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

6:30 PM

August 15, 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
Art Kulibert (via Zoom)
Don Kennedy (Mayor Pro Tem)
Bob Maxwell
Tony Harbolt

### Administration/Staff

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

### WRITTEN PUBLIC COMMENTS

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

- 1. The Meeting Date
- 2. Your First and Last Name

AND RESIDENCE OF THE PARTY.

- 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

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

- A. Mayor Pro Tem Kennedy called the meeting to order at 6:32 pm, led the Pledge of Allegiance, and conducted roll call.
  - i. Mayor Cooper is absent from the meeting; therefore, councilmember Kennedy is acting Mayor Pro Tem.
  - ii. Council position #6, is still vacant.
  - iii. Councilmember Olson's absence was approved at the August 1, 2023, council meeting.
  - iv. Councilmembers Pritchard, Maxwell, Kennedy, and Harbolt were all present in person. Councilmember Kulibert was present on Zoom.

# 2. AGENDA APPROVAL

A. Corrections/Amendments: Section 7Aiii should be 7B. Move 5A Public Safety Report before 4A Announcements/Proclamations/Special Presentations. Motion to approve agenda as amended made by councilmember Pritchard, seconded by councilmember Maxwell, carried 5-0.

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

A. Dwight Crofoot resident of Medical Lake – spoke regarding shipping containers, specifically why the size of the shipping container matters (20 ft vs 40 ft container).

#### 4. REPORTS

### A. Public Safety Reports (previously 5A)

- i. Chief Rohrbach, FD3 busy with wildfires. Positive outcomes, no primary structures lost and no injuries. Fire danger is becoming extreme. Continue to add additional staffing as needed. Levy passed. Will allow district to catch up budget-wise. Remaining funding will go to additional staffing to reduce response times.
- ii. Undersheriff Kittilstved, SCSO Interlocal Agreement still waiting to be signed, per their legal counsel. Small issue and should be signed next Tuesday. Effective date still Aug 1. Provided extra duty officer at Bluegrass Festival who caught graffiti vandal. SCSO and FD3 work very closely together. SCSO adds extra staff as well during the season. During wildfires, law enforcement deals with evacuations. Reminded the public, when planes, helicopters are drawing water from the lake, please get off the lake. They won't try to scoop water if people are on the water. SCSO has to send out marine units to clear lake if people don't move. Crime reviews shared with our local deputies, watching for any trends.

#### **B.** Council Comments

- i. Councilmember Pritchard Blue Waters Bluegrass Festival was the biggest yet. Around 1000 people attended. Blue Kids music camp had about 25 kids. Another Geo Walk lake sampling is scheduled for Thursday, August 17, 2023, 5-7 pm at Waterfront Park.
- ii. Councilmember Kulibert -- no report
- iii. Councilmember Maxwell General Government Committee city's water reservoir cleaned, looked good. Results by next meeting. Barker Street project is underway. Library roof repair started. Bill Ahlf at the WWTP retiring, opening a position.
- iv. Councilmember Harbolt no report
- C. Mayor Pro Tem Kennedy Blue Waters festival was wonderful.

## D. City Administrator & City Staff

i. Sonny Weathers, City Administrator – Blue Waters Bluegrass Festival was very successful, great crowd, proud to host this event in our city. Extra duty deputy was a very welcome addition, especially since he caught a graffiti culprit. Will be conducting a Doodle poll soon to explore council retreat dates. Continue to receive applications for citizen advisory board positions.

ii. Mayor Pro Tem Kennedy reported for Finance Committee – Mr. Ronholt shared with him that he is working on canceling the lease with Pitney Bowes for a machine the city no longer uses. So far, Pitney Bowes is not cooperative. Next council meeting will likely bring forward a request to authorize a settlement payment.

### 5. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

- A. Presentation Scott Windsor, Executive Director Spokane Regional Clean Air Agency (see attached presentation)
- WORKSHOP DISCUSSION None.

