



**CITY COUNCIL MEETING AND PUBLIC HEARING  
WEDNESDAY, AUGUST 15, 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 (August 15, 2023) - \*SEE NOTE\*
- Join the Zoom Meeting –

<https://us06web.zoom.us/j/83427658092?pwd=Qitkc0NhWnBuYVlITTFRMGRJejB6Zz09>

Meeting ID: 834 2765 8092

Passcode: 825869

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One tap mobile

+12532050468,,83427658092#,,,,\*825869# US

+12532158782,,83427658092#,,,,\*825869# US (Tacoma)

Find your local number: <https://us06web.zoom.us/j/83427658092?pwd=Qitkc0NhWnBuYVlITTFRMGRJejB6Zz09>

**WRITTEN PUBLIC COMMENTS**

If you wish to provide written public comments for the council meeting, please email your comments to [sweathers@medical-lake.org](mailto: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. Presentation – Spokane Regional Clean Air Agency
- 5. REPORTS**
  - A. Public Safety
  - B. Council Comments
  - C. Mayor
  - D. City Administrator & City Staff
- 6. WORKSHOP DISCUSSION**
- 7. ACTION ITEMS**
  - A. Consent Agenda
    - i. Approve **August 1, 2023**, minutes.
    - ii. Approve **August 15, 2023**, Payroll Claim Warrants **50402** through **50409**, and Payroll Payable Warrants **30020** through **30029** in the amount of **\$149,174.34** and Claim Warrants **50410** through **50462** in the amount of **\$188,679.79**.
    - iii. City Council Position 6 Vacancy Appointment
- 8. RESOLUTIONS**
  - A. 23-617 Bid Award - BSN Sports, LLC Soccer Goals
  - B. 23-618 Bid Award – Holiday Outdoor Décor for Panel Tree
  - C. 23-619 Support for Advancing a Spokane Regional Authority for Homelessness
- 9. PUBLIC HEARING – Shipping Container Ordinance 1115**
- 10. ORDINANCES**
  - A. First Read Ordinance 1115 Shipping Containers
- 11. EXECUTIVE SESSION – None scheduled.**
- 12. EMERGENCY ORDINANCES – No items listed.**
- 13. UPCOMING AGENDA ITEMS**
- 14. INTERESTED CITIZENS**
- 15. CONCLUSION**

**CITY OF MEDICAL LAKE  
City Council Regular Meeting**

6:30 PM  
**August 01, 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**

Art Kulibert  
Don Kennedy (Mayor Pro Tem)  
Bob Maxwell  
Ted Olson  
Chad Pritchard  
Tony Harbolt

**Administration/Staff**

Sonny Weathers, City Administrator  
Koss Ronholt, Finance Director  
Sean King, City Attorney  
  
Scott Duncan, Public Works Director  
Roxanne Wright, Administrative Asst.

**WRITTEN PUBLIC COMMENTS**

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

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

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

## REGULAR SESSION – 6:30 PM

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

- A. Mayor Pro Tem Kennedy called the meeting to order at 6:30 pm, led the Pledge of Allegiance, and conducted roll call. Mayor Cooper is absent from the meeting; therefore, councilmember Kennedy is acting Mayor Pro Tem. Council position #6, is still vacant. Councilmembers Pritchard, Kulibert, Maxwell, Olson, and Harbolt were present.
- B. Motion to approve councilmember Olson's requested absence for the August 15, 2023, council meeting made by councilmember Kulibert, seconded by councilmember Maxwell, carried 5-0. Councilmember Olson recused himself from the vote.

### **2. AGENDA APPROVAL**

- A. Motion to approve agenda made by councilmember Kulibert, seconded by councilmember Olson, carried 6-0.

### **3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- A. Tammy Roberson, resident of Medical Lake – read from e-mail comments she sent to council members regarding decision on Martin St. wetland. See attached.

### **4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS – None.**

### **5. REPORTS**

- A. Council Comments
  - i. Councilmember Pritchard – Blue Waters Bluegrass Festival is coming up next weekend. Kids camp held Friday and Saturday. Geo walk scheduled for August 17, 2023, at Waterfront Park with Steve Cooper, WWTP Director.
  - ii. Councilmember Kulibert – At Blue Waters Bluegrass Festival, the musicians do workshops for kids at no cost.
  - iii. Councilmember Maxwell – no report.
  - iv. Councilmember Olson - no report.
  - v. Councilmember Harbolt - no report.
- B. Mayor Pro Tem – no report.
- C. City Administrator & City Staff
  - i. City Administrator, Sonny Weathers – today is primary election day, drop off ballots until 8 pm today. Box located at Medical Lake library. As of 4:45 pm today, Medical Lake had 22% voter turnout. Citizen Advisory Board – application on website, seeking applications for Salary Commission and Parks and Recreation Advisory Board. Will bring applicants forward for consideration at the Sept 5<sup>th</sup> council meeting. Washington City Insurance Authority (WCIA) audit done July 27, 2023, with the focus on special events. City will continue discussions in the coming months related to special events to ensure risks are mitigated as much as possible.
  - ii. Finance Director, Koss Ronholt – Q2 Budget update – see attached presentation.

### **6. WORKSHOP DISCUSSION – None.**

### **7. ACTION ITEMS**

- A. Consent Agenda
  - i. Approve **July 18, 2023**, minutes.



1. 7c vote should be annotated as 5-0, not 5-1. Councilmember Kennedy had recused himself from the vote. Motion to correct the minutes made by councilmember Kennedy, seconded by councilmember Kulibert, carried 6-0.
  2. Motion to approve minutes as corrected made by councilmember Olson, seconded by councilmember Kulibert, carried 6-0.
- ii. Approve **August 1, 2023**, Claim Warrants **50370** through **50401** in the amount of **\$100,524.10**.
1. Councilmember Kulibert reported that the Finance Committee met, reviewed, and recommended approval.
  2. Motion to approve made by councilmember Kulibert, seconded by councilmember Olson, carried 6-0.

## 8. RESOLUTIONS

- A. 23-612 Records Management Policy
- i. Motion to approve made by councilmember Olson, seconded by councilmember Maxwell, carried 6-0.
- B. 23-613 Transfer to Other Unit of Government Award for Broadband Infrastructure
- i. Mr. Weathers explained that this was what Ariane Schmidt with Broadlinc discussed last council meeting. The Resolution is to receive those funds discussed. Councilmember Kulibert asked if the money will go into the General Fund. Mr. Ronholt confirmed that is his understanding. Mr. Weathers confirmed that while the funds are unrestricted, it is the desire and intent of the city to use the funds for broadband.
  - ii. Motion to approve made by councilmember Kulibert, seconded by councilmember Pritchard, carried 6-0.
- C. 23-615 Area-Wide Groundwater Investigation Grant Agreement
- i. Mr. Weathers explained that council had previously approved the Letter of Intent for this grant. This resolution finalizes that acceptance of \$450,000. Discussion held. Confirmed that no match of dollars by the city is required.
  - ii. Motion to approve made by councilmember Olson, seconded by councilmember Kulibert, carried 6-0.
    1. Councilmember Pritchard asked if the vote should be redone so he could recuse himself since he could receive funding from the grant as well. Legal counsel concurred.
  - iii. Motion to withdraw approval vote made by councilmember Pritchard, seconded by councilmember Kulibert, carried 6-0. New motion to approve made by councilmember Olson, seconded by councilmember Maxwell, carried 5-0 with councilmember Prichard recused.
- D. 23-616 TIB Barker Street Supplemental Agreement
- i. Mr. Weathers explained that agreement is for additional engineering for the project. Covered through TIB, with 10% match from city. Projected 6-week timeline. Discussion held.
  - ii. Motion to approve made by councilmember Prichard, seconded by councilmember Kulibert, carried 6-0.

9. PUBLIC HEARING – None scheduled.

10. ORDINANCES – None scheduled.

11. EXECUTIVE SESSION – None scheduled.

**12. EMERGENCY ORDINANCES** – No items listed.

**13. UPCOMING AGENDA ITEMS**

- A. Councilmember Kulibert asked about abandoned buildings ordinance. Mr. Weathers – continuing to work with legal on the ordinance on window screening language. Mayor Cooper also wanted to be present for the first read. Will be brought forward at the September 5, 2023, council meeting.
- B. Councilmember Harbolt asked for code enforcement update. Mr. Weathers shared that Mr. Yuhas, Code Enforcement Officer is looking into providing a quarterly report. Will have an update soon.

**14. INTERESTED CITIZENS**

- A. Tammy Roberson – shared frustration that the e-mail she sent to all councilmembers regarding requested corrections to the July 18, 2023, minutes was not addressed, and her suggested corrections not made. See attached for the e-mail.

**15. CONCLUSION**

- A. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Maxwell. Motion carried 6-0 and meeting concluded at 7:06 pm.

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Terri Cooper, Mayor

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Koss Ronholt, Finance Director/City Clerk

# COMMENTS – City Council Meeting 1 Aug 2023 (1<sup>st</sup> Interested Citizens)

(As Of: 1 Aug 2023)

Dear Councilmembers and City Officials,

I am going to clarify what was said during the last meeting by asking “Did You Know” questions regarding more misinformation which was passed on by your City Planner and this is even based and validated from her slide presentation.

I do not expect any comments back either. So, strap on your seat belts and really hang on.

- 1) Did you know that the City Councilmembers really did have another option as presented on slide #19 which said, “Approve the Critical Area Review with any amendments to the above” which was also stated by a non-resident?
- 2) Did you know that this particular slide stayed up on the video until the meeting ended? Did you know this got me to thinking just a teeny bit more and BINGO it just hit me?
- 3) Did you know that the City Council could have added just one more amendment; whereby, the City would have been in compliance with the GMA, their own City Code, and Dept of Ecology and **more importantly still NOT deny the land use notice of application**? Did you know also Best Available Science would have been followed then?
- 4) Did you know that the one amendment to be added was to have the applicant who also is the wetland specialist (who by the way should have known better) just redo the wetland rating report by rating the entire wetland? Did you know this was your easy and simple fix?
- 5) Did you know that everyone has a duty and responsibility to protect our critical areas and by denying to add the Conditions of Construction Best Practices, the City failed at this?
- 6) Did you know by redoing the wetland rating summary report (which would have placed the whole wetland in at least a Category II), would also have driven the mitigation report to add more required protections for the entire wetland?
- 7) Did you know the total process has been bias and scientifically flawed from the very start with inaccurate information as clearly shown?
- 8) Another example and really quite enlightening is that, did you know those residences listed in the (final) decision report were built in 2007 and NOT in 1998 (according to SCOUT) and they were built by the same developer which was not disclosed by the City? Did you know by the way 2007 was when the developer had purchased his two wetland parcels and tried to build these at the same time as his other ones (which makes perfect sense) but the City had verbally turned him down?
- 9) Finally, did you know one should probably not make official decisions based on their dislikes or biases about someone versus becoming educated and following the facts plus the truth?

Thank you for your time.

Tammy Roberson

SMSgt USAF Retired/Disabled Veteran (100% service connected)



# Budget Report

Quarter 2 – Expected Budget Use: 50%

1

## Budget Report Notes

- Current Period – April 1 to June 30, 2023
- Expected Budget Use (50%) – This is the City’s goal for each category’s “Percent Used” column.
- Salaries & Wages and Benefits for almost every fund is within 4% of expected budget use.
- Current Total Budget includes budget amendments 23.1 through 23.4, passed July 18, 2023
- The City continues to see significant interest revenues, roughly \$120,000 over the 2023 total interest estimations.

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## General Fund

Account Type	Current Total Budget	Period Activity	Fiscal Activity	Percent Used
Revenue	\$2,241,796	\$185,690	\$1,193,118	53%
Expense	\$3,567,419	\$826,849	\$2,236,702	63%

### Activity Analysis – Expected Budget Use: 50%

- Revenues are above expected budget use by **3%**.
- Expenditures are over expected budget use by **13%**. The primary causes are significant internal funds transfers and the payment of all WCIA insurance premiums at the beginning of the year.

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## General Fund Departments

Department	Current Total Budget	Period Activity	Fiscal Activity	Percent Used
Non-Departmental	\$2,376,278	\$728,527	\$1,681,090	71%
Legislative	\$45,017	\$2,290	\$18,045	40%
Court	\$60,000	\$289	\$30,257	50%
Executive	\$211,963	\$15,229	\$108,132	51%
Legal	\$117,750	\$10,721	\$51,438	44%
Admin. Svcs.	\$455,423	\$50,842	\$217,817	48%
Code Enforce.	\$204,495	\$12,802	\$82,443	40%
Planning	\$96,492	\$6,148	\$43,985	46%

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## Special Revenue Funds

<b>Streets 101</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$244,480	\$160,683	\$196,775	80%
Expense	\$264,131	\$24,187	\$115,585	44%
<b>ARPA 107</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$858,422	\$1,809	\$872,968.49	102%
Expense	\$750,000	\$36,767	\$305,406	41%
<b>Public Safety 110</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$1,201,136	\$509,531	\$594,501	49%
Expense	\$1,155,673	\$6,622	\$25,887	2%

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## Special Revenue Funds (cont.)

<b>Parks &amp; Rec. 112</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$362,250	\$89,978.12	\$193,802	47%
Dept.: Parks & Rec.	\$221,926	\$14,333	\$44,199	20%
Dept.: Parks Facilities	\$180,858	\$14,315	\$82,304	46%
<b>City Beautification 125</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$6,500	\$780	\$4,045	62%
Expense	\$4,000	\$0	\$0	0%

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## Proprietary Funds

<b>Water 401</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$843,050	\$59,632	\$331,900	39%
Expense	\$1,689,161	\$53,502	\$1,169,693	70%
<b>Solid Waste 407</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$667,010	\$60,625	\$345,193	52%
Expense	\$685,424	\$72,003	\$334,213	49%
<b>Wastewater 408</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$1,380,500	\$105,645	\$816,539	59%
Dept.: WWC	\$391,283	\$29,562	\$186,273	47%
Dept.: WWT	\$924,039	\$88,579	\$516,566	56%

Note: The Water Fund (401) made large transfers to the new Water/Wastewater Managerial funds to manage the transition and separation of the two funds. Without these transfers, the operating budget is at 38% expected use.

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# Thanks!

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## COMMENTS – City Council Meeting 1 Aug 2023 (2<sup>nd</sup> Interested Citizens)

(As Of: 1 Aug 2023)

Dear Council members and City officials,

I had sent in an email (dated 31 Jul 2023 12:18PM) to the City indicating that the draft minutes were not totally correct. Since this was not brought up before the Council voted to approve the minutes, I will bring it up now so this way it will be in the official records and at least be attached to these minutes.

- 1) Under the 1<sup>st</sup> interested citizens (para #3 A): **There is no mention of my request for an ADA accommodation.** Please add the following, "I had sent an email request to be granted an additional 5 minutes (if needed) early in the day via email to the City. Received no response back from the City. I was finally granted one additional minute by the Mayor only after the timer went off even though I had already explained this ADA accommodation in my earlier written request." There was no explanation given by the Mayor on why the additional five minutes were not given. **Please note the written request was included with the draft minutes which explains it all but again no mention of this in the draft minutes. In times past, this has always been mentioned...**
- 2) Under the 2<sup>nd</sup> interested citizens (para #14 A): Change to read, "Robynn Sleep, not a resident of Medical Lake was speaking **on behalf of Tammy Roberson, a resident of Medical Lake**, stated, "... really sorry that you didn't realize another option existed and that is you could have denied the application tonight and ask the applicant to comply with your ordinance and reapply for it. The whole point of this and my involvement is not to stop development but as it is the manual has not been followed, you have not followed Best Available Science. You do not have a valid wetland rating. The issue being category versus mitigation. Mitigation is based on category..."

