

Mt. Shasta City Council Regular City Council Meeting Minutes

Mt. Shasta Community Center, 629 Alder Street

Monday, December 14, 2015; 5:30 p.m.

Approved As Submitted

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Item
1. Call to Order and Flag Salute: At the hour of 5:32 p.m. Mayor Jeffrey Collings called the meeting to order and led the audience in the Pledge of Allegiance.
2. Roll call: Council Members Present: Kathy Morter, Tim Stearns, Geoff Harkness, Mayor Jeffrey Collings, and Mayor Pro Tem Mike Burns Sr.
Special Presentations & Announcements: Nancy Swift, JEDI Executive Director, provided an overview of the 2015 Mt. Shasta Farmers Market and tentative plans for the 2016 Farmers Market.
4. Public Comment: <u>Raven Stevens</u> – Comment that Crystal Geyser has turned in applications for 4/6 planned boilers, and they were put in without a permit from Siskiyou County. Crystal Geyser was fined. Concerned about Co2 emissions from Boilers without an EIR or being monitored. Comment that Crystal Geyser has applied to expand their footprint in the County to include a pretreatment building to treat effluent that will then be sent to the City Waste Water Treatment Plant. Recommends that the City use the office of Planning & Research to get a strong lead agency involved. <u>Daniel Axelrod</u> – Comment that the Crystal Geyser Plant is all new and requires a full EIR, and is concerned about the impact of plant on local residents and economy. <u>Bruce Hillman</u> – Comment that he received documents from the county Air Pollution Control Board regarding Crystal Geyser’s boilers. He is concerned about the c02 emissions per year from the boilers alone, and other pollutants. Crystal Geyser has told the California Public Utilities Commission that it plans to install and use a diesel generator. Pacific Power has applied to the California Public Utilities Commission to upgrade South Old Stage Lassen Substation and conductor leading to Crystal Geyser. The documents supplied from Pacific Power do not include a study regarding the impact Crystal Geyser itself. Is concerned that Crystal Geyser is piece mailing the plant together to avoid an EIR upfront. <u>Roslyn McCoy</u> – Appreciates the City looking into posting the City Manager’s report on the website. <u>Francis Mangels</u> – Comments directed to Ms. Yee at Crystal Geyser demanding EIR and improving community relations. <u>Mary Saint Marie</u> – Comments regarding concern about Crystal Geyser and industry not concerned with the preservation of nature. Would like to see an ‘Eco-Cultural Center’ at the Landing. Would like to see City pursue grant money for an Eco-Cultural Center. <u>Ron Hammer</u> – Comments regarding concerns about City Council following the City’s mission. Concerned about the cost of the state mandated waste water treatment plant, and

would like to see 'low tech' options pursued.

5. Meeting Recess: None

6. Council & Staff Comments:

Councilmember Kathy Morter – Appreciates community engagement with Public Comments. Requested status update about the street lights. Thank you to Public Works and Police Department for assisting with the Snowflake Festival.

Rod Bryan, Public Works Director – Provided update about traffic lights indicating that the City is still working on repairs. Lights will be left in flash mode until repairs are completed. Suggested that the topic get brought back to Council at a later date after more research and consultation has been done to determine how the lights should be handled.

Paul Eckert, City Manager – Indicated that further discussion will happen concerning traffic lights, and another update can be made at the January 11 City Council Regular Meeting. Staff will review the 'Traffic Study.' Will follow up with staff for update on Green Rebate Program. Thank you to Fire Department for assisting with everything around the holidays. Thank you to City Council for work in 2015. Thank you to Mayor Jeffrey Collings for researching and maintaining discussions on fiber and broadband.

Councilmember Tim Stearns – Wished everyone happy holidays.

Mayor Pro Tem Mike Burns Sr. - Thank you to Public Works and Police Department staff for assisting with holiday decorations and the Christmas tree lighting.

Councilmember Geoff Harkness – Requested update regarding the Green Rebate Program and a Planning Commission Update for 2016. Would like to know where they are in the Medical Marijuana ordinance. Wished everyone happy holidays.

Mayor Jeffrey Collings – Will give a 3 minute comment at the beginning of the next City Council Regular Meeting about the City mission and process for making decisions. The Snowflake Festival was fun. Wished everyone happy holidays.