#### 7. ACTION ITEMS

- A. Consent Agenda
  - i. Approve August 1, 2023, minutes.
    - 1. Motion to approve made by councilmember Maxwell, seconded by councilmember Pritchard, carried 5-0.
  - 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.
    - a. Finance Committee reviewed and recommended approval. Motion to approve made by councilmember Maxwell, seconded by councilmember Harbolt, carried 5-0.
- B. City Council Position 6 Vacancy Appointment
  - i. Mr. Weathers recapped reason for vacancy. Councilmember Starr resigned, accepted applications with closing date of Friday, August 11, 2023. Single applicant, Keli Shaffer is also on the ballot this fall and was interviewed by council previously. Mr. Weathers instructed council that they can go to Executive Session to discuss applicant's qualifications or can approve now.
    - Motion to approve Ms. Shaffer's appointment to council position #6 made by councilmember Pritchard, seconded by councilmember Maxwell, carried 5-0.
       Swearing in will be scheduled between now and next meeting.

#### 8. RESOLUTIONS

- A. 23-617 Bid Award BSN Sports, LLC Soccer Goals
  - i. Glen Horton, Parks and Recreation Director, shared information on the RFP and bids received. \$11,107.80 lowest bid received from BSN Sports.
  - ii. Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 5-0.
- B. 23-618 Bid Award Holiday Outdoor Décor for Panel Tree
  - Glen Horton, Parks and Recreation Director, shared information on the RFP and bids received. \$10,235.35 lowest bid received from Holiday Outdoor Decor. Payment will come out of ARPA funds.
  - ii. Motion to approve made by councilmember Harbolt, seconded by councilmember Pritchard, carried 5-0.
- C. 23-619 Support for Advancing a Spokane Regional Authority for Homelessness
  - i. Sonny Weathers, City Administrator reminded council that in May they approved trial period of this collaboration. Resolution allows for continued support.
  - Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 5-0.

### 9. PUBLIC HEARING - Shipping Container Ordinance 1115

- A. Mayor Pro Tem Kennedy opened the Public Hearing at 7:23 pm. Sonny Weathers, City Administrator, shared background on the proposed text amendment, and gave a presentation. (see agenda packet for presentation)
  - Discussion. Councilmember Pritchard voiced concern over possible containers at public storage facility due to possible wetlands on property. Mr. Weathers advised that there are no containers there currently and any future placement would have to go through permitting process.

#### B. Public Comments -

- Dwight Crofoot, resident of Medical Lake confirmation that the 200sf limit would not accommodate a 40ft container. Yes. Wanting to understand why 20ft vs 40ft. Mr. Weathers stated that it has to do with building code.
- ii. Sara Denman, resident of Medical Lake question, will currently placed 40-foot containers have to be removed? Mr. Weathers stated that a variance could possibly be discussed and brought before council.
- iii. Cliff Denman, resident of Medical Lake Regarding fencing to obstruct views of containers, do they have to be wood or vinyl or can they be chain link with privacy slats. Answer: privacy slats are acceptable. Mr. Denman also reported that there is a container on the 400 block of Stanley St.
- iv. No further public comments. Mayor Pro Tem Kennedy closed the Public Hearing at 7:48 pm.

#### 10. ORDINANCES

- A. First Read Ordinance 1115 Shipping Containers
  - i. Legal counsel read the ordinance onto the record.
  - ii. Motion to approve first read and move on to second read, made by councilmember Pritchard, seconded by councilmember Maxwell, carried 5-0.
- 11. EXECUTIVE SESSION None scheduled.
- 12. EMERGENCY ORDINANCES No items listed.

### 13. UPCOMING AGENDA ITEMS

A. Pitney Bowes lease

#### 14. INTERESTED CITIZENS

A. None.

### 15. CONCLUSION

A. At approximately 7:50 pm, the internet went down. No further agenda items scheduled or discussed. Motion to conclude meeting made by councilmember Pritchard, seconded by councilmember Maxwell. Motion carried 4-0, with councilmember Kulibert unable to vote due to loss of internet and Zoom. The meeting concluded at 7:52 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk



Presentation:



- Who is Spokane Regional Clean Air Agency?
- How are we governed and funded?
- What do we do and why?
- Budget priorities
- Future Challenges

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# Who is Spokane Regional Clean Air Agency?



