



**CITY COUNCIL MEETING
WEDNESDAY, JULY 18, 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 (July 18, 2023) - *SEE NOTE*
- Join the Zoom Meeting –

<https://us06web.zoom.us/j/85241034895?pwd=Sm4rcWZVdDJmcFB1RHIXS2lJMVRHdz09>

Meeting ID: 852 4103 4895

Passcode: 175689

Find your local number: <https://us06web.zoom.us/j/koVOdOLiP>

WRITTEN PUBLIC COMMENTS

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

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

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

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

REGULAR SESSION – 6:30 PM

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
- 2. AGENDA APPROVAL**
- 3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS**
- 4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS**
- 5. REPORTS**
 - A. Public Safety
 - B. Council Comments
 - C. Mayor
 - D. City Administrator & City Staff
- 6. WORKSHOP DISCUSSION**
 - A. Transfer to Other Unit of Government Award for Broadband Infrastructure
 - B. Zoning Map
- 7. ACTION ITEMS**
 - A. Consent Agenda
 - i. Approve **July 5, 2023**, minutes.
 - ii. Approve **July 18, 2023**, Payroll Claim Warrants **50327** through **50334** and Payroll Payable Warrants **30015** through **30019** in the amount of **\$148,190.68** and Claim Warrants **50335** through **50369** in the amount of **\$105,729.03**.
 - B. Application LU 2023-005 CA, Critical Area Review for N Martin St Wetland
 - C. Permit Refund Request, Medical Lake Food Bank
- 8. RESOLUTIONS**
 - A. 23-612 Records Management Policy
- 9. PUBLIC HEARING – None scheduled.**
- 10. ORDINANCES – None scheduled.**
- 11. EXECUTIVE SESSION – None scheduled.**
- 12. EMERGENCY ORDINANCES – No items listed.**
- 13. UPCOMING AGENDA ITEMS**
- 14. INTERESTED CITIZENS**
- 15. CONCLUSION**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDING
RESOLUTION 2022-0474 WHICH APPROVED
FUNDING ALLOCATIONS FOR THE
AMERICAN RESCUE PLAN (ARP)
CATEGORY BROADBAND: OTHER (5.21)
AND REALLOCATING THOSE FUNDS TO
ARP CATEGORY TRANSFERS TO OTHER
UNITS OF GOVERNMENT (7.2)

RESOLUTION

WHEREAS, pursuant to the Constitution and laws of the State of Washington, Spokane County, Washington is a class A county duly organized and existing; and

WHEREAS, pursuant to the provisions of the Revised Code of Washington ("RCW") 36.01.030, the powers of Spokane County ("County") can only be exercised through the Board of County Commissioners of Spokane County, Washington ("Board" or "Board of County Commissioners"); and

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners has the care of County property and the management of County funds and business; and

WHEREAS, on July 19, 2022, under Resolution 2021-0474 the Board awarded \$100,000 to Ptera for a broadband development project in a partnership with the City of Medical Lake; and

WHEREAS, on March 9, 2023, Zippy Fiber announced it was acquiring Ptera; and

WHEREAS, on June 2, 2023, Zippy Fiber notified the County that they were requesting to terminate the contract; and

WHEREAS, the Board desires to fulfill its financial partnership with the City of Medical Lake in regards to providing additional broadband services in that community.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, Washington pursuant to the provisions of RCW 36.32.120(6) and the ARP guidelines that the Board does hereby amend Resolution No. 2022-0474 as follows:

1. ARP Portfolio & Program Management is authorized to negotiate a proposed scope of work, fee and written agreement with:
 - a) Comcast in an amount not to exceed \$2,500,000.00; and,
 - ~~b) Ptera in an amount not to exceed \$100,000.00 representing a match of funds for broadband development as authorized by the City of Medical Lake (\$100,000.00)~~
2. This selection and award does not constitute contract(s) with the entities of firms; and
3. ARP Portfolio & Program Management is authorized to negotiate on behalf of Spokane County and at other than public meeting, any agreements, change orders, annual term

renewals or any other document(s) necessary to complete these projects, whether the values of such documents in the aggregate, or incrementally, and notwithstanding any limitation of value to the contrary in County Code Chapter 1.04; and

