-576 E & H Engineering Consultant Agreement for Lefevre Street Lane Restriping and Sidewalks
 - i. Mr. Duncan explained the agreement. Motion to approve made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-0.

10. PUBLIC HEARING / APPEALS – No items listed.

11. ORDINANCES

A. First Read - 1108 Critical Areas Ordinance

- i. Legal Counsel, Sean King, read the ordinance.
- ii. Mr. Weathers shared information regarding critical areas and Medical Lake's current ordinance and required update.
- iii. Mr. King addressed some of the concerns that had been brought up at previous meetings. Answered councilmember Kulibert's questions from the previous meeting. Specifically, "If the city denies building due to critical areas, is the city then required to purchase the land? The answer to this question is no. Question two was "can the High School continue using the soccer field if it is designated wetland? The answer to this question is yes. Mr. King gave further explanation on both answers and additional discussion continued. Councilmember Pritchard asked about enforcement of the ordinance and Mr. King discussed options of a third-party enforcement entity versus in-house enforcement. Explained that if the council believes there are items that need further review, they can send the CAO back to the Planning Commission as this is only the First Read of the ordinance. Councilmember Kennedy confirmed with Mr. King that this CAO is being done to bring us into compliance with Washington State law and suggested that Washington State likely has some of the more stringent environmental laws in the country. Mr. King concurred.
- iv. Elisa Rodriguez, City Planner – shared information regarding the approval process of the current CAO versus the proposed CAO.
 1. Suggested an amendment to section 17.10.040 Approval Process (see attached).
 - a. Motion to add the suggested change made by councilmember Kennedy, seconded by councilmember Harbolt, carried 6-0.
- v. Mayor Cooper addressed council and shared thoughts on CAO. Provided the following suggested grammatical corrections:
 1. 17.10.020(B)(5) - add a period at end of first sentence.
 2. 17.10.040(A)(16) – change first "of" to "to" and the second "of" to "in".
 3. 17.10.040(A)(17)- delete "the" in the second sentence where it states, "for the recording".
 4. 17.10.040(F) – should be Section E not F. Also correct to reflect "appeals is in subsection 16" not 15 as it currently reads.
 5. 17.10.050(F)(1)(f) - change the word "irrelevant" to "not applicable".
 6. 17.10.070(B)(2)(c) - references 17.10.030(C)(3)(c), however, there is no such section. Strike (c), so that subsection (d) will become (c).
 7. 17.10.100(B)(6) – include a semi-colon after "feasible".
 8. 17.10.110 after (6), add a period.
 9. 17.10.120(A) - strike "wetland" and replace with "critical area".
 10. 17.10.120(C) - strike the number "1", and the double period, and correct indention.
 11. 17.10.120 – in the second to last sentence, strike reference to "subsection A" and replace with "this section". Sentence would then read "subject to enforcement under this section."
 12. 17.10.110 (B)(6) add "and" after the semi-colon.
 13. 17.10.020 (H) - add "as defined by 17.10.100" to the last sentence.
 14. Councilmember Pritchard shared his desire to see wording added in section 17.10.020(A) regarding groundwater recharge, critical area aquifer recharge, and erosion control. Mayor Cooper asked that a vote be taken on the minor grammatical corrections first since Mr. Pritchard's request is substantive and requires changes to the wording of the document.
 - a. Motion to accept the above minor corrections made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.

b. Mayor Cooper addressed to councilmember Pritchard that she would entertain a motion now to add the language he was requesting, or if he doesn't have it available now, he could bring it at the second reading if the first reading is approved tonight. Councilmember Pritchard stated that he would write the language and e-mail it prior to the next meeting.

vi. Motion to approve first read as amended made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS

A. Asset Management workshop

14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

A. Tammy Roberson 424 W Brooks – shared final comments on CAO. See attached.

B. Nora Vralsted-Thomas 1006 N Stanley – expressed support for Ms. Roberson's proposed amendments.

15. CONCLUSION

A. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Maxwell. Motion carried 6-0 and meeting concluded at 8:58 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

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February 17, 2023

*Admitted in Washington and Idaho

www.spokelaw.com

RE: SECOND SET OF PROPOSED AMENDMENTS TO THE 2023 CRITICAL
AREAS ORDINANCE SUBMITTED BY TAMMY M. ROBERSON

February 2, 2023

Dear Members of the City Council:

My name is Trevor Matthews, and I represent Tammy M. Roberson, a citizen of Medical Lake. I am, once again, writing on her behalf about the City's proposal to update the Medical Lake Critical Areas Ordinance ("CAO"). As you may recall, I sent comments on February 2, 2023 making suggestions for amendments to the proposal. Because the Council has wisely elected to devote extra time and consideration to the CAO before putting it to vote, Ms. Roberson has asked me to submit several more proposed amendments on her behalf.

Ms. Roberson's goal in submitting these amendments is to strengthen and clarify portions of the CAO that deal with wetland delineation and enforcement. These amendments attempt to make it clear that the City has direct power to enforce the CAO and that wetland delineation is a scientific process that should defer to experts. The other proposed amendments attempt to address small weaknesses and ambiguities in the draft CAO without making sweeping changes to its meaning and effect.

Amendment # 5: Ensure that the City Has Sufficient Enforcement Authority.

Delete Section 17.10.120(D) and replace Section 17.10.120(A) with the following text:

- "1. General. No activity requiring a critical area permit shall be conducted without full compliance with this Chapter. Those activities not specifically authorized are prohibited. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored.

The City shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of this Chapter.

2. Inspections. The City or its authorized representative is authorized to make such inspections and take such actions as may be required to enforce the provisions of this Chapter.
3. Right of Entry.
 - a. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the City or its authorized representative has reasonable cause to believe that there exists upon any premises any condition which violated the provisions of this Chapter, the City or its authorized representative may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon him/her by this Chapter, provided that:
 - i. If such premises are occupied, he/she shall first present proper credentials and demand entry; and
 - ii. If such premises are unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry. If such entry is refused, the City or its authorized representative shall have recourse to every remedy provided by law to secure entry.
 - b. No owner or occupant or any other person having charge, care or control of any premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry herein by the City or its authorized representative for the purpose of inspection and examination pursuant to this Chapter. Any person violating this Subsection is guilty of a misdemeanor.
4. Violation.
 - a. Penalties for violations of this Section may be imposed administratively and appealed pursuant to Section 2.80.060(2) of this code.

- b. Notice of penalties – If the City or its authorized representative finds that a violation of this Chapter exists, he/she shall cause to be served, either personally or by certified mail, with return receipt requested, upon all persons having any interest in the property where the violative condition exists, as shown upon the records of the Spokane County Auditor's Office, and shall post in a conspicuous place on such property, a complaint stating the specifics of the violation. If the whereabouts of such persons are unknown and the same cannot be ascertained by the City or its representative in the exercise of reasonable diligence, and the City makes an affidavit to that effect, then the serving of such notice or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper of general circulation in the City. Such complaint shall contain a notice that the violator may request a hearing before the hearing examiner within 21 days of mailing, service or publication of the notice. All parties in interest shall be given the right to file an answer to the notice, and to appear in person, or otherwise, and to give testimony at the time of a hearing before the hearing examiner. Penalties shall become final if the time for appeal expires without action by the violator. All costs, fees and expenses in connection with enforcement of such actions may be recovered as damages against the violator.
5. Remedies Available. In the event of violation, the City or its hearing examiner shall have the authority to levy fines, order restoration, rehabilitation or creation of measures to compensate for the destroyed or degraded critical area. If work is not completed in a reasonable time following the order, the City may, to the extent of monies available through bonds and/or fines, implement a process to restore the affected site or create new wetlands to offset loss as a result of violation in accordance with this code. The violator shall be liable for the cost of such action.
6. Violation—Misdemeanor. Any person, firm or corporation who violates any provisions of this Chapter or who fails, refuses or neglects to comply with the terms of a final order issued under this

Section within the time provided in such final order, is guilty of a misdemeanor.”