- One of seven local clean air agencies in Washington
- Where no local clean air agency exists, the Department of Ecology is responsible
- Formed in 1969, under the 1967 WA Clean Air Act (Chapter 70A.15 RCW) which specifies the agency's authority and responsibilities
- Administers state, federal and local laws and regulations for managing air quality throughout Spokane County

How are we governed?



- Spokane Clean Air has a governing Board of Directors:
  - ☐ One County Commissioner (Al French)
  - ☐ One rep from the largest city (Jim Simon)
  - One rep from the second largest city (Rod Higgins)
  - One rep of the County's cities and towns (Kevin Freeman)
  - ☐ A member-at-large who is appointed (Tom Brattebo)
- The Executive Director manages the day-to-day operations

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# **Advisory Council**



- 9-member volunteer Advisory Council appointed by the Board
- Proofs policies, regulations, and programs
- Represents the following areas of expertise:
  - Agriculture
  - Air Pollution Control
  - Chemistry
  - Environment
  - Fire Protection
  - Industry
  - Public Health **Business Community**

  - Member at large

# How are we funded?



- State and federal grants
- Cost recovery (feebased) programs
  - ☐ Air Operating Permit (AOP)
  - Asbestos
  - □ Notice of Construction (NOC)
  - Registration (inspection) program
- Local assessments

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# Local Assessments



- Per State law, fees are assessed based on a combination of the:
- $\hfill\Box$  property value and population of each  $\mbox{\it city}$  or  $\mbox{\it town},$  and
  - property value and population of the unincorporated areas of the
- A 12% increase was adopted for Calendar Year 2024
- Review and adjust each year as necessary

**Budget Priorities** 



- Cost Saving Measures
  - ☐ IT position was outsourced in 2021
  - Postponed capital purchases vehicles and monitors
  - Delayed filling outreach position
  - Explore grant opportunities as they arise
  - Minimize travel with online trainings
- Review of fee-based program costs and revenues
  - ☐ Review and adjust annually

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# SRCAA Staff (18.0 FTEs)



- Compliance conducts inspections, responds to citizen complaints, enforces air pollution regulations and participates in public education programs
- Engineering reviews facility permit applications and assists businesses in their understanding of the regulations and in their selection of control technologies
- Monitoring- maintains the air monitoring network, conducts data analysis and
- Education/Communications develops and implements outreach programs to inform and educate local residents and businesses about air quality
- Administrative provides a variety of specialized clerical assistance, performs work in accounting, records management, and human resources

# Key Agency Programs



- Air Monitoring, forecasting, reporting, burn restrictions
- Notice of Construction (Business Permits) 45/yr.
- Registration/inspection (~600 sources, 300 onsite inspections/yr.)



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# Key Agency Programs



- Complaint Response
  - □ 650 citizen complaints/year
  - □ 250 staff-initiated activities/year
- Enforcement
  - 275 verbal and written warnings/yr.
  - ☐ 75 written Notices of Violations/yr.
- Education/Outreach
- Outdoor burning
- Wood heating Asbestos



# Community Engagement



- Participating in local community events across Spokane County
- Partnering with businesses and organizations: city/county libraries, Mobius, Avista, etc.
- Connecting at the neighborhood level meetings, events
- Other sponsorships: Bike Swap, Spokane Indians, others

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# Youth Engagement



- School/class presentations
- EnviroKids Club
- No-Idle Zone program @ elementary schools
- Science/STEM events, Mobius Museum
- 3 minutes digital newsletter for educators
- Annual Clean Air Poster Contest
- Grant-funded "Kids Making Sense" classroom kit about particle (smoke, dust) pollution – piloting at 4 middle and 4 high schools

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# Achieving Clean Air Standards Spokane Clean Air Clean Air