4. Either the Chairman of the Board, majority of the Board, Chief Executive Officer or Chief Budget Officer, is hereby authorized to execute, at other than an open meeting, any and all documents to implement this award as well as any subsequent amendments.
5. Each and every recital set forth hereinabove is adopted as Findings of Fact in support of this award

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Spokane County, Washington pursuant to the provisions of RCW 36.32.120(6) and the ARP guidelines that the Board desires to fulfill its financial partnership with the City of Medical Lake in regards to the now completed broadband project by the following:

1. Provide the City of Medical Lake \$100,000 through ARP category Transfers to Other Units of Government (EC 7.2)
2. The Grants Administrator is authorized to negotiate on behalf of Spokane County and at other than an open public meeting any agreements or any other document(s) necessary to complete this project, whether the values of such documents in the aggregate, or incrementally, and notwithstanding any limitation of value to the contrary in County Code Chapter 1.04; and
3. Either the Chair of the Board, majority of the Board, Chief Executive Officer, or the Sr. Director of Finance & Administration is hereby authorized to execute, at other than an open meeting, any and all documents to implement this award as well as any subsequent amendments.
4. Each and every recital set forth hereinabove is adopted as Findings of Fact in support of this award

PASSED AND ADOPTED this 27th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON


Mary L. Kuney, Chair


Josh Kerns, Vice-Chair



Al French, Commissioner


Amber Waldref, Commissioner


Chris Jordan, Commissioner



ATTEST:


Ginna Vasquez, Clerk of the Board

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
July 05, 2023

MINUTES

Council Chambers
124 S. Lefevre Street

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

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

Heather Starr
Art Kulibert
Don Kennedy
Bob Maxwell
Ted Olson

Administration/Staff

Terri Cooper, Mayor
Sonny Weathers, City Administrator
Koss Ronholt, Finance Director
Sean King, City Attorney
Steve Cooper, WWTP Director
Scott Duncan, Public Works Director
Roxanne Wright, Administrative Assistant

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. Councilmembers Pritchard and Harbolt submitted absence requests. All others present.
 - 1. Motion to approve councilmember Pritchard's absence made by councilmember Kennedy, seconded by councilmember Maxwell, carried 5-0.
 - 2. Motion to approve councilmember Harbolt's absence made by councilmember Kennedy, seconded by councilmember Olson, carried 5-0.

2. AGENDA APPROVAL

- A. Additions to Agenda – none
 - i. Motion to approve agenda as is made by councilmember Kennedy, seconded by councilmember Starr, carried 5-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Lahnne Henderson, Medical Lake citizen – see attached comments.
- B. James Barry, Medical Lake citizen – Sheriff's office does a great job, city maintenance department does a great job. Shared concerns about the fireworks in the city. Stated that his house caught on fire last night from fireworks and that he now must pay for the repairs. Has COPD and can only work part-time. Shared his frustration and opinion that city council won't do anything to help him or change the law about allowing fireworks.
- C. Barbara Reis, Medical Lake citizen – Asked council who is liable if you have property damage from fireworks set off by others. Mayor Cooper explained that it would be a civil issue between citizens.

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

- A. None

5. REPORTS

A. Council Comments

- i. Councilmember Starr – Parks and Recreation meeting not held due to absences. Finance Committee met and reviewed claims and warrants and spoke about a larger overlook of finances. Possibly a monthly report.
- ii. Councilmember Kulibert – At the last council meeting, two items were added to the agenda that council did not have time to review prior. Asked if council could be sent added items via e-mail and possibly a text message alerting to the e-mail prior to the meeting.
- iii. Councilmember Kennedy - attended Spokane Transit meeting. They are working on a citizen’s advisory committee, charter procedures, etc.
- iv. Councilmember Maxwell – no report
- v. Councilmember Olson – hope everyone had a happy Fourth.

B. Mayor

- i. FD3 sent out a notice reminding people of fireworks rules to be proactive. Twice yesterday (during the holiday) sheriffs and fire department came through her neighborhood. They patrolled all night. Enjoyed seeing the block parties throughout the neighborhoods.

