

CITY OF MEDICAL LAKE
City Council Regular Meeting and Public Hearing

6:30 PM
November 21, 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 (via Zoom)
Bob Maxwell
Ted Olson
Tony Harbolt

Administration/Staff

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

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.
 - i. Councilmember Kennedy was excused at the last meeting. Councilmember Kulibert was scheduled to be present via Zoom, however, at the time the meeting began, he was not yet present. Motion to approve councilmember Kulibert's absence made by councilmember Harbolt, seconded by councilmember Maxwell, carried 5-0.
 - ii. Councilmember Kulibert signed onto the meeting at 6:32 pm.

2. AGENDA APPROVAL

- A. Add Action Item 7b Holiday early closure of City Hall. Motion to add item to agenda made by councilmember Maxwell, seconded by councilmember Shaffer, carried 5-0 (councilmember Kulibert not yet able to vote via Zoom).
- B. Add under section 11, Executive Session per RCW 42.30.110(1)(g), matter of public employee performance. Motion to add session made by councilmember Pritchard, seconded by councilmember Maxwell, carried 6-0.
- C. Motion to approve agenda as amended made by councilmember Olson, seconded by councilmember Shaffer, carried 6-0.

3. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Mayor Cooper acknowledged the receipt of a public comment from a resident of Medical Lake. See attachment A.

4. ANNOUNCEMENTS / PROCLAMATIONS / SPECIAL PRESENTATIONS – None listed.

5. REPORTS

A. Public Safety

- i. FD3 Chief Rohrbach via Zoom – there were technical difficulties for Chief Rohrbach and he was unable to present a report at this time. No sheriff present. Mr. Weathers shared monthly crime statistics for October. Crimes against people down in most categories, property crimes saw a slight increase.
 1. Chief Rohrbach was able to provide a short report at this time. They are seeing property owners doing a lot of debris burning. Structure fires can be more of a problem with cooler weather and vehicle collisions increase. Call volume steady.

B. Council Comments

- i. Councilmember Pritchard – Attended Spokane Housing (HCDAC) stakeholders meeting. Working with HUD on Gray Fire assistance. Did a PFAS presentation at recent Planning Commission. Spoke on public comment regarding silt fence on the Martin Street property. Mr. Weathers also addressed.
- ii. Councilmember Shaffer – no report.
- iii. Councilmember Maxwell – Public Works Committee meeting, paperwork to state to get funding for equipment needed, backup generators, etc. Tree removal on the city lots happening next week. Crew getting snow equipment ready. Debris containers removed for the season. Public Works hired a new Maintenance employee, Justin Long.
- iv. Councilmember Olson – will defer Public Safety Committee comments to Mr. Weathers.
- v. Councilmember Harbolt – no report.
- vi. Councilmember Kulibert – Finance Committee reviewed and discussed the large dollar amount of the claim warrants to be paid.

C. Mayor

- i. City Clean-Up Day had fifteen pieces of large equipment working. Ground up 2000 cu yds of tree and brush debris. Have approximately 3000 cu yards left to do. No cost to homeowners. Spokane Clean Air will release funding to pay for grinding. RV winterization on Saturday, November 25, 2023, at no cost to fire victims. Winter Fest is Saturday, December 9, 2023. The next community meeting is Wednesday, December 6, 2023. The West Plains Chamber of Commerce held an auction and fund raiser at their recent gala. They will attend the next community meeting and present the check to Re*Imagine Medical Lake. The group handling unmet needs will also be present with gifts for fire victims.

D. City Administrator & City Staff

- i. Sonny Weathers, City Administrator – wished everyone a Happy Thanksgiving.
- ii. Q3 Budget Report – Koss Ronholt, Finance Director
 1. Gave update on administrative clerk changes. Also received updated fees from Sunshine Disposal and reported that his estimation was close. Gap is close and we aren't overcharging our customers.
 2. Gave presentation on Q3 Budget Report. See attachment B.

6. WORKSHOPS

A. Mower Replacement

- i. Glen Horton, Parks and Recreation Director, shared information regarding the current mower and need for replacement. Repairing/rebuilding the old one is around half of what a new one would cost with no guarantee for how long it would last. Discussed options for purchasing mower. Will move to next meeting as a resolution.