"You were not given correct valid information, you are in violation of your own Code, in your haste and in your single-minded apparent focus of the property rights of the applicant, you have completely trampled on the property rights of the co-owner of this wetland. It would be, if the rating was done correctly, it would be a higher value, more mitigation could be required at practically no expense to the applicant..."

"Instead of paying a little bit more attention now, you are asking the co-owner of this wetland whose rights have been completely ignored, I have even just simply asked as a Certified Erosion and Sediment Control Lead and a Water Scientist, I merely asked for you to consider some protective measures of construction, that is too much to ask..."

**BTW - I am very fortunate I am not sitting on either the Planning Commission any more or City Council and voted the way you all did -- knowing full well that the City was breaking their own Codes not to mention a few others with absolutely no concern about the personal property rights of one of their own residents.**

**I am able to be at peace and have a clear conscience. I have done my homework, which I cannot say the same for others in the City. Yes, I am a broken record.**

Thank you for your time.  
Tammy Roberson



**CITY OF MEDICAL LAKE  
SPOKANE COUNTY, WASHINGTON  
RESOLUTION NO. 23-617**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE AWARDING THE  
BID FOR PURCHASE OF SOCCER GOALS TO BSN SPORTS, LLC**

WHEREAS, the City of Medical Lake (“City”) required the purchase of new soccer goals due to deterioration of current soccer goals; and

WHEREAS, the City published a request for proposals for new soccer goals on July 20, 2023; and

WHEREAS, the City opened two (2) bids for the purchase of soccer goals on July 25, 2023 at 2:00pm; and

WHEREAS, City Staff recommend awarding the contract to the lowest responsible bidder, BSN Sports, LLC, in the amount of \$11,107.80.

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

**Section 1. Award of Bid.** The Council hereby awards the purchase contract for the purchase of soccer goals to BSN Sports, LLC in the amount of \$11,107.80, plus applicable taxes, shipping, and installation fees.

**Section 3. 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 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

ADOPTED this 15th day of August, 2023.

\_\_\_\_\_  
Mayor, Terri Cooper

Attest:

Approved as to Form:

\_\_\_\_\_  
Koss Ronholt, City Clerk

\_\_\_\_\_  
City Attorney, Sean P. Boutz



PO Box 841393  
 Dallas, TX 75284-1393  
 Phone: 800-527-7510 Fax: 800-899-0149  
 Visit us at www.bsnsports.com

Contact Your Rep  
**Ruben Agustin** Email: [ragustin@bsnsports.com](mailto:ragustin@bsnsports.com) | Phone: 1-800-423-4695

**Sold to**  
 1688452  
 CITY OF MEDICAL LAKE  
 IVANNA LOMAS  
 124 S LEFEVRE RD  
 MEDICAL LAKE WA 99022

**Ship To**  
 1688452  
 CITY OF MEDICAL LAKE  
 IVANNA LOMAS  
 124 S LEFEVRE RD  
 MEDICAL LAKE WA 99022

**Payer**  
 1688452  
 CITY OF MEDICAL LAKE  
 IVANNA LOMAS  
 124 S LEFEVRE RD  
 MEDICAL LAKE WA 99022

Quote	
Quote #:	21478588
Purchase Order #:	ALUMAGOAL SOCCER GOALS
Cart Name:	
Quote Date:	08/01/2023
Quote Valid-to:	12/31/2023
Payment Terms:	NT30
Ship Via:	
Ordered By:	GLEN HORTON

Item Description	Qty	Unit Price	Total
<b>3" Classic Alumagoal 4.5' X 9' WHITE</b> Item # - SGA304	3 PR	\$ 1,680.00	\$ 5,040.00
<b>3" Classic Alumagoal 6.5' X 18.5' WHITE</b> Item # - SGA302	2 PR	\$ 2,580.00	\$ 5,160.00

FREE SHIPPING      FREE SHIPPING      FREE SHIPPING

Subtotal:	\$10,200.00
Other:	\$0.00
Freight:	\$0.00
Sales Tax:	\$907.80
Order Total:	\$11,107.80
Payment/Credit Applied:	\$0.00
<b>Order Total:</b>	<b>\$11,107.80</b>

**CITY OF MEDICAL LAKE  
SPOKANE COUNTY, WASHINGTON  
RESOLUTION NO. 23-618**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE AWARDING THE  
BID FOR PURCHASE OF A PANEL TREE TO HOLIDAY OUTDOOR DECOR**

WHEREAS, the City of Medical Lake (“City”) required the purchase of a new panel tree due to the condition of the current panel tree; and

WHEREAS, the City published a request for proposals for a new panel tree on July 20, 2023; and

WHEREAS, the City opened two (2) bids for the purchase of a new panel tree on July 25, 2023 at 2:00pm; and

WHEREAS, City Staff recommend awarding the contract to the lowest responsible bidder, Holiday Outdoor Decor, in the amount of \$10,235.35.

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

**Section 1. Award of Bid.** The Council hereby awards the purchase contract for the purchase of a new panel tree to Holiday Outdoor Decor in the amount of \$10,235.35, plus applicable taxes.

**Section 3. 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 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

ADOPTED this 15th day of August, 2023.

\_\_\_\_\_  
Mayor, Terri Cooper

Attest:

Approved as to Form:

\_\_\_\_\_  
Koss Ronholt, City Clerk

\_\_\_\_\_  
City Attorney, Sean P. Boutz



Company Address PO Box 4365  
Bethlehem, Pennsylvania 18018  
United States

Prepared By Sandy Gundy  
Phone (952) 500-9668  
Email sgundy@holidayoutdoordecor.com

Account Name City of Medical Lake  
Bill To Name Koss Ronholt  
Bill To PO Box 369  
Medical Lake, Washington 99022-0369  
United States

Created Date 8/9/2023  
Expiration Date 8/11/2023  
Quote Number 00013888

Contact Name Glen Horton  
Bill to Phone 509) 565-5008  
Email city@medical-lake.org

Ship To Name Scott Duncan  
Ship To Phone 509-299-7715  
Ship To 851 S. Lefevre St.  
Medical Lake, Washington 99022  
United States

Product Code	Product	Product Line Description	Line Item Description	Price	Quantity	Total Price
T-18P	18' Panel Tree	18' Panel Tree, 10' Base, 680 C-7 Lamps - LED	LED bulb colors of your choice: red/green/blue/yellow/orange/pink/purple/cool white/warm white/twinkle WW or CW	\$9,136.35	1.00	\$9,136.35
TT-2-STB-INC	24" Starburst Tree Topper	24" Starburst Tree Topper, 9 C-9 lamps	Your choice of Warm White or Cool White LED bulbs	\$0.00	1.00	\$0.00
SHIPPING	SHIPPING		Truck Freight	\$1,099.00	1.00	\$1,099.00

- Applicable Sales Tax will be added to Final Invoice
- All shipping is estimated at time of order. Actual shipping costs may vary.

Subtotal \$10,235.35  
Total Price \$10,235.35  
Grand Total \$10,235.35

Account Terms DUE UPON RECEIPT

- 15% Restocking fee on all returns
- No returns without proper authorization
- Custom Items are NOT returnable
- After Account Terms due date, a monthly interest charge of 1.5% will be added on past due accounts (18% APR)

QUOTE ACCEPTANCE INFORMATION

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

• Please refer to our Terms and Conditions, [here](https://holidayoutdoordecor.com/terms-conditions/) or at <https://holidayoutdoordecor.com/terms-conditions/>

**CITY OF MEDICAL LAKE  
SPOKANE COUNTY, WASHINGTON  
RESOLUTION NO. 23-619**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE IN SUPPORT OF  
ADVANCING A SPOKANE REGIONAL AUTHORITY FOR HOMELESSNESS,  
AFFORDABLE HOUSING, AND BEHAVIORAL HEALTH**

WHEREAS, in March 2023, a 90-day due diligence period occurred to gather public input and evaluate the options of creating a Spokane Regional Authority for addressing Homelessness; and

WHEREAS, the Spokane Regional Collaborative (SRC), comprised of principles Gavin Cooley, Theresa Sanders and Rick Romero, agreed to donate their time and services to the City of Medical Lake and other participating jurisdictions to complete this 90-day due diligence work; and

WHEREAS, that 90-day due diligence work was completed by SRC on June 28, 2023, with the presentation of a set of recommendations and draft legal documents, for the creation of a Spokane Regional Authority for Homelessness, Housing, Health and Safety; and

WHEREAS, the City of Medical Lake has determined that advancing a joint and cooperative undertaking to coordinate services within an equitable operational framework will enable and facilitate joint planning, program funding and establishing standards for and accountability of programs, thereby improving the delivery of homelessness, affordable housing and behavioral health services and enhancing outcomes for those receiving such services in Spokane County; and

WHEREAS, the City of Medical Lake desires to delve further into the details of funding, staffing, contracts and governance, in order to execute and/or enhance the legal documents that have been provided by SRC; and

WHEREAS, the City of Medical Lake desires to request and commit to the continued services of SRC to work directly with the leadership and staff of the participating parties during the period of August 1, 2023 through October 15, 2023 with the intent of executing said legal documents to create the Regional Authority;

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 agrees to commit to SRC the following leadership and staff support pursuant to the effort:

A. Access to and full support from leadership and staff as reasonably practicable from relevant departments and divisions of the City of Medical Lake.

B. Access to the appropriate data systems and full support as reasonably practicable of the staff relevant to homelessness, affordable housing and behavioral health data from the City of Medical Lake.

C. Access and full support as reasonably practicable from the appropriate accounting staff relevant to all funding identified in Section No. 5 of the draft Interlocal Agreement (ILA) proposed by SRC on June 28, 2023.

D. Access and full support as reasonably practicable from the appropriate legal staff relevant to the contracts referenced in Section No. 5 of the draft ILA proposed by SRC on June 28, 2023.

E. Continuation of the Elected and Leadership Committee that has been convening during the 90-day due diligence period, which will continue meeting every other Thursday until execution of the legal documents to create the Regional Authority.

**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 \_\_\_\_\_ day of August, 2023.

\_\_\_\_\_  
Terri Cooper, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Koss Ronholt, City Clerk

\_\_\_\_\_  
Sean P. Boutz, City Attorney

# Text Amendment Shipping Containers

LU 2022-004 TA

1

## **Changes Requested by City Council**

- Lettering not allowed
- Logos allowed
- No screening required if more than 200' from property line
- Not allowed between primary building and street of address
- Residential accessory structures increased to 200 s.f. max

2

# Monark Self-Storage



3



4





**RJR Tractor**

C-1 Zone

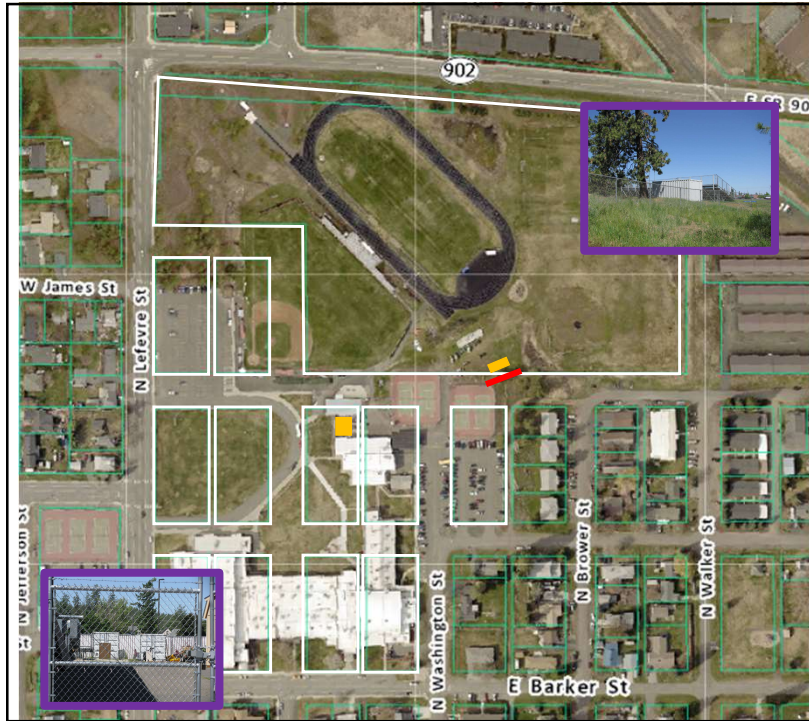
5



**Tommy G's**

MC-1 Zone

6



**Medical Lake High School**

School and Public Lands Zone

7

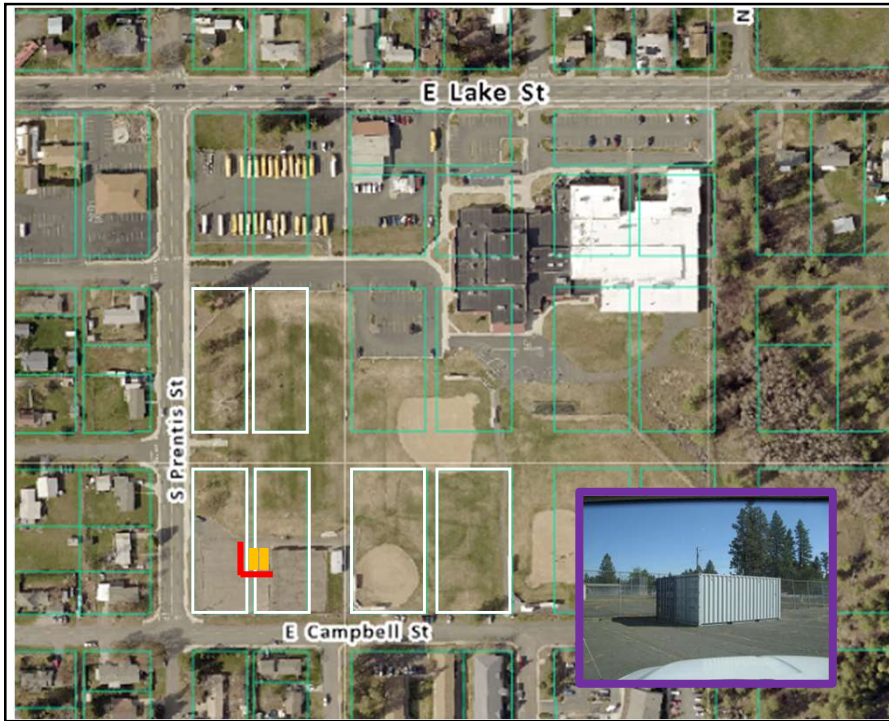


**1005 E Barker**

R-1 Zone

8





**Medical Lake Middle School**

School and Public Lands Zone

9



**Stanley Self Storage**

MC-1 Zone

No screening required (more than 200' from a residential use.)

10

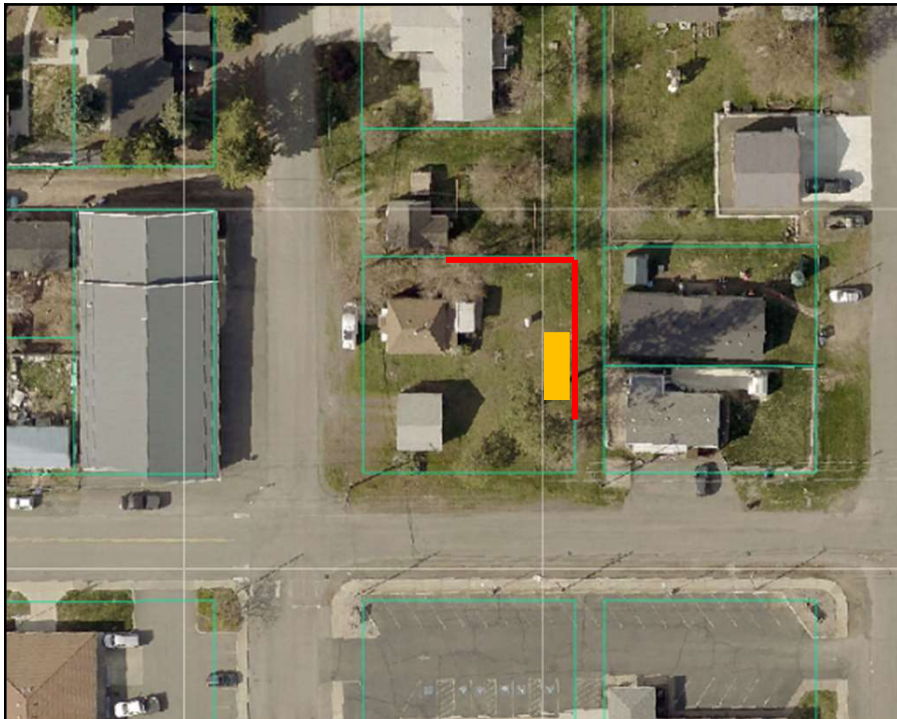


**Stanley Self Storage**

MC-1 Zone

No screening required to the south.  
Residential property is 200' away

11



**119 S Brower**

R-3 Zone

Non-residential uses to the west  
and south. No screening required  
per current text.

