

# 2001 08 29 Special Mtg

## LAKESWOOD CITY COUNCIL SPECIAL MEETING MINUTES

Wednesday, August 29, 2001

City of Lakewood

City Council Chambers

10510 Gravelly Lake Drive SW

Lakewood, WA 98499

### CALL TO ORDER

Mayor Harrison called the meeting to order at 3:40 p.m.

### ROLL CALL

Councilmembers Present: 3 - Mayor Bill Harrison; Councilmembers Ann Kirk Davis and Doug Richardson.

Councilmember Excused: 4 - Deputy Mayor Claudia; Councilmembers Larry Humphrey; JosÃ© Palmas and Sherri Thomas.

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Staff Present: City Manager D. Scott Rohlfs; City Attorney Dan Heid; Public Works Director Bill Larkin and Administrative Secretary Sally Bigler.

### ITEMS FOR DISCUSSION:

Discussion of the harvesting and treatment of Lake Steilacoom.

Mayor Harrison explained that the purpose of the meeting was limited to the discussion of treatment and weed harvesting in Lake Steilacoom. He further explained that since there were only three members of the Council present, which does not constitute a quorum, no decisions could be made at this meeting.

Paul Nogle, President of Lake Steilacoom Improvement Club, informed the Council that a lawsuit was being considered regarding the lack of treatment of the lake. He introduced the attorney for the Lake Steilacoom Improvement Club, Mr. Robert Goodstein.

Attorney Robert Goodstein indicated that members of the Lake Steilacoom Improvement Club were not here to threaten legal action but that their intention was to bring all concerned parties together to discuss short-term as well as long-term solutions to the lake. He stated that improvement to the lake would affect recreational and property values, the environment of the lake and surrounding areas, and the general quality of life for those living on the lake.

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He further stated that state law allows residents to form clubs for improvements to areas such as Lake Steilacoom and to levy taxes for treatment.

Attorney Goldstein indicated that the Lake Steilacoom Improvement Club has in the past used copper sulfate and dequat for successful treatment of the weeds in Lake Steilacoom. He added that since the Department of Ecology no longer permits the use of these chemicals, and permitted the use of an ineffective treatment, the lake has deteriorated.

Attorney Goldstein stated that phosphorus inleaking to the lake is a problem. He identified the City of Lakewood as

being one of the inleaders of phosphorus and that lakefront owners are not major contributors of phosphorus.

Attorney Goldstein noted that the State of Washington owns Lake Steilacoom; therefore, the Department of Natural Resources is responsible for care; and upon inquiry, none of the following agencies have budgets to include treatment of the lake: Department of Ecology, Department of Natural Resources, Department of Defense, and the City of Lakewood.

He explained that the Lake Steilacoom Improvement Club wants to have performance standards established which would address the restoration of values for recreation and property and for the environment to remain healthy.

He further explained that weed harvesting is a red herring; it may or may not work, and certainly is not a long-term solution.

He indicated that if resolution could not be reached, there will be litigation.

Mayor Harrison responded that the City's intention is not to have harvesting as the only long-term solution; that the City needs to harvest in front of city property; and that the City has been attempting to get to the table to talk since 1996.

Mayor Harrison stated that the mutual goal was to have a short-term goal of cleaning up the lake now and a long-term goal of cleaning up for the future and to protect property values.

Councilmember Davis asked Mr. Goldstein to elaborate on his statement that the phosphorus study was a waste of money. Attorney Goldstein responded that it cost several hundred thousand dollars and that different government agencies performing separate studies and actions resulted in isolated studies, not viable solutions. He added that the phosphorus study was an isolated study that has no results.

Mayor Harrison explained that the City needed the information on the phosphorus inloading from the creek which is the City's responsibility.

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City Manager Scott Rohlf commented that the phosphorus study was a step forward.

Councilmember Richardson asked Attorney Goldstein about the acceptable range of chemicals approved for lake treatment. He also asked if the only way that performance standards could be reached was through litigation. Attorney Goldstein responded in the affirmative.

Councilmember Richardson then asked for clarification if the Lake Steilacoom Improvement Club expects the court to determine chemical use and performance standard. Attorney Goldstein said "Yes."

Paul Nogle stated that the Lake Steilacoom Improvement Club would like permission to use the chemicals proven effective until long-term solutions could be put in place. He stated that they would like a permit to use chemicals next summer.

Mayor Harrison stated that the City has not been against the use of chemicals; however, the City is subject to State regulations.

Discussion ensued on the Lake Steilacoom Improvement Club's purpose of litigation is to reach a solution; to get regulators, such as the Department of Ecology, Department of Fish and Wildlife, Department of Natural Resources, Department of Defense, Pierce County Department of Public Health, and Environmental Protection Agency, in sync with the solution; and that the City may be in the role of the Plaintiff.

Mayor Harrison then thanked everyone for coming. He stated that the City of Lakewood is dedicated to finding a solution and that the City is very sympathetic to the citizens on the lake; however, the City must comply with State law.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:20 p.m.

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**BILL HARRISON, MAYOR**

**ATTEST:**

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**ALICE M. BUSH, CMC**

**CITY CLERK**