

# Mt. Shasta City Council Regular City Council Meeting Minutes

Mt. Shasta Community Center, 629 Alder Street

Monday, February 24, 2014; 6:30 p.m.

Approved as Submitted on 3/10/2014

**“Our mission is to maintain the character and resources of our ‘small town’ community while striking an appropriate balance between economic development and preservation of our quality of life.”**

Page	Item
	<p>1. Call to Order and Flag Salute</p> <p>At the hour of 6:37 p.m., Mayor Stearns called the meeting to order and led the audience in the Pledge of Allegiance.</p>
	<p>2. Roll call</p> <p><b>Councilmembers Present:</b> Burns, Collings, Harkness, and Mayor Stearns <b>Councilmembers Absent:</b> Moore</p>
	<p>3. Public Comment:</p> <p>Mayor Stearns requested to take up agenda item #6 at this time.</p> <p>Crystal Aston, from Great Northern Corporation, provided the City Council with an update regarding the upcoming income survey of a section of randomly selected Mt Shasta City limit residents. Ms. Aston reported she has received approval from the State for their survey methodology. She indicated notices were sent home with the elementary aged students and they have begun their advertising campaign.</p> <p>Councilmember Harkness thanked Ms. Aston for her work on the survey and he encouraged Mt Shasta residents to participate if they have been selected.</p> <p>Clarification was provided regarding who can participate and in what ways they can participate.</p> <p>A discussion was held regarding the reasoning behind the income survey and the benefits for conducting it.</p> <p>Mayor Stearns opened the Public Comment section of the agenda at the hour of 6:47 p.m.</p> <ul style="list-style-type: none"><li>• <b><u>Dan Frink:</u></b> Spoke about the National Defense Authorization Act (NDAA). Mr. Frink reported this Act has been passed every year for the last 42 years; in 2012 two paragraphs were added which define who is subject to detention without due process of law. He stated the additional two paragraphs reference another Act, the Authorization Use of Military Force (2001), the laws of war, defining the entire U.S. as a “battle field”. He reported that in order to be exempt from these Acts, the City would need to designate the City as a “Non-Battle Field Area”.</li><li>• <b><u>Roslyn McCoy:</u></b> Stated she is concerned about the compliance with the</li></ul>

Brown Act as to Public Testimony. Ms. McCoy also asked the Council what Mt Shasta is planning to do in light of the drought conditions the City may face. She stated she would like to see the Council begin discussion on a plan by placing this item on a future agenda.

Mayor Stearns stated the Council believes they are following the Brown Act. He invited Ms. McCoy to submit documents to the City if she feels otherwise.

Mayor Stearns thanked the public for their participation in the meetings. He reported the Council has set a meeting to take place on March 24, 2014, in which reports will be provided relating to the proposed Crystal Geyser project and at which time Council will entertain further Public Comment. Mayor Stearns clarified his understanding of the County's position relating to an EIR, and stated the City will be performing an EIR for the water interceptor line project. Mayor Stearns further reported an EIR was completed in 2001, which reflected a mitigated negative declaration by the Regional Water Quality Control Board with respect to the previous Dannon project. He indicated although the proposed Crystal Geyser project is a County and Regional Quality Water Control Board Project, Crystal Geyser representatives and RQWCB staff have agreed to participate in the March 24, 2014, City Council meeting.

- **Lewis Elbinger:** Stated he is a retired Federal Officer. Mr. Elbinger spoke in favor of the completion of a full EIR. He stated he understands bureaucracy can slow things down and pointed out the importance of avoiding the appearance of impropriety. Mr. Elbinger asked the Council to think out to the seventh generation and the impacts to that generation when making these decisions.
- **Captain Mack:** Stated this is his first time speaking on the topic of Crystal Geyser. Mr. Mack indicated there would not be benefit to the City with the Crystal Geyser project, but rather the benefit will go to the County. He questioned why there has not yet been an EIR completed.
- **David Casebeer:** Stated we are in a state of emergency with the drought. Mr. Casebeer reported we have one bottled water company and that is enough. He asked for people to read the book "Bottle Mania". Mr. Casebeer asked for the drought issue to be placed on a meeting agenda. He further stated the answer is aquaponics and aeroponics to grow the food for our community; this will also bring jobs and money to the community. Mr. Casebeer stated his concern with respect to an outside corporation coming in and taking the resources when there is a better solution.
- **Kate Korbel:** Brought and presented articles from the last three Mt Shasta Herald newspapers, with headlines calling out the issue of drought conditions. Ms. Korbel spoke regarding the presentation made at the Sission Museum by a volcanic hydrologist. She voiced her opinion regarding the irresponsibility of the County Supervisors in their refusal to meet and address these issues.
- **Robert Blankenship:** Stated he is an environmental consultant with a bachelor's degree in biology and chemistry and has worked with various Regional Water Quality Control Boards. Mr. Blankenship reported he has reviewed the waste discharge requirements for the previous Dannon plant. He reviewed the Water Quality Control's monitoring requirements and frequency