7. Consent Agenda - The City Manager recommends approval of the following Consent Agenda items. All Resolutions and Ordinances on this agenda, or added hereto, shall be introduced or adopted, as applicable, by title only, and the full reading thereof is hereby waived.

- a. Approval of Minutes: November 23, 2015 City Council Regular Meeting Draft Minutes, November 23, 2015 City Council Special Meeting Draft Minutes, and October 21, 2015 Joint City Council & Planning Commission Special Meeting Minutes (Amended).
- b. Acceptance of Brown Act Committee Minutes: Beautification Committee Regular Meeting Minutes October 14, 2015.
- c. Approval of Disbursements: Accounts Payable: 11/23/2015 and 11/25/2015; Total Gross Payroll and Taxes: For Period Ending 11/25/2015 (Muriel Howarth Terrell, Finance Director)
- d. Resolution No. CCR-15-59 authorizing the execution of agreements with the California Department of Transportation (Rod Bryan, Public Works Director)
- e. Adopt Resolution No. CCR-15-60, CCR-15-61, CCR-15-62, and CCR-15-63 Implementing Agreements with Communication Dispatchers, Police, and Miscellaneous (Public Works) Bargaining Units and Unrepresented Employees

(Muriel Howarth Terrell, Finance Director)

COUNCIL ACTION: Approved agenda item number 7 a-e, but amend the November 23, 2015 Regular Meeting Minutes to more accurately reflect Mayor Pro Tem Mike Burns Sr.'s comments concerning R1. All Resolutions and Ordinances on this item were introduced or adopted, as applicable, by title only, and the full reading thereof was waived.

MOTION: Councilmember Geoff Harkness

SECOND: Councilmember Tim Stearns

AYES: All

NOES: None

ABSENT: None

ABSTAIN: None

8. Informational Public Meeting & Presentation RE: IS/MND for the State-Mandated Wastewater Treatment and Outfall Improvement Project

COUNCIL ACTION: Accepted presentation from PACE Engineering. City Council facilitated discussion and comments.

City Council Comments:

Mayor Jeffrey Collings – Introduction to Paul Reuter from PACE Engineering. PACE Engineering's sub-consultant, ENPLAN has done the environmental review and the mitigated negative declaration. Reminder that this is an informational meeting and not required, and that the public hearing is on February 8, 2016. This project is the result of more stringent federal and state waste water treatment requirements. Crystal Geyser is under the jurisdiction of the Siskiyou County Board of Supervisors. Crystal Geyser had not submitted an industrial user's permit application, and they haven't indicated if they will submit one.

Councilmember Tim Stearns – Requested more information on reference to a CEQA Class II categorical exclusion.

Paul Reuter, PACE Engineering – Asked PACE colleague, Don Burke, to answer question.

Don Burke, PACE Engineering – The CEQA Class II categorical exclusion would just apply to the EPA improvements. The City has to have some sort of environmental document. If the project were to disappear, the \$3 million dollars would disappear. This initial study covers the mitigated negative declaration. If the City accepts the \$3 million dollars the offer is still valid, and the City can move ahead under a tight timeframe to get the work done by the deadlines. A 'class II exclusion' makes sense for a project with very minimal impacts such as a reconstruction of existing facilities.

Councilmember Tim Stearns – Does the exclusion also apply because this is an improvement to the environment?

Don Burke, PACE Engineering – No, but it is an improvement to the environment as its upgrading the quality of water that would be released downstream through the treatment process.

Mayor Jeffrey Collings – Comment that several questions had been provided ahead of time and that he would like to quickly answer them. The first question was is there a waiting period for sewer connections? The answer is no. The second question was why is the City

preparing for a waste water treatment plant before improving the collections system? The answer is that Public Works has replaced 1,000 feet of failed sewer line in 2015, repaired or replaced manholes and cleanouts, flushed over 81,000 feet of sewer (30,000 more feet than required by law), and upgraded the sewer camera truck which will allow for better condition assessments. The third question was, how much time is left on the EDA grant? Answer is that the original timeline is still being used, and construction must start by September 2016.

Public Comment:

Raven Stevens – Requested clarification on Crystal Geysers connection fee and what tax payers have to pay. Question about future industrial growth and property on Lake Street that is said to have a sewer hookup but there isn't a sewer hookup there. Noted additional comments sent to City Council before the meeting.