Comment:

A law is only as strong as its enforcement provisions. Without enforcement powers, there is no law because there is no deterrent to violation. The presently effective version of the City Code, contains relatively robust, if flawed, enforcement provisions. It allows the City to stop work, levy fines and order restoration of critical areas. By contrast, the proposed CAO is short on detail and gives the City less enforcement authority. This proposed amendment attempts to adapt those provisions to make clear that the City has direct authority to enforce the CAO against violators. The previous enforcement provisions were somewhat cumbersome, always requiring a public hearing before any enforcement could be implemented. This revision of those provisions allows the City to act more quickly by imposing penalties administratively but protects the rights of landowners by allowing immediate appeal of administrative enforcement to the hearing examiner.

Amendment # 6: Ensure Experts Determine Wetland Boundaries.

Amend Section 17.10.020(G) to read:

“Interpretation of Critical Area Boundaries. Determining the exact location of the boundary occurs only through a delineation process performed during the site investigation associated with the development. The planning official shall be authorized to reject, but not replace, a qualified professional’s proposed location of the mapped critical area boundary. Final designations must be based on the best available science, site conditions and other available data or information.”

Comment:

City officials should have oversight duties, but not final authority to declare the extent of a wetland boundary. Because City officials are not experts, they are not qualified to interpose their judgment for that of a qualified professional submitting a report.

Amendment # 7: Make it Clear that Buffer Averaging Must Improve Wetland Protection.”

Amend 17.10.020(F)(2)(h) to include clause v. which reads:

“v. buffer averaging will result in an improvement to overall wetland protection.”

Comment:

This recommendation comes directly from guidance published by the Department of Ecology. It is contained in WETLAND GUIDANCE FOR CAO UPDATES, EASTERN WASHINGTON VERSION, 2016 at page 31. Including this provision is valuable because buffer averaging is not intended to be a

loophole to make projects easier. It is designed to allow development while increasing wetland functions for the benefit of the City and its citizens.

Amendment # 8: Allow Front Yard Size to Decrease to Facilitate Buffer Size.

Amend 17.10.090(F)(2) to include a new subparagraph “j.” which reads:

“j. In order to accommodate for the required buffer zone, the City may reduce the front yard setback requirements on individual lots on a case-by-case basis. The front or rear yard shall not be reduced by more than fifty percent.”

Comment:

This provision is in the original code but has been excluded from the new draft. The provision is good because it allows buildings to be located closer to the front of a property to allow for a larger buffer. This provision makes it easier to protect wetlands while still allowing for development. This provision is likely to reduce the risk of takings lawsuits from landowners.

Comment Regarding Other Types of Critical Areas:

According to the Medical Lake 2019 Comprehensive Plan: “The Washington State Growth Management Act requires that all towns, cities, and counties adopt development regulations to protect critical areas and resource lands.” (Page 93). The City has a variety of protectable critical areas and natural resource lands in its boundaries, but the present CAO only deals with a fraction of them.

In the presently effective code, Sections 17.10.070, .080, .090, .100 are all marked, “[Section reserved/No applicability.]” The draft CAO does nothing new to address these other important environmental resources in Medical Lake. For example, Page 104 of the Comprehensive Plan indicates that Medical Lake has an “aquifer recharge area” within its boundaries, but the CAO does nothing to address protection of that critical area. In addition, Ms. Roberson has recently determined that Medical Lake has protectable Forestland within its boundaries.

The Comprehensive Plan states that the Growth Management Act requires the City to protect these other sensitive areas (e.g. geologically hazardous areas, aquifer recharge area, forestland land, etc.). The City Council should work diligently to ensure that the Draft CAO is just the beginning of Medical Lake’s efforts to protect the environment. Once the CAO is properly amended and approved, the City will need to pass amendments to make sure that it fulfills its remaining environmental duties.

CONCLUSION

As I told you before, Ms. Roberson believes that the proposed CAO is largely acceptable and reasonable, even if it is not her ideal law. Even so, there are still ways the draft can be approved. Ultimately, Ms. Roberson’s goal, which I believe you share, is to make sure that the CAO balances the interests of developers with the need to protect Medical Lake’s environment. The City cannot achieve this goal unless it has clear power to enforce the law and deter violation. The proposed amendment to the enforcement section of the draft CAO is long, but it is largely drawn

from the present code. I encourage the council to review Ms. Roberson's proposed amendments carefully and adopt them.

Thank you for your time and attention in this important process. If council members or their representatives have questions or would like to discuss this proposal, I am happy to speak by phone or to attend a council meeting to assist the City in improving the CAO.

Sincerely,



Trevor Matthews
Phillabaum, Ledlin, Matthews & Sheldon, PLLC
Attorneys for Tammy M. Roberson

Comments – February 21, 2023 City Council Meeting (1st Interested Citizens)
(As Of: 21 Feb 2023)

Good evening, Mayor, City Council members and City Officials.

My goal in submitting these four additional amendments is to strengthen and clarify portions of the Critical Areas Ordinance (CAO) that deal with wetland delineation and enforcement. These amendments attempt to make it clear that the City has direct power to enforce the CAO, that wetland delineation is a scientific process that should be deferred to experts and to address ambiguities. Three examples include:

Amendment #5: Ensure that the City has sufficient enforcement authority.

- 1) Without enforcement powers, there is no law because there is no deterrent to violation.
- 2) The current effective version of the City Code, contains relatively robust, if flawed, enforcement provisions. It allows the City to stop work, levy fines and order restoration of critical areas.
- 3) By contrast, the proposed CAO is short on detail and gives the City less enforcement authority.
- 4) This proposed amendment attempts to adapt those provisions to make clear that the City has direct authority to enforce the CAO against violators.
- 5) This revision allows the City to act more quickly by imposing penalties administratively, but protects the rights of landowners by allowing immediate appeal of administrative enforcement to the hearing examiner

Amendment #6: Ensure experts determine wetland boundaries.

- 1) City officials should have oversight duties, but not final authority to declare the extent of a wetland boundary
- 2) City officials are not experts, they are not qualified to interpose their judgement for that of a qualified professional submitting a report.

Amendment #7: Make it clear that buffer averaging must improve wetland protection.

- 1) Comes directly from guidance published by DOE.
- 2) This is valuable because buffer averaging is not intended to be a loophole to make projects easier.
- 3) It is designed to allow development while increasing wetland functions for the benefit of the City and its citizens.

My goal, which I believe you share, is to make sure that the CAO balances the interests of developers with the need to protect Medical Lake’s environment. The City cannot achieve this goal unless it has clear power to enforce the law and deter violation.

Since one of Medical Lake’s community issues (per the 2019 Comprehensive Plan) is “the community’s wetlands, lakes, and shorelines which are vulnerable to encroachment and misuse, this requires dedicated enforcement of conservation polices and regulations.” which equates to a well written and enforced CAO.

Please review my proposed eight amendments carefully and adopt them.

May the force be with our wetlands and the future of Medical Lake.

As always, thank you so much for your attention and ensuring our City wetlands have extra protections at the local level.

Tammy M. Roberson, 424 W Brooks

Comments – February 21, 2023 City Council Meeting (2nd Interested Citizens)
(As Of: 21 Feb 2023)

Good evening, Mayor, City Council members and City Officials.

On a side note from wetlands: There are other types of critical areas found in Medical Lake which are in the City's 2019 Comprehensive Plan but missing from the Critical Areas Ordinance (CAO).

The proposed CAO only deals with a fraction of them from the Comp Plan.

1st example from the Comprehensive Plan, "The city's critical areas ordinance addresses development occurring over the aquifer and within the aquifer recharge area" (page 103) but the CAO does not address protection of this critical area.

2nd example, "the City has some wind erosion of exposed soils" (page 105) but the CAO does not mention Geologically Hazardous Areas.

3rd example, according to the Dept of Natural Resources, Medical Lake has forestlands but again this is not mentioned in the CAO nor for that matter in the Comprehensive Plan.

The City Council should work diligently to ensure that the draft CAO is just the beginning of Medical Lake's efforts to protect the environment.

Once the CAO is properly amended and approved, the City will need to pass amendments to make sure that it fulfills its remaining environmental duties.

