



**MINUTES
DEVILS LAKE WATER IMPROVEMENT DISTRICT
REGULAR MEETING**

**DLWID OFFICE
January 6, 2011
6:00 P.M.**

PRESENT: Randy Weldon
Brian Green
Dave Skirvin
Joe Barnes
Jack Strayer

ABSENT: None

AUDIENCE: Alex Ward, Doug Pirie, Bill Piggott, Raylene Erickson,
Chuck Noriekis, Larry Brown

STAFF: Paul Robertson, Seth Lenaerts

MEDIA: None

Green called the meeting to order at 6:03 p.m. at the office of the Devils Lake Water Improvement District. (The regular meeting was preceded by an Executive Session that began at 5:30 PM.)

Minutes of the previous meeting

Green moved to approve the December minutes. Skirvin seconded.
Vote: Unanimous. Motion carried.

Financial Report

Robertson reported that the Audit will be due soon. The auditor likes to have it completed by January so that it will be processed by February's meeting. Robertson has added the Manager's discussion and analysis. The bills include the Special District's annual payment for insurance—approximately \$2,400, and Spiro Landscaping invoice for the S.O.S. work. The rent reflects a slight increase as of January.

Green moved to approve financial report. Barnes seconded.
Vote: unanimous. Motion carried.

Public Comment on agenda items

None

Unfinished Business

Lake Level

We were awaiting the letter from Water Resources that arrived. The indication is that they do not have the authority to make any changes. The permit is the one we have to live with—it cannot be changed. The District was provided an opportunity originally to comment on the permit.

Barnes: Can we apply for a new permit?

Robertson said yes, but has not looked into the details. It would not be a one-page permit. We can find out.

If we get the erosion study and the water in the summertime is negatively impacting the lake, it would not be feasible to apply for water rights that we won't use.

Green: Isn't it premature until the erosion study is completed.

Barnes: If we have a drought year, it's nice to have the option. I would like to know what the criteria are.

Green: Or we can take it off the agenda until we get the erosion study.

Robertson: The assessment indicated that the water wasn't available during that period.

Skirvin: How long have we had the permit?

Robertson: Since 1997.

Green: We are going to confuse a lot of people trying to revise the permit before we have the erosion study done.

Green to Robertson: Spend a couple of hours on it and let us know what the process is. Give us a short report at the next meeting.

Devils Lake Plan

DEQ 319 Grant

E&S completed the data base. They shipped the information on our behalf to DEQ. They have asked Robertson to come over Thursday to go through the data base and determine how it works. One thing to look at is that there is a section of data that still needs to be entered—about 200 paper sheets. They have stated that they are not able to do that within the amount of time and money that they have allocated.

Discussion began about the options of getting this final data entered. Insisting that they complete the data entry, withholding payment until it is completed, hiring someone outside to perform the work and deducting the amount from their final payment, create a separate contract for payment. They have estimated approximately 44 hours to perform this work.

Robertson said that the DEQ contract is with the District, so it is up to us.

Green: We do have quite a bit of leverage. We are only talking about a cost of about 10% of the whole contract. They are just drawing the arbitrary line in the sand. The contract is \$14,480 and an additional \$1,760 is needed to complete the other data entry.

Robertson said they noted that it was beyond their understanding; Robertson forwarded their December letter. They have said they would do the work under another contract. Robertson said the trends within the data would be interesting. Robertson talked about Total Maximum Daily Level and the January 4 e-mail regarding Devils Lake's 303D listing of impairment. He said they attempt to evaluate the conditions—what are the causes for impairment? They try to find the sources, reduce the sources and set limits. They are deciding whether they will do the evaluation now or later. It must be completed by June 30, 2012. The evaluations are from Salmon River south. Siltcoos is another lake that is on the list. DLWID would likely be the designated agency contact for our watershed.

Strayer: Who is going to make the decision?

Robertson: The three people who are making the report. They are from Eugene.

Barnes: What are the ramifications?

Robertson: We are already impaired.

Robertson: We were placed on the list for high chlorophyll a from cyanobacteria and pH being connected to those conditions—the pH tends to swing high. I believe it is their intent to include us.

Barnes: What can they do? We don't have any issues with our incoming water, do we?