C. City Administrator & City Staff

- i. Attended the AWC annual conference end of June with Mayor Cooper and councilmember Pritchard. Was a great experience and he enjoyed many sessions. Encouraged future participation from council. Shared that the Spokane Regional Collaborative presented recommendations on establishing a regional authority for homelessness, housing, health, and safety. The next 60 days will allow for review of the action and integration documents prepared for establishment of the regional authority by the end of this year. The governing board will have a small cities representative, and an ILA will be brought before council once Spokane County has passed the resolution to establish the entity. Also shared that our Citizen Advisory Board application will be on the website soon.

6. WORKSHOP DISCUSSION

A. None

7. ACTION ITEMS

A. Consent Agenda

- i. Approve **June 20, 2023**, minutes.
 1. Motion to approve made by councilmember Kennedy, seconded by councilmember Olson, carried 5-0.
- ii. Approve **July 5, 2023**, Claim Warrants **50296** through **50326** in the amount of **\$63,588.50**.
 1. Motion to approve made by councilmember Starr, seconded by councilmember Kulibert, carried 5-0.

8. RESOLUTIONS

A. 23-597 ILA with Spokane County Sheriff’s Office for Law Enforcement

- i. Mayor Cooper gave a summary of the ILA. Savings will be \$250,000 this year, \$500,000 per year after. Reducing the FTE from 4.5 to 2, provides superior coverage during the peak times of the day. “Heat map” indicates that the majority of calls occur in the daytime hours, therefore the decision was made to reduce coverage during the night. 911 still gets officers to an emergency in approximately 7 minutes. 911 calls are prioritized at county level. Explained that it was difficult to get coverage for the night shifts because it was so slow, officers did not want that shift. With the new shift options, officers are now wanting to come here. We can vet the officers and see if they are a good fit for our community. Increase in SCOPE usage. The police office is being remodeled and will be open and staffed

for 8 hours daily. The office and vehicles will have Medical Lake Police on them. Reminded that this is a test run, that we will be monitoring closely, and taking public comments. Councilmember Kulibert shared the importance of Block Watch programs. Mayor Cooper shared that the new SCOPE director will be helping us establish an official Block Watch Program. Permanent police funding from WA state is expected.

- ii. Motion to approve made by councilmember Kennedy, seconded by councilmember Starr, carried 5-0.

B. 23-609 Spokane County Sheriff's Office Extra Duty Service Contract

- i. Mayor shared that the cost for the remainder of this year is \$30,000, and next year will be \$50,000. Puts an officer in the park on summer weekends and holidays, special events.
- ii. Motion to approve made by councilmember Kennedy, seconded by councilmember Starr, carried 5-0.

C. 23-610 Bid Award – Barker Street Reconstruction

- i. Motion to approve made by councilmember Starr, seconded by councilmember Olson, carried 5-0.

D. 23-611 Bid Award – City Road Maintenance 2023

- i. Motion to approve made by councilmember Olson, seconded by councilmember Maxwell, carried 5-0.

9. PUBLIC HEARING – None scheduled.

10. ORDINANCES

A. Second Read Ordinance 1111 Budget Amendments 23.1-4

- i. Mayor Cooper would like to strike “public safety fund” on page 51, Section 2.
 - 1. Motion to accept with correction made by councilmember Kennedy, seconded by councilmember Maxwell, carried 5-0.

B. Second Read Ordinance 1112 Establishing a Park Advisory Board

- i. Legal counsel read the ordinance onto the record.
- ii. Motion to accept made by councilmember Starr, seconded by councilmember Olson, carried 5-0.

11. EXECUTIVE SESSION – None scheduled.

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS

- A. none

14. INTERESTED CITIZENS

- A. Lahnne Henderson, Medical Lake citizen – thanked maintenance for their quick response to the emergency water leak.

15. CONCLUSION

- A. Motion to conclude made by councilmember Kennedy, seconded by councilmember Starr. Carried 5-0 and meeting concluded at 7:10 pm.

Terri Cooper, Mayor

Koss Ronholt, Finance Director/City Clerk

Robynn Sleep
6310 E Sprague Ave No. 241
Spokane Valley, WA 99212

July 5, 2023

The Honorable Terri Cooper
Mayor of Medical Lake, WA 99022
Submitted via email: tcooper@medical-lake.org

Mr. Sonny Weathers, City Administrator
Medical Lake, WA 99022
Submitted via email: sweathers@medical-lake.org

Subject: False public hearing testimony by city planner about Ms. Tammy Roberson's activities in her portion of the wetland, in regard to LU 2023 005 CA Public Hearing May 25, 2023 (Request for reasonable exception to Critical Areas Ordinance to build in a wetland)

Dear Mayor Cooper and Mr. Weathers:

I am writing on behalf of Ms. Tammy Roberson to bring to your attention three factual errors about Ms. Roberson that were communicated by the city planner during the public hearing referenced above. In addition to the harm done to Ms. Roberson, the public and Planning Commission were misinformed by the city planner, which calls into question the subsequent decision approved by the Planning Commission.