Not sure why you all did not go over the proposed eight amendments and let us know why these were not added (communicating with us verbally or in writing). These eight amendments were not even discussed among the members. Instead, you all went over the small grammatical errors which will not help the wetlands out. BTW – these small errors should have been caught by the Planning Commission... The City Council's job is to review the "meat" of the CAO...

May the force be with our wetlands and the future of Medical Lake.

Thank you for your attention and time.

Tammy M. Roberson, 424 W Brooks

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
March 7, 2023

Council Chambers
124 S. Lefevre Street

MINUTES

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

Don Kennedy
Chad Pritchard
Art Kulibert (via Zoom)
Heather Starr
Bob Maxwell
Ted Olson

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Roxanne Wright, Admin. Assistant
Sean King, City Attorney
Scott Duncan, Public Works Director
Elisa Rodriguez, City Planner
Steve Cooper, WWTP Director

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.
- B. Councilmember Harbolt was excused from tonight's meeting at the February 21, 2023, meeting. Councilmember Kulibert was present via Zoom and all other members were present in person.

2. AGENDA APPROVAL

- A. Councilmember Kennedy motioned to remove Resolution 23-577 from tonight's agenda and move it to the March 21, 2023, meeting. Seconded by councilmember Olson, carried 6-0.
- B. Motion to approve agenda as amended made by councilmember Kennedy, seconded by councilmember Starr, carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Tammy Roberson resident of Medical Lake – shared comments regarding her concern for making sure that her suggested changes are incorporated into the Critical Areas Ordinance before approval. See attached.
- B. Barb Bauman resident of Medical Lake – shared comments and concern on the process of the Critical Areas Ordinance.

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

- A. Sonny Weathers gave a presentation on Strategic Planning.

- i. Mr. Weathers asked for input from council regarding interest in doing some workshops this spring to discuss strategic planning. Discussed the possibility of a half-day workshop the last week in April or the first week in May. Mayor Cooper asked councilmembers to look at their calendars for availability and share with Mr. Weathers so he can coordinate.

5. REPORTS

A. Council Comments

- i. Councilmember Pritchard – Shared that he was invited to be a groundwater specialist with the Northwest Groundwater Coalition Committee. Shared a correction to the next Geo Walk. It will be held on April 15th at 1 pm at Waterfront Park. Shared that the Housing and Community Development Advisory Committee (HCDAC) meeting is tomorrow, and he will attend.
- ii. Councilmember Starr – Shared that the Parks and Recreation Committee met and discussed youth sports, including a mini-march madness tournament for ages 11-12. Spring sports registration is now open and will close on March 24th. Reported that Jazzercise is going well with good participation. Shared that AARP tax preparation assistance is still being provided. Discussed bathrooms for spring soccer including using signage to communicate why bathrooms are closed. Explained that the goal of the signage is to communicate clearly with the public so they can prepare for the unavailable bathrooms. Port-a-potties are available. Finance Committee discussed taxes as well as the usual warrants. Mayor Cooper suggested that council workshop taxes on an upcoming agenda. Councilmember Starr also shared that the Parks & Recreation Committee discussed the issue of animal feces within the city. They have researched the possibility of a mobile pick-up service but found it not feasible due to the amount of mileage covered. Mayor Cooper suggested engaging the community in the clean-up effort.
- iii. Councilmember Kennedy – Shared that he will attend a Spokane Transit Authority meeting next week.
- iv. Councilmember Maxwell - no report.
- v. Councilmember Olson – expressed his thanks for being selected to council.
- vi. Councilmember Kulibert – shared thoughts on city cleanup. Suggested putting information out on social media to help with turnout.

B. Mayor

- i. No report.

C. City Administrator & City Staff – No reports.

6. WORKSHOP DISCUSSION

A. Establish a Salary Commission to review Mayor and City Council pay and benefits

- i. Mr. Weathers shared that the current salary ordinance was adopted in 1986 and hasn't changed. He believes it is pertinent to address salaries for elected officials since other salaries for city employees have recently been reviewed. Proposed a salary commission rather than council setting their own salaries. This would be an appointed commission. Plan would be published and the public would have opportunity to address. Asked council if they would like to move forward. Mayor Cooper likes the idea of a separate commission. Commission can be used just for this particular purpose not permanently. Councilmember Starr voiced her approval of the commission since all other staff positions have been reviewed except council. No objections from any of the councilmembers. Mr. Weathers will move forward.

B. Asset Management Policy

- i. Koss Ronholt, Finance Director shared a presentation on an Asset Management policy for the city. Requested feedback from council on the policy. Discussion held. Will add definition of BARS to the policy for clarity.

7. EXECUTIVE SESSION – None scheduled.

8. ACTION ITEMS

A. Consent Agenda

- i. Approve **February 21, 2023**, minutes.
 1. Correction needed in section 11.A.iii. of minutes regarding the questions councilmember Kulibert asked. Need to indicate that the answer to the question regarding the high school's ability to use the soccer field, is yes.
 2. Councilmember Pritchard indicated that some of his comments regarding the CAO were missing.
 3. Motion to send minutes back for corrections and review again at the next meeting, made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-0.
- i. Approve **March 7, 2023**, Claim Warrants **42219** through **42249** in the amount of **\$297,163.10**.
 1. Finance committee reviewed and motion to approve made by councilmember Starr, seconded by councilmember Kennedy, carried 6-0.

9. RESOLUTIONS

A. 23-577 E & H Engineering Master Agreement

- i. Moved to the March 21, 2023, meeting (see section 2(A) above).

B. 23-578 Mnati Consulting Retainer Contract

- i. Alise Mnati was present via Zoom and shared her background, what her work entails, and addressed council questions.
- ii. Motion to approve as written, made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-0.

C. 23-579 TransAlta Grant Agreement

- i. Discussion held and corrections needed.
 1. Exhibit C, Section 10, third sentence from the bottom should state section 10, not section 11.
 2. Council would like an interpretation of section 7 in Exhibit C. (interpretation of #7) and correcting proper page citing
 3. Motion to send the agreement back to TransAlta to address the above and bring the resolution back at the March 21, 2023 council meeting, made by councilmember Kennedy, seconded by councilmember Maxwell, carried 6-0.

10. PUBLIC HEARING / APPEALS – No items listed.

11. ORDINANCES

A. Second Read - 1108 Critical Areas Ordinance

- i. Mayor shared that written public comments were received by Medical Lake residents Tammy Roberson, Irene Wight, Diane Nichols, and Barb Baumann. All council members received them. See attached.
- ii. Mr. King read the ordinance title.
- iii. Councilmember Kulibert addressed the many discussions on the 15 ft setback. He believes that the zoning code is the proper place to address the setback requirements, not the CAO. Mayor Cooper concurred and stated that the Planning Commission determined that the State of Washington law was sufficient.
- iv. Mayor Cooper commented that she appreciates Ms. Roberson's passion. Also shared that the eight items presented by Ms. Roberson were discussed, vetted, and hashed out. Shared that she does feel that this ordinance is well-written, it has been labored over and not rushed. Planning Commission took the time to review and took it seriously. She thanked the Planning Commission for their work and the citizens for their input. Reminded that laws can be changed and amended.
- v. Councilmember Kennedy shared input and believes that it has been reviewed in depth and processed thoroughly. Also appreciates all the work that's been put in.
- vi. Councilmember Olson stated that he believes we are looking forward.
- vii. Motion to approve made by councilmember Kennedy, seconded by councilmember Olson, carried 4-2 with councilmembers Starr and Pritchard voting nay.

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS

- A. Workshop/presentation on utility taxes
- B. Town clean-up in May – possibly sooner depending on the weather

14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. none

15. CONCLUSION

- A. Motion to conclude made by councilmember Pritchard, seconded by councilmember Maxwell. Motion carried 6-0 and meeting concluded at 7:58 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

Tammy M. Roberson
PO Box 1696
Medical Lake, WA 99022-1696
tmroberson61@gmail.com

City of Medical Lake
Attn: Sonny Weathers, City Administrator
PO Box 369
Medical Lake, WA 99022

24 Feb 2023

Dear Members of the Medical Lake City Council,

I am writing to reemphasize the importance of my proposed amendments to the draft Critical Areas Ordinance (CAO) for the City of Medical Lake. Those comments are found in letters dated February 3, 2023 and February 17, 2023 sent on my behalf by my attorney.