Robertson: The assessment will look at whether it's coming from internal and/or external sources.

Skirvin: Do they provide funding for executing their recommendations?

Robertson: Yes, there is 319 money. For storm runoff, livestock, runoff, those types of non-point source pollution. We need to create the data base. I would think they would continue to recommend that we be included.

Weldon: I think if it's clear that they are supposed to put this data into the data base, we should inform them that we are going to deduct a certain portion or we will pay the full amount but you are breaking the contract.

Green: When we were doing the RFP did they have an opportunity to know how much data we had to input?

Robertson: There was some doubt, but I said one file drawer plus the reports on the wall. There is a lot of data on the sheets.

Barnes: They could have taken a look at the data before they executed the contract. We need to ask them to do it. It is a small amount of money.

Green: Is this going to affect our grants?

Robertson: yes. if we are not being able to create the final report by March 31.

Barnes: Just let them know they need to finish it.

Green: What you can do is write them a letter: The Board concluded that it appears to be within the contract and you are obligated based on the contract. Then if they respond negatively, we can have Linda do it or however we decide to do it. We tell them we have an estimate to have it done and deduct it from their amount.

Piggott said to tell them the date by which it has to be completed.

Skirvin: By the next Board meeting.

Green: We will contract with Linda to do it and you don't have to wait for the Board to do it.

Robertson: DEQ will probably retain 15% of this amount. Do you want to pay prior to receiving the funds from DEQ?

Skirvin: What does our contract say?

Roberson: It is 30 days.

The Board's consensus was to go ahead and pay within the required 30 days after the extra data base issue has been resolved.

Native Vegetation

Lenaerts has created Devils Lake Most Wanted and Least Wanted posters and they are nearly ready for printing. The poster size will be \$45 apiece and will be posted in the DLWID lobby and office, either mounted or framed.

Septic Tank Revitalization Program (Lenaerts)

Lenaerts related that he has met with David Hawker a couple of times during the month to discuss the District's willingness to consider assisting in the administration of the septic inspection ordinance. He reported to Hawker that the Board is open to the idea of a provision allowing one tier to be inspected with the remaining tiers to be inspected as funds become available. Hawker was receptive to this idea; however, a date has not been set for release of the ordinance.

Lenaerts presented a fact sheet to Board members and asked if they had questions.

The creation was to be a resource for the Board if and when anyone decided to have a one-on-one with City council members. The new council will have their meeting on Monday.

Strayer: Asked for the document to be sent out in Word rather than the PDF version to permit comments.

Lenaerts said that January seems like a good time to provide the fact sheet and consider meeting with the councilors. He said he could send the contact information for the City council members as the Board wishes. He said the important thing to look at is the bigger picture with the grass carp application in mind. If we can show in the grass carp application that we are working on our problems, it will be more difficult for the commission to refuse us.

Discussion continued on the economic impact of an impaired lake. There is the need to show what the problems are and the economic impact would be very important—to show the real reason why we are doing this.

Green said that in the early '80's, PADL conducted a study with detailed information on the number of people coming to the area for Devils Lake and the number of dollars spent by these people. The study should be available someplace. It was pretty impressive. We used it to get the initial approval for grass carp. It was done by PADL in '81 or '82. Does Raylene have access to the files?

Erickson: She could look and see if she could find it.

Lenaert offered to assist her in getting it out of storage.

Weldon said there are 350 homes on the lake and with a minimum of potentially \$100,000 decrease in value that could amount to 35 million dollars. There is also the risk of more people walking away from their homes. The impact could be extremely drastic.

Barnes: Could we pass a voluntary ordinance?

Lenaerts: I can research that to see what powers we might have. The Board asked the attorney to look up the powers of the Board and technically, the Board does have the power to create ordinances, but there isn't much case law to look at that.

Barnes: If an ordinance is in place, you can check the box. The County will ultimately be involved with the implementation of it anyway.

Robertson reported that he has met with the new mayor this week. They discussed septic tanks as part of the watershed and Robertson gave him a copy of the Plan's Table of Contents and told him he would be receiving the full Plan soon. Robertson told him that the Plan is an important part as far as going after the conditional permit for grass carp. Told him we are doing a watershed-wide approach. He could see the value. He is interested in finding out about those properties we don't know anything about—the 217 septic systems that we don't know anything about.