- Spokane Clean Air implements multiple programs to protect the air we breathe
- Programs are designed to attain and maintain National Ambient Air Quality Standards (NAAQS)
- There are 6 Criteria pollutants: Pb, NOx, SOx, PM(10&2.5), Ozone and CO.
- Some of the programs are required by federal and/or state law, other programs are adopted by our Board to meet our local needs

Achieving Clean Air Standards



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# **Attainment Status**



- Currently in attainment with NAAQS for all pollutants
- We are considered a maintenance area for two former nonattainment pollutants (Particulate Matter 10 microns and smaller(PM10), Carbon Monoxide (CO)
- EPA is mandated under the Federal Clean Air Act to review NAAQS every 5 years
- Standards continue to tighten because of emerging information regarding health effects. (i.e. PM2.5)
- Continuing to meet the health-based standards requires ongoing work

Impacts of Not Meeting Air Quality Standards

### **PUBLIC HEALTH**

- Health Risks
- Community Health
- **Outdoor Events**
- Safe Havens

# **ECONOMIC IMPACT ON BUSINESS**

- · More stringent regulation
- Costly pollution controls
- Affects expansion and new business
- Closures and Cancellations

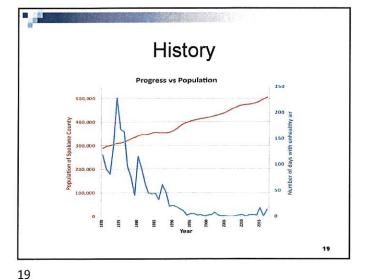
# LOCAL GOVERNMENT

- Expensive to implement plans
- Growth limiter
- More regulation

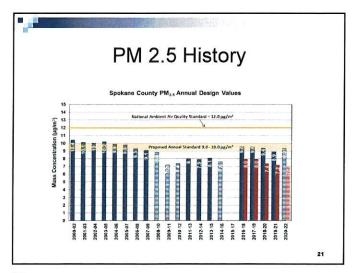
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Challenges Clean Air NAAQS \*PM 2.5 - Smoke \*Ozone - VOC and NOx 20





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From: To:

Sonny Weathers Roxanne Wright

Subject: Date:

FW: Comment for Council Meeting Agenda Tuesday, August 15, 2023 2:57:51 PM

Sent: Tuesday, August 15, 2023 2:55 PM

**To:** Sonny Weathers < SWeathers@medical-lake.org>

Cc: Mayor Terri Cooper <tcooper@medical-lake.org>; Chad Pritchard <cpritchard@medical-

lake.org>; Tony Harbolt <tharbolt@medical-lake.org>; Theodore Olson <tolson@medical-lake.org>;

Art Kulibert <akulibert@medical-lake.org>; Bob Maxwell <bmaxwell@medical-lake.org>; Don

Kennedy < dkennedy@medical-lake.org>

Subject: Comment for Council Meeting Agenda

Good Afternoon, Administrator Weathers,

I am writing to have comments included in for the upcoming City Council Meeting.

1. Meeting Date: August 15, 2023

- 2. Diane Nichols
- 3. City Resident
- 4. Agenda Item #9 Shipping Container Ordinance 1115

As a long time resident of Medical Lake, I am opposed to the addition of a new ordinance that would allow shipping container storage at business locations or residences.

Although I know business owners and residents have already commented at previous meetings and stated their cases as to why this should be approved, I would urge you to reject their arguments.

I find it incredulous that a business owner would buy and install 15-20 shipping containers at his location and never think to check with the city if this was ok or in violation of ordinances. Do any of those containers fall under the category of needing a permit because of their size? Was a permit obtained? What sort of base structure are these containers placed on? That leads me to ask what else has happened at businesses that owners think they are entitled to do and then ask for the city to accommodate them later? The statements of the cost of building supplies being prohibitive are not adequate excuses for this behavior, in my opinion. Businesses incur costs all the time and have the benefits of right offs on their taxes. Adhering to local codes is part of doing business and being a good member of the community.

When we wanted to have a Tuff Shed installed on our property, we checked with the city, got the appropriate permit and had inspections done. To excuse business owners from the very same code that you expect residents to adhere to and then to reward their behavior by changing the code is just wrong. This sets a very bad precedent for the city to allow this type of behavior by business owners to go forward with approval and no consequences.