In those letters, I proposed eight simple amendments to the draft CAO which would clarify, strengthen and improve the law.

As it stands, the current draft CAO has a number of flaws that demand correction. For example, it does not contain sufficient enforcement provisions to ensure that violators can be held accountable. It is also less protective of our environment than the previous statute because it eliminates the buffer building setback contained in the current Code. The City Council has a duty to consider my amendments, and would be wise to adopt them.

I urge the Council to take up and vote to approve my proposed amendments to the draft CAO. The law, and our community will be better for it.

Sincerely Yours,



Tammy M. Roberson, MBA
SMSgt USAF Retired/Disabled Veteran
424 W Brooks Rd

Comments – March 7th, 2023 City Council Meeting (1st Interested Citizens)
(As Of: 6 Mar 2023)

Good evening, Mayor, City Council members and City Officials.

I would like to reemphasize the importance of my proposed simple eight amendments to the draft Critical Areas Ordinance (CAO).

As it stands, this draft has a number of flaws that demand correction. For example, it does not contain sufficient enforcement provisions to ensure that violators can be held accountable plus it is less protective of our environment than the previous statute because it eliminates the 15' buffer building setback which has been in place since 1994. Why would we weaken our environmental rules now especially after what has happened to the Stanley wetland and also the one by the elementary school? Simply look at how close the wetland waters are to those new apartments.

There is a myth floating in the community that the Dept of Ecology will come in with their so-called hammer to rescue the wetlands and its buffers. This is definitely NOT the case.

1) State agencies are usually REACTIVE and not PROACTIVE. Until an interest or a concern which is regulated by their agency is brought to their attention (i.e., permit request, public complaints, etc), they do not act. At that time, it may already be too late for the wetland. This is why it is so important to have a well written and **enforceable** CAO in order to make sure what has happened in the past stays in the past (and does not happen in the future).

2) DOE only comes into the picture if there are violations of the wetland itself and NOT the buffer zone which is the City's responsibility. BTW – most violations occur in the buffer zone and not the actual wetland itself. Who wants to build in water? As one can see from the situation with the Stanley Wetland, the City did not do a good job in dealing with the enforcement side.

3) Yes, there are other state agencies that regulate wetlands and their buffers but cooperation and communication between these groups can be lacking (which again may be detrimental to the wetlands and their wildlife habitats). The City must have their own strong written protections in place to begin with.

As you may or may not know, I have been working with legal folks during this entire CAO update process since it is after all an ordinance. The current draft of the CAO is simply less protective of the wetlands than the previous statute. Likewise, the current draft is vague as to enforcement powers, which is a step down from previous versions of the law. My proposed amendments are favorable both to the City and also to our environment unlike the City's as stated in my rationale for each of the eight amendments.

In my mind, this raises an important question for the City Council members to answer to its citizens today if the 2nd vote is approved without consideration of my proposed amendments.

Why are we having public meetings with open comments if the City plans to ignore citizens' voices? Many citizens came and spoke at previous meetings, but the City has done nothing to acknowledge their concerns. The City should listen to its citizens' voices!

Finally, a note on the draft minutes located in the Agenda packet: According to page 14 (#11, para A, III) in the draft Minutes, it states, "Can the High School continue using the soccer field if it is designated wetland? Mr King said the answer is no to both questions and elaborated on the reasons." I do not think this is totally correct - If the field is already built, it stays where it is (grandfathered in). (ask the City Attorney to clarify)

In closing, the City Council has a duty to consider my amendments and would be wise to adopt all of them.

The law, and our community will be better for it.

May God's force be with our wetlands and the future of Medical Lake.

Tammy M. Roberson, 424 W Brooks

Sonny Weathers

From: Irene Wight <irenewight@icloud.com>
Sent: Monday, March 6, 2023 4:32 PM
To: Sonny Weathers
Subject: Wetlands

Irene Wight
516 N Jefferson
Medical Lake, WA
99022
irenewight@icloud.com

March 6, 2023

Dear Members of Medical Lake City Council,

It has been brought to my attention that you plan on loosening the environmental constraints that prohibit building on wetlands. We must secure our wetlands with strict environmental protections. I've lived in Medical Lake for 33 years and love the diversity of wildlife we have in our small town. I love the sense of community we have in coming together for community events. I know all my neighbors here and we all enjoy this beautiful place we live in.

I urge the city council to vote to approve Tammy M. Robertson's eight amendments to the draft Critical Areas Ordinance (CAO).

I am a citizen of Medical Lake and I vote. I am watching to see if our city council really listens to its citizens. I expect action on this important issue!!

Irene T. Wight
516 N Jefferson, Medical Lake

Sent from my iPhone

Sonny Weathers

From: Diane Nichols <hsteacher509@gmail.com>
Sent: Tuesday, March 7, 2023 2:31 PM
To: Sonny Weathers; Mayor Terri Cooper; Chad Pritchard; Heather Starr; Art Kulibert; Tony Harbolt; Bob Maxwell; Don Kennedy
Cc: Roxanne Wright; Elisa Rodriguez
Subject: CAO Second Reading

Good Afternoon Medical Lake City Council Members, .

My Name is Diane Nichols. I am emailing regarding the CAO second reading at the March 7, 2023 City Council meeting.

I urge you to reconsider and I would like to hear public discussion within the council meeting regarding Tammy Roberson's proposed amendments to the CAO.

I fully support the adoption of these amendments. I feel very strongly that the 15" building setback should be reinstated. The critical need for the additional setback is evident from the West Terrace/Silver Hills neighborhood problems that directly resulted from building too close to the Tule Pond wetland areas. The Park Apartments are another example of intrusion into the buffer zone because of non compliance with a setback. The current damage done from construction is regrettable but the future damage to that wetland will a black eye on the city for all to see for decades to come. Additional evidence is plainly visible from the duplex townhouses built on North Stanley that have back yards right up to the buffer. The trash and domestic animal damage is already evident. I could go on with the evidence of damage to Medical Lake wetlands that have been a pattern in the past. You have the power to stop this damage.

Or is that what the Council Members condone? If so, you need to go on public record as to your position. If this is what the Mayor stands for, then go on public record.

I have attended the Planning Commission and Council Meetings in person and via zoom. I am disappointed that I have not seen much discussion from any of our representatives on Ms Roberson's proposed amendments. She has done extensive research and presented you with well thought out proposals which I support completely. Perhaps there is some legality or rule of order of which I am unaware that prevents you from discussing these amendments? If so, please enlighten me. If not, I urge our representatives to seriously consider and discuss for the public record your positions on these specific proposed amendments and vote to approve.

I know there has been much work that has gone into this CAO document. I know the city needs to get this document in place to be compliant with the state. But you also have a duty to your citizens and the environment to get this right. It is not ok to say we can just go back and amend it later. That rarely happens. Please, take the time to consider, discuss the proposed amendments and correct the CAO by voting to provide additional protections for the wetlands that we have left.

Thank you for your time.

Diane Nichols
425 Frederick Avenue
Medical Lake WA

Sending Email Comments to City Officials/City Council

NOTE: All comments must be received by the City not later than 3pm on 7 Mar 23.

ACTION Addressees:

Mr. Sonny Weathers, City Administrator (sweathers@medical-lake.org)

Mayor Terry Cooper(tcooper@medical-lake.org)

Council Member Don Kennedy (dkennedy@medical-lake.org)

Council Member Bob Maxwell (bmaxwell@medical-lake.org)

Council Member Tony Harbolt (tharbolt@medical-lake.org)

Council Member Art Kulibert (akulibert@medical-lake.org)

Council Member Heather Starr (hstarr@medical-lake.org)

Council Member Chad Pritchard (cpritchard@medical-lake.org)

INFO Addressees:

Ms. Roxanne Wright, Administrative Assistant (rwright@medical-lake.org)

Ms. Elisa Rodriguez, City Planner (erodriguez@medical-lake.org)

Tammy Roberson, Coordinator for Citizens CAO Comments (tmroberson61@gmail.com)

(This is just a safeguard to make sure the City does not misplace your comments.)

