

Lake Ballinger/McAleer Creek Watershed Forum
Mountlake Terrace Interim City Hall
Meeting Minutes
June 22, 2010

Members Present

Mayor Jerry Smith, Chair (Mountlake Terrace), 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

Mike Shaw (Mountlake Terrace Stormwater Program Manager), Jerry Shuster (Edmonds Stormwater Engineering Program Manager), Aaron Halverson (Lake Forest Park Engineering and Stormwater Technician), Brian Landau (Shoreline Surface Water and Environmental Services Program Manager), John Caulfield (Mountlake Terrace City Manager), Noel Miller (Edmonds Public Works Director), Curt Brees (Mountlake Terrace Public Works Director), Dave Gregoire, (Mountlake Terrace Stormwater Intern)

Others Present

Maggie Bell-McKinnon (Department of Ecology)(DOE), Ralph Svrjcek (DOE), Michael Martin (DOE), Chris Coffin (DOE), Tricia Shoblom (DOE), Ken Peirce (LBCA), Bob White, Alvin Rutledge, Roy Gorad, Brad Shipley, Harold Diamond, Frank Zenk, Joe Simmler (OTAK), Pete Mills (Representative Jay Inslee's Office)

I. Welcome and Introductions

Chair Jerry Smith called the meeting to order at 2:00 p.m. at Mountlake Terrace Interim City Hall. The agenda for the June 22, 2010 meeting was approved. The minutes for the April 27, 2010 meeting were approved.

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

Mike Shaw explained that for the City of Mountlake Terrace, the current Draft ILA goes to the City Council for review on Thursday, July 1. He added that there were some changes, so he wasn't sure how soon it would be approved.

Jerry Shuster said that the City of Edmonds had the attorney review the ILA. He added that Mike Shaw sent an email to the staff committee with suggested minor changes. He added that it would go to Council soon.

Brian Landau explained that for the City of Shoreline, the newest draft ILA has been sent to the City Attorney for review and once complete, it would go to Council for discussion.

Aaron Halverson said that in Lake Forest Park, the City Attorney reviewed the ILA and has one comment and agrees with Snohomish County on a few changes. He added that it is scheduled to go to Council July 22.

Jared Bond stated that he briefed the Lynnwood City Council on the new draft ILA on June 7. He explained that no one on the Council had time to devote to the Forum and they were not comfortable with his role as both staff and Forum representative. Mr. Bond announced that he anticipates Lynnwood will not continue their participation in the Forum. He added that a letter would be coming from the Mayor and Council President soon.

Snohomish County Councilmember Dave Gossett reported that the Snohomish County Attorneys are reviewing the new draft ILA. He added that it has not yet been scheduled for County Council.

Chair Jerry Smith commented that in light of some of the issues that have come up, it might be better to review the ILA annually rather than every five or six years. He added that this first ILA would continue for 18-months. Snohomish County Councilmember Gossett agreed that for operations one year at a time makes sense. He added that they should have a multiyear capital plan but each year would depend on annual approval of funding. Edmonds Councilmember Wilson asked Jared Bond if he would still be able to participate as an ex-officio member in the Forum as a staff member. Mr. Bond stated that he would continue at the staff level to assist his colleagues. He also suggested that he might best serve on a water quality subcommittee because it affects the entire watershed. Mr. Bond added that the City of Lynnwood would lend its support for grants if there were an opportunity and an additional signature was needed.

III. Presentation of the Ecology Lakes Project for Lake Ballinger by Maggie Bell-McKinnon
Department of Ecology Biologist Maggie Bell-McKinnon gave a presentation on the basic ecology of lakes and how they function. She explained how everything in the lake needed to be in balance and that the more diversity of life the healthier the eco-system. She also explained the types of human activities that could cause impacts to the eco-system of the lake including new construction, erosion, garden and lawn runoff, products that increase nutrients, adding game fish and storm water runoff.