If you approve shipping containers for residents, I think it would be a free for all in this city. There are already people who are planning to install them as tiny homes in their yards. Do you think that Code Enforcement could possibly keep up with monitoring all of them?

The Mayor, Council and Planning Commission have all discussed and had reports on how this city can utilize what we have in our natural surroundings to attract more festivals, businesses and visitors. The last Planning Commission meeting involved extensive discussion and further investigation into how to create a theme in our city to attract visitors. How are shipping containers all over town going to enhance that look, be part of a theme?

We already have a business in the heart of the downtown corridor that is an eyesore with cars, trucks, rvs, boats, weeds ...do you want to add a shipping container to that lot right in the middle of downtown Medical Lake? That is not a great aesthetic for attracting return visitors.

What would be the standards for painting, upkeep, placement? Who has the authority to make sure that appropriate, non hazardous materials are stored in these containers? Who would make sure they are not impacting the environment negatively? Who would enforce these standards? We haven't always had a code enforcement officer. When that position is vacant, who will do the follow up? What sort of consequences would there be for non compliance? We already have irrefutable evidence of business owners not caring to check code before they do what they want, how would this ordinance stop any of that behavior in the future?

Medical Lake leadership has to decide what it wants for this city. If it is to attract businesses and visitors, then there is already a lot of cleanup/infrastructure needing to be addressed. Adding the ability for more storage containers to pop up all over town is not conducive to presenting a welcoming appearance to those you are trying to attract. If you are wanting to accommodate all needs and don't care about appearances then make that decision and deal with the consequences. Looking around town, historically speaking, there is ample evidence that this city can't do both effectively.

For all of these reasons, I would urge you to reject any ordinance that allows shipping containers on business or residential property in Medical Lake.

Thank you.

Diane Nichols

# LETTER OF RECORD – City Council Meeting 15 Aug 2023

City's <u>Flawed</u> Procedure for Land Use Notice of Application – Mangis' Project (Brooks/N Martin Wetland)
(As Of: 15 Aug 2023)

Dear Councilmembers and City Officials,

This is a simple look back into time (a condensed summary with 25 bullet questions) verifying the City Planner gave falsified and erroneous testimony to the Mayor, City Administrator, City Council members, and Planning Commissioners; whereby all parties involved failed miserably in their civic and moral responsibilities to the City residents and to Mother Nature without doing their required basic research as elected/appointed officials in regards to this land use notice of application.

I am going to summarize all this with "Did You Know" questions; which will validate from the beginning that the total City process was defective/bias, testimony given was fabricated/suspicious plus the method the City used was scientifically flawed. Also, this seemed to become quite personal to the City Planner since simple research was NOT attempted before she had to resort to using defamation strategies.

Friendly reminder, all this information is official public records and can be obtained from the Dept of Ecology and the City of Medical Lake.

BTW - This information is NOT new information (has been presented to the City Planner and City Officials numerous times previously but was ignored).

I do not expect any written/verbal comments back either which is very disappointing in itself. **Maybe one should** take a long deep look into this process and more importantly, themselves...

My viewpoints -- The City should feel extremely mortified that a City employee acted like a so-called "5<sup>th</sup> grader" by her slanderous tactics and the City has done nothing to rectify this situation. I think even an intelligent "5<sup>th</sup> grader" might have had more common sense and hopefully, would have acted better given a tiny bit of education...

NOTE: Questions 1-7 below deals with proposed activities in the buffer -- NOT in the wetland.

- \*\* Please preface the following statements with "Did you know?" \*\*
- 1) Ecology is **NOT** the regulatory authority and can only "generally concur" with the mitigation plan and that they have not examined the wetland rating for completeness or accuracy?
- 2) When Ecology's staff reviews wetland ratings/mitigation plans and offers an opinion this is **NOT** actually an authorization (approval) because Ecology is not the regulatory authority?
- 3) The main reason why the City of Medical Lake was so unresponsive because they (incorrectly) thought the rating and mitigation plan had been approved by Ecology after being previously notified that this was not the case?

