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Marysville City Council Special Meeting
Wednesday, May 12, 1999 7:35 p.m. City Council Chambers

Present: Mayor Dave Weiser
Councilmembers: Donna Wright, Mayor Pro Tem
Shirley Bartholomew
NormaJean Dierck
Otto Herman
Mike Leighan
Donna Pedersen
Brett Roark

Staff: Mary Swenson, City Clerk
Grant Weed, City Attorney
Jim Ballew, Parks & Recreation Director
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Lillie Lein, Recording Secretary

Mayor Weiser called the May 12, 1999 special meeting of the Marysville City Council to order at 7:35 p.m. The meeting was delayed from the announced 7:00 p.m. start time to accommodate the number of persons attending and allow a move upstairs to the City Council Chambers following Municipal Court proceedings. Mayor Weiser noted that this special meeting was called as a result of Municipal Code 2.04.010(1).

Councilor Wright moved to reconsider the motion made Monday night, May 10, regarding signs. Councilor Bartholomew seconded the motion. Following a brief discussion motion carried 6-1 with Councilmember Dierck against.

Mayor Weiser explained that there was a representative from the Snohomish Health District and City Representative Larry Wade to provide staff reports to Council. He noted that this was not a public hearing but was a public meeting, and because of the number of persons in attendance who wished to speak, the three-minute rule would be invoked. City Clerk Swenson would time speakers and announce when they are within 30 seconds of their three minutes. Councilor Pedersen asked if the three-minute rule applied to the staff reports? Mayor Weiser confirmed that it did not.

Bob Pekich, Director of Environmental Health for the Snohomish Health District spoke first. He stated that he was not sure what was happening but he did spend some time studying water quality issues in preparation for tonight's meeting. He stated that basically there were three types of water regulations – drinking water, swimming and beach water, and surface water. After studying water quality regulations, he came to three conclusions:

1. It is always more dangerous to swim than not.
2. What you check for is up for grabs. The facts are facts but the conclusions are up for grabs too. The same holds true for the levels you are looking for. They bounce around.
3. The most dangerous thing to do when swimming is to put your head under water.

Mr. Pekich explained that his office was called, and they went out and took three samples from Allen Creek with low results. They then wrote a letter to Parks & Recreation Director Jim Ballew recommending "no swimming" in the creek not because it was terrible or very dangerous but because on a day-to-day basis, it probably did not meet beach standards nor was it being operated as a beach.

Mr. Pekich said that he thought it would probably be better if he could answer Council's questions because he was not sure what information they were looking for.

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Councilor Herman referred to other issues besides swimming such as wading and fishing and asked Mr. Pekich's opinion. Mr. Pekich replied that in regard to fishing, it was safe because you would take the fish home and cook them. The only time you might run into a problem would be if you were into Sushi.

Mr. Pekich said that, in regard to wading, putting your head underwater can be dangerous and the next level is if you go deep enough for the water to get into the genital or urinary tract. He concluded that kids could frolic in the water.

Councilor Herman asked if there were any precautions Mr. Pekich would advise someone when doing a fishing activity? Mr. Pekich responded that there would be nothing special from any other place you would fish. "Basically", he said, "don't drink the water." Mr. Pekich said when you read about water there are really only two kinds of water – drinking water and polluted water. He would advise not drinking the water.

Councilor Pedersen noted that there has been concern over illnesses or even hospitalization if there were swimming not only in the pond but the creeks coming into the pond. She asked, in the years Mr. Pekich has been in charge of the Environmental Division of the Snohomish Health District how many cases from hospitals, clinics, physicians, or parents have been reported of children becoming ill from swimming? Mr. Pekich replied that the answer is zero. He said the he has been with the Health District for 17 years and has never heard about anything like that at Jennings Park.

Councilor Pedersen noted that the way the motion stands now, it reads to post the creek where it is next to city-owned property and the pond. Councilor Dierck corrected her saying that it was just for Quil Ceda and Allen Creeks. Ms. Pedersen asked if there are regulations for posting signs and what are they?

Mr. Pekich answered that there are no regulations but there are some common sense practices. Basically he said you wouldn't post here because it is not a swimming beach but when you do post something, you lay out the signs so you can see one to the other. Then, he said, you have to maintain them, which can be difficult, because people like to take them for souvenirs.