Skirvin: We should have at least a 25-year inspection requirement.

Erickson: The new mayor's daughter works at B'nai Brith and it could be a health issue for them.

Barnes: Can we add this to the Devils Lake plan?

Lenaerts: It could be an addendum.

Weldon said he liked the comment on the letter indicating that 50 percent of the septic systems have exceeded their life span. That's pretty important.

Brown: We have crystal clear water around the lake. I think 90% comes from birds. If you take samples near the mouth where the gulls and the geese you have to take a bucket out there.

Regarding the Sewer issue coordinated by Green: The preliminary date may be January 24. I may be sitting at the city council—as both a Board member and as a property owner—informing them that the majority of the people in the neighborhood (about 50 homes) want to proceed. We can coordinate this with some education of the city council with respect to the septic ordinance. We want to start the process and maybe create a blueprint for how this can be accomplished around the lake. The assumption is that sewer is better than septic.

Robertson said that sewerage on the east side is not going to happen within a two-year horizon. It's not something that can happen anytime in the near future.

It might be good to talk city council members prior to that date (January 24).

Lenaerts: In response to someone asking if he were going before the city council again: There is Mr. Hawker and his concern about the administrative issues and then there is the city council. I don't think we need to go before the city council again until we have an ordinance. I will e-mail out the council contact information and you can work it out from there.

DEQ sent a draft of Policy Package 120 pertaining to on-site septic systems that the Board could send to our state representatives and senators who are about to begin their new terms. Lenaerts said that if the Board wanted to make changes, to let him know.

Green: I think we should send it.

Skirvin: Maybe include a paragraph about the properties not changing hands (passing from one generation to another in a trust). Maybe we should include a copy of what we agreed on and are considering.

Strayer: Of the 600-plus septic tanks in the system, how many are outside the District? Discussion began about the same requirements for a septic system service one or two persons vs. a large family and full-time residency vs. an occasional overnight stay. Lenaerts said that ten years is over the amount of time that you are suggested to maintain a system. And in the matrix with location and water usage with it, these criteria were considered; however, administrating anything on a case by case basis is almost impossible.

Roberson: We are talking time and the (life of) the tank. It is in the watershed and the soils are going to act on it. Frankly, a system that is running daily is more favorable for treatment. If it serves only weekenders, it can have more of an effect. A population culture that is constantly being fed is more effective.

Lenaerts: These recommendations came out of an advisory committee. DEQ shied away from a lot of the recommendations that were made. (The relevant policy initiatives in #120 include at the time of property transfer, inspection for all properties located in the Coastal Zone, creation of a Subsurface Sewage Disposal system Improvement Fund and mandatory maintenance agreements for owners of sand filter systems.)

Green: Because properties might stay in one set of hands for generations, in addition to the time of transfer, we would like to see periodic inspections.

Lenaerts: DEQ wants to create a data base. There are 10 counties that take over the job of DEQ. It's a statewide system.

The Board considered approval of the letter regarding 120 (inspection of a septic upon the sale of a home).

Green moved that the Board send out the letter as Seth proposed. Barnes seconded.

Vote: Unanimous. Motion carried.

Save our Shoreline Campaign (Lenaerts)

East Devils Lake State Park: Lenaerts reports that Katie is pleased with the initial plans. The intention is to do the planting next fall after the summer of covering the Reed Canary Grass decreases it.

Regatta Grounds: Lenaerts will meet with the assistant engineer to show him the grading plans. Lenaerts plans to meet with Ron Ploger as well.

Strayer: Any aquatic plants?

Lenaerts: No, we are not planting in the water. We can do cattails. There is an opportunity for those at Regatta Grounds. If you go down the road from that there is an area that is semi-wet and they've given us permission to plant in that area next to the boat dock, and in the upland we will have water treatment area also.

Lenaerts suggested creation of an RFP for property owners.

Vegetation Management

Devils Lake Plan.

Robertson reported that some of the revisions from Strayer have been incorporated. All other Board members have suggested changes as well and Robertson presented the revision. He said that there is a small section on agriculture. Agriculture and forestry were originally not something we were considering, but a small section for understanding it as part of the watershed is appropriate. It is our goal to get this out for public comment. Barnes moved to get the Devils Lake Plan out to the public and Skirvin seconded.

