

CITY OF MEDICAL LAKE
City Council Regular Meeting and Public Hearing

6:30 PM
October 3, 2023

MINUTES

Council Chambers
124 S. Lefevre Street

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

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

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

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Scott Duncan, Public Works Director
Elisa Rodriguez, City Planner
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
3. If you are a Medical Lake resident
4. The Agenda Item(s) which you are speaking about

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

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

REGULAR SESSION – 6:30 PM

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

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

2. AGENDA APPROVAL

- A. 6A moved to end, postpone 6b to later meeting.
 - i. Motion to approve made by councilmember Kennedy, seconded by councilmember Maxwell, carried 7-0.
- B. Motion to approve as amended made by councilmember Maxwell, seconded by councilmember Kennedy, carried 7-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Tammy Roberson, resident of Medical Lake – see attached comments.

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS - None

5. REPORTS

- A. Council Comments
 - i. Councilmember Pritchard – since there is not a chairperson for the Parks and Recreation Committee, he and councilmember Harbolt will share responsibility and alternate giving reports. Updated on new Christmas Tree purchase and Winter Festival. Considering purchase of a 15-person van for transporting students and other Parks and Rec participants. After school program has seven kids now. Looking into grant proposals for Fox Hollow pathway. Shared that he has been doing lots of work on the PFAS grant. How to engage students in government, student council, youth court, student advisory.
 - ii. Councilmember Shaffer – no report.
 - iii. Councilmember Kulibert – Finance Committee met without Finance Director. Contacted him via phone to answer a question. Reviewed Claim Warrants.
 - iv. Councilmember Kennedy – no report.
 - v. Councilmember Maxwell – no report.
 - vi. Councilmember Olson - no report.
 - vii. Councilmember Harbolt - no report.
- B. Mayor
 - i. Working with fire recovery efforts. 240 houses. Long term recovery group is being set up, state-level one is helping us set up 503c which will allow the group to receive donations and grants, etc. Volunteers from Team Rubicon doing tree removal and clean-up. Sign-up sheets for tree removal are available at City Hall. Avista is staged at Waterfront Park and will work down through neighborhoods to remove trees that they've cut down. Will need volunteers in a couple of weeks. Community Meeting on October 4th. No Community Meetings on October 11th or October 18th. Additional 2.9 million received for debris removal.
- C. City Administrator & City Staff
 - i. Sonny Weathers, City Administrator – Need to schedule City Council retreat for 2024 preliminary budget review and strategic planning brainstorming. On October 18th there will

be a forum for candidates for Medical Lake school board. AWC planning elected official essentials training session on Saturday, December 9, 2023. Open to all elected officials. (required if not done previously). Update on Barker Street project. Prepping for paving.

6. ACTION ITEMS

A. Consent Agenda

- i. Approve **September 19, 2023**, minutes.
 1. Councilmember Kennedy noted that under 6a Workshops, councilmember Harbolt is missing and should be added.
 - a. Motion to approve as amended made by councilmember Olson, seconded by councilmember Shaffer, carried 7-0.
- ii. Approve **October 3, 2023**, Claim Warrants **50573** through **50601** in the amount of **\$104,555.19**.
 1. Motion to approve made by councilmember Kulibert, seconded by councilmember Kennedy, carried 7-0.

7. PUBLIC HEARING – Six-Year Transportation Improvement Program

- A. Mayor Cooper opened the public hearing at 6:51 pm.
- B. Sonny Weathers gave a presentation. See attached.
- C. Open for public comment – no comments.
- D. Public hearing closed at 7:13 pm.

8. RESOLUTIONS

- A. 23-626 Six -Year Transportation Improvement Program
 - i. Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 7-0.
- B. 23-628 Sourcewell Purchasing Co-Op Agreement
 - i. Sonny Weathers gave an overview. Another avenue for more local sources. No cost to city. Great opportunity for city to save time and money in procurement.
 - ii. Motion to approve made by councilmember Kennedy, seconded by councilmember Olson, carried 7-0.
- C. 23-629 Department of Health Grant Agreement
 - i. Sonny Weathers gave an overview. \$108,000 grant awarded to the city to reduce underage use of cannabis and tobacco. Will hire a part-time city employee to run the program.
 - ii. Motion to approve made by councilmember Pritchard, seconded by councilmember Kennedy, carried 7-0.