An example one may use would be the following:

Dear Members of the Medical Lake City Council,

[Give unique person comments – for example: “Our wetlands are a treasure and I want our City Government to work to make sure they are well protected. Here’s why this matters to me... (give reason)”]

I urge the City Council to take up, and vote to approve, Tammy M. Roberson’s proposed eight amendments to the draft Critical Areas Ordinance (CAO).

I am a citizen of Medical Lake and I vote! I am watching to see if our City Council really listens to its citizens. I expect action on this important issue.

Sincerely Yours,

FIRST/LAST NAME

MEDICAL LAKE STREET ADDRESS

Each of you will determine the future and the role of the critical wetlands in our community and ultimately the future of Medical Lake as a whole entity and the future of Medical Lake short term and long after each of us are long gone. I hope that each of you look at the "exceptions" made in the past and act to not to make them the "new normal". This is your opportunity to do what is right for the environment and the future of Medical Lake. Your decisions will be permanent and it will be too late. Allowing minimal or no buffers or eliminating additional buffers to protect these vital resources and disrupting the natural ecosystems will ultimately destroy Medical Lake. It will no longer be a day trip or vacation or stop over destination. The new apartments at "the Park" will challenge "Mother Nature" based on how the humans choose to protect it or not.

Tammy and Trevor Matthews have graciously provided you with expert knowledge, recommendations and steps to preserve these vital assets to our area. It's a lot of information but based on previous and current actions, these vital lands need all the protection they can get. The Attorney's letter was spot on with the best practices for the city to follow to ensure the best protection of these vital lands!

Please do what needs to be done, it's been drafted for you, it gets the job done ... but it needs your support and your blessing and finally your vote.

What happens when the lakes, ponds, and native grounds are polluted by humans and garbage and domestic animal feces and they dry up and there's nothing special about this area, except festivals and celebrations? Where was our local government who holds the future of the city and community in their hands, as well as jeopardize the long term health of our environment. You can not go back, you don't get a do over. We can't even get people to respect our city enough to pick up their trash or dog feces, which ultimately goes into our water sources and ground.

This will literally determine the future of Medical Lake. No one person should be the decision maker. By bending rules, changing rules and ignoring the rules that are to protect these sensitive ecosystems, we as a community have failed. It is going to be challenging enough to keep what's left of the wetlands and ecosystem alive. The City should require it to be resurveyed and refenced and any applicable fines should be sent to the developer. The current fencing is not where it should be or removed, land was bulldozed in the designated wetland, and no one cares. The housing development at the south end of town and the demise of those wetlands set the tone, same developer and same builder.

As far as the public not coming out and screaming about the dangers you are proposing to our current wetlands and the supporting ecosystems and growth, the world has changed and humans are not invested in the community, unless it involves them personally, eg expanding the city limits onto their homes and land. So many residents live here but don't pay taxes, vote or participate in our community, except for what is of current benefit and importance to them at this time. They aren't invested in Medical Lake or the long term effects of actions or loss of protections.

Your job is to ensure the overall health of this community is not diminished by accepting rules that were ignored, changed or jeopardized in the past at the greed of a shady city official and the smooth talking of a developer who has no interest beyond what he/she wants in their pocketbook. There is truly something to living in the community you serve.

We have already seen the rules and regulations bent, ignored, and literally changed before our very eyes. We have individuals who talk support and then vote against the very items they proposed.

The Items that have been proposed based on professional experience and knowledge and the legal counsel summarizing the actions needed are crucial to save our community and the uniqueness and history that this town has to offer.

I urge you to carefully consider and implement the recommendations Tammy Roberson and Steve Matthews have submitted and to amend the CAO Accordingly. I second Diane's Comment, "We need to make sure that one unelected official in city government does not have the power to decide wetland boundaries or waive requirements without oversight by the Mayor, City Council and Planning Commission. We need to make sure that the Council and the Mayor do not decrease protection of our wetlands."

The time is now ... Get the CAO right. The future of Medical Lake depends on it!

Thank you for your time and commitment!

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-577**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE APPROVING AN
EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF MEDICAL
LAKE AND E & H ENGINEERING, INC.**

WHEREAS, the City of Medical Lake and E & H Engineering, Inc. previously entered into an Agreement for Engineering Services (“Agreement”) that provided for a mutual extension of the Agreement; and

WHEREAS, the parties are desirous of extending the Agreement through 2023; and

WHEREAS, the City of Medical Lake and E & H Engineering, Inc. have prepared an Extension of Agreement Between the City of Medical Lake, Washington and E & H Engineering, Inc. (“Extension Agreement”) to extend services through the 2023 calendar year.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE, WASHINGTON, as follows:

Section 1. Approval. The City Council hereby approves of the Extension Agreement between the City of Medical Lake and E & H Engineering, Inc. as set forth in the attached Exhibit A, which is incorporated herein.

Section 2. Severability. If any section, sentence, clause, or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage by the City of Medical Lake City Council.

ADOPTED this 21st day of March, 2023.

Terri Cooper, Mayor

Attest:

Approved as to Form:

Koss Ronholt, City Clerk

Sean P. Boutz, City Attorney

**EXTENSION OF AGREEMENT BETWEEN
THE CITY OF MEDICAL LAKE, WASHINGTON AND
E & H ENGINEERING, INC.**

THIS AGREEMENT is made and entered into between the CITY OF MEDICAL LAKE, WASHINGTON and E & H ENGINEERING, INC. (collectively the “Parties”).

WHEREAS, the Parties previously entered into an Agreement for Engineering Services (“Agreement”) whereby E & H Engineering, Inc. provides engineering services to the City of Medical Lake; and

WHEREAS, the previous extension of the Agreement expired on December 31, 2022; and

WHEREAS, pursuant to the Agreement, the Parties wish to extend the Agreement through 2023; now therefore,

THE PARTIES hereby extend the Agreement, on the same terms and conditions as currently exist, through December 31, 2023.

DATED this 21st day of March, 2023.

CITY OF MEDICAL LAKE

E & H ENGINEERING, INC.

BY: _____
Terri Cooper, Mayor

ITS:

ATTEST:

Koss Ronholt, City Clerk

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-579**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE, SPOKANE COUNTY,
WASHINGTON APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF
MEDICAL LAKE AND TRANSALTA CENTRALIA BOARD FUNDING, LLC**

WHEREAS, the City of Medical Lake (“City”) and TransAlta Centralia Board Funding, LLC (“TransAlta”) have prepared a Grant Agreement (“Agreement”) to establish the terms and conditions of a grant of funds from TransAlta to the City to support the installation of a 100kW ground mounted solar system as the City’s Wastewater Treatment Plant; and

WHEREAS, the Agreement sets forth the requirements of the parties, including the disbursement schedule for all grant funds in the amount of One Hundred Eighty-Five Thousand Dollars (\$185,000.00); and

WHEREAS, City Staff recommends the City Council approve the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDICAL LAKE, WASHINGTON:

Section 1. Approval. The City Council hereby approves of the Agreement, attached hereto as Exhibit A and incorporated herein, and the Mayor is authorized to execute said Agreement on behalf of the City.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon passage by the City of Medical Lake City Council.

ADOPTED this ___7th___ day of March, 2023.