Discussion:

Pirie: Would like to see it in a Word document.

Robertson: That can be done; it is important for us to retain original ownership for the District.

Strayer: Thinks there are a number of points for which the facts have not been substantiated enough for this to become a public document. They are less than accurate. Maybe we need to make a decision to make a record of decision about whether we are going to apply for grass carp.

Barnes: Our Board came to that conclusion.

Strayer: When the lake was at its worst, 372 acres or 54% were covered with vegetation. Strayer referred the Board to the May, 1994 Devils Lake Restoration Project Report.

Green: Goal No. 1 involves preventing the spread of invasive species while looking at increasing native vegetation. Both are served by grass carp or could be served by other means. The method we've identified that we can afford is grass carp. We made that decision. We are trying to implement our No. 1 goal. The plan should be serving our purpose.

Strayer: We need a record of decision that this was what the Board decided.

Strayer asked that the 100-page report by Dave Wagner be placed on the District's website and that the Board read the report.

Robertson: We could very easily break up the document and post it; indicating that Dave Wagner is the editor of the report.

Green: As part of the discussion I would like to make a couple of small changes in the Executive Summary. In the first paragraph, in 1984, the District was formed to improve water quality, fish and wildlife and generally re-establishing beneficial uses. Here, I would add including recreational uses. We want to get the reader going in that direction at the beginning.

In the second-to-last paragraph at the end of page 2, cross out "beneficial uses." It is broader than recreational uses.

Barnes amended his motion and moved to release the document with Green's proposed revisions to the Executive Summary. Skirvin seconded the motion.

Vote: Yes by Green, Skirvin, Barnes and Weldon. Strayer voted Nay.

Barnes: How can we plant plants in the water without the grass carp eating them?

Lenaerts responded that you can plant bulrushes, cattails and water lilies for starters.

Cattails are not going to be in the water. Discussion about there not being the opportunity for planting in the water due to the terrain in relation to the water line.

The Devils Lake Plan will be discussed at scheduled Open House sessions—January 29 and 30. Two sessions both days are planned—Friday from 10:00 to 2:00 and another from 2:00 to 4:00. Robertson has created a PowerPoint show of about 20 minutes or so that will focus on action items of the District. It will also be placed on the web.

We will also have our February meeting for taking public comment. We will ship out copies of the Plan with a survey form and a self-addressed, stamped envelope. We can then adopt the Plan during the March meeting.

Skirvin suggested that it would be good to have a Board member available at each of the public Open House sessions.

Skirvin said he can come in on Saturday morning; Weldon said he could come in on Saturday afternoon; Green and Barnes will both be unavailable.

Skirvin will try to come down Friday afternoon.

Document has been revised to 55 pages.

Robertson: Any other comments on the strategic plan? On the horizon: Look at an engineer's report on the watershed; focus on installing boat-washing stations (working with PADL and the City on that for the summer).

Strayer: State has mobile stations that travel from lake to lake.

Discussion about potential locations for boat-washing stations. Boat washing stations will be placed on the March agenda.

Sewer (Brian Green)

The proposed sewer pipe for this project will be a 3-inch pipe.

Green held up the December 29 petition that has been filed, along with a cover letter explaining the project and what property owners are expecting. He said the City process was pretty flexible. He said they are not replacing anything on the natural bioswale system. The city council agenda might include the issue as early as January 24 as a preliminary matter. The City staff will do a report after the signatures are verified. He anticipates that the city will waive some of the requirements, such as the ordinance that requires every home to connect immediately. Because we have only half the owners on septic systems and they are planning to hook up in the future when their existing systems fail; however, they are not willing to hook up in the near future when the lines are installed.

New technology through DEQ with small pressurized lines has created this opportunity and Green is hopeful that this will provide a good blueprint for future areas around the lake. The City is not required to do anything but provide some recommendations on proceeding. Property owners who are willing to shell out four or five thousand dollars apiece with no immediate benefit are allowing this to happen.

Roberson said he would like to write a letter in support of the project. The Board agreed that would be a good gesture.

The Café – Union 50

Green has attempted to contact Patrick O'Connor, OCCC President; however, he has been on vacation. Barnes and Green will work on setting up a meeting with O'Connor.