12



City of Medical Lake Planning Department  
124 S. Lefevre St.  
Medical Lake, WA 99022  
509-565-5000  
[www.medical-lake.org](http://www.medical-lake.org)

## **STAFF REPORT TO THE CITY COUNCIL**

File: LU 2022-004 TA (Text Amendment)

Date of Staff Report: August 8, 2023

Date of Hearing: August 15, 2023

Staff Planner: Elisa Rodriguez 509-565-5019 or [erodriguez@medical-lake.org](mailto:erodriguez@medical-lake.org)

SEPA: A Mitigated Determination of Non-Significance was issued on March 8, 2023

Procedure: This request requires a legislative review, therefore, the Planning Commission has held a public hearing, and made a recommendation of denial to the City Council. The City Council held a public hearing where the public comment led them to request staff to write code language incorporating their requests. Now a public hearing is being held to consider the updated language.

Applicant: Larry Stoker, Monark Self Storage, 711 Highway 902, Medical Lake, WA 99022

Proposal Summary: The applicant proposes to amend section 17.42.030 – Shipping containers as storage buildings prohibited, of the Medical Lake Municipal Code to allow shipping containers in the C-1 zone as long as they meet certain requirements.

The proposed code language has been amended to reflect the wishes of the City Council. The updated code language would allow a shipping container in any zone as long as it meet certain requirements.

### **RELEVANT APPROVAL CRITERIA**

In order to be approved, this proposal must comply with the criteria of Chapter 17 of the Medical Lake Municipal Code (MLMC). Amendments to development regulations can be approved if the review body finds that the criteria of MLMC Chapter 17.56.100 have been met.

### **PROCEDURAL HISTORY**

October 26, 2022 – Application Submitted

- November 22, 2022 – Application Deemed Complete
- January 26, 2023 – Workshop at Planning Commission
- February 23, 2023 – Workshop at Planning Commission
- March 8, 2023 – SEPA Determination of Non-Significance Issued
- March 8, 2023 – Notice of Application Distributed
- March 9, 2023 – Notice of Public Hearing Published in Cheney Free Press
- March 23, 2023 – Public Hearing at Planning Commission
- March 23, 2023 – Planning Commission Decision
- April 18, 2023 – City Council Workshop
- May 2, 2023 – Public Hearing at City Council
- June 6, 2023 – City Council Workshop

**PROPOSAL**

The applicant has requested a change to the Medical Lake Municipal Code to allow shipping containers. Specifically, this is a change to section 17.42.030 – Shipping containers as storage buildings prohibited, from

(current text)

Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, living unit or any other such primary or accessory building upon any property within the city limits of Medical Lake; provided, that licensed and bonded contractors may utilize said containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For the purposes of this chapter, "shipping container" is defined as any container or other device used or designed for use in the transportation industry.

to  
(proposed text)

**17.42.030 STORAGE CONTAINERS**

- A. During Construction: One or more storage containers may be placed on a site in any zone for storage of materials, construction tools and equipment only during an active building permit.
- B. Portable Moving Containers may be placed on site without permit for up to 14 days.
- C. Shipping Containers and similar storage containers. Except for schools and mini-storage facilities, one container may be placed on site with an issued zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The following standards must be met.
  - 1. The container shall not be more than 200 square feet.
  - 2. The container shall not be closer to the street of address than the primary building.



3. No utilities shall be connected to the container.
  4. The container shall be screened from neighboring residential uses. Screening shall be a solid fence or evergreen hedge with a mature height of no less than six feet. No screening is required when the shipping container is placed greater than 200 feet from a property line. If a site is composed of multiple properties, the screening applies only to the outermost property line.
  5. The container shall be in good condition, with no rust, peeling paint, or damage.
  6. The container shall be the same or similar color to the primary building.
  7. The container shall meet the standards of the zone in which it is located.
  8. The container shall meet all other standards for an accessory building.
  9. The container shall not be placed in any required parking or landscaping.
  10. The container shall not violate any building code or fire code regulation.
  11. Logos are allowed, but no lettering is allowed on the container.
  12. No containers are allowed in the Central Business District.
- D. Schools may have up to four (4) shipping containers approved through a zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The standards of Section C herein must be met.
- E. Mini-storage facilities may have shipping containers approved through a zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The number of containers is limited to 15% of the total number of storage units and shall not be stacked. The standards of Section C herein must be met.

## **ANALYSIS**

The current text of section 17.42.030 – Shipping containers as storage buildings prohibited, was adopted in 1999. No copy of this ordinance or its supporting documents has been found. The current text prohibits shipping containers in every situation except for active construction sites where they are allowed for storage. The applicant, after receiving a letter of violation for placing numerous shipping containers on his mini-storage site, applied for this text amendment in hopes of remedying the situation. The text proposed by the applicant would allow shipping containers in the commercial zone C-1. The amended text would allow one shipping container per site in all zones as long as certain standards are met. In addition, mini-storage facilities may have up to 15% of their units be shipping containers.

## **ZONING CODE APPROVAL CRITERIA**

### **17.56.020 - Purpose.**

This section shall apply to initial adoption of the comprehensive plan and subsequent adoption of amendments or additional elements to the comprehensive plan. The purpose of this chapter is to establish a procedure pursuant to the requirements of RCW 36.70A of the Growth Management Act for the amendment or revision of the city comprehensive plan and development regulations.

### 17.56.100 – Criteria for Regulation of Plan Amendments.

Recognizing that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The approval, modification or denial of an amendment application by the City Council shall be evaluated on the following criteria:

1. The amendment is necessary to resolve inconsistencies between the comprehensive plan and implementing ordinances, or inconsistencies between the plan or ordinances and local, state or federal mandates.

**Findings:** The proposed text amendment does not intend to resolve any inconsistencies between local, state, or federal plans or regulations. Therefore, **this criterion is not applicable.**

2. The amendment of the plan and/or the development regulations will further the implementation of the comprehensive plan and resolve inconsistency between the two in a manner that will not adversely impact the general public health, safety, and/or welfare.

**Findings:** The Medical Lake Comprehensive Plan does not specifically address the placement of shipping containers within the City Limits. The current Medical Lake Municipal Code states that shipping containers are prohibited except when used for storage at active construction sites. The proposed text amendment is to allow shipping containers in all zones.

The applicant has stated in his response to the criteria that the “skyrocketing” cost of building supplies has led him and other business owners to prefer shipping containers for storage due to their lower cost. According to the Association of Builders and Contractors, building materials have increased by approximately 40% since the beginning of the pandemic.

The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. For this reason, the proposed text includes twelve



standards to mitigate the aesthetics of the containers. These standards address the size, location, condition, and color of the container and screening when viewed from a residential use. Hence, this proposal is further implementing the comprehensive plan and **this criterion is met.**

3. Conditions have changed so much since the adoption of the comprehensive plan on factors such as, but not limited to population, employment, housing, transportation, capital facilities, or economic conditions that the existing goals, policies, objectives and/or map classifications of the comprehensive plan or development regulations are inappropriate.

**Findings:** The Medical Lake Comprehensive Plan was updated in 2019. Since that time, Medical Lake, like the rest of the world, has experienced the repercussions of the COVID-19 pandemic. The Comprehensive Plan does not address many of the results from the pandemic. One of these is the economic conditions for construction. The price of materials, delays in supply chains, and labor shortages have led to an increased cost in construction. According to the applicant, “Since 2019 the costs on new buildings and materials has skyrocketed. Lumber up 400%, metal up 250%. Fuel & shipping up 250%. Allowing newer shipping containers for commercial storage purposes help us and small businesses in Medical Lake obtain strong, quality storage units at under half of the cost of new construction.” Considering the Comprehensive Plan and Municipal Code were written in better economic times, it is reasonable to look at shipping containers as a cheaper alternative to storage buildings.

However, despite the economic struggles of local businesses to provide storage space at a reasonable price, that does not change the goals in the Comprehensive Plan that speak to appearance of the community. Therefore, twelve standards have been added to the proposed regulations to mitigate the appearance of the containers. For these reasons, **the criterion is met.**

4. Substantial conditions exist where the available supply of forecasted lands for residential, commercial, industrial, recreation or agriculture have been absorbed and there is insufficient land available for a twenty-year supply.

**Findings:** The proposed text amendment is not asking to change any zoning designations or increase the amount of land within the city. Hence, there is no change to the 20-year land supply. For this reason, **this criterion is met.**

5. If the comprehensive plan amendment proposal involves extension of water and/or sewer services outside of the urban growth boundary. the following additional criteria must be met:
  - a. The proposal must be in response to an immediate threat to public health or safety;
  - b. The proposal is necessary for the protection of the aquifer(s) designated pursuant to RCW 36.70.A170; and

- c. The proposal is necessary to maintain existing levels of service in existing urban or suburban developments.

**Findings:** The proposed text amendment does not involve the extension of water and/or sewer services outside of the urban growth boundary, therefore, **this criterion is not applicable.**

- 6. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan.

**Findings:** The Comprehensive Plan does not have a goal that specifically pertains to existing businesses. Goals mention an adequate supply of land for new development, the widening of employment opportunities, and attracting more recreation and tourism businesses. The chapter pertaining to economic development states that an issue for Medical Lake is, “maintaining and enhancing economic vitality.” However, this is not expanded upon.

The appearance of the community is a consistent theme throughout the Comprehensive Plan. Goal #1 of the Comprehensive Plan states, “Maintain an attractive and balanced mix of land uses, ensuring the future character of the community.” Goal #25 states, “Manage the city’s overall image and enhance its overall appearance to convey pride and ownership in the community.”

Shipping containers, having been built for durability in transportation, have a very unique look that is difficult to disguise. For this reason, the proposed text includes twelve standards to mitigate the aesthetics of the containers. These standards address the size, location, condition, and color of the container and screening when viewed from a residential use. Hence, this proposal is further implementing the comprehensive plan and **this criterion is met.**

- 7. The proposed amendment is consistent with RCW 36.70A, the Growth Management Act, the county-wide planning policies and applicable multicounty planning policies.

**Findings:** Neither the Growth Management Act nor the Spokane County Countywide Planning Policies speak directly to the subject of shipping containers. The planning goals of the Growth Management Act states we should, “promote the retention and expansion of existing businesses.” The statement of principals in the Countywide Planning Policies speaks to both the unique character of each community and the need to maintain the economic vitality of those communities. The proposed text amendment does not create any inconsistencies with the Growth Management Act or the Spokane County Countywide Planning Policies, therefore, **this criterion is met.**

- 8. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation.

**Findings:** The proposal does not include amendments to the comprehensive plan map, therefore, **this criterion is not applicable.**

9. Public facilities, infrastructure and transportation systems are present to serve the intended amendment or provisions have been made in accordance with the comprehensive plan to provide the necessary facilities.

**Findings:** The proposed text amendment to allow shipping containers in any zone is only applicable on sites that are already developed. The text specifies that the shipping container is an accessory structure, therefore not the primary building on the site. Being accessory in nature, the placement of shipping containers is unlikely to have a significant impact on the public facilities, infrastructure, and transportation system. For these reasons, **this criterion is met.**

10. The proposed amendment is complimentary and compatible with adjacent land uses and the surrounding environment.

**Findings:** The proposed text amendment is to allow shipping containers in all zones. Shipping containers have a unique design as a result of their use in the transportation industry. This steel box aesthetic is difficult to disguise in a community of mainly wood construction. However, the proposed code language now has twelve provisions to address the aesthetic of the containers by limiting the size, color, and location, along with minimum requirements for condition and screening. In addition, the proposed code language does not allow shipping containers in the Central Business District (CBD). The Municipal Code has many standards for the CBD to create an aesthetically pleasing and pedestrian friendly environment. A shipping container, which is industrial in nature, is not complimentary or compatible with the CBD. With the additional standards addressing the aesthetic, size, and location of the containers, they can be compatible with adjacent land uses and the surrounding environment. For these reasons, **this criterion is met.**

11. The proposed amendment does not adversely affect lands designated as agricultural and/or resource lands of long term commercial significance or critical areas.

**Findings:** The proposed text amendment is to allow shipping containers in all zones. Land within the City of Medical Lake does not contain agricultural and/or resource lands of long-term commercial significance. Properties that have critical areas will be subject to chapter 17.10 – Critical Areas of the Medical Lake Municipal Code. Hence, the proposal does not adversely affect these resources and, therefore, **this criterion is met.**

## CONCLUSION

The proposed text amendment to allow shipping containers is the applicant's response to increased building material costs. The City recognizes the Comprehensive Plan and the Municipal Code do not take into account changes in the economy due to the COVID-19 pandemic. By providing for a more economical means of storage, while still addressing the

aesthetic of a shipping container, creates compatibility with the existing land uses and promotes the Comprehensive Plan. For this reason, this application may be approved.

## **RECOMMENDATION**

The approval criteria set out in MLMC 17.56.100 have been met. Therefore, the City Council may approve the proposed text amendment to Section 17.42.030 of the Municipal Code.

## **EXHIBITS**

- A. Application Materials
  - 1. Letter from Applicant
  - 2. Proposed Language
  - 3. SEPA Checklist
  - 4. Response to Approval Criteria
  - 5. Zoning Map
- B. Public Notifications
  - 1. Notice of Application, March 8, 2023
  - 2. Legal Notice, Published in Cheney Free Press on March 9, 2023
  - 3. Legal Notice, Published in Cheney Free Press on April 13, 2023
  - 4. Legal Notice, Published in Cheney Free Press on July 27, 2023
- C. Meeting Minutes
  - 1. Planning Commission, December 15, 2022
  - 2. Planning Commission, January 26, 2023
  - 3. Planning Commission, February 23, 2023
  - 4. Planning Commission, March 23, 2023
  - 5. City Council, April 18, 2023
  - 6. City Council, May 2, 2023
  - 7. City Council, June 6, 2023
- D. Written Public Comment (none)
- E. SEPA
  - 1. SEPA Checklist with City Response, March 2, 2023
  - 2. SEPA MDNS, March 8, 2023
- F. Agency Responses
  - 1. Spokane Regional Health District, March 9, 2023
- G. Intent to Adopt
  - 1. 60-Day Notice of Intent to Adopt, July 11, 2023
- H. Staff Report
  - 1. Staff Report to Planning Commission, March 8, 2023
  - 2. Staff Report to City Council, April 11, 2023



City of Medical Lake  
124 S. Lefevre St.  
P.O. Box 369  
Medical Lake, WA 99022-0369

City Hall: (509) 565-5000 Fax: (509) 565-5008

Parks & Recreation: (509) 565-5007

Police: (Crime Check) (509) 456-2233

## **PUBLIC HEARING NOTICE**

**NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT:** The City Council of Medical Lake will conduct a Public Hearing regarding an Ordinance amending Section 17.42.030 of the Medical Lake Municipal Code entitled "Shipping containers as storage buildings prohibited". The public is encouraged to attend.