- 4) The City Planner's erroneous statement of this "fact" was extremely influential with the Planning Commission and City Council?
- 5) The City Planner justified their approval of a mitigation plan based on an inaccurate and incomplete wetland rating because at the public hearing on this matter, the City Planner stated "Ecology approved the plan and they are the regulatory agency. They only require a new wetland rating after five years and that is Best Available Science"?
- 6) Due to Ecology's policies, or lack thereof, seemed to be a major, if not definitive, influence in the City's refusal to consider all facts in opposition to Ecology's "regulatory authority"?
- 7) This policy issue of Ecology's staff misrepresenting themselves and Ecology as the regulatory authority has been taken up to Ecology's Wetland Policy Lead?
- 8) The applicant/wetland specialist actually did not know how many huge Ponderosa Pines (one versus now three) would have to be cut down for the proposed house when the mitigation plan was initially submitted to Ecology for a so-called "approval" or even for review purposes?
- 9) According to Ecology's website, the removal of three mature Ponderosa Pines will have a long-term impact on the wetland and that the selected plantings are required to be monitored and replaced, if necessary, over a period of 10 years versus 5 years?
- 10) The Planning Commission's recommendation to replace the proposed cottonwood trees with more aspen trees and Red-Osier Dogwoods is definitely inappropriate/flawed for this particular wetland?
- 11) These recommended plantings will not replace the vertical height and canopy cover of the three huge Ponderosa Pines being removed?
- 12) Proposed aspen trees will be in competition with the already mature stand of aspens on both sides of the wetland and Red-Osier Dogwoods are considered shrubs (not trees)?
- 13) The City Councilmembers really did have another option as presented by the City Planner (slide #19) which said, "Approve the Critical Area Review with any amendments to the above"?
- 14) An easy and simple fix for the City Council would have been just to add one more amendment (redo and rate the entire wetland which would require the mitigation report to add more required protections for the entire wetland); whereby, the City would have been in compliance with the GMA, their own City Code, and Dept of Ecology's publication and more importantly still NOT deny the land use notice of application? Did you know also Best Available Science would have been followed then?
- 15) All City officials have 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?

- 16) Guidance from Ecology's Rating Manual states, "silt fences often do not prevent all the sediment from reaching the wetland during construction"? The proposed construction is taking place within 20 feet of the water of the wetland (waters of the US)?
- 17) The belated disclosure by the Planning Commission Chair does not erase the failure to disclose an actual conflict of interest at the public hearing?
- 18) The City Planner used falsified and slanderous information during the Public Hearing to convince the Commissioners to vote the way they did which was verified by a certain Commissioner just before voting?
- 19) The City's own wetland consultant, in his July 4, 2023 report confirms that conditions have changed because he lists more species of vegetation than the applicant's/wetland specialist's wetland rating includes?
- 20) Even the City's consultant acknowledged that the entire wetland was not rated?
- 21) Perhaps to justify this deficiency, the consultant made an unsubstantiated claim that the applicant's portion of the wetland is "fragmented from the remainder of the wetland habitat"? This is NOT true?
- 22) Water flows between both parts of the wetland (mine and the other owner's) and the water level is the same on both sides of the wetland? The ducks that swim in my half of the wetland also swim in the other half?
- 23) It is NEVER ok or professional for the City Planner/City Officials to discredit any visiting certified professional wetland scientists or other visiting experts and qualified professionals?
- 24) It is NOT ok for a wetland specialist to use his professional judgment on <u>objective</u> questions in the wetland rating report? The City Planner did not even check into this D3.3 question or called Ecology?
- 25) It is beyond frustrating to see the obvious errors made by qualified wetland specialists? No one questions them because they are supposedly "qualified" wetland specialists? Unlike other certified or licensed professionals, there seems to be no way to appeal or even question an Ecology defined "qualified wetland specialist"?

Thank you for your time.

Sammy M. Roberson

Tammy Roberson

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