Communications Report

The Communications Plan was created in 2010. Much of the document intentions have been implemented. Outreach has included Devils Lake Radio, weekly water quality postings at the kiosks during the summer, local radio broadcasts, the website, direct mail, a budget publication timeline and more. Additionally, a brochure was introduced to ListServe (now, with 285 people signed on), our website and the board. We have been meeting with people around the lake during sampling and on weekends. This is showing

some benefit. We have the flag for the boat, our website on the pickup and we are now on Facebook and Twitter. We hit 25 to get our own Devils Lake URL associated with Devils Lake. Our URL for Facebook is now facebook.com/DevilsLake.Oregon. The web continues to receive a lot of traffic. The first graphic is from Fatcow, the second is from Google Analytics. More than 200,000 hits occurred in 2010 from Fatcow. Robertson presented tables of data showing hits and visits from a variety of communications software and sites.

Safety Report

No incidents.

Thompson Creek

Robertson distributed a summary on the three samples collected during three summer days July through September for bacterial and fecal source tracking from Thompson Creek. 28 samples were analyzed. 126 is the danger level for E.coli. 22 of the 28 samples there was an organism, a species of E.coli. Of those 28 samples, 12 showed positive for the other bacteria and the marker that that was in the gut of dog.

Strayer: What did this cost?

Robertson: We have not received an invoice yet.

Green: Are we going to do one for the fall flush?

Robertson: I think we should do one. Now it might be time to expand.

Skirvin: We chose a small largely questionable area and have proven our methods and it's worth talking about this spring.

Weldon: I think it's a good idea to send out a letter to residents.

Robertson: We'll get the invoice and determine how much further we want to go.

The grad student that did the test is leaving in July. If we want to do another testing of Thompson Creek, we might want to do it in April prior to the student leaving.

Erosion Study RFP

Robertson: We received the contract and Robertson sent questions and concerns to Green, who made modifications that Robertson sent to TetraTech. The revised contract was signed by Green and resent to TetraTech on 12/29/10.

New Business

Dredging Costs

A quote of \$270 for an excavator and a couple of trucks was from James Drayton. Drayton has said he could haul logs away at no cost because he can sell them to the pulp mill.

Strayer: Did you ask Sexton for a cost?

Robertson: No.

Brown said he thought Drayton would be the one to do it. He could grind them on his site and sell them.

Robertson said he talked to Devils lake Rock and his quote was in the same ballpark figure. He had asked how he could access the logs and said there was probably five or six hours of work there. For disposal it would run \$600 to \$800 dollars.

Skirvin: Will the city allow us to use their property?

Robertson: We talked about disposal and the City asked how many logs we were talking about. They said they don't want a stack, but a few would be okay.

Budget Calendar, Budget Committee and Budget Officer

A proposed budget calendar is included on the last page of the Staff Report. The most important date is the proposed date of Monday, May 9 for a meeting at 10:00 AM.

Green moved to appoint Robertson as budget officer. Weldon seconded.

Vote: Unanimous. Motion carried.

Green moved to adopt the budget calendar as presented and Skirvin seconded.

Vote: Unanimous. Motion carried.

Robertson reminded that there are four positions available on the budget committee; applications will close in February. If anyone knows any interested people, please get the word out. Requirement is that the applicants are registered voters within the District. Applications are on line.

Projector

Robertson presented a request for a refurbished projector that can be purchased locally. Refurbished ones are cheaper and the warranty is three years.

Barnes moved to approve Robertson's purchase of a refurbished projector that he can buy locally. Green seconded the motion.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Public Comment

Lenaerts brought up the issue of the District's consideration for becoming a member of the Buy Local/Sell Local association. The cost is minimal.

Barnes asked Lenaerts to invite them to come to a meeting and make a short presentation.

Piggott asked how much of the District's funding for operations is derived from state or federal sources, to which Robertson responded about two percent from grants.

Piggott asked if there were no grants, would the impact be huge?

Robertson: We operate nearly 100% locally. We are not dependant on those funds.

Adjournment

The meeting adjourned at 9:23 PM.

The next Board meeting will be held on February 3, 2011, at 6:00 P.M.

Respectfully submitted, Linda Burt