Attendees will have the opportunity to publicly comment on the topic in person or by submitting written comments to the contact person below. The public hearing will be held Tuesday, September 5, 2023, beginning at 6:30 p.m. during the regularly scheduled Council Meeting. The meeting will be held in person at City Hall, 124 S. Lefevre Street, Medical Lake, Washington, and remotely via Zoom.

The Zoom link and all pertinent documents can be found per the published City Council Agenda on the city's website: <https://medical-lake.org/>

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact City Hall at (509) 565-5000 as soon as possible so that arrangements may be made. Without advance notice, it may not be possible to provide the required accommodation(s).

Submit written comments to:  
Sonny Weathers, City Administrator  
[sweathers@medical-lake.org](mailto:sweathers@medical-lake.org)

Published July 27, 2023

Mayor  
Terri Cooper

Administrator  
Sonny Weathers

Finance Director  
Koss Ronholt

Public Works Director  
Scott Duncan

Police  
County Sheriff

Fire & EMS  
SCFD3

**CITY OF MEDICAL LAKE**  
**City Council Regular Meeting and Public Hearing**

6:30 PM  
 May 02, 2023

**MINUTES**

Council Chambers  
 124 S. Lefevre Street

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

**COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT**

**Councilmembers**

Chad Pritchard  
 Don Kennedy  
 Heather Starr  
 Art Kulibert  
 Bob Maxwell  
 Ted Olson  
 Tony Harbolt

**Administration/Staff**

Terri Cooper, Mayor  
 Sonny Weathers, City Administrator  
 Koss Ronholt, Finance Director  
 Sean King, City Attorney  
 Steve Cooper, WWTP Director  
 Roxanne Wright, Administrative Asst.  
 Elisa Rodriguez, City Planner  
 Scott Duncan, Public Works 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. All council members were present in person.
- B. Councilmember Kennedy submitted an excused absence request for the May 16, 2023, council meeting.
  - i. Motion to approve made by councilmember Harbolt, seconded by councilmember Maxwell, carried 6-0, with councilmember Kennedy not voting.

**2. AGENDA APPROVAL**

- A. Additions to Agenda
  - i. Add section under Action Items 7B: Employment agreement for Glen Horton, Parks and Recreation Director.
  - ii. Strike word Amendment in title of Resolution 23-589 to now read Senior Yoga Agreement
    - 1. Motion to accept agenda with changes made by councilmember Kennedy, seconded by councilmember Maxwell, carried 7-0.

**3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- A. Lahnje Henderson, citizen of Medical Lake – made comments regarding the agenda item workshop for the vacant building ordinance. Shared information from prior council meetings on the topic.

**4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS**

- A. May 4, 2023, Day of Prayer Proclamation
  - i. Mayor Cooper read the proclamation. See attached.

**5. REPORTS**

- A. Council Comments
  - i. Councilmember Pritchard – brought a poster with results from the recent geo walk that is available for citizens to look at if interested. Has it for the STEM night at MLMS 6-7:30 pm on May 3, 2023. Shared that over 600 people have RSVP'd for the event.
  - ii. Councilmember Starr – Park and Recreation committee meeting, 90-95 youth soccer participants. Smooth start. Bluegrass Festival permit submitted and approved. The finance committee met and went over claims and warrants as usual.
  - iii. Councilmember Kulibert – no report
  - iv. Councilmember Kennedy – no report
  - v. Councilmember Maxwell – no report
  - vi. Councilmember Olson – no report
  - vii. Councilmember Harbolt – attended functions at Waterfront Park this weekend. The park looks great, new shelter is perfect, fields manicured. Thanked Mr. Duncan and the maintenance crew for their hard work.
  
- B. Mayor Comments
  - i. May 22, 2023, Town Hall meeting at 6 pm to discuss police services.
  - ii. On Friday, May 5, 2023, will have a meeting with DSHS for lease agreement discussion. DOT signs at exits 264 and 262 for Medical Lake business loop. May 31, 2023, is the final day to submit applications for the remaining ARPA funds for non-profits and local small businesses. Founder's Day celebration is June 16<sup>th</sup> and 17<sup>th</sup>. Golf tournament on Friday the 16<sup>th</sup>. Go to Re\*Imagine Medical Lake's website to sign up. City will have a team participating.
  
- C. City Administrator & City Staff
  - i. Koss Ronholt, Finance Director – shared Quarter 1 Budget update presentation. See attached. Shared that he is currently working on investing into municipal bonds (2.5-3 million anticipated to invest).
  - ii. Sonny Weathers, City Administrator – Filing week is May 15-19, 2023, for running for public office; four council seats up for election. Update on the \$450,000 Groundwater Study Grant - met with Ecology, they will draft agreement and bring to council for approval. Recent Legislative session secured budget proviso for over \$300,000 for the city for Eastern State Hospital law enforcement.

**6. WORKSHOP DISCUSSION**

- A. Vacant Building Ordinance
  - i. Mr. Weathers shared presentation and information on what a vacant property ordinance might entail, see attached. Councilmember Maxwell shared that he would like to see Liberty Lake's ordinance for comparison. Councilmember Starr had questions about vacant building repairs and whether responsibility would fall to the city or property owner. Mr. Weathers shared that most ordinances dictate that the responsibility falls to the property owner.

**B. Park Advisory Board Ordinance**

- i. Mayor Cooper shared that she reviewed Cheney's Park Advisory Board. Usually a five-member board, Parks and Recreation Director works with them. They oversee programs, activities in the park, and events. Similar to a planning commission. Advisory to the council. Councilmember Harbolt would like to learn more about the board in Airway Heights, review their ordinance, and get feedback from our new Parks and Recreation Director as he is coming from Airway Heights. Mayor Cooper shared that Mr. Horton will be at the next council meeting and can address questions.

**7. ACTION ITEMS**

**A. Consent Agenda**

- i. Approve **April 18, 2023**, minutes.
  1. Motion to accept made by councilmember Kennedy, seconded by councilmember Olson, carried 7-0.
- ii. Approve **May 2, 2023**, Claim Warrants **50076** through **50112** in the amount of **\$66,782.77**.
  1. The Finance Committee reviewed and recommended approval of warrants. Councilmember Starr motioned to approve, seconded by councilmember Olson, carried 7-0.

**B. Employment Agreement for Glen Horton, Parks and Recreation Director**

- i. Mayor Cooper reviewed for council. She would like to add a section to the contract to read that for each department head, the position is at-will, non-union, and exempt.
  1. Motion to approve with additional language made by councilmember Kennedy, seconded by councilmember Maxwell, carried 7-0.

**8. RESOLUTIONS**

**A. 23-587 Jazzercise Instructor Agreement Amendment**

- i. Mayor Cooper inquired about adding a section regarding use of city property. Councilmember Pritchard asked about liability for the city if anyone is injured while participating. Discussion held. Mayor Cooper would have liked the full original agreement included in the packet, not just the amendment.
- ii. Motion to table both agreements (Resolution 23-587 and 23-589) made by councilmember Kennedy, seconded by councilmember Harbolt, discussion held, and clarification made that the agreement for Senior Yoga (Resolution 23-589) does have liability language included. Councilmember Kennedy amended his motion to only table Resolution 23-587, seconded by councilmember Harbolt, carried 7-0.

**B. 23-589 Senior Yoga Instructor Agreement**

- i. Motion to approve made by councilmember Kulibert, seconded by councilmember Kennedy, carried 7-0.

**C. 23-590 Wastewater Treatment Plant Pump Repair**

- i. Steve Cooper, WWTP Director shared information regarding the repair and why it was needed.
- ii. Motion to approve made by councilmember Pritchard, seconded by councilmember Kennedy, carried 7-0.

**9. PUBLIC HEARING / APPEALS – Application LU 2022-004 TA Shipping Containers**

- A. Mayor Cooper called the public hearing to order at 7:32 pm.**



- B. Presentation from Elisa Rodriguez, City Planner. See attached.
- C. Mr. Stoker shared thoughts and reason behind his request. Brett Lucas, City of Cheney Planner gave presentation and handed out Cheney's Ordinance. See attached.
- i. Discussion held. Mayor Cooper asked if there is sufficient space for fire trucks to access the storage containers? Mr. Lucas replied that yes, there is room for them to access if necessary and stated that the specific language could be added if desired. Discussion held about possible language regarding ancillary vs primary business.
- D. Public Comment
- i. Darrin Teichmer, citizen of Medical Lake and owner of local business Tommy G's – Looks like Tommy G's is not in C1 zone but rather mixed use. Asked that council consider that in their decision since he currently uses a shipping container for storage.
  - ii. Mason Seigerman, citizen of Medical Lake and MLSD maintenance director - all five containers that are currently used by the school district are 20ft. Shared what containers are used for and why they hope to keep them.
  - iii. Mr. Stoker, citizen of Medical Lake – explained that they requested language for fencing/hiding the containers because that was easy for them. Council could keep or adjust as they see fit.
  - iv. Cliff Denman, citizen of Medical Lake – offered support for the proposed amendment and asked the council to consider including residential allowance.
  - v. James Shaffer, citizen of Medical Lake – supports Mr. Stoker and the use in residential areas as long as there are considerations for aesthetics.
  - vi. Grace Dyson, citizen of Medical Lake – supports use in residential area. Currently has a shipping container on her property. She has remodeled it to include a door, window, and overhang. Hopes to keep it.
  - vii. Sarah Denman, citizen of Medical Lake – Offered support for residential use. The price of building supplies is prohibitive. Shipping containers are weatherproof, watertight, and secure.
  - viii. Lahnne Henderson, citizen of Medical Lake – asked about the blue shipping container near Redemption Church. Concerned that it was blocking a drain.
  - ix. Judy Mayulianos, citizen of Medical Lake – stated that she is a member of the Planning Commission but is speaking as citizen. She has driven around and viewed some of the shipping containers in town and feels that they are not being taken care of.
  - x. Mayor Cooper closed the public hearing at 8:19 pm.
- E. Discussion held regarding the decision before council as to how to proceed.
- i. Motion to send back to Planning Commission for new language to allow in commercial and school zones made by councilmember Kennedy. Mayor Cooper explained that since the Planning Commission has already given their recommendation to deny, the decision will remain with City Council. Councilmember Kennedy amended his motion to reject the Planning Commission's recommendation to deny and instead to propose new language, seconded by councilmember Kulibert, carried 7-0.
  - ii. Mrs. Rodriguez will bring back to the council with new language. Councilmember Harbolt requested information from cities that allow containers in residential zones.

**10. ORDINANCES**

- A. First Read Ordinance 1110 Establishing an Independent Salary Commission
  - i. Motion to accept first read made by councilmember Maxwell, seconded by councilmember Kennedy, carried 7-0.
  - ii. Ordinance title read by legal counsel.

**11. EXECUTIVE SESSION** – None scheduled.

**12. EMERGENCY ORDINANCES** – No items listed.

**13. UPCOMING AGENDA ITEMS**

- A. North Park trailhead

**14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- A. Gerri Johnson, citizen of Medical Lake – shared that she is happy we are addressing the vacant buildings ordinance. There are two vacant buildings surrounding her business Farm Salvation, that have been vacant for seven years. Adversely affects her business. Customers mention the empty spaces. Mrs. Johnson also represents Re\*Imagine Medical Lake. Shared about Founder’s Day, June 16-17, Golf Scramble, Friday the 16<sup>th</sup> at 8am at Fairways Golf course, register online. Friday evening at Waterfront Park, kickoff BBQ, cornhole competition, kids’ games, fireworks. Saturday morning, parade (new route starting from MLMS, up Lake Street, left on Lefevre). Many vendors have already registered. Vendors will be located at STCU, Owl Pharmacy, Farmer’s Market in Cela’s parking lot. Live music and a DJ on the main stage. Kid zone, live wrestling, Redemption Church kids’ area.

**15. CONCLUSION**

- A. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Maxwell. Carried 7-0 and meeting concluded at 8:33 pm.

  
\_\_\_\_\_  
Terri Cooper, Mayor

  
\_\_\_\_\_  
Koss Ronholt, Finance Director/City Clerk



# City of Medical Lake Proclamation

**Day of Prayer – May 4<sup>th</sup>, 2023**

WHEREAS, The National Day of Prayer is a tradition first proclaimed by the Continental Congress in 1775; and

WHEREAS, In 1863, when civil war stakes were high and divisions ran deep, the United States Senate requested President Abraham Lincoln to set apart a day for National prayer and humiliation acknowledging our dependence upon the overruling power of God where the President declared, those nations only are blessed whose God is the Lord and through prayer the Nation will be heard on high, and answered with blessings, and the restoration of our now divided and suffering Country;” and

WHEREAS, On June 6, 1944, after the invasion at Normandy, President Franklin Roosevelt addressed the nation by radio in prayer, stating, because the road is long and the desire is great, I ask that our people devote themselves in a continuance prayer. O Lord, give us Faith. Faith in Thee, Faith in our sons, Faith in each other. Lead us to the saving of our country into a world of peace that will let all men live in freedom, thy will be done, Almighty God; and

WHEREAS, A joint resolution of the Congress approved April 17, 1952, the recognition of a particular day to be set aside each year as a National Day of Prayer; and

WHEREAS, May 7, 1987, President Ronald Reagan issued Proclamation 5594- National Day of Prayer, stating, “indeed the true meaning of our entire history as a Nation can scarcely be glimpsed without some notion of the importance of prayer” and called upon the citizens of this Nation to gather together in homes and places of worship to pray, each after his or her own manner, for the unity of the hearts of mankind. The following year President Reagan signed into law Public Law 100-307 the designation of the first Thursday in May as the annual observance of the National Day of Prayer; and

WHEREAS, many local and National leaders feel the Nation continues to face the same challenges encountered by those of the historical times mentioned herein.

NOW, THEREFORE, I, Terri Cooper, Mayor of the City of Medical Lake, Washington, in observance of the National Day of Prayer, do hereby declare, Thursday, May 4, 2023,

## **DAY OF PRAYER**

in Medical Lake, Washington, and encourage all citizens to pray, each after his or her own faith, that God grant us mercy and forgiveness and bring healing and direction to face the challenges ahead with courage, wisdom, justice, and loving concern for one another.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Medical Lake to be affixed this 2<sup>nd</sup> day of May 2023.

---

Terri K. Cooper, Mayor



# Budget Report

Quarter 1 – Expected Budget Use: 25%

1

## Budget Report Notes

- Current Period – January 1, 2023 to March 31, 2023
- Expected Budget Use (25%) – This is the City’s goal for each category’s “Percent Used” column.
- Salaries & Wages and Benefits for almost every fund is within 3% of expected budget use.
- Overall Investment Interest revenues already exceeds total yearly estimates by 250-300%
- WCIA Insurance Premiums for entire year are paid in January. Premiums were estimated within 1% of actual cost.

2

## General Fund

Account Type	Current Total Budget	Period Activity	Fiscal Activity	Percent Used
Revenue	\$2,226,296	\$442,527	\$442,527	20%
Expense	\$3,430,419	\$1,168,862	\$1,168,862	34%

### Activity Analysis – Expected Budget Use: 25%

- Revenues are below expected budget use by **5%**. The primary cause is the delayed nature of property taxes, to be received in Quarter 2.
- Expenditures are over expected budget use by **9%**. The primary causes are the payment of all WCIA insurance premiums and an intergovernmental ARPA funds transfer occurred in January.