9. WORKSHOPS

- A. Spokane County Measure 1 Presentation (moved from earlier in meeting) - Mike Sparber, Senior Director of Spokane County Law and Justice
 - i. Showed video from website ([Measure 1 | Spokane County, WA](#))
 - ii. Spokane County Commissioner, Al French joined via Zoom and shared on Measure 1. Discussion held. Measure will be on November ballot.

10. ORDINANCES

- A. First Read Ordinance 1115 Shipping Containers
 - i. Elisa Rodriguez, City Planner gave a recap on ordinance process thus far. All residential portions have been removed. Reviewed the changes. Discussion held.
 - ii. Councilmember Kulibert pointed out that there are two Section 2's. Will edit.
 - iii. Legal read onto record

- iv. Motion to approve first read as amended made by councilmember Kulibert, seconded by councilmember Shaffer. Motion failed 3-4 with councilmembers Pritchard, Kennedy, Olson, and Harbolt voting nay.
- v. Councilmember Kulibert asked if more amendments can be made. Yes.
 - 1. Motion to send ordinance back to planning to consider storage containers only in school district and commercial storage facilities made by councilmember Kennedy, seconded by councilmember Pritchard, carried 6-1 with councilmember Maxwell voting nay.

B. First Read Ordinance 1116 Official Zoning Map (1)

- i. Elisa Rodriguez explained why there are two separate ordinances. The 2019 Comprehensive Plan Zoning Map is the most recent. There are errors on it from items that were passed prior to the adoption of the Comprehensive Plan. Ordinance 1116 fixes the errors and clarifies what should have been on the 2019 map. Two rezones happened after the Comprehensive Plan was adopted. Ordinances 1117 addresses these changes.
- ii. Legal counsel read onto record.
- iii. Motion to approve first read made by councilmember Olson, seconded by councilmember Kennedy, carried 7-0.

C. First Read Ordinance 1117 Official Zoning Map (2)

- i. Any changes after 2019 Comprehensive Plan are now reflected. Changes are the addition of the Park Apartments, a commercial area changed to a mixed-use commercial, a single central business district site changed from C1 to residential.
- ii. Legal counsel read onto record.
- iii. Motion to approve made by councilmember Shaffer, seconded by councilmember Maxwell, carried 7-0.

11. EXECUTIVE SESSION – None scheduled.

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS - none

14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Tammy Roberson, resident of Medical Lake – see attached comments.
- B. Judy Mayulianos, resident of Medical Lake – speaking personally, not as Planning Commissioner. Thanked council for acknowledging that Planning Commission puts a lot of time and effort into what they recommend to council. Spoke on shipping container ordinance.

15. CONCLUSION

- A. Motion to conclude meeting at 8:22 pm made by councilmember Pritchard, seconded by councilmember Kennedy, carried 7-0.



Terri Cooper, Mayor
Pro Tem



Koss Ronholt, Finance Director/City Clerk

1st COMMENTS – City Council Meeting 3 Oct 2023

(As Of: 3 Oct 2023)

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

The following “Did you know” questions are given in order to correct/debunk any Ecology myths the City may have had about Ecology being able to step in to save Medical Lake’s depressional wetlands from buffer encroachment by development – sorry, but Ecology’s “super powers” do NOT come into play here.

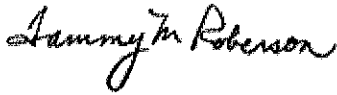
If the Mayor or City Council members have questions on any of the following statements, please contact the Dept of Ecology’s Wetland Policy Lead, Mr. Rick Mraz.