7. ACTION ITEMS

A. Consent Agenda

- i. Approve **November 7, 2023**, minutes.
 1. Motion to approve made by councilmember Olson, seconded by councilmember Shaffer, carried 6-0.
 - ii. Approve **November 21, 2023**, Payroll Claim Warrants **50764** through **50771** and Payroll Payable Warrants **30050** through **30061** in the amount of **\$139,079.02** and Claim Warrants **50717** through **50763** in the amount of **\$830,388.97**.
 1. Finance Committee reviewed and councilmember Kulibert motioned to approve, seconded by councilmember Pritchard, carried 6-0.
- B. Added item – Early closure of City Hall on holidays (Thanksgiving Eve, Christmas Eve, New Year's Eve). Staff would be allowed to go home and City Hall to close at noon on the day before Thanksgiving, Christmas, and New Year's Day. Would start tomorrow, the day before Thanksgiving 2023. Motion to approve made by councilmember Harbolt, seconded by councilmember Olson, carried 6-0.

8. PUBLIC HEARING – 2024 Preliminary Budget

- A. Mayor Cooper opened the public hearing at 7:08 pm.
- B. Mr. Ronholt briefed the council on the preliminary budget.
- C. Discussion open for council. No questions from council members.
- D. Public comments
 - i. Tammy Roberson, resident of Medical Lake – questioned property tax levy. Spoke regarding Resolution 23-633, questioning procedures on public hearings for budget. See attachment C. Mr. Ronholt explained the public hearing process and addressed the property tax questions.
- E. Mayor Cooper closed the public hearing at 7:24 pm.

9. RESOLUTIONS

- A. 23-641 Capital Improvement Plan Adoption
 - i. Mr. Weathers reviewed. Mayor Cooper shared that many of the projects are being covered by grant money.
 - ii. Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 6-0.
- B. 23-642 Van Purchase Approval
 - i. Mr. Horton reviewed. Discussion held.
 - ii. Motion to approve made by councilmember Pritchard, seconded by councilmember Maxwell, carried 6-0.

10. ORDINANCES

- A. First Read 1113 Vacant Property
 - i. Legal counsel read onto the record.
 - ii. Mr. Weathers reviewed reasons for bringing this forth. Discussion held.
 1. Mayor Cooper commented that the ordinance needs to spell out what infractions are as well as the penalties. Would also like there to be a required registration date, 30 days from vacation of property.
 2. Motion to send back for corrections and have a new first read at the next meeting made by councilmember Olson. Discussion held; Mr. Weathers clarified the desired changes to the ordinance. No second to the motion on the table. Motion failed.

3. Motion to approve first read with amendments made by councilmember Pritchard, seconded by councilmember Maxwell, carried 6-0.

B. Second Read 1118 Budget Amendments

- i. Legal counsel read onto the record.
- ii. Motion to approve made by councilmember Olson, seconded by councilmember Shaffer, carried 6-0.

11. EXECUTIVE SESSION

- A. Mayor Cooper announced that the council will move into an executive session to discuss a matter of public employee performance per RCW 42.30.110(1)(g). Ten minutes allotted.
 - i. Audience escorted out of council chambers, Zoom attendees placed in breakout room, and recording paused.
- B. Executive session concluded at 8:17 pm. Audience members brought back into council chambers and Zoom attendees placed back in main session.

12. EMERGENCY ORDINANCES - none


13. UPCOMING AGENDA ITEMS - none

14. INTERESTED CITIZENS: AUDIENCE REQUESTS AND COMMENTS

- A. Lahnne Henderson, resident of Medical Lake – spoke on vacant property ordinance.
- B. Lance Speirs, resident of Medical Lake – spoke on vacant property ordinance tracking.

15. CONCLUSION

- A. Motion to conclude meeting at 8:27 pm made by councilmember Pritchard, seconded by councilmember Shaffer, carried 6-0.


Terri Cooper, Mayor
pro ten


Koss Ronholt, Finance Director/City Clerk

Subject: Required Best Management Practices (Silt Fence) NOT in compliance - Owner has violated the City's request at least twice with no consequences since 1 Sep 2023

From: "Tammy Roberson" <tmroberson61@gmail.com>

Sent: 11/19/2023 15:38:52

To: "Elisa Rodriguez" <ERodriguez@medical-lake.org>; "Sonny Weathers" <SWeathers@medical-lake.org>; dyuhas@medical-lake.org;

CC: "Roxanne Wright" <rwright@medical-lake.org>; "Don Kennedy" <dkennedy@medical-lake.org>; "tolson@medical-lake.org" <tolson@medical-lake.org>; "bmaxwell@medical-lake.org" <bmaxwell@medical-lake.org>; "tharbolt@medical-lake.org" <tharbolt@medical-lake.org>; "akulibert@medical-lake.org" <akulibert@medical-lake.org>; "kshaffer@medical-lake.org" <kshaffer@medical-lake.org>; "Chad Pritchard" <cpritchard@medical-lake.org>; "Mayor Terri Cooper" <tcooper@medical-lake.org>; "Judy Mayulianos" <jmayulianos@medical-lake.org>; "Marye Jorgenson" <mjorgenson@medical-lake.org>; "Andie Mark" <amark@medical-lake.org>; "Carl Munson" <cmunson@medical-lake.org>; "Mark Hudson" <mhudson@medical-lake.org>;

Attachments: 31 Aug 2023 Martin Street Site.pdf; 1 Sep 2023 Silt Fence Installation.pdf; long toe salamander Brooks N Martin Wetland.pdf

Good morning.