3

## General Fund Departments

Department	Current Total Budget	Period Activity	Fiscal Activity	Percent Used
Legislative	\$45,017	\$11,797	\$11,797	26%
Court	\$60,000	\$14,750	\$14,750	25%
Executive	\$211,963	\$60,436	\$60,436	29%
Legal	\$63,750	\$23,359	\$23,359	37%
Admin. Svcs.	\$389,423	\$108,090	\$108,090	28%
Code Enforce.	\$204,495	\$42,643	\$42,643	21%
Planning	\$96,492	\$20,821	\$20,821	22%

4

## Special Revenue Funds

<b>Streets 101</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$244,480	\$22,096	\$22,096	9%
Expense	\$264,131	\$61,814	\$61,814	23%
<b>ARPA 107</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$858,422	\$864,282	\$864,283	101%
Expense	\$750,000	\$261,335	\$261,335	35%
<b>Public Safety 110</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$1,201,136	\$51,887	\$51,887	4%
Expense	\$1,155,673	\$15,516	\$15,516	1%

5

## Special Revenue Funds (cont.)

<b>Parks &amp; Rec. 112</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$362,250	\$8,885	\$8,885	2%
Dept.: Parks & Rec.	\$173,926	\$17,370	\$17,370	10%
Dept.: Parks Facilities	\$180,858	\$48,591	\$48,591	27%
<b>City Beautification 125</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$6,500	\$1,620	\$1,620	25%
Expense	\$4,000	\$0	\$0	0%

6

## Proprietary Funds

<b>Water 401</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$843,050	\$160,759	\$160,759	19%
Expense	\$1,689,161	\$1,017,417	\$1,017,417	60%
<b>Solid Waste 407</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$667,010	\$173,291	\$173,291	26%
Expense	\$706,924	\$133,357	\$133,357	19%
<b>Wastewater 408</b>	<b>Current Total Budget</b>	<b>Period Activity</b>	<b>Fiscal Activity</b>	<b>Percent Used</b>
Revenue	\$1,380,500	\$518,110	\$518,110	38%
Dept.: WWC	\$408,283	\$100,584	\$100,584	25%
Dept.: WWT	\$918,038	\$263,736	\$263,736	29%

Note: The Water Fund (401) made large transfers to the new Water/Wastewater Managerial funds to manage the transition and separation of the two funds. Without these transfers, the operating budget is at 18% of expected use.

7

# Thanks!

8



# Vacant Property Ordinance

City of Medical Lake





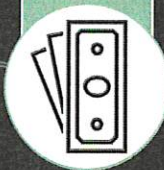
Establish minimum maintenance requirements



Vacant commercial space registration



Window displays for commercial spaces not occupied for thirty days



Fees for vacant commercial space registration



Inspections



## PARKS AND RECREATION DIRECTOR EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement") is made this \_\_\_\_ day of May, 2023 ("Effective Date") by and between the City of Medical Lake, Washington, a municipal corporation ("City"), and Glen Horton ("Employee"), jointly referred to as "Parties".

### WITNESSETH

WHEREAS, the Parties are desirous of entering into this Agreement for the purpose of retaining Employee to perform the duties of Parks and Recreation Director ("Director"), an exempt employee classification for the City; and

WHEREAS, this Agreement shall govern and contain the terms and conditions of employment in conjunction with the City's Personnel Policies ("CPP").

NOW, THEREFORE, in consideration of the following terms, conditions, and covenants the Parties agree as follows:

1. **Employment.** The City hereby employs Employee to perform the functions and duties of the Director as specified in the attached job description, which is incorporated herein, the CPP, or as amended, and such other duties as directed by the Mayor or City Administrator.

Employee shall exercise best efforts and will devote such time and attention as reasonably necessary to perform the duties and responsibilities of the Director as set forth in this Agreement. The job description shall be considered a general guideline, with this position requiring considerable personal initiative and acceptance of additional assigned responsibilities. Employee's responsibility includes, without limitation: (a) providing general administrative management services concerning Parks, Recreation and Community Services under the direction of the Mayor or City Administrator, (b) recommendations for hiring and firing staff and/or volunteers; (c) responsibility for overseeing after-school programs, special interest classes, etc., including events for seniors and vulnerable adults; (d) attending meetings, presenting information and reports to the City Council and other public or private boards, agencies, entities and committees to promote and conduct the business of the City. If Employee will be absent for more than five (5) consecutive days, advance notice of the same shall be provided to the Mayor or City Administrator.

Except for vacation, illness or periods away from the City conducting City business, Employee shall either be present at the City, available during regular City business days and hours or, when requested by the Mayor or City Administrator, available outside of regular City business days and hours. Employee duties may be performed at locations other than the City.

2. **Term of Agreement.** Employment shall commence on the Effective Date and shall remain in effect until terminated by either party as provided for herein. The Employee may

unilaterally terminate this Agreement at any time by providing written notice of intent to resign.

Unless agreed otherwise, the notice shall be delivered to the Mayor or City Administrator at least thirty (30) days in advance of the date of resignation. In the event one party elects to terminate the relationship prior to the thirty (30) day notice, Employee will be paid through the last date worked, unless the Parties agree otherwise.

- a. **For Cause.** The City may terminate Employee for cause at any time based on the CPP in Section 4.7, or as amended.

Employee shall not be entitled to any severance compensation if terminated for cause or Employee dies or becomes disabled and is unable to perform the duties and functions of the job.

- b. **Without Cause.** The City may terminate Employee without cause with thirty (30) days' notice, provided the following severance amount is paid. If the Employee is terminated without cause by the City during the Employee's first year of employment, the City shall pay the Employee no severance compensation. After one (1) year of full-time employment, the City as the Director, the severance amount for a without cause termination is three (3) months' pay in addition to the one (1) month notice period for the amount of time Employee continues to work. Up to the date of severance, Employee shall also receive payment for accrued vacation and sick leave in accordance with this Agreement and the CPP. The City shall deduct state and federal taxes from amounts paid to Employee.

This Agreement will automatically terminate upon the death of Employee or in the event Employee becomes disable and cannot perform the essential functions of this position in accordance with state and federal law.

### 3. **Salary and Benefits.**

- a. **Salary.** For services performed pursuant to this Agreement, Employee shall be paid (monthly, bi-weekly, etc.) in accordance with and in the same manner as other City employees. The Mayor may further increase Employee's compensation through an annual review of the Employee's work prior to the end of the calendar year pursuant to the discretion of the Mayor. The Mayor will exercise best efforts to conduct an annual performance evaluation of the Employee's performance and/or services under this Agreement.

b. **Benefits.**

- i. **Insurance.** The City agrees to provide the Employee with insurance policies for life, accident, health, medical, etc., on the same basis and in the same amounts as the City provides such insurance to other employees.



- ii. **Vacation/Sick Leave.** Vacation and sick leave will accrue according to the schedule and terms in the CPP. Vacation and sick leave will be paid out according to the CPP.
  - iii. **Retirement.** The City agrees to pay the contribution percentage of Employee's gross salary as set by the Department of Retirement System for the Public Employees Retirement System. Employee may elect between PERS II or PERS III. Employee agrees to pay Employee's share of any required retirement contribution.
  - iv. **Expenses, Travel, Professional Development and Organizations.** The City recognizes that certain reasonable expenses of a non-personal and job-related nature are incurred by the Employee, and hereby agrees to reimburse or to pay Employee's general expenses as authorized, upon receipt of duly executed expense vouchers, receipts, statements or personal affidavits. This information is contained in the CPP.
  - v. **Miscellaneous.** Except as modified herein, all rules and policies of the City relating to vacation and sick leave, retirement and pension system contributions, holiday and other fringe benefits and working conditions as they now exist or hereafter are amended by the City, shall apply to Employee as they would to other employees of the City.
4. **Indemnification and Bond.** The City shall defend, hold harmless and indemnify Employee against any claim, lawsuit, demand or other legal action arising out of a negligent act or omission occurring in the performance of Employee's duties, provided Employee is acting in good faith to achieve the best interests of the City and the City's insurance policy provides for such coverage. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City will bear the full cost of any fidelity or other bond required of the Employee under any law or ordinance.
5. **Performance Evaluation.** In order for the Employee to provide the highest level of service to the City, the Mayor or City Administrator may evaluate the Employee's performance annually. The review and evaluation will be in accordance with criteria developed by the City and reviewed by the Employee. After the performance review, the Mayor or City Administrator will provide the Employee with findings relating to the evaluation and provide an adequate opportunity for the Employee to discuss the evaluation. The failure to conduct a performance review will not be a material breach of this Agreement by the City.
6. **Other Employment/Consulting Services.** Except for participating in a seminar, educational event or presenting information to professional, public, charitable or other organizations or entities, Employee shall not accept employment or engage in consulting services with other public or private entities, unless otherwise approved by the Mayor or City Administrator. Consulting services performed for business or professional

organizations shall not conflict with or interfere with Employee's duties under this Agreement.

- 7. **Miscellaneous.** The Mayor may establish such other terms and conditions of employment, as appropriate to serve the needs of the City, provided such terms and conditions are not materially inconsistent with or in conflict with the provisions of this Agreement, or state or federal law. Subject to the above, nothing herein shall limit the right of the City to amend the CPP and apply amendments affecting all City employees to Employee.
- 8. **Notices.** Any notice which either the City or Employee is required or may desire to make hereunder shall be in writing and given by personal delivery or registered or certified mail, return receipt requested, as follows:

To the City:

Terri Cooper, Mayor  
124 S. Lefevre St.  
Medical Lake, WA 99022

With a Copy to:

Sean P. Boutz  
Evans, Craven & Lackie, P.S.  
818 W. Riverside Ave., Suite 250  
Spokane, WA 99201

To Employee:

Glen Horton

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Any party hereto may from time to time designate a different place or person to receive notices by giving written notice to the other party in accordance with this Section. The date of personal delivery or the dates of mailing of any notice shall be deemed to be the date of delivery thereof.

- 9. **No Implied Waivers.** Neither party shall waive any breach of any provision of this Agreement, except in writing, and any waiver so granted in any single instance shall not thereby be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision of this Agreement.

- 10. **Governing Law; Jurisdiction.** This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Washington. Venue shall be Spokane in County, Washington.
- 11. **Time of the Essence.** Time is of the essence with regard to the performance of respective obligations hereunder.
- 12. **Complete Agreement – Amendments- Prior Agreements.** This Agreement is the entire understanding of the Parties with respect to the subject matter hereof and may not be amended or supplemented except by written instrument executed by both Parties hereto. This Agreement supersedes any and all prior agreements between the Parties with respect to the subject matter herein.
- 13. **Invalidity.** The invalidity or lack of enforceability of any provision in this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all other respects with such invalid or unenforceable provisions stricken. The Parties agree to replace such invalid provisions with a substitute provision that will satisfy the intent of the Parties.
- 14. **Code of Ethics.** State law, RCW Chapter 42.23 (“Code of Ethics for Municipal Officers”) prohibits transactions where personal interests are advanced or special privileges are obtained as a result of the person’s position in government. Employee shall review RCW 42.23 and by signature on this Agreement agrees to abide by the Code of Ethics for Municipal Officers.

IN WITNESS WHEREOF, the Parties execute this Agreement effective as of the date first set forth above.

CITY OF MEDICAL LAKE

EMPLOYEE

By: \_\_\_\_\_  
Mayor Terri Cooper

By: \_\_\_\_\_  
Glen Horton, Parks and Recreation  
Director

Attest:

By: \_\_\_\_\_  
Koss Ronholt  
Finance Director/City Clerk

Approved as to Form:

By: Sean P. Boutz, City Attorney

# LU 2022-004 TA

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Text amendment to allow shipping containers in the Commercial (C-1) Zone

1

PROCESS

**HISTORY**

- Application Submitted - October 26, 2022
  - Deemed Complete - November 22
- PC Workshops - January 26 & February 23
  - SEPA Determination - March 8
  - Notice of Application - March 8
  - PC Public Hearing - March 23
- PC Recommendation to Deny - March 23
  - CC Workshop - April 18

**TODAY**

- CC Public Hearing – May 2

**CC Considers Approval**

Ordinance written for consideration

OR

**CC Denies**

Applicant must remove shipping containers

2



<h2 style="margin: 0;">APPLICATION</h2>	<ul style="list-style-type: none"> <li>• Currently, shipping containers are prohibited except for active construction sites.</li> <li>• Larry Stoker, owner of Monark Self-Storage</li> <li>• Requesting a change to the Medical Lake Municipal Code to Allow Shipping Containers in the Commercial Zone, C-1</li> <li>• Shipping Containers are the applicant's response to the increased price of construction materials, a change in the economy due to the COVID-19 pandemic.</li> <li>• Approval would amend MLMC Section 17.42.030 – Shipping containers as storage buildings prohibited</li> </ul>
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3

<h2 style="margin: 0;">EXISTING TEXT</h2>	<p><b>17.42.030 - Shipping containers as storage buildings prohibited.</b></p> <p>Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, living unit or any other such primary or accessory building upon any property within the city limits of Medical Lake; provided, that licensed and bonded contractors may utilize said containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For the purposes of this chapter, "shipping container" is defined as any container or other device used or designed for use in the transportation industry.</p> <p>(Ord. 876 §135, 1999).</p>
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4

PROPOSED  
TEXT

A. Unless otherwise permitted by this title, no person shall place or cause to be placed, or use or permit the use of any shipping container as an accessory building, storage building, or living units within the city limits of Medical Lake except in the [C-1] zones.

1. Shipping containers are permitted to be placed within the [C-1] zones as accessory buildings or storage units, provided that the containers are no more than 40 feet in length, maintained and in good shape (i.e., painted, not rusted out), and are located in the rear/back of property or enclosed in a fence and visually obscured from public sight ROW on Hwy 902. Containers may be placed as authorized by a city building permit.

B. Licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit. For purposes of this chapter "shipping container" is defined as any container or other device used or designed for use in the transportation industry

5

SEPA

DETERMINATION OF MITIGATED NON-SIGNIFICANCE

- SEPA Environmental Checklist
- Non-project proposal
- Section D, #5, Is the proposal compatible with existing land use?
- Mitigation: Must mitigate for aesthetic of the shipping container.

6

<h2 style="margin: 0;">APPROVAL CRITERIA</h2>	<p>TO SUMMARIZE:</p> <ul style="list-style-type: none"> <li>• Does this resolve inconsistencies?</li> <li>• Does this further implement the comprehensive plan?</li> <li>• Does this address changed conditions?</li> <li>• Does this help a depleted land supply?</li> <li>• Is this consistent with comprehensive plan?</li> <li>• Is this consistent with the County and GMA?</li> <li>• Is this complementary and compatible with adjacent land uses?</li> <li>• Does this adversely affect critical areas?</li> </ul>
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7

<h2 style="margin: 0;">AGENCY &amp; PUBLIC COMMENT</h2>	<p>The Spokane Regional Health District stated that a container should not be placed over a septic tank or drain field.</p> <p>Darin Teichmer, owner of Tommy-G's, said he has had a small shipping container at his business for around two years, has never received a violation, and hopes to keep it.</p> <p>Nolan Davis, a Medical Lake realtor, expressed his support for the text amendment.</p> <p>Jennifer Speirs, a Medical Lake resident, expressed opposition to the text amendment, citing how the applicant acted without checking the regulations first and now wants accommodation to help the "bottom line" of his business.</p>
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8

<p>PLANNING COMMISSION DECISION</p>	<ul style="list-style-type: none"><li>• The Planning Commission believes the proposal is not in line with the goals of the Medical Lake Comprehensive Plan.</li><li>• The Planning Commission recommends denial of the proposed text amendment with findings as presented in the staff report.</li></ul>
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9

<p>TONIGHT</p>	<p><b>What to consider for your decision:</b></p> <ul style="list-style-type: none"><li>• Planning Commission Recommendation</li><li>• Public Comment</li><li>• Approval Criteria</li><li>• Comprehensive Plan</li></ul>
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10

**CITY OF MEDICAL LAKE  
City Council Regular Meeting**

6:30 PM  
June 6, 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**

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

**Administration/Staff**

Terri Cooper, Mayor  
Sonny Weathers, City Administrator  
Koss Ronholt, Finance Director  
Elisa Rodriguez, City Planner  
Sean King, City Attorney  
Steve Cooper, WWTP Director  
Scott Duncan, Public Works Director  
Dave Yuhas, Code Enforcement Officer  
Glen Horton, Parks & Recreation Director  
Roxanne Wright, Administrative Asst.