Paul Reuter, PACE Engineering – Crystal Geysers would have a connection fee and a monthly fee proportionate to the one noted in the CEQA.

Roslyn McCoy – Requested clarification on if Crystal Geysers does not request an industrial waste water hookup prior to the expansion of the sewer plant, will they not have to contribute connection fees toward the upgrade, and would the money then be held for future upgrades? The presentation says that their hook up fee would go into a designated fund for future expansion. Is that why Crystal Geysers has waited 2 plus years to formally request in writing to hook up to the waste water treatment plant? Crystal Geysers made a verbal commitment to EDA that they would hook up to the Waste Water Treatment Plant. Since the request was not in writing, the City paid \$260,000 for the first part of the EDA program. Crystal Geysers was supposed to come up with money as the expenses came in.

Mayor Jeffrey Collings – Asked clarification on Roslyn's question. Will the Crystal Geysers sewer connection fee be applied to the rate payer buy-in, and or would it buy down what the rate payers have to pay if there is no expansion after the initial expansion? None of that has been determined. Is that correct, Paul Eckert?

Paul Eckert, City Manager – A rough estimate is that the connection fee would be in the \$3 million range, but it doesn't really matter if they connect now or they connect later. If they connect later, the fee may go up.

Francis Mangels – Comment regarding impact of effluent from the Waste Water Treatment Plant on mollusks and their habitat. Indicated that a Fish & Wildlife Service document says that about 25 mollusk species qualify for endangered species status in the Sacramento River. Indicated that the US Forest Service Office in Mt. Shasta has referenced the document, and that City Council has been given the document. Comment that the Sacramento River is polluted by Roseburg Mill and petro wastes. Comment that UV exposure can kill biological pathogens but not elements. Waste Water Treatment plant effluent should not be put in the Sacramento River.

Peggy Risch – Thank you for holding the meeting. Comment that in 2009, the City approved a Mt. Shasta 'Impact Fee Report.' This report looked at the projected growth and need for the Waste Water Treatment Plant to deal with the projected growth for 20 years out. The projection included Dwelling Unit Equivalents (DUE) such as Crystal Geysers. During the 20 year period the study uses a 0.9 million gallons per day capacity, which is what the Waste Water Treatment Plant project is proposing. There are 147 DUEs. Over 20 years, 147 DUEs

multiplied by 250 gallons per day (is the housing equivalent) is 36,750 gallons per day. Crystal Geyser is projecting 50,000 gallons, which indicates that they would be taking more than what the study approved. Concerned about capacity being taken away from residential uses and impact on rate payers. Concerned about where and how ammonia is going to be treated, and how it will be addressed by 2017 so that the City complies.

Mayor Jeffrey Collings – Comment that we don't know how many units Crystal Geyser will meter per day or if something like a holding tank could be used. We don't know what their capacity will be.

Paul Reuter, PACE Engineering – Improvement won't be in place to easily comply. The City could consider a leach field.

Vicki Gold – Interested in 2009 Impact Fee Report and would like it put on the City website. Concerned that output from Crystal Geyser will limit development of other projects in the City. In the EDA grant they said that they would have 750,000 gallons per day. Concerned that Crystal Geyser hasn't committed to output on paper, and the City having to pay a \$3 million connection fee. Concerned about type of work that would come with provided to the Community at the plant. Concerned that the City isn't demanding that Crystal Geyser commit to plans in writing, with permits, with an EIR, and up front.

Bruce Hillman – Comment that the proposal mentioned a 1% growth planning for future use of waste water treatment plant. Is there any breakdown for how that growth will be distributed? Would like City Council to consider how to prioritize what types of sewer connections should happen. Question regarding fees for future industrial users, and would money be set aside in a future capital improvements fund. Could some of the industrial user's fees be used to keep residential fees down? What are the rates for industrial users versus residents? Comment that Crystal Geyser has been disingenuous as they have been here for several years building the plant, put out plans for the original EDA grant, and a letter from Judy Yee indicated that they are building a PH neutralization plant on their property for a future hook up to the waste water treatment plant.