Councilor Leighan referred to Mr. Pekich's letter from November and asked him to explain the different things tested for. Mr. Pekich explained that fecal coliform comes from the intestines of warm-blooded animals and when you test for that and streptococcus, basically what you are saying is, if these are present, what else is? Councilor Leighan asked if these are pathogens by themselves, and Mr. Pekich replied that they were not always.

Councilor Dierck stated that she did not understand how it was okay for kids to frolic in the water. Mr. Pekich replied that as long as they don't ingest the water or put their heads underwater, they should be okay. He felt it was more important that they wear sneakers and don't cut their feet.

Consulting Engineer Larry Wade said he wanted to address the council on water quality as it is reflected in Allen and Quil Ceda creeks; what has been done to-date; and make some recommendations of where the City should go from here.

Mr. Wade noted that there are certain water quality standards that apply to Allen and Quil Ceda Creeks. He added that both are classified as Class A waters. He added that Class A waters are used for water supply for domestic, industrial and agricultural, stock water, fish and shellfish; wildlife habitat; recreational purposes (sports fishing and boating); commerce and navigation. He said these are the

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general characteristics of Class A waters in the State of Washington. He then said there are several criteria that the State lists that should be met. One is fecal coliform; another parameter is dissolved oxygen; another is temperature; pH tepidity and then there are toxic and aesthetic issues. He wanted to point out that there is more than one parameter for Class A waters, which he thinks is important when the city develops a testing program to make sure they are conforming to Class A water.

There have been several steps taken recently in attempts to control storm water and attempts to control erosion and sediment from the public facilities as well as new development. The city has recently adopted a storm water ordinance that references a technical manual that is the Department of Ecology's technical manual used for preparation and designs. It also included thresholds for new development and redevelopment so that, if a parcel of property already had development on it and there was continued or redevelopment, the ordinance addresses that. It also included a process for variances and exceptions. It has an enforcement division and operation and maintenance program, both for public as well as private facilities. It also suggests that the stormwater program be implemented through other ordinances such as their sensitive areas ordinances. It has provided that the city investigate and take corrective actions on problem areas. Several things have recently been adopted that are now just taking place, but provisions are in place. Along with this, the City has provided a technical design manual to be used for development within the City as well as on their own projects. Much of this is in the initial stages and is not very far along yet.

Mr. Wade said that the Public Works Department, at the request of the Parks Department, did start a sampling program in November and since then the sampling program has been reviewed. The sampling program initially addressed just fecal coliform, and there are seven sites. They are suggesting that the sampling program be expanded out to include samples both upstream and downstream from outfalls or point sources. He said there are several stormwater outfalls both in Allen and Quil Ceda Creeks that were installed many years ago associated with highway projects. He noted that there are also two outfalls in Ebey Slough that are the main sources of drainage in the downtown area. Mr. Wade said they are proposing a program that expands the sampling places to get more information about what is coming in at the point sources as well as potential information of what is coming in from non-point sources.

He explained that non-point sources are things such as agricultural run-off and cattle in streams, run-off from yards, etc. He said they believe that if they have to meet Class A water parameters, which the City does, then should have other information such as pH-dissolved oxygen, tepidity, and temperature. He said this data needs to be gathered over a period of time. One sample here or there will not tell you the story. It will tell you that at that particular time of day and point in time you were or were not in violation but it does not help very much from the standpoint of where the source of that particular contaminant or what is causing that to happen. Mr. Wade said that, the same way from the first two testing results, he can look at it and say in several cases there are no violations but that does not tell the whole story. He is not sure how and where the samples

were taken. Another day may produce entirely different results. Mr. Wade recommends that the City continue with their sampling.