**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.
  - i. Councilmember Starr requested an absence via e-mail for tonight’s meeting. Motion to excuse made by councilmember Olson, seconded by councilmember Maxwell, carried 6-0.

**2. AGENDA APPROVAL**

- A. Additions to Agenda
  - i. Add section 7E, Letter of Support for Grant under Cheney Municipal Court. Motion to add made by councilmember Kennedy, seconded by councilmember Kulibert, carried 6-0.
  - ii. Add section 8C, Resolution 23-602 ILA with City of Cheney for Yard Waste Disposal. Motion to add made by councilmember Kennedy, seconded by councilmember Harbolt, carried 6-0.

**3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- A. none

**4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS****A. Founder's Day Proclamation**

- i. Mayor Cooper shared that STCU breached a vault and found an archived Proclamation for Founders Day from 1985. Wanted to honor it by presenting her own Founders Day Proclamation.

**5. REPORTS****A. Council Comments**

- i. Councilmember Pritchard – thanked WWTP Director, Steve Cooper for hosting a field trip tour of the WWTP for EWU students.
- ii. Councilmember Kulibert – no report.
- iii. Councilmember Kennedy – no report.
- iv. Councilmember Maxwell – no report.
- v. Councilmember Olson – no report.
- vi. Councilmember Harbolt – shared that Fire Chief Rohrbach asked him to sit on a FD3 Citizen Advisory Committee, to which he agreed. The first meeting was on Monday, June 5<sup>th</sup>. The committee will assist Fire Commissioners that are experiencing exponential growth in the district.

**B. Mayor Comments**

- i. Community Garden is well on its way thanks to city staff. There have been six or seven community member volunteers along the way. Looking forward to finishing up soon.
- ii. Introduction of new staff members:
  - 1. Glen Horton, Parks and Recreation Director. Welcomed Mr. Horton and shared some background on his experience. Mr. Horton thanked the mayor and shared that he is excited to grow the department.
  - 2. Dave Yuhas, Code Enforcement Officer. Welcomed Mr. Yuhas and shared some background on his experience. Mr. Yuhas shared his goal is to educate people first and help get them into compliance.

**C. City Administrator & City Staff**

- i. Sonny Weathers, City Administrator – asked council for direction on Community Development Block Grant Consortium from Spokane County. Explained what it entails and asked council if they are interested in pursuing further. Council agreed to move forward.

**6. WORKSHOP DISCUSSION****A. Shipping Container Ordinance Considerations**

- i. Elisa Rodriguez, City Planner shared information and presentation. See attached.
- ii. Based on feedback/discussion from council the next step is to come back with an ordinance. Will also bring back details on the additional two storage facilities in town and the possible impacts the ordinance would have on them.

**B. Budget Amendments**

- i. Koss Ronholt gave an overview of budget amendments. See attached.

**C. Administrative Fees 2023 Amendment (Resolution 23-600)**

- i. Koss Ronholt gave an overview of fees amendment. See attached.

**D. ILA with SCSO for Law Enforcement (Resolution 23-597)**

- i. Mr. Weathers shared about the Law Enforcement Town Hall meeting that was held on May 20<sup>th</sup>. Explained the draft ILA being presented. See attached.
- ii. Mayor Cooper shared that the Police Department building will be remodeled and open during the 12-hour shifts. SCOPE will be assisting with staffing. Also shared about the possibility of housing a BAC (blood alcohol content) machine at the station. Needs approval from WA State Patrol. If approved, all west plains officers would have access to it, therefore would increase police presence in town. Mayor Cooper would like a change in the ILA to reflect requiring only 1 year for notice of termination, rather than 2 years. The proposed ILA is good through the end of the year then will be reviewed. Recommendations and added changes will be presented to SCSO, then once approved, brought back to the council as a resolution.

#### E. Park Hours

- i. Glen Horton, Parks and Recreation Director – recommended changing the park closure time from 10pm to dusk (closed dusk to dawn). Bathrooms will be placed on a timer. Councilmember Harbolt also suggested gate entrance/exit gates that can be on a timer.

### 7. ACTION ITEMS

#### A. Consent Agenda

- i. Approve **May 16, 2023**, minutes.
  - 1. Correction needed to show that the greenhouse was not donated. ARPA money was used. Motion to approve as amended made by councilmember Pritchard, seconded by councilmember Harbolt, carried 6-0.
- ii. Approve **June 6, 2023**, Claim Warrants **50175** through **50240** in the amount of **\$96,002.78**.
  - 1. Councilmember Kulibert shared that the Finance Committee reviewed and recommended approval. Motion to approve made by councilmember Kulibert, seconded by councilmember Kennedy, carried 6-0.

#### B. Re\*Imagine Medical Lake Founder's Day Fireworks Display Permit

- i. Motion to approve made by councilmember Kennedy, seconded by councilmember Olson, carried 6-0.

#### C. TNT Fireworks Retail Fireworks Permit

- i. Motion to approve made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-0.

#### D. ARPA Distribution of Funds Round 2

- i. Mr. Ronholt shared that there aren't enough remaining funds to cover both the new requests and the requests from first round requestors asking for additional funds. His recommendation then is to fulfill the new requests first, then council can decide what to do with remaining \$5,359.92 allocated ARPA funds for local grants. Mayor Cooper suggested allocating the remaining funds to ARPA Parks & Trails. New applications totaled \$32,467.08, \$14,250 for Jensen Memorial Youth Ranch, \$5,000 for Lions Club, \$11,217.08 for Lefevre St. Bakery, and \$2,000 for Feed Medical Lake. Motion to approve distributing this amount to the recommended applicants with the remaining funds going to ARPA Parks & Trails made by councilmember Kulibert, seconded by councilmember Pritchard, carried 6-0.

#### E. Letter of Support for Grant under Cheney Municipal Court (therapeutic court funding)

- i. Mayor explained the letter and that Mayor Pro Tem Kennedy would sign due to Mayor Cooper being the writer of the grant. Motion to approve made by councilmember Olson, seconded by councilmember Harbolt, carried 6-0.

**8. RESOLUTIONS**

- A. 23-599 Cost Allocation Policy
  - i. Motion to approve made by councilmember Kennedy, seconded by councilmember Kulibert, carried 6-0.
  
- B. 23-601 Recreation Assistant Job Description
  - i. Allows authorization of hiring summer parks and recreation staff. Motion to approve made by councilmember Pritchard, seconded by councilmember Kennedy, carried 6-0.
  
- C. 23-602 ILA with Cheney for Yard Waste Disposal
  - i. The agreement was updated by Cheney to add language for how they get paid. Cheney City Council has approved this version. See attached. Motion to approve made by councilmember Kennedy, seconded by councilmember Harbolt, carried 6-0.

**9. PUBLIC HEARING / APPEALS** – None scheduled.

**10. ORDINANCES** – No items listed.

**11. EXECUTIVE SESSION** – None scheduled.

**12. EMERGENCY ORDINANCES** – No items listed.

**13. UPCOMING AGENDA ITEMS**

- A. none

**14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**

- A. Larry Stoker, not a resident of ML, owner of Monark Storage – shared thoughts on discussions about shipping containers. He thinks it’s important that containers be screened from Hwy 902.

**15. CONCLUSION**

- A. Motion to conclude made by councilmember Pritchard, seconded by councilmember Harbolt. Motion carried 6-0 and meeting concluded at 8:48 pm.

  
\_\_\_\_\_  
Terri Cooper, Mayor

  
\_\_\_\_\_  
Koss Ronholt, Finance Director/City Clerk





City of Medical Lake  
124 S. Lefevre St.  
P.O. Box 369  
Medical Lake, WA 99022-0369

City Hall: (509) 565-5000 Fax: (509) 565-5008

Parks & Recreation: (509) 565-5007

Police: (Crime Check) (509) 456-2233

June 6, 2023

Washington State Administrative Office of the Courts (AOC)  
Therapeutic Court Grants  
1112 Quince St SE  
Olympia, WA 98501

Dear Grant Management Team,

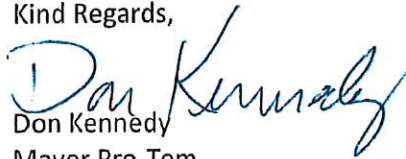
Please accept this letter of support for Cheney Municipal Court grant application for therapeutic court funding for courts of limited jurisdiction in the State of Washington.

The City of Medical Lake has a long-standing regional relationship with the City of Cheney and has successfully contracted with their municipal court for court services since 2014. The City of Medical Lake understands the importance of taking a pro-active approach toward people in our community with substance abuse and mental health needs that cause them to encounter law enforcement and find themselves in the criminal justice system. We appreciate the work of the Cheney Community Court team and their proven track record working with this high-risk and high-need group.

With grant funding the Cheney Municipal Court and its Community Court, a therapeutic court model, will be able to offer early interventions and treatment options among other support services that encourages recovery, reduces recidivism, and is an effective means for helping people break cycles of addiction and become productive members of society.

Without reservation the City Council of Medical Lake and myself are supportive of ongoing funding for the Cheney Municipal Court and its Community Court.

Kind Regards,

  
Don Kennedy  
Mayor Pro-Tem

Mayor  
Terri Cooper

Administrator  
Sonny Weathers

Finance Director  
Koss Ronholt

Public Works Director  
Scott Duncan

Police  
County Sheriff

Fire & EMS  
SCFD3

**CITY OF MEDICAL LAKE  
SPOKANE COUNTY, WASHINGTON  
RESOLUTION NO. 23-602**

**A RESOLUTION OF THE CITY OF MEDICAL LAKE APPROVING AN  
INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHENEY AND THE  
CITY OF MEDICAL LAKE FOR YARD WASTE DISPOSAL AND RELATED  
SERVICES**

WHEREAS, the City of Medical Lake (“City”) has a need for assistance with the disposal of yard waste collected by its citizens and delivered to the City’s yard waste collection site, and related functions; and

WHEREAS, the City of Cheney has the capacity to assist the City with the provisions of forty-yard roll-off boxes for the collection of yard waste and to haul said yard waste from the City to the City of Cheney yard waste site; and

WHEREAS, the City desires to obtain yard waste collection and hauling services, and other related services from the City of Cheney; and

WHEREAS, the Interlocal Agreement between the City of Cheney and the City of Medical Lake for Yard Waste Disposal and Related Services (“Agreement”) contains the specific terms and conditions between the parties.

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

**Section 1. Approval of Agreement.** The Council hereby approves the Agreement in the form attached to this Resolution as Exhibit “A” and by reference incorporated herein.

**Section 2. Authorization.** The Mayor is authorized and directed to execute the Agreement on behalf of the City in substantially the form attached as Exhibit “A”. The Mayor and Finance Director/City Clerk are each hereby authorized and directed to take such further action as may be appropriate in order to affect the purpose of this Resolution and the Agreement authorized hereby.

**Section 3. 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 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

ADOPTED this 6th day of June 2023.

\_\_\_\_\_  
Mayor, Terri Cooper

Attest:

Approved as to Form:

\_\_\_\_\_  
Koss Ronholt, City Clerk

\_\_\_\_\_  
City Attorney, Sean P. Boutz

## INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHENEY AND THE CITY OF MEDICAL LAKE FOR YARD WASTE DISPOSAL AND RELATED SERVICES

This Interlocal Agreement (this "Agreement") is effective as of the Effective Date set forth below, by and between the City of Cheney, a Washington non-charter code city ("**Cheney**"), and the City of Medical Lake, a Washington non-charter code city ("**Medical Lake**") with Cheney and Medical Lake jointly referred to as "**Parties**".

### RECITALS

- A. Cheney owns and operates its own Solid Waste Department including yard waste disposal services.
- B. Medical Lake has a need for assistance with the disposal of yard waste collected by its citizens and delivered to the Medical Lake yard waste collection site, and related functions.
- C. The Cheney Solid Waste Department has the capacity to aid Medical Lake with the provision of forty-yard roll-off boxes for the collection of yard waste and to haul said yard waste from Medical Lake to the Cheney yard waste site, and related functions.
- D. Medical Lake desires to obtain yard waste collection and hauling services, and other related services (the "**Services**") from Cheney.
- E. Cheney has proposed to provide Medical Lake with the Services as set forth in this Agreement through the Cheney Solid Waste Department.
- F. The Parties are authorized under RCW 39.34 to enter into this Agreement for the provision of the Services, subject to the terms and conditions set forth herein.

### AGREEMENT

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, it is agreed as follows:

1. Purpose. The purpose of this Agreement is for Cheney to provide the Services to Medical Lake. The scope of the Services is set forth in Exhibit A (the "Scope of Services and Fee Schedule") attached hereto.
2. Duties of Cheney. Cheney shall provide the Services on an as-needed basis. The scope of the Services is set forth in the Scope of Services and Fee Schedule. Requests for the Services shall be emailed to the Cheney Solid Waste Department by Medical Lake.
3. Duties of Medical Lake. Medical Lake shall be responsible for requesting Services from Cheney when needed and provide Cheney with any resources as reasonably necessary to facilitate the performance of Cheney's duties. In addition, Medical Lake shall provide payment for the Services to Cheney as set forth herein.

4. Duration and Termination. The Agreement shall take effect on June 1<sup>st</sup>, 2023, or as soon thereafter as all of the following events have occurred (“**Commencement Date**”):
- (a) Approval of the Agreement by the official action of the governing bodies of each of the Parties;
  - (b) Execution of the Agreement by the duly authorized representative of each of the Parties; and
  - (c) Filing or listing a copy of this Agreement as required by RCW 39.34.040.

The term of this Agreement shall be from the Commencement Date to December 31<sup>st</sup>, 2025 (“**Initial Term**”) and shall be automatically extended for additional terms of one year (an “**Extension Term**”), unless either party provides written notice to the other by September 30 of the applicable year in which the Initial Term or Extension term is set to expire, expressing an intent not to extend this Agreement. For purposes of clarity, in the absence of notice not to extend sent by September 30 of the applicable year, this Agreement shall be automatically extended for one additional year.

At least one hundred twenty (120) days prior to expiration of the Initial Term or any Extension Term, the Parties shall meet and confer for the purpose of reviewing and adjusting the Scope of Services and Fee Schedule.

5. Cost of Services and Billing. For the Services, Medical Lake shall pay Cheney as set forth in the “Fee Schedule” column of the Scope of Services and Fee Schedule.

Cheney shall bill Medical Lake through Cheney’s utility billing system for amounts due under this Agreement. If Medical Lake has a good faith dispute with any invoice, Medical Lake shall pay any undisputed amount, and the Parties shall within fifteen (15) days meet and confer to resolve the dispute.