IV. Public Comments

Al Rutledge expressed his concern that Lynnwood has given primary plan approval for construction of 25 new homes in the Halls Lake area. He added that this would send more water into Halls Lake, which would then run into Lake Ballinger. He added that he attended an Edmonds Planning Board meeting and suggested they run the water into sewers to keep costs down.

Ken Peirce handed out a copy of a statement from members of the Lake Ballinger Community Association that Edmonds Councilmember Wilson had requested. Mr. Peirce said that he was asked to have residents vote if they wanted to have the level of the lake lowered permanently year round. He said about twenty-five owners responded, twenty-five did not respond, eight of those are absentee property owners, and three are residents of Mountlake Terrace. Mr. Peirce stated that the LBCA respondents do not want the lake level lowered year round. He added that they would like the weir reconsidered but do not want the weir fixed.

Edmonds Councilmember Wilson thanked Mr. Peirce for providing the information. It was decided by the Forum that the statement should be attached to the minutes.

Edmonds Councilmember Wilson said that there were interesting questions and issues raised in the reply from the Lake Ballinger residents for the Forum. He added that he would like to know staff level thinking about some of these things and perhaps have them discussed at the next meeting. Jerry Shuster commented that reconfiguring the weir does warrant additional study. He added that the Staff Committee has not investigated specifically what would happen if the weir was changed. Mr. Shuster also recommended additional study of the culvert system between the weir and I-5. Edmonds Councilmember Wilson stated that the court allows for 60 cubic feet per second in outflow and it only gets to that level at flood stage. He added that if we can figure out a solution for the weir, we might be able to stay within adjudicated levels now and get some water out before a major flood occurs.

John Caulfield stated that Mountlake Terrace is working on several projects in anticipation of adoption of the new ILA. He stated that in the adopted strategic action plan and CIP, it includes evaluating modifications to the weir. Mr. Caulfield explained that Mountlake Terrace has been reviewing options in the plan including everything from doing nothing to completing a weir modification to reduce lake by 3.75 feet. He recommended that along with ideas mentioned at today's meeting, the Staff Committee would review the CIP and bring it back to Forum for further review, including consideration of the advantages and disadvantages to all stakeholders within the watershed. Mr. Caulfield added the Forum would have an opportunity to decide. He explained that no one knows what the answer is and no detailed analysis has been done. Mr. Caulfield added that Mountlake Terrace and Edmonds are taking the lead. He said that Mountlake Terrace has ordered a new weir gate. Mr. Caulfield explained that the city has been out of compliance since 1995 and does not want to be out of compliance. He added that Mountlake Terrace hopes to have the new weir gate completed and installed between July 1 and August 31. Mr. Caulfield said the culvert project is another item that must be dealt with, due to the significant problems it causes in Mountlake Terrace. He explained that the Mountlake Terrace City Council approved a contract to remove the culverts along with replacement of a sewer main and water main. Mr. Caulfield said all three projects are moving forward on parallel tracks and should be completed within the next twelve months.

Ken Peirce asked if there are any plans to fix the intake weir. Mike Shaw responded that they are aware of it but due to the constrained window by Fish and Wildlife, they have a very narrow timeframe in which to get the work completed. He added that it should be fixed this year. There was a discussion on issues with the weir gate working in concert with the hypolimnetic system. Ralph Svrjcek stated that there was a communication problem between DOE and the designer of the system.

IV. Adjournment

Chair Smith adjourned the meeting at 3:30 pm.

Next meeting is scheduled for Tuesday, July 27, 2010 at a location to be determined.