Mr. Wade said he did go back to previous information on the internet that is available from the Department of Ecology and there is some testing available on Allen and Quil Ceda Creeks as far back as 1987 that is available, and the testing probably went back farther than that. For the most part, there have been

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violations back in 1987. This is not something that is new. He said, if you look back to some of the farm area east of 67th, about 33% of the tests in 1987 failed on a fecal standpoint. He said he was sure that was due to the agricultural use of the property but noted that there is a variation when there is heavy rain there is dilution. When a sample is taken during a rainy season, you might get a favorable result because it has been diluted, and during the summer you will have a high concentration. It needs more than to be a hit or miss, over a period of one to two years, and expanded out throughout, not only Allen and Munson Creek but also Quil Ceda Creek. Although a majority of the Quil Ceda Creek is outside the City, Mr. Wade felt the City should develop the background data needed to answer questions as to what is happening and where the sources are. This will help develop the solutions.

Mr. Wade referred to Kathy's statement from the County that referenced TMDLs, and Mr. Wade said he hoped that the City would not necessarily think of a TMDL as a just a numerical value. He said that, when you are dealing with point sources, you can quantify it and put a number on it. However, when you are dealing with non-point sources, it is very difficult to quantify it. Mr. Wade referred to a chart the Department of Ecology used in a presentation on TMDLs a week ago. He said they talked about identifying the waters, then prioritizing a list, then developing a clean-up plan. He said it did not need to be a numerical clean up plan. It could consist of many of the items that Quil Ceda/Allen Watershed Management Plan has. He said, you could get into a schedule of implementation, and if you are monitoring the streams, you can tell if what you are implementing is doing any good. Without the monitoring, you would have no way of telling if what you are implementing is doing its job or not. Mr. Wade felt that after a time, if the City found that what was implemented was not reducing contaminants then they could talk about implementing a numerical system on point sources and potentially non-point sources. There definitely needs to be cooperation and working together by all parties involved – Snohomish County, City of Marysville, and Tulalip Tribes all have an interest in these waters. Mr. Wade recommended that the three parties get together to implement a program, monitor the waters to see what happens, and then adjust the program if you are not accomplishing what you anticipate. To-date, little has been done. He said that this did not start with the ESA but it does throw another issue on top. Mr. Wade said the City needs to enforce the provisions of the latest Stormwater Drainage ordinance and provide adequate staff and manpower to get out into the field to check private and public systems.

Councilor Roark noted the issue of signage being addressed at this meeting, and asked Mr. Wade what he would recommend based on his experience. Mr. Wade replied that this was outside of his field, and would suggest to go with whatever the Health District suggested. He added that if you could show in certain areas all of the tests show that the area warrants signs then do it, but if it is in a questionable range, he personally would not do it.

Councilor Herman confirmed that problems and test results available date back to 1987. He stated that although results have varied they show that there have been these fecal coliform levels since 1987.

Councilor Herman felt that attention getting this was getting now is good, but need to be aware that this is an on-going problem that needs to be addressed. Councilor Herman asked Mr. Wade to discuss how to identify specific problems regarding point, non-point, agriculture, and wildlife.

Mr. Wade replied that in his field this is called Forensic Engineering. In plotting fecal counts where there is no development, you can pretty much narrow down the sources. The same goes for tepidity. It can be caused by high flows, storm

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drainage outfalls, etc. Mr. Wade noted that recent studies indicated that the problem is animal related. Mr. Wade said he thought that by taking a lot of the information that has been gathered and using forensic engineering, you can get a lot of the story and narrow it down to what might be source.

Councilor Leighan referred Kathy Thornburgh implying that the County had jurisdiction over water quality in Allen Creek. His understanding was that under Section 319 of the Clean Water Act, the Federal government gave that jurisdiction to the State. Mr. Wade said he had also heard her say that, and had asked an official from the Department of Ecology who was giving a presentation on TMDLs and he said the Department of Ecology had jurisdiction, which is contrary to what Ms. Thornburgh said.

Councilor Dierck stated that her difficulty with a portion of Mr. Wade's presentation when discussing the ordinance he stated three times it only meets minimum requirements, and her fear to do more sampling is that this might indeed just be a ploy not to post the proper signs that are needed. She said she does agree on the different steps to do. When she talked with John Glynn, Water Quality Specialist with D.O.E., he also wanted to do it in steps. She said Mr. Glynn felt it was very important to put the proper signs up. He suggested the Health District's version of the sign, and he stated it's obvious because the City of Marysville's signage has not been keeping our children out of the creeks. His next step was to do TMDLs. He's ready to come to speak to the Council here pretty soon to give us a presentation to do that, and the third step was to apply for the Centennial Clean Water Fund in case the City of Marysville runs into financial difficulty. And, she said when Mr. Wade was talking earlier about 1987-91 was it the source of point and non-point pollution that the Tribes put out?