6. Indemnification.
- (a) Medical Lake Ordinances, Rules and Regulations. In executing this Agreement, Cheney does not assume liability or responsibility for or release Medical Lake from any liability or responsibility which arises in whole or in part from the existence or effect of Medical Lake ordinances, rules, regulations, policies or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any Medical Lake ordinance, rule, or regulation is at issue, Medical Lake shall defend the same at its sole expense and if judgment is entered or damages are awarded against Cheney, Medical Lake, or both, Medical Lake shall satisfy the same, including all costs and/or attorney’s fees awarded by the court.
  - (b) Medical Lake Indemnification of Cheney. Medical Lake shall indemnify, defend, and hold harmless Cheney, its officers, agents and employees, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature

whatsoever, including costs and attorney's fees in defense thereof, for personal injury or death of persons (including employees of Cheney), or damage to property, or the violation of any person's civil rights, which is caused by or arises out of Medical Lake's acts, errors or omissions with respect to the subject matter of this Agreement; provided, however,

- (i) Medical Lake's obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, damage or civil rights violations caused by or resulting from the sole negligence of Cheney, its officers, agents or employees; and
  - (ii) Medical Lake's obligation to indemnify, defend, and hold harmless for injuries, sickness, death, damage or civil rights violations caused by or resulting from the concurrent actions or negligence of Medical Lake and Cheney shall apply only to the extent that Medical Lake's actions or negligence caused or contributed thereto.
- (c) Cheney Indemnification of Medical Lake. Cheney shall indemnify, defend, and hold harmless Medical Lake, its officers, agents and employees, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including costs and attorney's fees in defense thereof, for personal injury or death of persons (including employees of Cheney), or damage to property, or the violation of any person's civil rights, which is caused by or arises out of Cheney's acts, errors or omissions with respect to the subject matter of this agreement; provided, however
- (i) Cheney's obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, damage or civil rights violations caused by or resulting from the sole negligence of Medical Lake, its officers, agent or employees; and
  - (ii) (ii) Cheney's obligation to indemnify, defend and hold harmless for injuries, sickness, death, damage or civil rights violations caused by or resulting from the concurrent actions or negligence of Cheney and Medical Lake shall apply only to the extent that Cheney's actions or negligence caused or contributed thereto.
- (d) Indemnification for Events Occurring Prior to Termination of Services. The obligation to indemnify, defend and hold harmless for those injuries provided for in this Section extends to those events occurring prior to the termination of Services under this Agreement. No obligation exists to indemnify for injuries caused by or resulting from events occurring after the last day Services are provided under this Agreement. The obligation of a party to indemnify, defend, and hold harmless under Sections 6(b) and 6(c) shall survive termination of this Agreement for any event that occurred prior to such termination.

- 7. Actions Contesting Agreement. Each Party shall appear and defend any action or legal proceeding brought to determine or contest: (i) the validity of this Agreement and/or (ii) the legal authority of Medical Lake and/or Cheney to undertake the activities contemplated by this Agreement. If both parties to this Agreement are not named as parties to the action, the party named shall give the other party prompt notice of the action and provide the other an opportunity to intervene. Each party shall bear any costs and expenses taxed by the court against it; any costs and expenses assessed by a court against both parties jointly shall be shared equally.
  
- 8. Independent Contractor. Each Party to this Agreement is an independent contractor with respect to the subject matter herein. Nothing in this Agreement shall make any employee of Cheney a Medical Lake employee for any purpose, including, but not limited to, for withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded Medical Lake employees by virtue of their employment. Nothing in this Agreement shall make any employee of Medical Lake a Cheney employee for any purpose, including but not limited to for withholding taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded Cheney employees by virtue of their employment. At all times pertinent hereto, employees of Cheney are acting as Cheney employees and employees of Medical Lake are acting as Medical Lake employees.
  
- 9. Notice. Any notice or other communication given hereunder shall be deemed sufficient, if in writing and delivered personally to the addressee, sent by certified or registered mail, return receipt requested, addressed as follows, or to such other address as may be designated by the addressee by written notice to the other party:

To Cheney:	City of Cheney Attn. City Administrator 609 2 <sup>nd</sup> St Cheney, WA 99004
------------	--

To Medical Lake:	City of Medical Lake Attn. City Administrator P.O. Box 369 124 S. Lefevre Street Medical Lake, WA 99022
------------------	---

- 10. Partial Invalidity. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provision of this Agreement which shall prove to be invalid, void or illegal shall in no way affect, impair, or invalidate any other provisions hereof, and such other provisions shall remain in full force and effect.
  
- 11. Assignability. The rights, duties, and obligations of either party to this Agreement may not be assigned to any third party without the prior written consent of the other party, which consent shall not be unreasonably withheld.

12. Entire Agreement. This Agreement contains the entire understanding between the parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the parties hereto relating to the subject matter of this Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the parties hereto.
13. Governing Law and Venue. This Agreement shall be governed by the laws of the state of Washington. Any action relating to this Agreement shall be brought only in the Spokane County Superior Court, and the Parties consent to the jurisdiction of such court for such purposes.
14. Attorney's Fees and Costs. In any action relating to the interpretation or enforcement of this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney's fees and costs.
15. Construction and Interpretation. The recitals set forth above are hereby incorporated into the substantive provisions of this Agreement. This Agreement shall not be construed more strictly against Cheney by virtue of the fact that the same was prepared by Cheney or its counsel, it being recognized that Medical Lake has contributed substantially and materially to the preparation of this Agreement.
16. RCW 39.34.030 Required Clauses.
  - (a) Purpose. See above.
  - (b) Duration. See above.
  - (c) Organization of Separate Entity and its Powers. Each party is duly organized and in existence. No new or separate legal or administrative entity is created to administer this Agreement.
  - (d) Responsibilities of the Parties. See above.
  - (e) Agreement to be Filed. This Agreement shall be filed with each City Clerk for both Parties and with the Spokane County Auditor, or listed on each Parties' web site or other electronically retrievable public source as required by RCW 39.34.040.
  - (f) Financing. Each party shall be responsible for the financing of its obligations through its budgetary process.
  - (g) Termination. Either party may terminate this Agreement as set forth above.
  - (h) Property upon Termination. Upon termination, each party retains control of its property. Jointly held property shall be divided in proportion to the amount each party contributed to acquisition.



[SIGNATURE PAGE FOLLOWS]

DATED: 5/24/2023 \_\_\_\_\_

CITY OF CHENEY

By: Chris Grover  
Chris Grover, Mayor

CITY OF MEDICAL LAKE

By: \_\_\_\_\_  
Terri Cooper, Mayor

Attest: Cindy Niemeier  
City Clerk, Cindy Niemeier

Attest: \_\_\_\_\_  
City Clerk, Koss Ronholt

Approved as to Form: Mike Kaparr  
City Attorney

Approved as to Form: \_\_\_\_\_  
City Attorney

**EXHIBIT A**

**SCOPE OF SERVICES AND FEE SCHEDULE**

Cheney shall provide the services described below under column titled "Services" and Medical Lake shall pay Cheney for the Services as set forth in the column titled "Fee Schedule".

Services	Fee Schedule
Per trip charge for each roll-off box	\$ 84.00
Yard waste material credit	\$ (21.00)

# Workshop Shipping Containers

LU 2022-004 TA

1

## **New Definitions** (Page 21 of Packet)

- Development
- Planning Director
- Planning Official
- Storage Containers
  - Shipping Containers
  - Moving Containers

2

## **New Language for Shipping Containers**

- A. During Construction
- B. Portable Moving Containers
- C. Shipping Containers (except Mini-Storage)
- D. Mini-Storage Facilities
  - Max of 15% of total number of storage units
  - Cannot be stacked

3

## **New Zoning Permit Process (Page 23)**

- Development that does not require a building permit
- Reviewed and Approved by the Planning Official
- \$50 Fee
- Site Plan showing location of shipping container
- Shipping Container Inspected and Finaled
- Permit expires if not completed in 180 days
- Enforced starts with a letter educating the owner

4

## Accessory Structures in Residential Zones

- Max 2 detached accessory structures plus detached garage
- Max 120 square feet
- Max 15 feet in height
- Shall not be in the front yard
- 5-foot side and rear setbacks
- Max 35% (R-1) or 45% (R-2 & R-3) lot coverage
- Screened on all sides

5

## Standards of Non-Residential Zones

- Parks and Open Space Zone: No standards
- School and Public Lands Zone:
  - 35% maximum building coverage
  - 15-foot minimum front and rear yard setbacks
  - 5-foot minimum side yard setback
  - 10-foot minimum street side yard setback
- Commercial (C-1) Zone: No max building coverage, no setbacks
- Mixed-Use (MC-1) Zone:
  - 85% maximum building and parking coverage
  - 5-foot setbacks on all sides
- Light Industrial (L-1) Zone:
  - 45% maximum building coverage
  - 30-foot street setback
  - 20 to 30-foot rear yard setback
  - 10 to 30-foot side yard setback

6

## **Landscaping Standards**

- Parking Lot Landscaping
- Perimeter Landscaping
- Foundation Landscaping

7

## **Parking Standards**

- Zoning Code requires a minimum number of spaces based on use. Examples: Office, Apartments, Restaurant, Medical Clinic.
- Building Code requires a minimum number of ADA spaces.
- Spaces must be a minimum of 9 feet by 18 feet.

8



## Sign Standards

- Considered a Building Sign or Wall Sign
- Painted Signs do not Require a Permit
- Off-Premise Signs are Prohibited
- No signs allowed in R-1 and R-2 Zones
- 20 square feet in R-3 Zone
- 2 square feet per lineal foot of street frontage in C-1 and L-1 Zones

9

## Monark Self-Storage



10

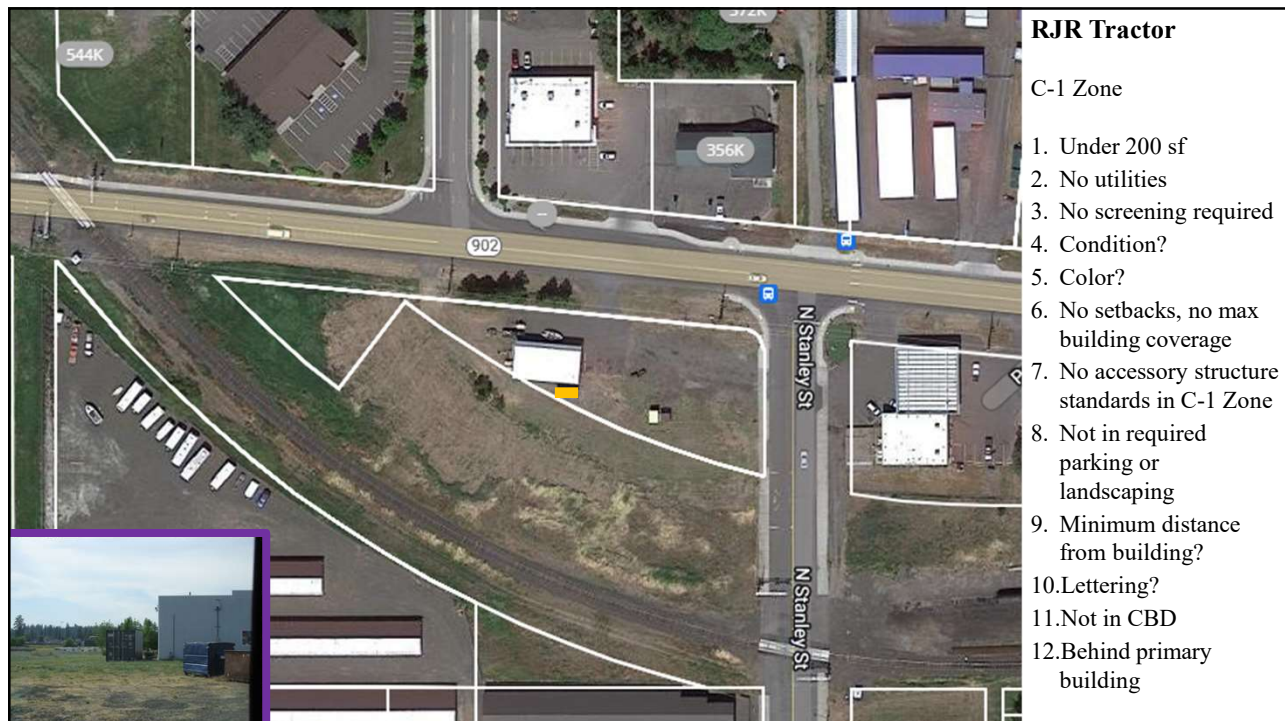


**Monark Self-Storage**

C-1 Zone

1. All under 200 sf
2. No utilities
3. Red lines represent required screening
4. All in good condition
5. Colors match
6. No setbacks, no max building coverage
7. No accessory structure standards in C-1 Zone
8. Not in required parking or landscaping
9. Fire lanes?
- 10.No lettering
- 11.Not in CBD
- 12.Behind primary building

11



**RJR Tractor**

C-1 Zone

1. Under 200 sf
2. No utilities
3. No screening required
4. Condition?
5. Color?
6. No setbacks, no max building coverage
7. No accessory structure standards in C-1 Zone
8. Not in required parking or landscaping
9. Minimum distance from building?
- 10.Lettering?
- 11.Not in CBD
- 12.Behind primary building

12



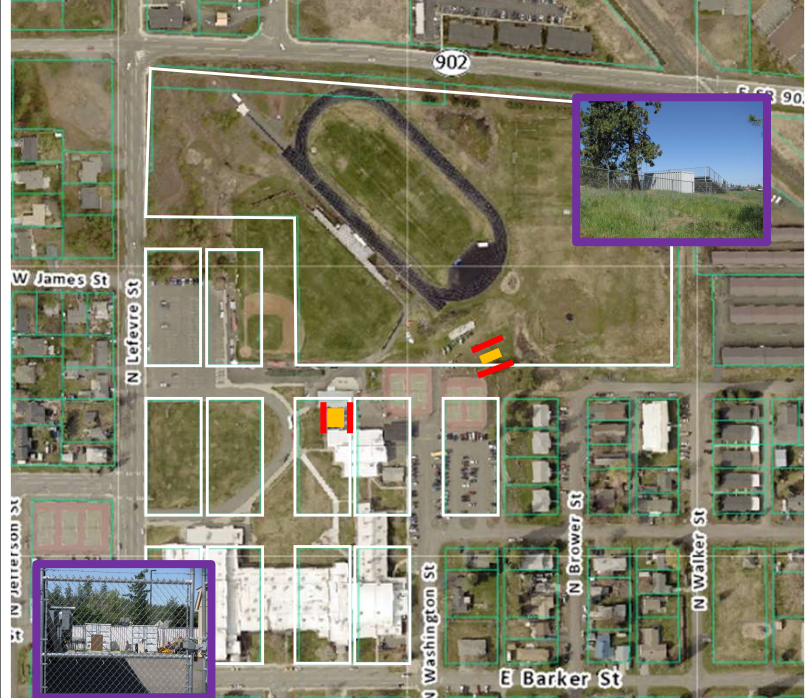


**Tommy G's**

MC-1 Zone

1. Under 200 sf
2. No utilities
3. No screening required
4. Condition?
5. Not a similar color
6. No setbacks, no max building coverage
7. No accessory structure standards in MC-1 Zone
8. Not in required parking or landscaping codes
9. No concern with other codes
10. Lettering? Cardinal
11. Not in CBD
12. Behind primary building facing 902, but not on street stub

13




**Medical Lake High School**

School and Public Lands Zone

1. Under 200 sf
2. No utilities
3. Red lines represent required screening
4. Condition?
5. Color?
6. Meets setback (sort of) and coverage standards
7. No accessory structure standards in School and Public Lands Zone
8. Not in required parking or landscaping
9. Building and Fire Code?
10. Lettering?
11. Not in CBD
12. Cannot meet standard of not between primary building and street

14




**1005 E Barker**

R-1 Zone

1. Under 200 sf?
2. No utilities
3. Red lines represent required screening
4. Condition?
5. Same color
6. Meeting setbacks and building coverage
7. More than 120 sf, meets building coverage and setbacks
8. Not in required parking
9. No concern with other codes
- 10.No lettering
- 11.Not in CBD
- 12.Behind the primary building

15



**Medical Lake Middle School**

School and Public Lands Zone

1. Under 200 sf?
2. No utilities
3. Red lines represent required screening
4. Condition?
5. Similar color?
6. Meeting setbacks and building coverage
7. No accessory structure standards in the School and Public Lands Zone
8. Not in required parking or landscaping
9. No concern with other codes
- 10.Lettering?
- 11.Not in CBD
- 12.Cannot meet standard of not between primary building and street

16

**Exhibit A**  
 June 06, 2023 Workshop  
 Proposed Changes - Rates & Fees

This document contains rates that City staff have recommended adjustment or addition. For all City rates, fees and charges, see Resolution 23-553 (Admin Fees 2023) and Resolution 23-554 (Utility Fees 2023)

<b>Administrative Rates &amp; Fees</b>	<b>CURRENT RATE</b>	<b>PROPOSED RATE</b>
Plumbing Permit Administrative Fee	\$30.00	\$35.00
Mechanical Permit Administrative Fee	30.00	35.00
Zoning Permit	N/A	50.00
Recreational Activity Fees	(All rates in category)	As Set by Park Advisory Board
Park Rental Fees (Formally "City Parks & Recreation Fees"):	Weekday / Weekend	Weekday / Weekend
Group Size: 25-49, No Deposit	25.00 / 50.00	45.00 / 100.00
Group Size: 50-99, No Deposit	45.00 / 90.00	90.00 / 200.00
Group Size: 100-249, No Deposit	75.00 / 150.00	180.00 / 400.00
Group Size: 250-499, \$200 Deposit	185.00 / 370.00	360.00 / 800.00
Group Size: 500+, \$200 Deposit	305.00 / 610.00	720.00 / 1600.00
<b>Utility Rates &amp; Fees</b>		
Installation of New Service Line		
1" Meter	650.00	3000.00
1.5" Meter	350.00	3200.00
2" Meter	450.00	3500.00
3" Meter	900.00	5800.00
4" Meter	1500.00	7800.00
6" Meter	2500.00	9500.00
Capital Improvement Charges for Water:		
Per Dwelling Unit	600.00	5000.00
All other structures per equivalent residential unit	600.00	5000.00
New Sewer Connection Charge	Cost + 5% (75.00 Min.)	4000.00
Capital Improvement Charges for Sewer:		
Per Dwelling Unit	1000.00	7000.00
All other structures per equivalent residential unit	1000.00	7000.00
Illegal Discharge into Sewer	100.00	Cost of Damages + 500.00

Workshop Results:



**City Medical Lake  
2023 Budget Amendment Workshop  
Amendments 23.1 – 23.5**

Amendment 23.1: Wastewater – Restricted Fund (409); increase expenditure appropriations by \$170,000. Emergency repair of utility turbine pumps, drives and PLC purchase and installation, and SCADA software for Wastewater Treatment Plant.