Statement of the Lake Ballinger Community Association
June 22, 2010

The LBCA has reviewed the Forum's Action Plan and Capital Improvement Project list, studied and asked water engineer consultants about the current weir and suggested alternatives, and hereby submit that:

- 1) The current outlet weir be completely replaced by one designed to allow **high flows at low lake "head" levels** thereby allowing more water out of the lake early in a storm to mitigate flooding. We believe that this can be done within the current adjudicated levels and maximum flow restrictions, thereby avoiding costly and prolonged litigation.
- 2) The Superior Court adjudicated levels and maximal flow restriction remain the same. If, after acceptable and creative water engineering designs for a completely new weir are studied and offered and fail to predict that lawn flooding can be minimized and house flooding can be minimized to an agreed upon frequency, we want engineering consultants to also then consider mechanisms for seasonal or early storm-predicted draw-downs to temporarily increase the lake's capacity.
- 3) If the first two requests are followed, then re-mapping of the flood zone by FEMA would be done only after the new weir engineering plan is in place.
- 4) Assuming that the engineering and re-mapping of the flood zone predicts a significant improvement in the lake's capacity, raising the five houses for "flood-proofing" may not be necessary.
- 5) We want Mountlake Terrace to repair the intake weir before removing the road and culverts of the 230th Street Project slated to be done this summer, because both structures reduce the rate at which water flows into the lake.
- 6) Improvement of Lake Ballinger's water quality needs to be pro-actively pursued by both the Forum and each municipality now, not just wait for Federal mandates, treating it as an afterthought. The water quality affects the Lake as a public recreational resource as advertised by Mountlake Terrace and countless children swim and fish here.
Particularly by:
 - a. Actively reducing the inflow of pollutants into the lake from storm water runoff
 - b. Stop considering the Lake as just a storm water detention pond
 - c. Increasing dissolved oxygen levels in the hypolimnion to reduce nutrient release from the sediments

Here I include the original statement as voted on and because it contains some of the reasons for our statement. Ken

Our original Statement that was voted on and confirmed by all of the 25 lake shore owners/ spouses who responded. There are about 25 to whom we gave notice via e-mail but received no response. There are also another 8 who are absentee landlords, only a few whose e-mails we have. (Jerry Schuster has the list of responses for this statement and will have an updated list as well. KP)

To the Lake Ballinger/McAleer Creek Watershed Forum

A) - **That the current old weir not be repaired** since its design is very seriously flawed and it is clear that it cannot even start to protect the lake from flooding because it only allows maximal flow at lake levels more than 1.7 feet above set levels, ie, close to flood stage. In fact, **repair of the current weir will be a contributing cause of future flooding** as it already has been.

- It is a serious engineering mistake.
- It cannot be lowered seasonally, if that becomes one of the solutions, it is already at the lowest level.
- It is a complete waste of taxpayer money.
- It will delay real progress.
- There are weir designs and other engineering devices that can better protect the lake from flooding without permanently lowering the lake or exceeding maximal allowable flow. We need a "high flow at low level" weir, probably with a secondary "high flow at low level" culvert with a maximal flow restriction but also an overflow allowance.
- We request that other possible engineering solutions be investigated.
- If \$25,000 of taxpayer money is burning a hole in Mountlake Terrace's pocket, spend it on aerating and reopening the effluent hypolimnetic pipe as DOE has suggested and agreed to.

B) - **That the current Superior Court adjudicated lake levels and maximal allowable flow not be changed.**

- Save taxpayer money by not pursuing unnecessary legal hassling.
- Permanently lowering the lake level is a knee-jerk hydrology response to a problem occurring "once every 100 years."
- Lowering the lake level permanently is environmentally, recreationally, esthetically, and for property values, a giant step backwards.
- If it becomes absolutely necessary to draw-down the lake level prior to rain episode or for the winter season, we hope that an agreement by all lake residents would suffice to still obey the current court order, possibly with a legal vote and an amendment.

C) - **Improvement of Lake Ballinger's water quality needs to be pro-actively pursued by both the Forum and each municipality now**, not just wait for Federal mandates, treating it as an afterthought. The water quality affects the Lake as a public recreational resource as advertised by Mountlake Terrace and countless children swim and fish here.

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