Mr. Wade said no, he has actual page results. He said he did not know who took the tests but the 1992 report was done by a fellow named Cuzimono who was doing that work in conjunction with point sources, mainly Wastewater Treatment Plants on the Snohomish River.

Councilmember Dierck noted that Terry Williams from the Tribes had another meeting to go to and requested he be allowed to speak following Larry Wade.

Mayor Weiser agreed and asked if properties adjacent to or close to a creek with properly operating septic systems contribute pollutants to a creek. Mr. Wade said that septic systems are not as good as a treatment plant. At its very best, a septic system is only equal to secondary treatment and there are some pollutants that go into the soil which could mean under the proper conditions that could get into the creek.

Mayor Weiser referred to a neighborhood at the confluence of Munson and Allen Creeks that was just hooked up three or four months ago. From the twelve to eighteen houses that hooked up, could we expect to see an improvement in the creeks or is it a much larger problem? Mr. Wade replied that he suspects it is a much larger problem.

Terry Williams, 7723 47th Avenue N.W., Marysville: Mr. Williams said that he was there on behalf of the Tulalip Tribes. He said that the Tulalip Tribes did contract with the Department of Ecology in the late 1980's/early 90's to do a lot of water quality tests. Kathy Thornburgh who is now with the County worked for them at the time.

He said studies are expensive especially when you get down to DNA, which the Tribes did. He didn't feel a lot of money had to be spent looking for more problems. It was time to start addressing the problems already there, i.e., failing

septics, acquiring funds for clean-up. He said the Tribes would like to work with the City and the county in applying for these funds. If they work together, they will get a higher ranking to receive funds.

Mayor Weiser asked if Mr. Williams thought a better solution was for several agencies to work together, possibly the Tribes, City, County, and City of Arlington? Mr. Williams thought that the odds for funding would be better if they work together.

Councilor Roark asked if the Tribes have any of their waters posted as polluted? Mr. Williams said they did not, and that they have just finished developing their standards and have submitted them with the Department of Ecology but they have not yet been adopted. Councilor Roark asked if he would recommend signs be posted. Mr. Williams said, if standards were adopted today, he would recommend posting signs today.

Councilor Dierck asked Mr. Williams if he would recommend the City post signs? Mr. Williams said he thought it would be a good idea. He said that he felt the more you educate the people the less problems you will have.

Councilor Bartholomew noted that Mr. Williams indicated that the Tribes standards might be different than federal standards and asked if he was recommending they get together to develop joint standards. Mr. Williams said he was not recommending that because they have to consider cultural standards.

Bob Graef, 7311 69th Avenue N.E., Marysville: Mr. Graef stated that the wording on the signs can seem like a blight on the City but felt that the City has stumbled onto a publicity bonanza. Some of it may be negative but right now you have the public's attention. He suggested trying to see if the City can condemn all non-conforming drainfields that lie within a prescribed distance of Allen Creek, Quil Ceda Creek or their tributaries. Short of that, he thought it might be possible to require drainfield inspections, maybe through infrared photometry. Mr. Graef felt a window of two years from date of condemnation during which time the property owner would have to either hook up to City sewer or install a new septic system that conforms to current standards. He also suggested at that time that the City might reduce hook up fees.

He felt that the City was handed an opportunity to educate the public, and should put up the signs.

Jeri Short, 6917 40th Street N.E., Marysville: Ms. Short said she was here Monday night and was upset over some things that she heard then. She asked her kids about the signage. If they saw signs that said "No Swimming", what would that mean. Her fifteen year-old said he would look at the water and if it looked okay he would go in the water. If he saw the other sign, he would know something was definitely wrong. She asked that Council give them the opportunity to parent their own kids within their own families. She felt that signage was exactly what the City needed so that they could help them.