CITY OF MEDICAL LAKE:

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, City Clerk

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

TRANSALTA CENTRALIA BOARD FUNDING, LLC
Energy Technology Fund
GRANT AGREEMENT

This Grant Agreement (the “Grant Agreement”) is entered between TransAlta Centralia Board Funding, LLC, acting through its Energy Technology Board (“Grantor”), and the City of Medical Lake (“Grantee”) to establish the terms and conditions of a grant of funds from Grantor to Grantee to support the installation of a 100kW ground mounted solar system at the Wastewater Treatment Plant owned by the City of Medical Lake. In consideration of the mutual covenants, conditions, and agreements that follow, the parties hereby agree:

1. *Grant.* Grantee will receive the sum of \$185,000.00 subject to all the terms and conditions of this Grant Agreement.
2. *Disbursement Schedule.* The grant funds will be paid to Grantee in accordance with the disbursement schedule set forth on Exhibit A to this Grant Agreement, provided that Grantee returns a countersigned original of this Grant Agreement prior the date of the first such disbursement.
3. *Grant Activities; Budget.* Grantor agrees to perform the activities described in its grant proposal as finally accepted, a copy of which is attached to this Grant Agreement as Exhibit B (the “Grant Proposal”). Grantor approves the budget included in the Grantee’s Grant Proposal.
4. *General Conditions.* Attached as Exhibit C to this Grant Agreement are the TransAlta Centralia Board Funding, LLC Grant Terms and Conditions. Grantee acknowledges that it has read the TransAlta Grant Terms and Conditions and agrees to comply with them.
5. *Grantee Reports.* Grantee agrees to provide to Grantor the narrative reports and financial reports in accordance with paragraph 6 of the Grant Terms and Conditions. Such reports shall be in the form set forth on Exhibit D to this Grant Agreement.
6. *Special Conditions.* The award of the Grant is subject to the additional conditions and agreements between Grantor and Grantee that are set forth on Exhibit E to this Grant Agreement.
7. *Term; Grant Period.* This Grant Agreement shall be effective upon signature by Grantor and Grantee and shall expire December 31, 2024, unless extended by mutual consent or terminated earlier in accordance with this Grant Agreement (the “Grant Period”). Any funds not expended as of the

end of the Grant Period shall be returned to Grantor unless permission has been obtained from Grantor.

8. *Governing Law.* This Grant Agreement shall be governed by and construed in accordance with the laws of the State of Washington, without reference to its conflict of laws provisions. Grantor and Grantee agree that any disputes or proceedings arising from or concerning this Grant Agreement shall be brought in a federal or state court of competent jurisdiction sitting in the Western District of Washington, in the United States, and hereby consents to the personal jurisdiction and venue of such courts.

9. *Entire Agreement.* Grantee acknowledges and agrees that this Grant Agreement and the exhibits hereto (all of which are incorporated herein by reference and made a part of this Grant Agreement) represent the entire agreement between Grantee and Grantor with respect to the subject matter addressed herein. The terms of this Grant Agreement may be modified only by a writing signed by duly authorized representatives of both parties.

Accepted by:

City of Medical Lake

Date

Date

Approved by:

Energy Technology Board of TransAlta Centralia Board Funding, LLC

Lori Schmitt, Chairperson

Date

Mickey Dreher, Board Member

Date

EXHIBIT A

DISBURSEMENT SCHEDULE

Date	Disbursement Amount	Conditions (if any)
TBD	\$185,000.00	subject to paragraph 2 of this agreement subject to the Grantee receiving additional funding to complete the project

EXHIBIT B

ACCEPTED GRANT PROPOSAL

See attached.

EXHIBIT C

TRANSALTA CENTRALIA BOARD FUNDING, LLC GRANT TERMS AND CONDITIONS

The following are the general terms and conditions of grants by TransAlta Centralia Board Funding, LLC, acting through its Grant Review Boards (the "Grantor"):

1. REPRESENTATIONS AND WARRANTIES OF GRANTEE. By executing and delivering the Grant Agreement, Grantee represents and warrants to Grantor as follows:
 - a. Grantee has the requisite legal authority and power to execute and deliver and to carry out the terms of the Grant Agreement.
 - b. To the knowledge of Grantee, the statements made by Grantee in the Grant Proposal (other than forward-looking statements related to the proposed project and application of grant proceeds) are true and correct in all material respects.
 - c. Grantee understands that there is no correlation or connection between Grantor's award of grants and Grantee's business relationship or potential business relationship with Grantor or its affiliates. Participation in Grantor's grant program does not require or impose any *quid pro quo* condition. If Grantee believes that a *quid pro quo* condition exists or may exist, it shall contact Lori Schmitt, c/o TransAlta Centralia Board Funding, LLC, 913 Big Hanaford Road, Centralia, Washington, 98531 to report the condition.
2. REPRESENTATIONS AND WARRANTIES OF GRANTOR. By executing and delivering the Grant Agreement, Grantor represents and warrants to Grantee as follows:
 - a. Grantor has the requisite legal authority and power to execute and deliver and to carry out the terms of the Grant Agreement.
 - b. There is no correlation or connection between Grantor's award of grants and the Grantee's business relationship or potential business relationship with Grantor or its affiliates. Participation in Grantor's grant program does not require or impose any *quid pro quo* condition.
3. FUND DISTRIBUTION. Funds awarded will be distributed in accordance with the disbursement schedule attached as Exhibit A to the Grant Agreement.
4. BUDGET REVISION. Grant funds shall be used as set forth in the budget included in the final grant proposal, attached as Exhibit B to the Grant Agreement (the "Grant

Proposal”). Any transfer of funds from one budget item to another that exceeds 10% of the approved budget item requires Grantor’s prior written consent.

5. NO COST EXTENSION. If needed, Grantee may submit a request for a no-cost extension to Grantor before the end of the Grant Period. The request should contain the reason for the extension, any unexpended funds identified and how the funds will be used, and the length of time requested for the extension. Grantor may in its sole discretion approve or deny such request for an extension, and if such extension is approved, then the Grant Period (as such term is defined in the Grant Agreement) shall be accordingly extended.
6. GRANTEE REPORTS. Grantees must submit periodic reports to Grantor.
 - a. Narrative Report. A quarterly narrative report concerning the nature and use of funds awarded pursuant to this grant is to be submitted in the format set forth on Exhibit D to the Grant Agreement, unless otherwise specified in the Grant Agreement. The quarterly reporting periods shall commence the first quarter following the date of signing the Grant Agreement. Grant periods will be March 30, June 30, September 30, and December 30. A final report shall be due within 30 days of the completion of the project. In the event there is a change in the project schedule the Grantee shall provide a report to the Grantor outlining the schedule and the reason for delay.
 - b. Financial Reports. Quarterly financial reports consisting of an unaudited balance sheet and unaudited statements of income and cash flows for the quarter then ended shall be submitted by Grantee in the format set forth on Exhibit D to the Grant Agreement within 30 days for the quarter then ended. The Grantor may request audited financial statements from the Grantee.
7. REPORTING REQUIREMENT; WAIVER. Failure to submit reports required under paragraphs 6 or 7 of these Grant Terms and Conditions in a manner satisfactory to Grantor on a timely basis may result in delay or loss of funds. Under exceptional circumstances, a waiver of Grantor’s obligation to submit such may be available. A written request to waive this requirement must be made to Grantor on or before the end of the period covered by such reporting requirement.
8. GRANT EVALUATION. Grant performance will be evaluated during the year for which the grant is made. The information received in the reports described in paragraphs 6 or 7 of these Grant Terms and Conditions and any Special Conditions required in the Grant Agreement, and, at the discretion of Grantor, from other sources, will form the basis for the report. Grantees must provide further information if requested by Grantor.

9. RECORDS; RIGHT TO INSPECT. Original receipts and invoices must be maintained by Grantee. Grantee agrees to maintain adequate financial records consistent with generally accepted accounting practices, and to retain such records for at least five years after the conclusion of the Grant Period. Grantor staff and trustees may review Grantee's data, records, or materials relating to the administration and performance of a grant at any time on five (5) business days' notice. Grantee will not be required to produce data, records, or materials that would be confidential information under the attorney-client privilege or work product doctrine.
10. TERMINATION. Grantor has the right to terminate the Grant Agreement at any time that it determines that any of the following events has occurred:
- a. such funds have not been or will not be expended reasonably or prudently for the purposes specified in the Grant Agreement;
 - b. Grantee has violated any federal, state, or local law or regulation;
 - c. Grantee has failed to fully comply with these Grant Terms and Conditions and the Grant Agreement, including an unapproved deviation from the Grant Proposal, in either case only if such breach has not been cured within 30 days of Grantor providing Grantee written notice of such breach; or
 - d. Grantor has insufficient funds available for distribution.