The erroneous information was given in the context of what seemed like a personal attack on Ms. Roberson. Perhaps that was not the intent, but the "elephant in the room" comment the city planner used to preface the remarks was embarrassing and hurtful on a personal level to Ms. Roberson. (I was in attendance and heard the remark, but it isn't in the audio recording of the meeting that the city gave me.) Compounding the wrong, the Planning Commission Chair denied Ms. Roberson the opportunity to respond on record to the incorrect information provided by the city planner.

It's impossible to know if the city planner was attempting to bolster the case for allowing the reasonable use exception, or if the intent was to undermine the credibility of a citizen and owner of part of the wetland who voiced opposition to the project. Regardless of motivation, the false accusations were prejudicial, unfair, inaccurate, and are now part of the permanent public record.

The three false comments were made after a citizen on Zoom testified that the wetland should be kept in a natural state. In rebuttal and on record, the city planner claimed the following:

- 1) The wetland was no longer in a natural state because Ms. Roberson had "greatly altered" it,
- 2) Ms. Roberson violated Medical Lake's 2010 Critical Areas Ordinance (CAO), in effect at the time,
- 3) The alterations had changed the pH of the water, to the detriment of plants.

Each unfounded allegation is discussed below.

It is not true that the wetland is no longer natural because Ms. Roberson “greatly altered” it. Her activities in her portion of the wetland are enhancements that did not require a permit and are recommended by the Department of Ecology.

Ms. Roberson has enhanced the functions of her wetland by following the Washington Department of Ecology’s (Ecology) stewardship guidance, contained in “At Home with Wetlands, a Landowner’s Guide,” Second Edition, Ecology Publication 90-31, revised August 2001 (Ecology’s wetland guide).

<https://apps.ecology.wa.gov/publications/SummaryPages/9031.html> Accessed June 29, 2023

According to Ecology’s wetland guide, page 36, Ms. Roberson enhanced her wetland, defined as “improving one or more of the functions of a wetland.” Her efforts to that end include:

- Planted native plants in the buffer adjoining the wetland, providing soil stability, erosion and sediment control, wildlife cover and forage. Planted shrubs upland from the wetland, next to the street, to screen traffic pollutants and noise.
- Strategically placed rocks in steep upland areas next to the wetland to prevent erosion and provide micro-habitats. Allowed pine needles from the mature Ponderosa Pines to remain where they fell to serve as habitat cover.
- Left in place a mature Ponderosa Pine that fell across the wetland. When Avista proposed cutting a dead tree, she asked that it be modified and left for wildlife habitat.
- Installed a barely visible poultry netting fence to keep domestic animals out of the wetland. Created designated walking paths and seating by the wetland to keep people away from habitat areas, including those used by her beloved Mallard and Teal ducks.
- Increased habitat value, shown by partial lists of wildlife that use the wetland and native plants:

<ul style="list-style-type: none"> ○ Osprey, Eagles, Blue Heron ○ Bats, Hummingbirds, Turkeys ○ Mallard, Teal, Wood Ducks ○ Woodpeckers, Red Tail Blackbirds ○ Yellow-headed Blackbirds ○ Sparrows, Quail, Pheasant 	<ul style="list-style-type: none"> ○ Deer, Squirrels, Racoons ○ Frogs, Salamanders, Turtles ○ Water Shrew, Chipmunk ○ Honey, Bumble, Mason Bees ○ Cricket, Grasshopper, Dragonfly ○ Black Fly, Mosquito, Moths
<ul style="list-style-type: none"> ○ Ponderosa Pine ○ Aspen ○ Douglas Hawthorn ○ Grasses ○ Native Cattail ○ Dogwood 	<ul style="list-style-type: none"> ○ Serviceberry ○ Thimbleberry ○ Wild Roses ○ Snowberry ○ Salmonberry ○ Mock Orange

It is not true that Ms. Roberson violated Medical Lake’s 2010 Critical Areas Ordinance. A permit was not required, as shown by relevant portions of the CAO.