- 1) **Did you know Ecology’s wetland rating system DOES require the entire wetland be rated per the Wetland Policy Lead?**
- 2) Did you know most encroachments occur within the buffer itself since intelligent developers usually do not build in the “waters of the state”?
- 3) Did you know Ecology’s regulatory authority is triggered ONLY when there are direct (i.e., fill) impacts to wetlands or other “waters of the state” and NOT with buffer encroachments which is dealt solely by the City?
- 4) **Did you know for the single-family residence project (involves Brooks/N Martin Category II Wetland), the City stated, “Ecology approved the plan and they are the regulatory agency...” was enormously influential with the Commissioners and City Council members?**
- 5) **Did you know this statement is totally false because according to Ecology’s Wetland Policy Lead, the City is the regulatory authority if the mitigation plan involves buffer-only impacts and NOT the “waters of the state”?**
- 6) **Did you know the City justified their approval of the mitigation plan based on this false assumption?**
- 7) Did you know according to Ecology’s Wetland Policy Lead, **the wetland rating can affect necessary mitigation for wetland buffer impacts and the higher the category of wetland, the larger buffer it should have?** Did you also know **a higher category wetland may experience larger areas of buffer impact and therefore, a greater amount of mitigation?**
- 8) Did you know Ecology **does NOT examine the rating for completeness or accuracy which the mitigation is based on unless it is SPECIFICALLY requested by the City?**
- 9) Did you know if Ecology has independent regulatory authority over wetlands or other waters, they will issue **separate approvals?** (pursuant to RCW 90.48 (Water Pollution Control Act) and when applicable, RCW 90.58 (Shoreline Management Act))

10) Did you know regardless of what qualified wetland specialists have stated, the wetland rating system directs users to refer to mapped TMDL areas (Water Quality Atlas) when answering rating system questions (for example question D3.3)?

Thank you for your time.

We are a City of Wetlands. May God's grace and protection be with our wetlands and the future of Medical Lake.

A handwritten signature in cursive script that reads "Tammy M. Roberson".

Tammy M. Roberson, MBA
SMSgt USAF Retired
Disabled Veteran (100% service connected)
Concerned ML Resident/Wetlands Advocate

HANDOUT – City Council Meeting 3 Oct 2023

(As Of: 3 Oct 2023)

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

The following “Did you know” questions are given in order to correct/debunk any Ecology myths the Mayor, City Council folks and City Officials may have had about Ecology being able to step in to save Medical Lake’s depressional wetlands from buffer encroachment by development – sorry but Ecology’s “super powers” do NOT come into play here.

If the Mayor or City Council members have questions on any of the following statements, please contact the Dept of Ecology’s Wetland Policy Lead, Mr. Rick Mraz. A copy of the emails listed below will be provided upon request.

- 1) **Did you know Ecology’s wetland rating system DOES require the entire wetland be rated per the Wetland Policy Lead?** (DOE’s email dated 08/01/2023 13:54:41)
- 2) Did you know most encroachments occur within the buffer itself since intelligent developers usually do not build in the “waters of the state”?
- 3) Did you know Ecology’s regulatory authority is triggered ONLY when there are direct (i.e., fill) impacts to wetlands or other “waters of the state” and NOT with buffer encroachments which is dealt solely by the City? (DOE’s email dated 08/17/2023 09:48:00)
- 4) **Did you know for the single-family residence project (involves Brooks/N Martin Category II Wetland), the City stated, “Ecology approved the plan and they are the regulatory agency...” was enormously influential with the Commissioners and City Council members?** (Sources: PC recording 25 May 2023 and City Council recording 18 Jul 2023)
- 5) **Did you know this statement is totally false because according to Ecology’s Wetland Policy Lead, the City is the regulatory authority if the mitigation plan involves buffer-only impacts and NOT the “waters of the state”?** (DOE’s email 08/17/2023 09:48:00)
- 6) **Did you know the City justified their approval of the mitigation plan based on this false assumption?**
- 7) Did you know according to Ecology’s Wetland Policy Lead, **the wetland rating can affect necessary mitigation for wetland buffer impacts and the higher the category of wetland, the larger buffer it should have?** Did you also know **a higher category wetland may experience larger areas of buffer impact and therefore, a greater amount of mitigation?** (DOE’s emails dated 08/17/2023 09:48:00 and 08/31/2023 12:55:31)
- 8) Did you know Ecology **does NOT examine the rating for completeness or accuracy which the mitigation is based on unless it is SPECIFICALLY requested by the City?** (DOE’s email dated 08/31/2023 12:55:31)