In the event the Grant Agreement is terminated under clauses (a), (b) or (c) of this Section, Grantor reserves the right to require Grantee to refund any and all grant funds awarded to Grantee under the Grant Agreement, and Grantee agrees to refund Grantor all such funds upon request.

11. UNUSED FUNDS. At the conclusion of the Grant Period, Grantee agrees to return any unexpended or unaccounted for funds to Grantor, or to submit a written request for an extension of the Grant Period. Grantee agrees to return all disbursed funds (1) if grant funds have not been used for their intended purpose, or (2) if grant funds have been used inconsistently with the terms of the Grant Agreement or these Grant Terms and Conditions, or (3) if the activities or outputs set forth in the Grant Proposal are materially incomplete by the end of the Grant Period, as determined by Grantor in its sole discretion.
12. NO LOBBYING. Grantee confirms that the grant funds will not be used for the purposes of lobbying, carrying on propaganda, or otherwise attempting to influence legislation. If Grantee is in doubt about whether its proposed activities may constitute lobbying, Grantee must consult with Grantor prior to undertaking them.

13. LIABILITY INSURANCE. Grantee shall maintain commercial liability insurance that protects Grantee and its officers, agents, and employees from any and all claims, demands, actions, and suits for damage to property or personal injury, including death, arising from Grantee's work under the Grant Agreement. The insurance shall provide coverage for not less than \$2,000,000 per occurrence. If the insurance is canceled or terminated prior to completion of the Grant Agreement, Grantee shall provide a new policy with the same terms. Grantee agrees to maintain continuous, uninterrupted coverage for the Grant Period. The insurance shall include coverage for any damages or injuries arising out of the use of automobiles or other motor vehicles by Grantee.
14. USE OF NAME. Grantee shall acquire prior written consent from Grantor for any use of the TransAlta name or logo in association with its project or the grant.
15. PUBLICITY. Grantee will notify Grantor of any publications or other materials resulting from the grant no later than five (5) days in advance of distribution or publication. Grantee will acknowledge Grantor's support in the beginning of any publication (including film and electronic publications) referring to or resulting from this grant, as follows: "Supported [in part] by a grant from TransAlta Centralia Generation LLC." Grantee agrees that Grantor may include information about Grantee and its activities in its own annual reports and may distribute such information to third parties.
16. FUTURE FUNDING. This grant of funds implies no agreement of any kind by Grantor to grant additional or future funds to Grantee.
17. NO GRANTOR RESPONSIBILITY FOR GRANTEE OBLIGATIONS. Nothing in the Grant Agreement shall be deemed to authorize Grantee to enter any contract, lease, or other agreement on behalf of Grantor. All obligations undertaken by Grantee pursuant to the Grant Agreement shall be on its own behalf. Grantor shall have no responsibility to third parties in connection with the Grant Agreement.
18. INDEMNITY. Grantee shall and hereby does indemnify and hold Grantor, TransAlta Centralia Generation LLC, their affiliates, and their respective employees, officers, agents and representatives (together, the "Indemnitees") free and harmless from liability from any and all suits, claims, demands, losses, damages, actions or judgments of every kind and description (including attorneys' fees and other costs of defense) arising out of the funds granted hereunder, including Grantee's use or administration of the funds, or suffered by the Indemnitees, directly or indirectly, on account of actions or omissions by Grantee in the performance of its obligations hereunder or otherwise.
19. LIMITATION OF LIABILITY. IN NO EVENT, SHALL GRANTOR BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OR EXPENSES FOR

ANY NEGLIGENCE, BREACH OF CONTRACT, OR ANY OTHER ACT ARISING OUT OF OR RELATING TO THIS AGREEMENT OR THE ACTIVITIES COVERED HEREIN.

20. AMENDMENTS; WAIVERS. Amendments to the Grant Agreement must be in writing and signed by both parties. No waiver by either party or any breach, default, or series of breaches or defaults, and no failure, refusal, or neglect of either party to exercise any right, power, or option given to it under the Grant Agreement or to insist upon strict compliance with the terms of the Grant Agreement shall constitute a waiver of these provisions with respect to any subsequent breach or waiver by either party or its right at any time thereafter to require exact and strict compliance with provisions of the Grant Agreement.
21. NO ASSIGNMENT. Grantee may not assign the Grant Agreement or delegate performance of the terms of the Grant Agreement or of the project to any other person or entity without Grantor's prior written consent.

EXHIBIT D

FORMS OF GRANTEE REPORTS

As prepared by Grantee and accepted by Grantor.

EXHIBIT E

SPECIAL CONDITIONS AND AGREEMENTS

There are no other special conditions and agreements except as otherwise specified in this Grant Agreement and Exhibits A - D hereof.

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 23-580**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE ADOPTING A FINANCIAL
POLICY FOR ASSET MANAGEMENT AND AMENDING THE PERSONNEL POLICY
TO REMOVE ASSIGNMENT AND USE OF CITY PROPERTY POLICIES FOR THE
CITY OF MEDICAL LAKE, WASHINGTON**

WHEREAS, the City of Medical Lake (“City”) adopted Resolution 471 Personnel Policies on the 1st day of November 2011, which included Section VIII Assignment And Use of City Property; and

WHEREAS, it is best practice to review and update policies every one (1) to three (3) years; and

WHEREAS, City staff reviewed the current Assignment And Use of City Property policies within the Personnel Policies and recommends the section be removed and replaced with an independent Asset Management Policy; and

WHEREAS, City Council held a workshop to discuss the proposed Asset Management Policy on February 7, 2023, and recommended additional language to define “BARS code” and include measures to prevent loss of inventory data.

NOW, THEREFORE, be it resolved by the City Council of the City of Medical Lake, Washington as follows:

Section 1. City of Medical Lake Personnel Policy. The Personnel Policy under Rule VIII. ASSIGNMENT AND USE OF CITY PROPERTY, Section 8.1 INVENTORY AND USE OF CITY PROPERTY is hereby amended and stricken in its entirety from the City Personnel Policies.

Section 2. Asset Management Policy Adopted. The Council hereby adopts the City of Medical Lake’s Asset Management Policy, attached hereto as Exhibit “A”, and incorporated herein by this reference, to be added to the City’s Financial Policies and assigned policy number 14.101 for the City of Medical Lake.

Section 3. Severability. If any section, sentence, clause, or phrase of this Resolution shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of said Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon passage by the Medical Lake City Council.

Adopted this 21st day of March, 2023.

Terri Cooper, Mayor

ATTEST:

Koss Ronholt, Clerk/Treasurer

APPROVED AS TO FORM:

Sean P. Boutz, City Attorney

City of Medical Lake

POLICY & PROCEDURES

Asset Management

Financial Policy 14.101

Policy Purpose

This policy is established to provide guidelines that will ensure good stewardship over City resources through a uniform method of accountability and inventory of the assets of the City.

Definitions

- **Capital Assets** – Assets that intended to be held or used for the long-term. Examples: land, buildings, artwork, improvements, machinery, and equipment.
- **Infrastructure** – The City’s public works system. Similar definition to Capital Assets, but refers to the City’s streets, roads, bridges, curbs, sidewalks, water lines, sewer lines, etc.
- **Capitalization Threshold** – the limit for which capital assets are defined. Below the capitalization threshold, purchases are considered operating costs. Above the capitalization threshold, purchases are considered capital assets, to be recorded and inventoried according to the following Federal, State and Local capital asset requirements detailed in this policy.
- **Small and Attractive Assets** – Items that are below the City’s capitalization threshold but possess a heightened risk of theft or misuse. These items are to be identified and treated according to all requirements described in this policy.
- **Inventory Control Officer** – Personnel designated by the department head to maintain and safeguard the department’s capital assets and small and attractive assets.
- **BARS Object Code** – Budgeting, Accounting and Reporting Standards (BARS) code related to type of expenditure (i.e. supplies, services, labor, capital etc.) as prescribed for accounting of revenues and expenditures by the State of Washington BARS Manual for Cities, Counties and Special Purpose Districts.