Jack Phillips – Comments regarding foolishness of American government and the City of Mt. Shasta of using PACE Engineering. Comments regarding McCloud SCD charging for Bond Loan paid off in 2011, and caliber of McCloud SCD employee medical and retirement benefits. Comments regarding McCloud SCD violated Prop 218 and imposed assessments. Comments that Proposition 218 states that sewer and water assessments per capital costs must be imposed with a divided amount due in a duration of payments. The assessment changes and amounts imposed must be stated separately on the customer's monthly user fee statement because these charges are not forever and must be removed when paid off. Comment that engineers like PACE work together with local governments to violate Proposition 218. Comment that if US Department of Agriculture and PACE Engineering are telling Mt. Shasta that in order to obtain a grant, they must violate Proposition 218 by imposing a \$13 million sewer assessment upon property owners without a divided amount due in duration of payments, then Mt. Shasta needs to tell US Department of Agriculture and PACE Engineering to 'drop dead.' Comment that City Council and PACE Engineering are illegally imposing debt on the City of Mt. Shasta.

Daniel Axelrod – Comments about inconsistency about project beneficiaries between an environmental document prepared by ENPLAN, the proposed mitigated negative

declaration, the initial study by ENPLAN, and the City of Mt. Shasta EDA Funded Waste Water Treatment Plant Improvements Preliminary Engineering Report. Concerned that Crystal Geysers involvement is being avoided to avoid environmental review and impact of Crystal Geysers hooking up to Waste Water Treatment Plant. Comment that City should be told by the City that they cannot hook up to the Waste Water Treatment Plant unless they do a full EIR and that they should pay for any expansion.

Geneva Omann – Question regarding consequences of EDA not getting funded and rate payers having to pay an extra \$50 per year. Would like to know rate if the EDA grant is funded. Second question regarding how are metals going to be removed via the filtration system and UV treatment since these systems don't remove metals?

Mayor Jeffrey Collings – Asked clarification on Geneva's question. Commented that the project would follow Proposition 218 and the rate would be determined through that process with or without the EDA grant. Responded to second question indicating that California State Law has strict requirements for waste water treatment metals.

Paul Reuter, PACE Engineering – Comment that the feasibility study indicated that staff performed about 6-8 months of testing at various points of the waste water treatment plant process. The metals of copper and zinc were tied to suspended solids. When the city runs its treatment, the suspended solids drop significantly, thereby removing a majority of these metals and allowing the City to comply with waste water requirements.

Mary Saint Marie – Comment on amazing citizen researchers and scientists and that concerns being brought forward should be considered.

Roslyn McCoy – Concern about sludge in waste water treatment plant being trucked with the upgrade and the carbon footprint from this.

Paul Reuter, PACE Engineering – Comment that the new facility is an activated sludge facility, which removes solids from the process every day. The solids are brought to a landfill.

Mayor Jeffrey Collings – Question to Paul Reuter, PACE Engineering about the benefits of having the sludge trucked to a landfill.

Paul Reuter, PACE Engineering – Comment that as engineers we look for the least expensive approach to meet minimum requirements. This is the process that the City has to use in order to meet the minimum requirements with the current permit. The state has imposed waste discharge requirements that the current pond system will not meet the requirements, so the City has to use another technology.

Councilmember Tim Stearns – Question to Paul Reuter, PACE Engineering, about being able to use worms to deal with sludge. McCloud District Services is using worms in this way. Have you looked at the McCloud District Services to see if something like this could work for the City of Mt. Shasta?

Paul Reuter, PACE Engineering – Response that PACE has performed studies for McCloud District Services before, and there are some state imposed issues too. There is a number of options for dealing with sludge such as composting it and selling in on the open market or having it trucked to crops, but there are regulatory requirements and additional costs associated with that. The option presented to the City of Mt. Shasta is the most cost effective approach.

Councilmember Tim Stearns – Comment to the Public Works Department and PACE Engineering that more research on sludge disposal alternatives should be done.

Paul Reuter, PACE Engineering – Response that PACE can do that.

Francis Mangels – Requests that PACE Engineering list species of Mollusk in Sacramento River and the impact of the effluent on them.

Mayor Jeffrey Collings – Requested that Francis Mangle email this question to the City.

Councilmember Geoff Harkness – Comment that he appreciates that the state mandated project is requiring environmental assessment. It will save the community money to take advantage of the \$3 million EDA grant. The project is time sensitive and construction needs to begin by Sept. 2016. With regards to Proposition 218, the City does have a rate study concerning the Waste Water Treatment Plant that will begin shortly, and take into account our water rates. The environmental assessment takes into account the entire project, not just the EDA portion.