- 9) Did you know if Ecology has independent regulatory authority over wetlands or other waters, they will issue **separate approvals**? (pursuant to RCW 90.48 (Water Pollution Control Act) and when applicable, RCW 90.58 (Shoreline Management Act)) (DOE's email dated 08/08/2023 10:16:01)
- 10) Did you know regardless of what qualified wetland specialists have stated, the wetland rating system directs users to refer to mapped TMDL areas (Water Quality Atlas) when answering rating system questions (for example question D3.3)? (DOE's email dated 08/17/2023 09:48:00)

The following “Did you know” questions are from the latest construction activities involving the Brooks/Martin Category II Wetland.

- 1) **Did you know without an ordinary high-water mark, for most of the year there will be no way for construction personnel to distinguish the buffer from the Category II wetland?**
- 2) Did you know it is reasonable to expect an applicant to fully describe impacts to wetlands and/or buffers to Ecology (i.e., removing three huge Ponderosa Pines versus just one)? Did you know this was NOT done? (DOE's email dated 08/17/2023 09:48:00)
- 3) **Did you know Ecology's Water Quality Program folks visited this site and stated that better Best Management Practices (BMPs) are needed?** (DOE's email dated 09/06/2023 15:40:01)
- 4) Did you know the City of Medical Lake does not require any clearing, grubbing, grading or any similar permit (which includes tree-removal of three large Ponderosa Pines) for a single-family home (**regardless if it is entirely located within the wetland buffer**); although silt fencing is required prior to any activities? (City of ML's emails dated 08/31/2023 13:44:01 and 09/14/2023 15:41:45)
- 5) Did you know the owner/applicant started the construction process by taking down all the branches of one Ponderosa Pine without installing a silt fence as required by the mitigation plan and Ecology's SEPA review of the proposed project? (DOE's Letter dated 14 Jun 2023)
- 6) Did you know when the silt fencing was finally installed later, it did not initially meet the required BMP's minimum standards to prevent containments from entering the waters of the state?
- 7) Did you know the City (to include PC/City Council) and also the applicant stated this Category II wetland would be environmentally protected? Do you think this is considered a good start in taking their environmental responsibilities seriously?

Did you know there is information available on how to fight wildfires and climate change with wetlands? City of Medical Lake is full of wetlands; although, many are disappearing due to encroachment by development (which is definitely preventable).

The following statements are from “*How to fight wildfires and climate change with wetlands*” article (dated/published 4 July 2019 4:12 EDT):

- 1) “As unlikely as it may sound, a new approach for fighting the destruction of wildfires may lie in unassuming wetlands packed with soaking wet layers of peat and topped with living moss...”

- 2) “These same humble wetlands can also play a heroic part in curbing the effects of global climate change, but only if we protect those that remain and bring back the ones, we humans have already damaged and destroyed...”

Has the City hired qualified professionals in post fire wetland expertise to research and evaluate the wetland conditions after the severe wildfire in order to restore physical and biological stability?

Finally (as stated previously), did you know the City DID NOT follow their own Municipal Code and by extension the Growth Management Act? I am just wondering on how the City can expect their own residents to follow all their required Codes especially when the City does not even set the example and comply...

Factual example: According to MLMC Chapter 17.10.090 (Wetlands), para D: “Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system, as set forth in the *Washington State Wetland Rating System for Eastern Washington: 2014 Update* (Ecology Publication #14-06-030, or as revised). The rating system document contains the definitions and methods for determining if the criteria below are met...”

Washington State Wetland Rating System for Eastern Washington (2014 update) Manual states:

- 1) page 15: **a)** “The entire wetland has to be scored.” **b)** “Small areas within a wetland (such as the footprint of an impact) cannot be rated separately.” **c)** “DO NOT SCORE ONLY THE PART BEING ALTERED OR MITIGATED (Figure 1)”
- 2) page 17: “More detailed data are needed to adequately assess functions in only a part of a wetland.”