The city planner claimed that Ms. Roberson had violated the prior Critical Areas Ordinance (CAO), saying: “she is in fact in violation of all these items in our critical areas ordinance.” But what the city planner stated as violations— “excavation, grading, earthwork construction, and removal of vegetation,” are not what Ms. Roberson did.

Medical Lake’s 2010 CAO (Ord. No. 1004, §§ 2—6, 3-2-2010) states that the above construction activities, recited by the city planner at the public hearing, “shall require a critical areas permit” (17.10.060 A. c.). The section of the code that applies to Ms. Roberson’s activities, copied below, doesn’t require a permit.

17. 10.140 A. 1. c. Exempted Activities—No Critical Areas Permit Required. Under this chapter, the following activities shall be allowed within a wetland buffer without a critical areas permit to the extent that they are not prohibited by other local, state [sic] or federal law and do not degrade the functions and values of the wetland or wetland buffer.

17.10.140 A. 1. c. (i) Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife including the planting of native wetland vegetation.

17.10.140 A. 1. c. (ii) Activities having minimal adverse impacts on wetland buffers and no adverse impacts on wetlands. These may include low-intensity, passive recreational activities that do not degrade the critical area such as short-term scientific or education activities and sports fishing or hunting.

It is not true that Ms. Roberson changed the pH of the water, hurting plants.

The third erroneous comment by the city planner pertains to the use of concrete rubble in the wetland and the assertion that “having concrete adjacent to water can change the pH of the water and therefore affect the plants.” The pH issue the city planner raised has some basis in fact—but it applies only to uncured (newly poured) concrete, and the harm is to fish, not plants. Cured concrete does not affect the pH of water, and there are no fish in Ms. Roberson’s wetland.

Fish and pH are discussed in “Overwater Structures and Non-Structural Piling White Paper,” prepared for the Washington Department of Fish and Wildlife by Jones and Stokes Associates, et al, December 2006. <https://wdfw.wa.gov/sites/default/files/publications/00995/wdfw00995.pdf> Accessed June 29, 2023

For convenience, a relevant paragraph from page 7-33 is copied below:

“7.6.6 pH Impacts

Structures constructed in aquatic settings can adversely impact the pH of surrounding water via contact between water and uncured concrete (Ecology 1999). Standard HPA provisions (Appendix A) prohibit fresh, uncured concrete from coming into contact with surrounding water or the bed of the water body.”

Conclusions

Instead of denigrating Ms. Roberson for her careful stewardship and loving concern for her wetland, it would be more appropriate to recognize her exemplary care of her wetland. Instead of making unfounded and demonstrably false accusations against Ms. Roberson in a public hearing, it would be more appropriate to talk to her first and check the facts.

The issues at hand are serious:

- The testimony at a public hearing given by a city staff person, although false, will live on in the public record and be injurious to Ms. Roberson's reputation. What redress is available to her?
- To what degree did erroneous information provided by a trusted city staff person influence public perception and the vote of the Planning Commission?
- Why did a city staff person, whose job it is to foster public participation in land use decisions, humiliate a member of the public by making personal statements and presenting incorrect information? (AICP Code of Ethics and Professional Conduct <https://www.planning.org/ethics/ethicscode/> Accessed June 30, 2023)

It does not seem unreasonable to expect some action from the city to address the harm done to Ms. Roberson and the derailment of a quasi-judicial public hearing. She and I on her behalf look forward to your response.

Thank you for your attention to these concerns on behalf of Ms. Roberson. Please contact me if I may answer any questions.

Sincerely,



CC: Distribution List see next page

CC Distribution List

City Council Members

Don Kennedy – Council Position No. 1 – Dkennedy@medical-lake.org

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Bob Maxwell – Council Position No. 3 – Bmaxwell@medical-lake.org

Tony Harbolt – Council Position No. 4 – Tharbolt@medical-lake.org

Art Kulibert – Council Position No. 5 – Akulibert@medical-lake.org

Heather Starr – Council Position No. 6 – Hstarr@medical-lake.org

Chad Pritchard – Council Position No. 7 – Cpritchard@medical-lake.org

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