Capitalization Threshold

Asset Class	Threshold (\$)
Land	0
Buildings, Building Improvements, and Building Fixtures	5,000
Improvements Other Than Buildings	5,000
Infrastructure	5,000
Machinery and Equipment	5,000
Construction-In-Progress	5,000
Intangible Assets	5,000

1. The threshold for assets purchased with grant funds will be superseded by the thresholds and requirements contained in the related grant agreement.

Small And Attractive Assets

Assets that meet the definition and criteria below are not considered capital assets but must be handled with additional controls due to the heightened risk of theft or misuse associated with them.

1. **Items Thresholds** – items with a cost equal to or higher than the assigned threshold will be classified as a small and attractive asset:
 - a. \$300 – Laptops, notebook computers, tablets, and smart phones.
 - b. \$1,000 - communications equipment, optical devices, cameras and photographic equipment, microcomputer systems, laptop and notebook computers, data-processing accessory equipment and components (scanners, data displays, etc.), stereos, radios, television sets, tape recorders, and shop equipment (power tools, scaffolding, ladders, etc.).
2. **Identification** –The list shall contain the serial number, model, or other identifying information. Whenever feasible, each piece of property will be engraved or marked with the City’s name or logo. Such markings will be removed or obliterated only when the item is sold, scrapped, or otherwise disposed of.
3. **Accounting** – Items shall be expensed and purchased from a BARS account titled “small tools & equipment” and will utilize the (35) BARS object code.
4. **Excluded item types** – Semi-permanent fixtures (desks, tables, shelving, filing cabinets, etc.), minor equipment (shovels, wrenches, hand tools, staplers, etc.), consumable items (asphalt, paper, water, etc.), and assets that are used as an accessory for a larger capital asset (vehicle attachments, parts for repair, etc.) will not be classified as small and attractive assets.

Responsibility and Accountability

1. **Applicability** – This policy applies to all departments of the City of Medical Lake.
2. **Department Inventory Control Officer** – Departments are responsible for protecting and controlling the use of City assets assigned to their department. The department head must designate one or more Inventory Control Officers to be responsible for maintaining and safeguarding the department’s capital assets and small attractive assets. The department head will notify the Finance Director when they assign or re-assign an employee to be the department Inventory Control Officer and the Finance Director will maintain a list of all current Inventory Control Officers.
3. **Documentation** - Any time a capital asset is purchased, surplus, sold, or transferred to another department, the Department Inventory Control Officer will complete a Capital Asset Record form (Attachment A) or a Small and Attractive Assets form (Attachment B), which will be submitted to the Finance Director with the related documentation. The Finance Director will maintain a list of all capital assets.
4. **Inventory** – a physical inventory will be conducted at least once every year. By January 31st of each year, the Finance Director will supply each department with an inventory worksheet of all capital assets under their control as of December 31st of the prior year. Each department will conduct a physical inventory of the items, verifying the existence and condition of each item on the worksheet, and making note of any additions, deletions, interdepartmental transfers, modifications, or leases of property that are not on the list. The final list will be reviewed and signed by the department head and returned to the Finance Director by February 28th of every year. The date the inventory is conducted should be noted. Departments are encouraged to exchange and use personnel from other departments to perform their inventory if possible.
5. **Inventory Reconciliation** – Throughout the inventory process, the Inventory Control Officer will note any assets that could not be located, discrepancies in the documented inventory information or assets that are not located on the inventory list. For assets that cannot be located, see Lost and Stolen Assets below. Once all discrepancies are identified, the Finance Director will update the capital asset system as necessary.

6. **Inventory Log Management** – The Finance Director will safeguard records by ensuring that capital asset systems and inventory records will be backed up using cloud-based data storage systems and made available to the City Administrator.

Procedures

1. Additions

- a. The City may acquire property via purchase, construction, donation, or lease. Capital Assets shall be purchased using the (60) BARS object code.
- b. When a capital asset is purchased, the department will send a copy of the invoice to the Finance Director for payment. The Finance Director will identify those assets that meet the capitalization threshold requirements, assign a unique inventory control number via asset tag, and prepare a Capital Asset Record (Attachment A) to be sent to the department to be completed.
- c. When the department receives the asset tag and Capital Asset Record, they will immediately affix the tag and return the completed form to the Finance Director.
- d. Finance will then update the capital asset system with the information from the Capital Asset Record.
- e. Departments may decide where to affix the asset tag, which should be located on the principal body of the asset, rather than a removable part. The asset tag will be removed or obliterated only when the item is sold, scrapped, or otherwise disposed of.
- f. Should the inventory tag be removed or defaced, the item shall be assigned a new asset tag, and the new number recorded in the capital asset system.
- g. Assets do not require an asset tag if they:
 - i. Are stationary in nature and not susceptible to theft (land, infrastructure, buildings, improvements other than buildings, and leasehold improvements);
 - ii. Have a unique, permanent serial number that can be used for identification, security, and inventory control (vehicles);
 - iii. Would lose significant historical value or resale value by being tagged; or
 - iv. Would have its warranty negatively impacted by being permanently marked.
- h. If an asset is not required to be tagged, the department must apply alternative procedures to inventory and identify such assets.

2. **Deletions** - Capital Asset deletion from the capital asset system may be required due to the sale of the asset, scrapping, lost or stolen items, or involuntary conversion (fire, flood, etc.). Due to the monetary value, capital assets deleted from the capital asset system for any reason requires authorization from the City Council.

3. Disposal

- a. Disposal may occur only after being declared surplus by the City Council. Disposal will be made in whichever manner is determined to be most cost effective for the City. This may be sale, disposal, conversion, or any other means approved by the City Council in the surplus declaration by resolution.
- b. Disposition will be initiated by the department responsible for the asset using the Asset Disposition Form (Attachment C), which will be turned in to the Finance Director. The Finance Director or designee will prepare a surplus declaration resolution for City Council approval.
- c. When original or replacement equipment acquired under a grant or sub grant is no longer needed for the original project or program, disposition of the equipment will be made as follows:
 - i. Items or equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

- ii. Items or equipment with a current per-unit fair market value of \$5,000 or more may be retained, sold, or otherwise disposed of only as authorized by the awarding agency.
 - d. In the event the City is provided federally owned equipment
 - i. Title will remain vested in the federal government.
 - ii. The City will manage the equipment in accordance with federal agency rules and procedures and submit an annual inventory listing.
 - iii. When the equipment is no longer needed, the City will request disposition instructions from the federal agency
- 4. **Transfers** – Occasional transfers of property between departments, individuals within a department or funds may occur. The original controlling department is accountable for all assets in its inventory and for initiating a notice of transfer by using the Asset Disposition Form (Attachment C). Interdepartmental transfers involving a proprietary fund (Water, Wastewater, etc.) require a transfer of money. The sale price will be fair market value, which may result in a gain or loss on sale of capital assets.
- 5. **Lost or Stolen Assets**
 - a. When suspected or known losses of capital assets or small and attractive assets occur, departments should conduct a search for the missing property. The search should include transfers to other departments, storage, scrapping, conversion to another asset, etc.
 - b. If the missing property is not found:
 - i. Notify the Inventory Control Officer and department head.
 - ii. Report lost or stolen items to the local police jurisdiction. A police report must be filed.
 - iii. Have the individual deemed to be primarily responsible for the asset, as well as that individual's supervisor, complete and sign a statement to include a description of the events surrounding the disappearance of the property, who was notified of the loss, and steps taken to locate the property.
 - iv. The department head responsible for the missing asset will notify the Finance Director, submit a copy of the police report, and complete and sign a Capital Asset Disposition form (Attachment C) when it is determined that the asset has been lost or stolen and unsuccessfully recovered.
 - v. Finance will report known or suspected losses of assets to the State Auditor's office in accordance with RCW 43.09.185, and a copy of the report will be provided to the Mayor, City Administrator, and City Council.
 - vi. Finance will remove the lost or stolen property from the department's inventory and asset database.