Hope everyone had a nice weekend.

According to the official records I received from doing a public records request, the City Planner had notified Mr. Mangis (with info copy to Mr. Vince Barthels) on 31 Aug 2023 that one tree had been completely limbed and there was no silt fence in place (see attached email same date) which was in violation of the Critical Area Decision LU 2023-005 (Condition A on page 7). The City Planner had stated that there should be no further activity at the site until the silt fence is in place.

The City Planner then informed these same individuals again (email dated 1 Sep 2023) that although, the silt fence had been installed, it was installed incorrectly. She had stated, "The purpose of a silt fence is to retain soil on disturbed land. This will not happen unless the fabric is set below the surface of the ground. Currently, the fabric is dangling in the air. I have attached a diagram from the department of Ecology showing how to properly install a silt fence. **Please address this issue before any additional activity happens at the site.**"

The owner had gone ahead anyways and took down the rest of the Ponderosa Pines (after 1 Sep 2023) even though he was told by the City to fix these violations first. As of today (19 Nov

2023), the violations still exist, bare soil is now exposed and there have been no inspections done after all the rain received on 4 Nov or on 11 Nov).

It is interesting to note that both times when notified by the City Planner via email, these parties did not respond back in like (via email) since these replies were not received during my public records request... I would have thought the City should have requested their responses to be in writing since that is how both parties received it and this would have helped the City to become more "transparent" and it would also be part of the official public records...

Therefore, the City Planner had informed the owner at least twice he was in violation of the City Code. **Why doesn't the City take action under the following provision of the newly adopted CAO?** --The reasoning is if the required silt fence is not properly installed his work on the site is unauthorized.

17.10.120 - Unauthorized Alterations and Enforcement. A. Enforcement. When a critical area or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of this chapter.

Unfortunately, a stop work authorization won't secure the site for the winter but it would prevent the owner from work in the spring, or possibly obtaining a building permit. Also, this section of the Code seems to say that the City could perform/hire the necessary work and bill Mr. Mangis since he is NOT in compliance.

Yes, I am aware that the owner told the City Planner (via phone call) he is having difficulty in finding someone to properly install the silt fencing (since 1 Sep 2023) this is a little strange in my viewpoint. Why doesn't the owner just ask Mr Barthels (the applicant)? Mr Barthels has plenty of construction resources at his disposal. Or, the owner could hire any laborer and have him watch one of scores of youtube videos on proper installation.

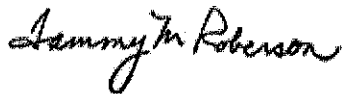
FYI the applicant's (Mr Barthels) involvement has clearly continued after receiving permit approval from the City (see email dated 1 Sep 2023). **I am wondering why Mr Barthels did not ensure the silt fencing was properly installed first before informing the City Planner?**

I am requesting again please that the City of Medical Lake take immediate action (by issuing a stop work order and also to hire out for the necessary work be done) since the owner has had plenty enough time to fix these violations (especially since he had disobeyed the City twice by taking down the rest of the Ponderosa Pines before installing the silt fence properly not to mention other violations which have occurred).

I am also requesting please that the City of Medical Lake requires the owner to stockpile all materials and use a dumpster for debris materials and keep construction materials and dumpster off site. Construction materials contain a lot of pollutants which are not good for the wetland waters nor for long-toed baby salamanders.

In addition, given the short distance from the construction site and its slope, it is no doubt a certainty that sediments will flow down into the waters of the state (creating water quality issues). Did you know these sediments. etc will smother the amphibian's eggs? Please see attached photo of a very cute long-toed baby salamander. Therefore, I am requesting please for the City of Medical Lake to require the owner to have an erosion and sediment control plan in order to protect these long-toed baby salamanders from extinction in this particular Category II wetland.

Thank you for your valuable time.