for the effluent from the Dannon plant and the compounds found in the report. As a result of these findings, Mr. Blankenship highly encouraged the Council to aggressively pursue the Water Quality Control Board in updating the waste discharge reports.

- **Alix Lindblom:** Stated she moved here for the water and strongly suggested the City Council urge the Water Quality Control Board to order an EIR of the Crystal Geysers project.
- **Alex Hogstrom:** stated he understood he lives in the County and this project is a County project, but he thanked the Council for engaging the residents of the community, despite the County's denial to participate. Mr. Hogstrom reported the variances of the depths of his wells on his property over time and indicated they do not yet know exactly what caused such a drop to the static levels of the well, but would like to see testing of surrounding wells resume and accountability by the County and the plant.
- **David Wallace:** Stated he supports the completion of an EIR. Mr. Wallace reported ranchers and farmers are impacted negatively from the misapplication of laws. Specifically he spoke to Agenda 21, including the International Council on Local Environmental Initiatives. Mr. Wallace cautioned the residents to be mindful of environmental hijackers.
- **Bela Watson:** Stated she wanted to be another voice of action for the completion of an EIR and wanted to know if there are alternative means of obtaining the information requested. Ms. Watson suggested the City fund a private EIR.

Mayor Stearns commented that the residents at the meeting this evening are welcome to call the Water Quality Control Board and urge them to complete a supplemental or subsequent review.

- **Daniel Axelrod:** Reviewed his written comments with the City Council. Mr. Axelrod discussed the previous Dannon project and Crystal Geysers proposed plans. He also discussed the testing of wells and asked about testing during a drought. Mr. Axelrod submitted his written comments to the Clerk.
- **Barbara Coulter:** Stated she is a licensed vocational nurse. She reviewed an article entitled "Are Any Plastics Safe?" with the City Council, indicating the dangers and health risks associated with the use of plastics. Ms. Coulter submitted the article to the Clerk.
- **Frances Mangels:** Spoke about the area springs discharge rates and indicated the drop was due to aquifer compaction. Mr. Mangels discussed the route of parasitic acid from the Dannon plant down into areas by the railroad and drop to water levels. Mr. Mangels submitted his written comments to the Clerk and asked the Council to deny the inceptor line.
- **Rose Taylor:** Discussed the water needs of the community when considering the current drought conditions. Ms. Taylor stated the hydrologist who presented at the Museum reported drought conditions do effect the recharging of the aquifers and pumping water during drought conditions can also affect the flow of water. She further reported on other aspects of the hydrologist's presentation. Ms. Taylor asked for the City Council to support the residents of this community.

- **Raven Stevens:** Presented two letters from home owners whom have experienced issues with their well. Ms. Stevens indicated the homeowners attributed their well issues to the Dannon/Coca Cola water bottling plant. She asked the Council to step up and take the lead.
- **Melinda Willey:** Thanked members of the community for their participation in an article in the San Francisco Chronicle. She spoke about the use of land over a spring. Ms. Willey discussed the drought conditions and issues with trust among the residents and the Council.
- **Mary St. Marie:** Spoke to pollution and purity. Ms. St. Marie stated people come here for the pure water, the pure air, the purity of the environment and we need to choose the value of purity or pollution.
- **Vickie Gold:** Asked the Council not to abrogate their responsibilities. Ms. Gold spoke of Dr. Imoto's visit here in Mt Shasta and about the preservation of the Mt Shasta water. She reported on her conversation with the County Planner regarding industry zoning.
- **Bruce Hillman:** Addressed a comment about the Regional Water Quality Control Board being the lead agency for the Dannon project and how this came to be. Mr. Hillman suggested the residents want the answers that can only be obtained from completing a full CEQA EIR. He also commented on his conversation with Mr. Plucker, County Planner.
- **Mark Miyoshi:** Spoke as a representative from the Winnemem Wintu Tribe and as a land owner. Mr. Miyoshi stated his concern regarding the possible pollutants being released into the aquifers, as his residence is down grade from the plant and these will also reach the meadows and streams. He indicated there has not been mention before of litigation, but with the way things are going, it will wind up in the courts. He referred to a case brought against the Board of Supervisors in Stanislaus County regarding a large agricultural well. He reported the main issue in that case was ministerial vs discretionary. Mr. Miyoshi asked what the City would be doing if this goes to court and requested the City discuss this and provide an answer to the residents.
- **Jennifer Matthews:** Invited the Council to call upon the residents support and stated there is a lot of knowledge in the room.
- **Marilyn Taylor:** Spoke about the Regional Water Quality Control Board public hearing regarding the 2001 study. Ms. Taylor stated we cannot turn this issue over to others, we must take responsibility.
- **Bayla Greenspoon:** Spoke regarding discretionary vs ministerial. Ms. Greenspoon stated Crystal Geysers applied for a boundary line adjustment and she believed this adjustment would trigger a CEQA EIR.
- **Nazar:** Stated he is Ukrainian and spoke to his desire to increase the flow of water.
- **Gentle Thunder:** She thanked and acknowledged the Council's efforts in setting a meeting to discuss this topic. Ms. Thunder thanked the people for being there and being wise people and suggested we work together.

