

Lake Ballinger/McAleer Creek Watershed Forum
Edmonds City Hall
Meeting Minutes
April 27, 2010

Members Present

Mayor Jerry Smith, Chair (Mountlake Terrace), Mayor Dave Hutchinson (Lake Forest Park), Snohomish County Council Chair Dave Gossett, Councilmember DJ Wilson (Edmonds City Council), Councilmember Chris Eggen (Shoreline City Council), Jared Bond (Stormwater Program Manager and Alternate Forum Member, City of Lynnwood),

Staff Present

Jerry Shuster (Edmonds Stormwater Engineering Program Manager), Aaron Halverson (Lake Forest Park Engineering and Stormwater Technician), John Caulfield (Mountlake Terrace City Manager), David Cline (Lake Forest Park City Administrator), Noel Miller (Edmonds Public Works Director), Curt Brees (Mountlake Terrace Public Works Director), Mike Shaw (Mountlake Terrace Stormwater Program Manager), Gene Williams (Snohomish County Stormwater Manager), Peggy Sanders, (Legislative Analyst and Alternate for Snohomish County Council Chair Dave Gossett), Dave Gregoire, (Mountlake Terrace Storm Water Intern)

Others Present

Dave Page (Lake Ballinger Property Owner), Ken Pierce (LBCA), Tricia Shoblom (Department of Ecology), Bob White, Luis Moscoso, Chuck Ebel, Malcolm Reid (LBCA), Gail Myerson

I. Welcome and Introductions

Chair Jerry Smith called the meeting to order at 2:05 p.m. at Edmonds City Hall. The agenda for the April 27, 2010 meeting was approved. The minutes for the March 23, 2010 meeting were approved as amend with Peggy Sanders title corrected to Legislative Analyst.

II. Revised Draft Lake Ballinger/McAleer Creek Watershed Forum Interlocal Agreement (ILA)

Mike Shaw presented the changes in the Revised Draft Lake Ballinger/McAleer Creek Watershed Forum ILA. He stated that the Revised ILA includes all of the changes based on input from the last meeting. Mr. Shaw continued that Scenario B, which was in the original agreement, was added back in based on input from a couple of jurisdictions. He indicated that the Staff Committee recommends Scenario B for Exhibit D, funding determined by the amount of watershed area within each jurisdiction. Under the Service Provider Options, Option 1, Mountlake Terrace continuing to provide administrative support was recommended.

Shoreline Councilmember Chris Eggen was concerned about the decision on funding setting a precedent for jurisdictions paying more for capital projects in the future even though they may not support a particular project. Snohomish County Council Chair Dave Gossett stated that he saw Exhibit D as an operating piece. He asked if a jurisdiction decided to terminate, would they have any future funding obligation. John Caulfield responded they would only pay what they had agreed to in the previous year's budget. He added that jurisdictions have the option to opt out of the ILA. Curt Brees noted the items of concern appear to be covered in the agreement under Section 8; any member jurisdiction can terminate and are not obligated beyond that term. He

added that in Section 6, the Forum sets the budget in September and member jurisdictions have until December 31 for approval.

Mr. Caulfield stated that between now and the end of the year Mountlake Terrace will volunteer to support the Forum. Before the end of the year, the Forum will adopt a budget for 2011. Mr. Caulfield stated this proposal sets the underlying foundation for 2011 to keep the Forum going, and then can be used as an opportunity for the Forum to grow over time.

Councilmember Eggen asked for clarification on why the Forum should set the funding level so low. Mr. Caulfield replied that the primary reason is to get an agreement in place to allow the Forum to continue since it is under such a tight timeline. He added that the risk is that the current ILA will expire on June 30, 2010, before another is in place.

It was moved by Lake Forest Park Mayor Dave Hutchinson and seconded by Snohomish County Council Chair Dave Gossett that the Forum adopt Option 1. Motion passed.

Jared Bond stated that the costs for Option 1 under Scenario A is \$1200 per jurisdiction and under Scenario B would be Edmonds \$1145, Snohomish County \$410, Lake Forest Park \$1073, Mountlake Terrace \$1791, Lynnwood \$965, and Shoreline \$1822.

Councilmember Wilson stated that as the Forum gets into bigger projects, funding allocations will be trickier. He added that with smaller dollar amounts, it would be a good faith effort if each jurisdiction chipped in the same amount. Chair Smith agreed. Council Chair Gossett was concerned about larger numbers for Snohomish County with only 6% of the land area. Councilmember Wilson stated that for this first step equal allocations are the way to go. Jared Bond liked the idea of everybody participating equally as long as no precedent is set.

It was moved by Jared Bond and seconded by Mayor Dave Hutchinson that the Forum adopt Scenario A along with a resolution of no future precedent set for allocations for any future projects. Motion passed.

Councilmember Eggen asked if exhibits change, would that require an amendment to the ILA in future years. Chair Smith stated that the Forum should let the attorneys review the Draft ILA and provide direction to each member jurisdiction.

Councilmember Wilson requested the date for approving the budget be changed in Section 6.2 to December 31 of each year in order to match up with when each jurisdiction's budget must be final.

It was moved by Councilmember DJ Wilson and seconded by County Council Chair Gossett that the Forum adopt the entire Revised Draft ILA. Motion passed.

Mr. Caulfield stated the next steps in the approval process for the Revised ILA are taking the Draft ILA back to the city attorneys of each jurisdiction, so that Forum members are all on the same page. He added that each entity needs to adopt the Revised ILA and then it will go into

effect. Mr. Caulfield stated that the Forum staff committee would revise the Draft ILA and send the final document to each jurisdiction.

III. New Business

Councilmember Wilson reminded the Forum about the Resolution that they passed two years ago that ran concurrent with the ILA and asked if they should pass another to reaffirm what the Forum is doing. He added that this would offer clear parameters about the direction each jurisdiction might want to provide to the Forum. Councilmember Wilson continued with an example that the Forum might also want to discuss flow and lake level. Mayor Hutchinson stated that Lake Forest Park is not a party to the 1982 Agreement that set Lake Level and outflows, but would like to become a party to the Agreement legally, so they could be included in the discussions. Mr. Caulfield stated that each city would have to go through its own risk assessment and have legal counsel advise them on the request. Mayor Hutchinson stated that Lake Forest Park will start the process and each jurisdiction will be notified.

IV. Public Comments

Comments were made about the weir, and the broken plate that used to limit the flow to 60 foot per second allowed by court order. It was suggested that a weir engineer is needed to solve the problem. It was stated that none of the LBCA residents want the lake lowered, but they would prefer a drawdown to lower the lake before storms and in fall. It was added that fixing the weir might solve the flooding problem. It was stated that if the lake is lowered, then water quality becomes an issue. A comment was made about how slow the process is moving. It was stated that residents are worried about pollution, algae bloom and not being able to swim in the lake.

Councilmember Wilson commented that it was hard to determine what lake residents want and asked Mr. Pierce to provide the Forum with a written statement on what the Lake Ballinger Community Association wants. It was stated that lake residents have requested cities to stabilize the lake level, fix the weir, keep houses from flooding, and improve water quality.

Mayor Hutchinson commented that Lake Forest Park is interested in preventing flooding and improving habitat. He added that he was happy with the discussion that is happening with Forum, because it has been very useful in trying to solve problems.

IV. Adjournment

Chair Smith adjourned the meeting at 3:20 pm.

Next meeting is scheduled for Tuesday, May 25, 2010 at the City of Mountlake Terrace.