Don Burke, PACE Engineering – Response that yes, this is the initial study, which is the CEQA terminology for this particular environmental assessment. That is correct, comments will be accepted until January, which is longer than the required 30 day period.

Councilmember Geoff Harkness – Question to Don Burke, PACE Engineering, can you explain if it's possible to ask for a full EIR related to Crystal Geyser through this environmental assessment of the Waste Water Treatment Plant?

Don Burke, PACE Engineering – Response that an EIR has to address a specific project. There is no project definition at this point. CEQA does say that we cannot engage in idle speculation. Without a project description, it is speculation, so there is no authority for the City to get to get a project description. The City has no way to require them to do an initial study at this point, prior to an application being submitted. Right now there is a lot of rumor about what may happen, but you have no project description.

Mayor Pro Tem Mike Burns Sr. – Question to Paul Reuter, PACE Engineering, what does construction in Sept. 2016 mean? Second question is what the footprint of the plant is.

Paul Reuter, PACE Engineering – Response that according to EDA staff, we have to issue a notice of proceed to the contractor. The intent is to build the infrastructure within the existing footprint of the slow sand filters, which haven't been used in a number of years.

Mayor Jeffrey Collings – Thank you to Paul Reuter and Don Burke from PACE Engineering for the presentation and time spend in answering questions.

9. Emergency Operation & Snow Plan Overview

COUNCIL ACTION: None required.

Public Comment:

Roslyn McCoy – Comment that it is easier for residents to remove snow from their property when plowing is done in the middle lane not on the side where the bike lanes are because of the size of the berms.

Staff & City Council Comments:

Paul Eckert, City Manager – Plowing can change per the volume of the snow.

Mayor Pro Tem Mike Burns Sr. – Question about City Council or Mayor support during state of emergency.

Matt Melo, Fire Chief – Mayor and others would be briefed on information and asked to reassure others.

Councilmember Kathy Morter - Question about public information officer.

Matt Melo, Fire Chief – The public information officer would be from CalFire or the Forest Service.

Paul Eckert, City Manager – Newer staff will be trained on incident commend system.

Councilmember Kathy Morter – Comment on communication plans, and that residents with limited internet, phone, and other communication devices need to be updated on emergency related information. Comment that care and shelter are important issues during an emergency.

Matt Melo, Fire Chief – Response to question that there are back up systems for emergency responders. If communications systems are down for residents then officers would be the ones communicating with them by going door to door. The Fire Association and several other agencies can assist with local needs for re-establishing communication.

10. Council Reports on Attendance at Appointed/Outside Meetings:

Councilmember Geoff Harkness – Attended the December CEDAC meeting.

Councilmember Kathy Morter – Attended a tour of City property for the Timber project.

Councilmember Tim Stearns – Attended December DEAC meetings.

Mayor Pro Tem Mike Burns Sr. – Attended December LTC meeting.

11. Future Agenda Items (Appearing on the agenda within 60-90 days):

- Fiber & Broadband – 1/11/2016
- Alternatives For Funding Capital Improvement Projects - 1/11/2016
- Downtown Business District Boundaries – 1/11/2016
- Noise Ordinance – 1/11/2016
- CBDG Residual Funds Upper Lodge Heating System & Housing Rehab – 1/25/2016
- Annual Mid-Year Budget Adjustments – 1/25/2016
- Update on the Landing & Brownfields – 1/25/2016
- Update on the Nest – 1/25/2016
- Special Meeting with Recreation Department – 2/2016
- State Mandated Waste Water Plant Project, Public Hearing– 2/8/2016
- Presentation Regarding Potential Forest Service Use of Treated Effluent for Fire Suppression & Dust Control – 2/22/2016
- Timber Management Plan of City Owned Properties (City Springs & Eastside of The Landing)– 2/22/2016
- Fire Prevention & Environment – 3/14/2016
- R1 – 3/28/2016

Paul Eckert, City Manager – Suggested a ‘subcommittee’ to research use of worms for solid waste. Nominated Mayor Jeffrey Collings and Mayor Pro Tem Mike Burns Sr. as members.

12. Adjourn

There being no further business, the meeting was adjourned at 9:39 p.m.