At the hour of 8:21 p.m., Mayor Stearns called for a 10 minute break.

At the hour of 8:31 p.m., Mayor Stearns called the meeting back into session.

	<p>4. Approval of Minutes: <b>Minutes of February 10, 2014 Regular City Council Meeting</b></p> <p><b>MOTION</b> to approve the minutes of the February 10, 2014, Regular City Council meeting as submitted.  <b>Motion by:</b> Councilmember Burns  <b>Second by:</b> Councilmember Collings  <b>Council Action:</b> Motion carried on a voice vote as follows:  3 – Ayes (Burns/Collings/Mayor Stearns)  1 – Abstention (Harkness)  1 – Absent (Moore)</p> <p style="text-align: center;"><b>Minutes of January 27, 2014 Regular City Council Meeting</b></p> <p><b>MOTION</b> to approve the minutes of the January 27, 2014, Regular City Council meeting as submitted.  <b>Motion by:</b> Councilmember Harkness  <b>Second by:</b> Councilmember Collings  <b>Council Action:</b> Motion carried on a voice vote as follows:  3 – Ayes (Collings/Harkness/Mayor Stearns)  1 – Abstention (Burns)  1 – Absent (Moore)</p>
	<p>5. City Council Interviews of Board/Commission /Commissioner Candidates: NONE</p>
	<p>6. Special Presentations &amp; Announcements:</p> <ul style="list-style-type: none"> <li>• Income Survey Update – Great Northern Corporation</li> </ul> <p>This agenda item was taken up earlier in the meeting.</p>
	<p>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.</p> <ul style="list-style-type: none"> <li>a. Approval of Disbursements: Accounts Payable: 02/06/14  Total Gross Payroll and Taxes: For Period Ending 02/05/2014</li> <li>b. Monthly Finance/Investment Report – January 2014 (Finance Director)</li> </ul> <p><b>MOTION</b> to approve (a) and (b) of the consent agenda.  <b>Motion by:</b> Councilmember Harkness  <b>Second by:</b> Councilmember Collings  <b>Council Action:</b> Motion carried on a voice vote as follows:  4 – Ayes (Burns/Collings/Harkness/Mayor Stearns)  1 – Absent (Moore)</p>

8. Rescind Resolution CCR-14-02 RE: A Resolution Approving the Sustainable Communities Planning Grant.

Adopt Resolution CCR-14-09 RE: Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality And Supply, Flood Control, River and Coastal Protection Bond Act Of 2006 (Proposition 84)

Background: Upon reviewing the Sustainable Communities grant package, it was discovered the resolution for the grant required specific language not previously included in Resolution CCR-14-02.

Report By: Public Works Director

Council Action: Rescind Resolution CCR-14-02; and adopt Resolution CCR-14-09

The Public Works Director reviewed his staff report with the Council and provided clarification as to the language requirement for the resolution.

Melanie Findling, ATAC Member, reviewed the grant application process with the Council and provided further detail as to the grant project.

Council thanked Ms. Findling for her diligence with the grant and project.