MLMC Chapter 17.10.010 (Purpose), para B: “As mandated by the Growth Management ACT (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, and frequently flooded areas.”

Thank you for your time.

We are a City of Wetlands. May God’s grace and protection be with our wetlands and the future of Medical Lake.



Tammy M. Roberson, MBA
SMSgt USAF Retired
Disabled Veteran (100% service connected)
Concerned ML Resident/Wetlands Advocate

2nd COMMENTS – City Council Meeting 3 Oct 2023

(As Of: 3 Oct 2023)

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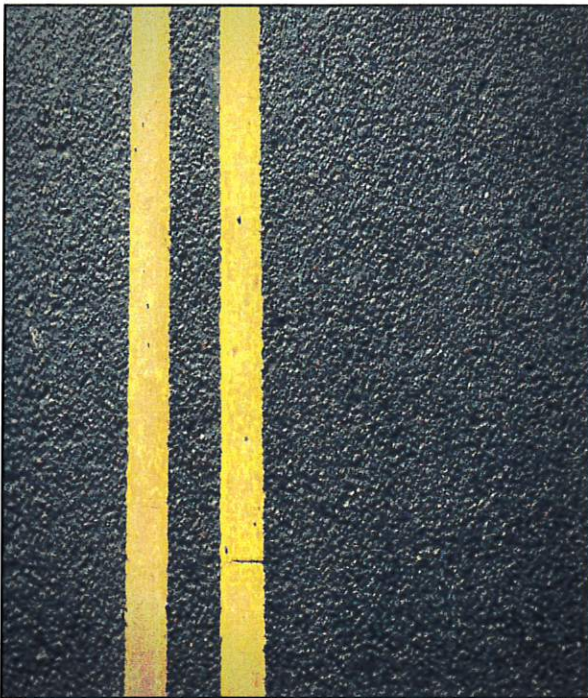
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Tammy M. Roberson, MBA
SMSgt USAF Retired
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Concerned ML Resident/Wetlands Advocate



6-Year Transportation Improvement Program

2024-2029



1

TIB Small City Street Preservation

Medical Lake, WA

- 25.1 Miles of Roadway
- Average PCR: 62/100
Pavement Condition Report
- Red = between 25-50
- Yellow = between 50-70
- Green = between 70-90
- Blue = greater than 90



2

Types of Transportation Improvement Projects



3

2024 Roadway Corridor/Intersection Improvements

2024-01	Lefevre St. Restriping and Sidewalk Improvements	James St.	Idaho St.	\$690,552.00	TIB
2024-02	Lake St. Chip and Fog Seal	Prentis St.	Freeman Dr.	\$56,374.00	TIB
2024-03	Fourth St. Chip and Fog Seal	Lefevre St.	Maple St.	\$40,479.00	TIB
2024-04	Stanley St. Chip and Fog Seal	SR 902	Campbell St.	\$56,824.00	TIB
2024-05	Graham Rd. Chip and Fog Seal	E Joshua Dr.	SR 902	\$45,764.00	TIB
2024-06	Campbell St. Chip and Fog Seal	Lefevre St.	S. Grant Ave	\$35,540.00	TIB
2024-07	Hallett St. Chip and Fog Seal	Lake St.	S. Medical Lake Rd.	\$43,190.00	TIB
2024-08	Jefferson St. Chip and Fog Seal	Brooks Rd.	Lefevre St.	\$58,434.00	TIB
2024-09	N. Stanley St. Chip and Fog Seal	SR 902	Tara Lee Ave.	\$29,724.00	TIB
2024-10	N. Lefevre St. Chip and Fog Seal	SR 902	WWTP	\$20,824.00	TIB
2024-11	Washington St. Scrub and Fog Seal	Fellows St.	Campbell St.	\$36,949.00	TIB
2024-12	Brower St. Scrub and Fog Seal	Percival St.	Campbell St.	\$37,517.00	TIB
2024-13	Walker St. Scrub and Fog Seal	Percival St.	Campbell St.	\$31,715.00	TIB
2024-14	Hallett St. Scrub and Fog Seal	Percival St.	Lake St.	\$20,206.00	TIB
2024-15	Prentis St. Scrub and Fog Seal	Percival St.	Lake St.	\$26,434.00	TIB
2024-16	Legg St. Scrub and Fog Seal	Barker St.	Percival St.	\$14,688.00	TIB
2024-17	Grant Ave. Scrub and Fog Seal	Percival St.	Lake St.	\$35,201.00	TIB
2024-18	Sherman Ave. Scrub and Fog Seal	Barker St.	Lake St.	\$13,068.00	TIB
2024-19	S. Silver Lake Ave.	Evergreen Dr.	Stanley Dr.	\$13,817.00	TIB
2024-20	Fox Ridge Rd./Wilcox Rd.	Angie Ave.	Justin Ave.	\$40,470.00	TIB
2024-21	Staples St. Scrub and Fog Seal	Brooks Rd.	Third St.	\$15,537.00	TIB
2024-22	Martin St. Scrub and Fog Seal	Peter Ave.	Fourth St.	\$17,379.00	TIB
2024-23	Howard St. Scrub and Fog Seal	Brooks Rd.	Peter St.	\$13,902.00	TIB
2024-24	Minnie St. Scrub and Fog Seal	Peter St.	Fourth St.	\$23,779.00	TIB
2024-25	Walla Walla St./Fifth St. Scrub and Fog Seal	Brooks Rd.	Howard St.	\$11,287.00	TIB