Councilor Leighan commented that on Monday night Ms. Short commented that if she saw a sign that said "No Swimming" she would assume the problem was swimmer's itch. He asked if she knew what the cause of swimmer's itch was and informed her that it was a parasite and therefore pollution.

Councilor Dierck asked if Ms. Short felt more comfortable with the sign proposed to keep her kids safe. She replied that she did.

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Councilor Roark apologized for his comment regarding a body count. He did not mean to offend her, and said he was sorry. He said that he wanted to see some data, and was concerned that there are more epidemic outbreaks out of the schools and daycares than the creeks.

Ms. Short said she was appalled at Mr. Pekich's comment that he would let kids frolic in the water. What happens when they put their hands in their mouths?

Jeff Seibert, 5004 80th Street N.E., Marysville: Mr. Seibert said he became involved about this issue at Easter time when they did a public information announcement and was told by a public official that they were aware of the problem and were dealing with it. He said he did not see that happening.

Mr. Seibert was concerned that the Health Department official said it was okay if kids frolicked in the water if they did not immerse themselves or have open wounds. He was concerned because kids often have scratches, etc. and fall down in the water.

He suggested that Councilor Roark's children may not have gotten sick from the daycare but from playing in the water. He just did not know it.

He asked that the signs be put up so that people can be informed.

He said he was disappointed and discouraged that this meeting was happening.

Bruce Tipton, 6308 100th Street N.E., Marysville: Mr. Tipton said that he called the EPA and asked them to send him a letter that he distributed to Council. He said that he had asked them to review Kathy Thornburgh's data and they found it to be valid.

He said he was a little disappointed in the Health District but not surprised. He felt that it was important to educate the people in the Quil Ceda and Allen Creek watershed. The health official said they would post the waters if they were swimming in them but then he says go frolic in them. He found this inconsistent.

Brownwyn Lane, 7401 84th Street, Unit L2, Marysville: Ms. Lane said she thought the issue was signage, and that she did not think anyone wanted to see a child harmed. Basically she thought they were getting down to the issue of what kind of signage. She thought there should be a decision on what kind of sign and a provision for the public to get data. Where they can get the data should be on the signs. She said people will make their own decisions no matter what. She added that she grew up on a river that had ducks and algae and sometimes you went into the river and sometimes you didn't.

She said she was glad this was brought out but it was time to make a decision regarding the type of sign and let the people make their own decisions.

Brad Johnson, 4821 75th Avenue N.E., Marysville: Mr. Johnson said that he grew up on the creek just up from the park and that no one enjoyed frolicking in the creek as much as he has. He said that his concern is that there is valid data that there is a problem.

He said he doesn't take his daughter to daycare because of diseases and that she loves to play in the creek but she has acquired the habit of sucking her thumb.

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He said he would like to see the signs put up, and that hopefully they could be taken down in six months when there is clean water again like when he was a kid.

Gary Wright, 5533 Parkside Drive, Marysville: Mr. Wright thought it was interesting that most of the testimony and data he has heard tonight is not about the signs, but thought it was encouraging to hear from the City Engineer that there are ordinances now in place to allow the City to move forward and solve the problems. This is where he thinks the efforts should be put.

Mr. Wright said that a part of parenting is to teach children to follow the laws and signs. Signs do not always give the consequences. If a sign says "Don't Swim" then don't swim.

Mr. Wright said there have been some problems with pollution but there have not been any identifiable health problems. Efforts should be concentrated on solving the problem.

John Martinis, 7224 53rd Avenue N.E., Marysville: Mr. Martinis said that he thought some of this is because of the Kiwanis Fishing Derby that has been held for the last four years. He said he was not here about signage as much as common sense. Common sense tells him whenever he goes somewhere with his family to recreate that you don't drink the water from the rivers, no matter which river it may be even if there are no signs. Common sense tells him to warn his kids about a lot of different fears in the world, whether it is about crossing the streets or going to one of the parks in Marysville and recreating. It is about teaching children about responsibility as being a parent. The fish that live in Allen Creek are androgynous fish. Androgynous fish live in the creek for one to two years. They are mainly Coho salmon. They go out to sea and are caught by recreational fisherman, tribal fisherman, and commercial and non-commercial fisherman. These fish go to markets, Safeway, and consumed by neighborhoods here and throughout the world. He said he does not believe there are any instances of these fish reared in these creeks of ever causing a death or any other serious illnesses.