Amendment 23.2: General Fund (001), Legal Department (150); increase expenditure appropriations for Legal Department by \$53,773. Activity requiring legal review and consultation has increased significantly over estimations.

Amendment 23.3: General Fund (001) and Public Safety Fund (110); decrease expenditure appropriations for General Fund by \$450,000, decrease revenue appropriations for Public Safety Fund by \$119,000, and decrease expenditure appropriations for Public Safety Fund by \$450,000. Reduced-cost policing contract with Spokane County and State proviso for police services reimbursement, results in reduced need in funding from General Fund.

<b>Fund</b>	<b>Description</b>	<b>Expenditures</b>	<b>Revenues</b>
001	General Fund Transfer Out	(\$825,000)	\$0
110	General Fund Transfer In	\$0	(\$825,000)
110	Sheriff Contract	(\$450,000)	\$0
110	DSHS Budget Proviso	\$0	\$331,000

(Workshop Footnote) Discussions are being held regarding the timing of the DSHS proviso disbursement and the estimated cost of additional duty costs. Figures may be adjusted for official budget amendment.

Amendment 23.4: General Fund (001), Water Fund (401), Solid Waste Fund (407), and Wastewater Fund (408) – Wastewater Collection Department (381); increase expenditure appropriations for General Fund by \$67,500, decrease expenditure appropriations for Water by \$22,500, decrease expenditure appropriations for Solid Waste by \$22,500, and decrease expenditure appropriations for Wastewater – Wastewater Collection Department by \$22,500 for the revision of the City’s indirect cost allocation plan.

Amendment 23.5: Parks & Recreation Fund (112) – Parks & Recreation Department (740) and General Fund (001); increase expenditure appropriations for General Fund by \$17,000, increase expenditure appropriations for Parks & Recreation Department by \$48,000 and increase revenue appropriations for Parks & Recreation Department by \$48,000. Replacement of four soccer goals, creation of after school program, and creation of summer day camp.

<b>Fund</b>	<b>Description</b>	<b>Expenditures</b>	<b>Revenues</b>
001	General Fund Transfer Out	\$17,000	
112	General Fund Transfer In	\$0	\$17,000
112	Soccer Goals	\$17,000	\$0
112	After School Program	\$9,000	\$9,000
112	Summer Day Camp	\$22,000	\$22,000



# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2023-S-6237

**Submittal Date Time: 07/11/2023**

### Submittal Information

**Jurisdiction** City of Medical Lake  
**Submittal Type** 60-day Notice of Intent to Adopt Amendment  
**Amendment Type** Development Regulation Amendment

### Amendment Information

**Brief Description**  
 Proposed zoning code amendment to allow shipping containers for storage purposes.

Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.

**Anticipated/Proposed Date of Adoption** 09/19/2023

### Categories

Submittal Category
Administrative/Procedural
Development Regulations
Zoning Code

### Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Draft	LU 2022-004 TA Proposed Language 2023 06 01.pdf	07/11/2023 12:34 PM

### Contact Information

**Prefix** Ms.  
**First Name** Elisa



**Last Name** Rodriguez  
**Title** City Planner  
**Work** (509) 565-5019  
**Cell**  
**Email** ERodriguez@medical-lake.org

**Yes, I would like to be contacted for Technical Assistance.**

## **Certification**

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**I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.**

**Full Name** Elisa Rodriguez  
**Email** erodriguez@medical-lake.org

**CITY OF MEDICAL LAKE  
SPOKANE COUNTY, WASHINGTON  
ORDINANCE NO. 1115**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE, WASHINGTON RELATING  
TO TITLE 16, ADDING CHAPTER 16.03 – ZONING PERMITS AND TITLE 17,  
AMENDING CHAPTERS 17.08, 17.16, 17.18, 17.20, 17.24, 17.42, REGARDING  
SHIPPING CONTAINERS, OF THE MEDICAL LAKE MUNICIPAL CODE.**

WHEREAS, City of Medical Lake Municipal Code (MLMC) Title 16 contains the City procedural regulations pertaining to land use development within the City; and

WHEREAS, MLMC Title 17.08 contains definitions pertaining to development regulations; and

WHEREAS, MLMC Title 17.42.030 contains development regulations pertaining to shipping containers; and

WHEREAS, the environmental impacts of the amendments to the shipping container regulations resulted in the issuance of a Determination of Non-Significance (DNS) on March 8, 2023; and

WHEREAS, the City of Medical Lake Planning Commission (Planning Commission) considered the proposed Shipping Container Regulations amendments at a properly noticed public hearing on March 23, 2023, so as to receive public testimony; and

WHEREAS, at its March 23, 2023, meeting, the Planning Commission voted to recommend denial of the amendments to the Shipping Container Regulations; and

WHEREAS, on July 18, 2023, the City Council discussed the proposed Shipping Container Regulations amendments at a properly noticed open public meeting; and

WHEREAS, pursuant to RCW 36.70A.106, on July 11, 2023, the City provided the Washington State Department of Commerce with a sixty (60) day notice of its intent to adopt the amendment(s) to the MLMC; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, including documents on file with the City of Medical Lake; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, the City Council determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens and property owners of the City; and

WHEREAS, the City Council determined that the proposed amendments are consistent with the goals and requirements of the GMA; and

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

**Section 1.** Amendment. There is hereby added to the MLMC, Chapter 16.03 – Zoning Permits as follows:

Chapter 16.03 – ZONING PERMITS

16.03.010 – Purpose

The purpose of a zoning permit is to provide a permitting process for development that does not require a building permit, yet still necessitates approval per Title 17 – Zoning.

16.03.020 – Applicability

Development that is exempt from the building code shall be reviewed by the Planning Official for conformance with Title 17 – Zoning.

16.03.030 – Fees

Zoning permit fees will be set by the City Council.

16.03.040 – Application

The owner or agent of the property shall submit two copies of a site plan and any other plan or documentation necessary to demonstrate how the regulations of Title 17 are being satisfied.

16.03.050 – Approval

When the proposal is deemed compliant with Title 17, the Planning Official shall issue a permit.

16.03.060 – Inspection

The Planning Official will conduct one or more inspections to verify the development meets the approved plans. For each inspection, the Planning Official will provide, in writing, the status of the development in relation to the approved plans.

16.03.070 – Final

When the approved development is complete, inspected, and found to meet the standards of Title 17, the Planning Official will issue a letter stating the permit is completed.

16.03.080 – Expiration

An approved zoning permit is valid for 180 days. If the approved development is not commenced within such time, the permit is considered expired. If the work has commenced, but is not finished, the Planning Official may issue one or more extensions to the permit.

16.03.090 – Enforcement

If a property owner or agent commences work without the benefit of a required zoning permit, the Code Enforcement Officer will provide, in writing, a stop work order. The property owner or agent will be given the option to undo any unapproved development or apply for a zoning permit. If the property owner or agent does not comply, procedures of Chapter 1.01 – Code Adoption, will be followed.

**Section 2.** Amendment. There is hereby added to the MLMC Chapter 17.08 – Definitions as follows:

17.08.081 – Development.

All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

17.08.220.1 – Planning Director.

The Planning Director, or designee.

17.08.220.2 – Planning Official.

The city official(s) appointed or retained by the city to administer and enforce this title and associated regulations and other such codes and regulations as the city may so designate.

17.08.240 – Storage Containers.

Self-contained structures that are standardized, reusable, and portable. They are meant for the storage of personal or commercial goods. They are available in a variety of sizes and made from a variety of materials. For the purpose of this Title, storage containers are further defined as Shipping Containers or Moving Containers as described below.

Shipping Containers are storage containers that are built as standard sized boxes made of steel, used to store and transport goods from one place to another via cargo ship. These are also referred to as cargo containers or Conex containers.

Moving Containers are storage containers meant for temporary storage of personal items. These containers are typically made of a light metal or wood.

**Section 3.**     Amendment. Section 17.16.080(3) of the MLMC is hereby amended to read as follows:

(3) A detached minor structure such as a storage building, shipping container, gazebo, hot-tub enclosure, greenhouse or playhouse for personal use as permitted by this chapter shall meet the following provisions as minimum standards:

(A) Maximum Floor. Structure shall not exceed two hundred (200) square feet in floor area.

(B) Height. The maximum height shall not exceed fifteen feet.

(C) Location Prohibited. Structure shall not be located within a front yard.

(D) Location Permitted. Structure may be located in rear and side yards provided that a minimum five-foot setback is maintained in both the side and rear yards. When located in a side yard the structure shall be enclosed behind a sight-obscuring fence and/or buffered behind sight-obscuring landscape materials, with screening to be situated between the structure and the front yard. All screening materials (fence or landscaping) shall be at least sixty inches in height. When located closer than six feet from a residential type structure a "fire wall" and/or "protected opening" standard of construction shall be required in accordance to the International Residential Code.

**Section 4.**     Amendment. Section 17.18.080(3) of the MLMC is hereby amended to read

as follows:

(3) A detached minor structure such as a storage building, shipping container, gazebo, hot-tub enclosure, greenhouse or playhouse for personal use as permitted by this chapter shall meet the following provisions as minimum standards:

(A) Maximum Floor. Structure shall not exceed two hundred (200) square feet in floor area.

(B) Height. The maximum height shall not exceed fifteen feet.

(C) Location Prohibited. Structure shall not be located within a front yard.

(D) Location Permitted. Structure may be located in rear and side yards provided that a minimum five-foot setback is maintained in both the side and rear yards. When located in a side yard the structure shall be enclosed behind a sight-obscuring fence and/or buffered behind sight-obscuring landscape materials, with screening to be situated between the structure and the front yard. All screening materials (fence and landscaping) shall be at least sixty inches in height. When located closer than six feet from a residential type structure a "fire wall" and/or "protected opening" standard of construction shall be required in accordance to the International Residential Code.

**Section 5.** Amendment. Section 17.20.090(3) of the MLMC is hereby amended to read as follows:

(3) A detached minor structure such as a storage building, shipping container, gazebo, hot-tub enclosure, greenhouse or playhouse for personal use as permitted by this chapter shall meet the following provisions as minimum standards:

(A) Maximum Floor. Structure shall not exceed two hundred (200) square feet in floor area.

(B) Height. The maximum height shall not exceed fifteen feet.

(C) Location Prohibited. Structure shall not be located within a front yard.

(D) Location Permitted. Structure may be located in rear and side yards provided that a minimum five-foot setback is maintained in both the side and rear yards. When located in a side yard the structure shall be enclosed behind a sight-obscuring fence and/or buffered behind sight-obscuring landscape materials, with screening to be situated between the structure and the front yard. All screening materials (fence and landscaping) shall be at least sixty inches in height. When located closer than six feet from a residential type structure a "fire wall" and/or "protected opening" standard of construction shall be required in accordance to the International Residential Code.

**Section 6.** Amendment. Section 17.24.090(3) of the MLMC is hereby amended to read as follows:

(3) A detached minor structure such as a storage building, shipping container, gazebo, hot-tub enclosure, greenhouse or playhouse as permitted by this chapter shall meet the following provisions as minimum standards:

(A) Maximum Floor. Structure shall not exceed two hundred (200) square feet in floor area.

(B) Height. The maximum height shall not exceed fifteen feet.

(C) Location Prohibited. Structure shall not be located within a front yard.

(D) Location Permitted. Structure may be located in rear and side yards provided that a minimum five-foot setback is maintained in both the side and rear yards. When located in a side yard the structure shall be enclosed behind a sight-obscuring fence and/or buffered behind sight-obscuring landscape materials, with screening to be situated between the structure and the front yard. All screening materials (fence and landscaping) shall be at least sixty inches in height. When located closer than six feet from a residential type structure a "fire wall" and/or "protected opening" standard of construction shall be required in accordance to the International Residential Code.

**Section 7.** Amendment. Section 17.42.030 of the MLMC is hereby amended to read as follows:

#### 17.42.030 STORAGE CONTAINERS

- A. During Construction: One or more storage containers may be placed on a site in any zone for storage of materials, construction tools and equipment only during an active building permit.
- B. Portable Moving Containers may be placed on site without permit for up to 14 days.
- C. Shipping Containers and similar storage containers. Except for schools and mini-storage facilities, one container may be placed on site with an issued zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The following standards must be met.
  - 1. The container shall not be more than 200 square feet.
  - 2. The container shall not be closer to the street of address than the primary building.
  - 3. No utilities shall be connected to the container.
  - 4. The container shall be screened from neighboring residential uses. Screening shall be a solid fence or evergreen hedge with a mature height of no less than six feet. No screening is required when the shipping container is placed greater than 200 feet from a property line. If a site is composed of multiple properties, the screening applies only to the outermost property line.
  - 5. The container shall be in good condition, with no rust, peeling paint, or damage.
  - 6. The container shall be the same or similar color to the primary building.
  - 7. The container shall meet the standards of the zone in which it is located.
  - 8. The container shall meet all other standards for an accessory building.
  - 9. The container shall not be placed in any required parking or landscaping.
  - 10. The container shall not violate any building code or fire code regulation.
  - 11. Logos are allowed, but no lettering is allowed on the container.
  - 12. No containers are allowed in the Central Business District.

- D. Schools may have up to four (4) shipping containers approved through a zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The standards of Section C herein must be met.
- E. Mini-storage facilities may have shipping containers approved through a zoning permit, per Chapter 16.03 – Zoning Permits, for the sole purpose of dry storage. The number of containers is limited to 15% of the total number of storage units and shall not be stacked. The standards of Section C herein must be met.

**Section 8.** Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 9.** 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 10.** Effective Date. This Ordinance shall be in full force and effect five (5) 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: