

CITY OF MEDICAL LAKE
City Council Regular Meeting

6:30 PM
March 7, 2023

Council Chambers
124 S. Lefevre Street

MINUTES

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

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

Councilmembers

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

Administration/Staff

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

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

- A. Mayor Cooper called the meeting to order at 6:30 pm, led the Pledge of Allegiance, and conducted roll call.
- B. Councilmember Harbolt was excused from tonight's meeting at the February 21, 2023, meeting. Councilmember Kulibert was present via Zoom and all other members were present in person.

2. AGENDA APPROVAL

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

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

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

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS

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

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

5. REPORTS

A. Council Comments

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

B. Mayor

- i. No report.

C. City Administrator & City Staff – No reports.

6. WORKSHOP DISCUSSION

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

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

B. Asset Management Policy

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

7. EXECUTIVE SESSION – None scheduled.

8. ACTION ITEMS

A. Consent Agenda

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

9. RESOLUTIONS

A. 23-577 E & H Engineering Master Agreement

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

B. 23-578 Mnati Consulting Retainer Contract

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

C. 23-579 TransAlta Grant Agreement

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

10. PUBLIC HEARING / APPEALS – No items listed.

11. ORDINANCES

A. Second Read - 1108 Critical Areas Ordinance

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

12. EMERGENCY ORDINANCES – No items listed.

13. UPCOMING AGENDA ITEMS

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

14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. none

15. CONCLUSION

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



Terri Cooper, Mayor



Koss Ronholt, Finance Director/City Clerk

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

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

24 Feb 2023

Dear Members of the Medical Lake City Council,

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

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

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

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

Sincerely Yours,



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tammy M. Roberson, 424 W Brooks

Sonny Weathers

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

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

March 6, 2023

Dear Members of Medical Lake City Council,

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

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

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

Irene T. Wight
516 N Jefferson, Medical Lake

Sent from my iPhone

Sonny Weathers

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

Good Afternoon Medical Lake City Council Members, .

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

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

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

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

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

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

Thank you for your time.

Diane Nichols
425 Frederick Avenue
Medical Lake WA

Sending Email Comments to City Officials/City Council

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

ACTION Addressees:

Mr. Sonny Weathers, City Administrator (sweathers@medical-lake.org)
Mayor Terry Cooper(tcooper@medical-lake.org)
Council Member Don Kennedy (dkennedy@medical-lake.org)
Council Member Bob Maxwell (bmaxwell@medical-lake.org)
Council Member Tony Harbolt (tharbolt@medical-lake.org)
Council Member Art Kulibert (akulibert@medical-lake.org)
Council Member Heather Starr (hstarr@medical-lake.org)
Council Member Chad Pritchard (cpritchard@medical-lake.org)

INFO Addressees:

Ms. Roxanne Wright, Administrative Assistant (rwright@medical-lake.org)
Ms. Elisa Rodriguez, City Planner (erodriguez@medical-lake.org)
Tammy Roberson, Coordinator for Citizens CAO Comments (tmroberson61@gmail.com)
(This is just a safeguard to make sure the City does not misplace your comments.)

An example one may use would be the following:

Dear Members of the Medical Lake City Council,

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

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

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

Sincerely Yours,

**FIRST/LAST NAME
MEDICAL LAKE STREET ADDRESS**

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

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

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

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

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

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

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

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

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

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

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

Thank you for your time and commitment!