4

2024

Other Planned Projects

2024-26	Fox Hollow Trail Repair and Overlay	Brooks Rd.	Tara Lee Ave.	\$90,000.00	SRTC/RCO
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2025

Roadway Corridor/Intersection Improvements

2025-01	Tara Lee Ave. Scrub and Fog Seal	Edna St.	Olson Hill Ct.	\$55,825.00	TIB
2025-02	Percival St. Scrub and Fog Seal	Stanley St.	Sherman Ave.	\$20,000.00	TIB
2025-03	Ladd St. Scrub and Fog Seal	Lefevre St.	Sherman Ave.	\$50,000.00	TIB
2025-04	Fellows St. Scrub and Fog Seal	Walker St.	Sherman Ave.	\$30,000.00	TIB
2025-05	Grace St. Scrub and Fog Seal	Lefevre St.	Prentis St.	\$35,000.00	TIB
2025-06	Herb St. Scrub and Fog Seal	Lefevre St.	Prentis St.	\$35,000.00	TIB
2025-07	Spence St. Scrub and Fog Seal	Brower St.	Grant Ave.	\$28,000.00	TIB
2025-08	Third St. Scrub and Fog Seal	Martin St.	Lefevre St.	\$15,000.00	TIB
2025-09	Collin Ave. Scrub and Fog Seal	Wilcox St.	N. Fox Ridge Rd.	\$9,000.00	TIB
2025-10	Justin Ave. Scrub and Fog Seal	Wilcox St.	N. Fox Ridge Rd.	\$8,000.00	TIB

2025

Other Planned Projects

2025-11	Stanley St. Pedestrian Improvements	SR 902	Campbell St.	\$500,000.00	
2025-12	Route 62 Bus Stop Improvements			\$50,000.00	STA/City

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2026

Roadway Corridor/Intersection Improvements

2026-01	SR 902 and Stanley Intersection Improvements			\$500,000.00	SRTC/TIB
2026-02	SR 902/Brooks Rd/Lefevre St. Roundabout			\$1,300,000.00	WSDOT

2026

Other Planned Projects

2026-03	Campbell St. Pedestrian Improvements	Lefevre St.	Prentis St.	\$200,000.00	
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2027

Other Planned Projects

2027-01	Barker Rd. Pedestrian Improvements	Stanley St.	N. Silver Lake Ave	\$100,000.00	
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2028

Other Planned Projects

2028-01	Brooks Rd. Pedestrian Improvements	San Salvador St.	Lefevre St.	\$250,000.00	
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6