**MOTION** to rescind Resolution CCR-14-02.

**Motion by:** Councilmember Harkness

**Second by:** Councilmember Burns

**Council Action:** Motion carried on a voice vote as follows:

4 – Ayes (Burns/Collings/Harkness/Mayor Stearns)

1 – Absent (Moore)

**MOTION** to adopt Resolution CCR-14-09, Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), by Title only.

**Motion by:** Councilmember Harkness

**Second by:** Councilmember Collings

**Council Action:** Motion carried on a voice vote as follows:

4 – Ayes (Burns/Collings/Harkness/Mayor Stearns)

1 – Absent (Moore)

9. Adopt Resolution CCR-14-10 RE: Declaring an Intention to Change the Time for City Council Regular Meetings from 6:30 p.m. and Set the Start Time to 5:30 p.m.

Background: In order to best facilitate greater participation of the public in the City Council meetings and to improve meeting efficiency, staff recommends Council change the start time of the meetings as reflected in the staff report and as stated in Resolution CCR-14-10.

Report By: City Manager

	<p><u>Council Action:</u> Adopt Resolution CCR-14-10</p> <p>The City Manager reviewed his staff report with the City Council and answered questions of the Council. He clarified the process of enhancing the flow of the meeting agenda item arrangement with the time change.</p> <p><b>MOTION</b> to adopt Resolution CCR-14-10 Declaring an Intention to Change the Time for City Council Regular Meetings from 6:30 p.m. and Set the Start Time to 5:30 p.m.  <b>Motion by:</b> Councilmember Burns  <b>Second by:</b> Councilmember Harkness  <b>Council Action:</b> Motion carried on a voice vote as follows:      4 – Ayes (Burns/Collings/Harkness/Mayor Stearns)      1 – Absent (Moore)</p>
	<p>10. Brown Act Committee Minutes/Meetings: NONE</p>
	<p>11. Reports RE: Attendance at Outside Meetings</p> <ul style="list-style-type: none"> <li>• Councilmember Collings reported on his attendance to a three hour meeting regarding the waste water collection system as it relates to the State mandated upgrades.</li> <li>• Councilmember Burns reported on his participation in the same meeting regarding the waste water improvements and his attendance to the ATAC meeting.</li> </ul> <p>Public Comment was taken up at this time.</p> <ul style="list-style-type: none"> <li>• <b><u>Roslyn McCoy:</u></b> Asked for clarification on the interceptor line project. A brief discussion was held regarding the laying of the new pipe line.</li> <li>• <b><u>Raven Stevens:</u></b> Asked if the interceptor line was going to help the City overall with their sewer issues or if this is being done strictly for Crystal Geyser. Clarification was provided regarding this question.</li> </ul>
	<p>12. Upcoming Future Agenda Items:</p> <ul style="list-style-type: none"> <li>a. Siskiyou County Board of Supervisors, Mt Shasta City Council, and Crystal Geyser personnel, Joint Meeting in Mt Shasta</li> <li>b. Centennial Park property update from City Attorney</li> <li>c. Undergrounding of electrical utility on Alma Street by Public Works Director</li> <li>d. Extension of Sanitation Services Agreement or RFP for Sanitation for the City of Mt. Shasta agreement. Current agreement ends March 31, 2014.</li> </ul>

	<p>e. Award Contracts for State mandated waste water treatment improvements Engineering and Environmental Contracts.</p> <p>f. Downtown to City Park Trail Plan Update</p> <p>g. Update regarding Short-term Vacation Rentals</p> <p>h. Strategic Planning Session</p> <p>i. Contributions to Siskiyou County Economic Development Council</p> <p>j. Review of Ordinance #275 with the intent to add language allowing the inclusion of downtown property owners to be eligible to sit on the DEAC</p> <p>Mayor Stearns called for Public Comment at this time.</p> <ul style="list-style-type: none"><li>• <b><u>Roslyn McCoy:</u></b> Asked for item “a” above to be placed on an agenda so there can be discussion and add the sewer system upgrades as a future agenda item. Ms. McCoy further asked for the drought issue to be placed on the agenda.</li></ul> <p>Mayor Stearns requested the annexation of the Orchard properties be placed on the future agenda items list.</p>
	<p>13. Council and Staff Comments:</p> <p>Councilmember Burns thanked the City Manager for his guidance at the meeting with PACE Engineering.</p>
	<p>14. Adjourn</p> <p>There being no further business before the Council, the meeting was adjourned at the hour of 9:10 p.m. to the next Regular City Council Meeting to be held on Monday, March 10, 2014 at 5:30 p.m.</p>

Respectfully Submitted,

*Tammy Laphorne*

Tammy Laphorne,  
Deputy City Clerk