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

Subject: Silt Fence Installation
From: "Elisa Rodriguez" <nobody@invalid.invalid>
Sent: 09/01/2023 20:33:00
To: "Kim Mangis" <k.mangis@yahoo.com>;
CC: "Vince Barthels" <vbarthels@ardurra.com>;
Attachments: SiltFence.pdf; 2023 09 01 silt fence closeup.JPG

Mr. Mangis,

I have just returned from visiting the Martin Street site after Vince informed me that the silt fence had been installed. I was sorry to see that although in the correct location, the silt fence was not installed correctly. The purpose of a silt fence is to retain soil on disturbed land. This will not happen unless the fabric is set below the surface of the ground. Currently, the fabric is dangling in the air. I have attached a diagram from the Department of Ecology showing how to properly install a silt fence. Please address this issue before any additional activity happens at the site.

Elisa Rodriguez
City Planner
Medical Lake
509-565-5019

Subject: Martin Street Site
From: "Elisa Rodriguez" <nobody@invalid.invalid>
Sent: 08/31/2023 20:08:00
To: "Kim Mangis" <k.mangis@yahoo.com>;
CC: "Vince Barthels" <vbarthels@ardurra.com>;
Attachments: LU 2023-005 CA Notice of Decision 2023 07 24 (SPB Edits).pdf

Mr. Mangis,

After our conversation this morning, I visited the Martin Street site. I see that one tree has been completely limbed and there is no silt fence in place. The silt fence is exceptionally important for both protecting the wetland and demarcating the edge of disturbance. At this time, you are in violation of the Critical Area Decision, LU 2023-005. Condition A on page 7 states, "Prior to any ground disturbance or cutting of trees, the applicant must properly place a silt fence along the line of disturbance..."

There should be no further activity at the site until the silt fence is in place. I have attached the decision for your reference.

If you have any questions or need any clarification, please don't hesitate to contact me.

Elisa Rodriguez
City Planner
Medical Lake
509-565-5019

Subject: my student had a picture
From: "Lefcort, Hugh" <lefcort@gonzaga.edu>
Sent: 06/29/2023 08:39:47
To: "Tammy Roberson" <tmroberson61@gmail.com>;





Budget Report

Quarter 3 – Expected Budget Use: 83%
(Through October)

1

Budget Report Notes

- Current Period –July 1 to October 31, 2023
 - Included October to present most up-to-date data
- Expected Budget Use (83%) – This is the City’s goal for each category’s “Percent Used” column.
- Current Total Budget includes budget amendments 23.5 through 23.10, second read 11.21.2023

2

General Fund

Account Type	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$2,241,796	\$1,845,677	82%
Expense	\$3,567,419	\$2,756,353	77%

Activity Analysis – Expected Budget Use: 83%

- Revenues are below expected budget use by less than **1%**.
- Expenditures are below expected budget use by **5%**.

3

General Fund Departments

Department	Current Total Budget	Fiscal Activity	Percent Used
Non-Departmental	\$2,376,278	\$1,810,440	76%
Legislative	\$45,017	\$26,126	58%
Court	\$60,000	\$64,752	108%
Executive	\$211,963	\$172,853	82%
Legal	\$117,750	\$91,659	78%
Admin. Svcs.	\$455,423	\$381,953	84%
Code Enforce.	\$204,495	\$135,835	66%
Planning	\$96,492	\$69,241	72%

4

Special Revenue Funds

Streets 101	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$244,480	\$232,061	95%
Expense	\$264,131	\$185,679	70%
ARPA 107	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$858,422	\$877,579	102%
Expense	\$750,000	\$328,132	44%
Public Safety 110	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$1,201,136	\$701,385	58%
Expense	\$1,155,673	\$186,816	16%

5

Special Revenue Funds (cont.)

Parks & Rec. 112	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$410,250	\$311,378	76%
Dept.: Parks & Rec.	\$221,926	\$121,915	55%
Dept.: Parks Facilities	\$180,858	\$145,936	81%
City Beautification 125	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$6,500	\$5,655	87%
Expense	\$4,000	\$300	7%

6

Proprietary Funds

Water 401	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$843,050	\$687,685	81%
Expense	\$1,671,162	\$1,532,888	91%
Solid Waste 407	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$667,010	\$580,793	87%
Expense	\$685,424	\$580,023	85%
Wastewater 408	Current Total Budget	Fiscal Activity	Percent Used
Revenue	\$1,380,500	\$1,242,358	90%
Dept.: WWC	\$391,283	\$276,365	70%
Dept.: WWT	\$924,039	\$815,247	88%

Note: The Water Fund (401) made large transfers to the new Water/Wastewater Managerial funds to manage the transition and separation of the two funds. Without these transfers, the operating budget is at 83% expected use.