He wrapped up his comments with his original statement that it is the responsibility of the parents, and the responsibility of the Council to inform the public about not only run-off but pollution by dumping grass clippings, fertilizer, etc. He felt this was where the efforts needed to be not trying to prevent people from hurting themselves. While that is important too, he said it was common sense.

Mayor Weiser closed the public comment portion at this time.

Councilor Wright said they heard from the Health District that they have not had any reports of serious illness or problems from our parks, and asked if his staff has received any? Parks and Recreation Director Ballew said that he had not. He noted they have posted signs on the creek, "No swimming in this area" is currently the sign of choice. They have international symbols. Also, if they find anyone in the creek or the pond, they are asked to get out of the water. Director Ballew said kids do get in and they ask them to leave. They are not there 24

hours but the signs are there. They have been for many years, not only from a risk standpoint but for environmental stewardship.

Councilor Bartholomew asked if the Kiwanis Fishing Derby was still on? In Jennings Park? Director Ballew said it was still on in Jennings Park. He said

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that they have not received any information to indicate otherwise. He said the pond is spring fed and that the creek does not empty into it.

Councilor Bartholomew asked about the duck and geese problem. Director Ballew said that the problem is not as significant and noted that feeding the ducks leads to the end problem. He said they used to have a problem with the public dropping off their unwanted pets. He said nature has a way of taking care of that.

Director Ballew said the Park Board has made a decision to prohibit feeding the ducks. They still have to go over the enforcement policy, and then bring it to Council for approval.

Councilor Herman said that whatever happens at this meeting in terms of Council action they have brought attention to some water quality problems that need to be addressed. He thought some form of signage was a good idea and felt that they should move along those lines.

Councilor Bartholomew asked Mr. Pekich about the various signs the health district has available. She said she did not like this sign. Mr. Pekich said that this particular sign is sort of their all purpose sign for catastrophic events like a sewage spill. Mr. Pekich said that if all they want to do is to keep people from swimming, it is not the sign they would put out.

Mr. Pekich said that if the City was going to form a group to address the problem, they would like to be a part of it. They know a lot about septic tanks and water quality and they could be a big help.

Councilor Leighan said he went down to Jennings Park to see the signs that were in place and when he got back he got a call from Director Ballew who said that one sign was missing because they found a sign in the water.

Councilor Bartholomew asked if the City of Marysville has appropriate signs in its sign shop? Director Ballew said that their current signs saying "No swimming in this area". Their signs depict the problem at the particular site where it is being placed.

Councilor Leighan felt that it was more important getting the problem fixed than using a scare tactic.

Councilor Pedersen said that it was important to see what needs to be done. She felt that posting the creek seemed almost an impossibility if you have to have signs that can be seen one from the other.

Councilor Dierck said that she felt they were compromising the children's health by doing further studies. She suggested a "plan B" and showed an alternate sign.

Councilor Roark felt that what was needed was a sign that tells the truth, and did not feel the proposed sign told the whole truth.

Councilor Wright agreed that there is a problem and after discussion moved to rescind the previous action taken Monday night regarding the placement of signs. Councilor Leighan asked as a point of clarification if the motion was regarding the placement of this sign or any sign? Councilor Pedersen read the motion from the minutes of Monday night's meeting. Councilor Wright said her motion was to rescind the whole action which was specific to this sign. Councilor Bartholomew seconded the motion.

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Councilor Herman did not want to support an action that would rescind the entire action because he felt that getting the information out is important and informing the public of the specifics of what exists is important to getting support to solve the problem in the future. He would be willing to support a sign that is more informative.

Councilor Pedersen asked Director Ballew where the Park Board fits in this deliberation. Director Ballew said that based on water quality, the Park Board has not been asked to look at this issue. They have been asked to address the issue of feeding the ducks.

Councilor Pedersen clarified that they currently have signs that say "No Swimming" and "No Fishing" and will have signs that say "Don't Feed the Ducks". Director Ballew concurred. Mayor Weiser asked if they have signs that say no fishing, and Director Ballew replied they do off the bridge at Allen Creek.