7

Questions?

8

Comments City Council Meeting (21 Nov 2023)

RE: 2024 Preliminary Budget

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

I have a couple of questions regarding the Public Hearing involving the "2024 Budget Revenue Sources and Property Taxes" on 7 Nov 2023. I am just trying to understand all of this, right now I am somewhat confused...

1. Why wasn't there any discussion as required by RCW 85.55.120 about the following year's current expense budget during the public hearing (council meeting) on 7 Nov 2023?

NOTE: The following year's current expense budget was not in the agenda packet (only 2024 budget revenue sources and 15 Capital Improvement Projects).

According to RCW 84.55.120:

- a) "A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's current expense budget."
 - b) "For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts."
2. Why did the City of Medical Lake's Resolution #23-633 state, "WHEREAS, the City Council pursuant to notice has held a public hearing on the proposed budget estimates for 2024, including revenue sources which will fund the provision of services, and ..." -- this was adopted by City Council this 7th day of November, 2023). How can this be?
 - a) A public hearing was only held for 2024 Budget Revenue Sources and Property Taxes on 7 Nov 2023 according to the City Council Agenda.
 - b) The Proposed (Preliminary Budget) was discussed during a City Council Special Meeting (Council Retreat) and will be discussed during the upcoming public hearing today (21 Nov) but was not discussed on 7 Nov 2023.
 - c) The following statements were taken from MRSC Revenue Guide for Washington Cities and Towns (page 56):
 - A. "Note that this form was written on the assumption that the taxing districts adopt their budgets before the levy certification deadline."
 - B. "However, cities are not required to adopt their budgets until December 31, and many cities have not yet adopted their final budgets by November 30, so you might need to edit the last sentence."

C. "Rather than saying "which was adopted following a public hearing held on _____" you might say "which will be adopted following a public hearing scheduled to be held on _____."

3. According to the City of Medical Lake's Resolution #23-633 (under Section 1), states "This increase includes the City's banked capacity from previous years..." From what years and how much was this banked capacity?
4. According to the presentation slides, "City's Resources & Property Tax" from 7 Nov meeting, which tax years did the \$54,960.33 come from? (2023 tax year bank capacity was only \$45,665.62 (per Spokane County Assessor's Office) -- difference of \$9,294.71)

NOTE: "The taxing district must adopt an ordinance or resolution for increasing property tax revenue, and levying a percentage increases less than 1% will automatically "bank capacity. Without the resolution, the district cannot bank excess levying capacity." (MRSC Property Tax in Washington State)

5. According to MRSC Revenue Guide, "For cities and towns, an ordinance is the highest level of authority." Why wasn't City of Medical Lake's Resolution #23-622 an Ordinance (especially when it deals with something as important as an increase to the regular property tax levy)?

NOTE 1: "RCW 84.55.120 states that the taxing district must adopt an "ordinance or resolution." However, the language in the statute was written with all taxing districts in mind. ... For cities and towns, an ordinance is the highest level of authority. It is our conclusion that any taxing district must use its highest level of authority to pass this document, which means cities must specifically adopt an ordinance rather than a resolution." (taken from MRSC Revenue Guide for Washington Cities and Towns (November 2023))

NOTE 2: Although, the City of Medical Lake passed Resolution #23-633...

The following are tax years for property tax levies from previous City Council Minutes/Agendas:

2024 Resolution 23-633 (4% increase)

2023 Ordinance 1103 (1% increase)

NOTE 3: 25 Oct 2022 Minutes stated that "Motion to accept Resolution 22-550 as read and bring forth as an ordinance at the November 1, 2022 council meeting by council member Olmstead, seconded by councilmember Maxwell, motion carried 4-0."

2022 Ordinance 1090 (although, typo states 2021, no tax increases, banked it)
2021 Ordinance 1083
2020 Ordinance 1074 (4% increase)
2019 Ordinance 1064
2018 Ordinance 1057
2017 Ordinance 1050
2016 Ordinance 1043

NOTE 4: There was no mention in the City Council agendas or minutes on how much of a property tax increase there was for years 2021, 2019, 2018, 2017, and 2016.

MEMO For Record (if email dated 25 Nov 2023 is not included along with this attachment for the 21 Nov 2023 City Council Minutes): **For the Mayor to be disrespectful and condescending to ANY resident/CITIZEN who is simply trying to understand is WRONG. BTW – The Mayor is not an attorney either; therefore, her comment was off point.**

Thank you.

Tammy Roberson
City of ML resident