Councilor Pedersen asked, since this was called a special meeting and the topic was to rescind Monday night's action, would that prevent the Council from coming up with different wording tonight? Attorney Weed said it would fall within the Council's authority to do that tonight.

Councilor Pedersen asked Director Winckler if the City had the ability to make signs and he replied that they did not.

A roll call vote of the motion to rescind Monday night's action was:

Shirley Bartholomew – yes

Brett Roark – yes

NormaJean Dierck – no

Donna Pedersen – yes

Donna Wright – yes

Mike Leighan – yes

Otto Herman – no

Councilor Bartholomew moved to direct staff to prepare an array of signage as outlined by Council – "No Swimming", "No Fishing", and "Don't Feed the Ducks". Also, to direct staff to proceed with development of a joint agency plan for water quality study in the basin. Councilor Pedersen asked if they could do that in two motions. Councilor Herman said he did not hear the activity of wading listed or anything that would provide some basis of rationale such as fecal coliform levels may exceed standards or something of that nature. He asked if Councilor Bartholomew would consider incorporating something like that in her motion. Councilor Bartholomew said she would like to stay with the standard sign the Park Director outlined but did offer to split her motion.

Councilor Roark said he would support the motion with a friendly amendment for some kind of informed cooperation between staff and the health department to at least inform the public of the possibility of coliforms in the water. Following discussion, Councilor Bartholomew rejected the friendly amendment.

Attorney Weed asked if there was a second to the motion. There was none so the motion regarding signage failed for lack of a second.

Councilor Bartholomew had split her motion so there was a first to direct staff to explore a joint basin excellerated study to correct the problem in the Quil Ceda Allen Creek corridors. Councilor Pedersen seconded the motion. Motion carried 6-1 with Councilor Dierck against.

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Councilor Herman said regarding signage he would like to see signs that say "No swimming, No wading" and he would like that to be in big noticeable letters and then smaller letters with language that would provide some rationale for the basis why such as referencing fecal coliform levels (not a specific number). He said he was comfortable asking staff to develop such language, and he said he would like a City phone number included where the public can get additional information. Councilor Roark seconded the motion.

After some discussion of the number of signs and where they should be posted, as well as Councilor Pedersen noting that referencing a specific problem such as fecal coliform, if other problems are found, would new signs be made? Councilor Roark called for the questions. Mayor Weiser restated the motion to direct signs to be posted in the stream corridors where the City has public right-of-way or adjacent to the City saying, "No swimming, No wading" including a statement of why and providing a city phone number for more information.

A roll call vote was called:

Otto Herman – yes
Mike Leighan – yes
Donna Wright – no
Donna Pedersen – yes
NormaJean Dierck – yes
Brett Roark – yes
Shirley Bartholomew - no

Motion carried 5-2 with Councilmembers Bartholomew and Wright against.

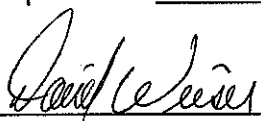
City Clerk Swenson asked for clarification as to whether this is something Council would like to see brought back to them before posting. Councilor Roark replied, "Most definitively."

Councilor Leighan moved to have staff investigate what the City's rights are to protect the incoming waters, and if polluted, who would be responsible. Member Roark seconded the motion with a friendly amendment of a time frame attached. Councilor Leighan said that he would hope that within the next couple of weeks staff would get back to let them know if they have or could adopt an ordinance to give them authority. Attorney Weed said he did not feel that he would be able to have an ordinance in that time but within a couple of weeks could help Council understand what their authority is in that area. After further discussion, motion carried unanimously.

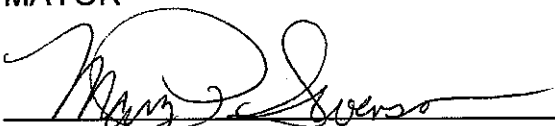
Councilor Roark moved to adjourn. Councilor Bartholomew seconded the motion. Motion carried unanimously.

Mayor Weiser adjourned the May 12, 1999 Special City Council meeting at 10:00 p.m.

Accepted this 7th day of June, 1999.



MAYOR



CITY CLERK



RECORDING SECRETARY