



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

**DLWID OFFICE
September 1, 2011
6:00 P.M.**

PRESENT: Randy Weldon
David Skirvin
Brian Green
Noel Walker
Kip Ward

ABSENT:
AUDIENCE: Don Sell, Miles Schlesinger, Mr. and Mrs. Mitchell Moore,
Doug Pirie, Bill Sexton, Raylene Erickson

STAFF: Paul Robertson, Seth Lenaerts

MEDIA:

Skirvin called the regular DLWID Board of Directors meeting to order at 6:02 P.M.

**Minutes of the August meeting and the Financial Report
Green moved to approve and Weldon seconded approving the Minutes from August and the
Financial Report.**

Vote: Unanimous. Motion carried.

Public Comment

Miles Schlesinger: Said he has been a property owner for 21 years, watching the lake mature for 55 years. The lake was in sad shape when the Blue Heron Marina opened. Carp improved the lake. He was pleased with the Devils Lake Revival. It was well done with great environmental exhibits and signage was very visible. He suggests the Board consider making it an annual affair. He believes the lake is now well managed.

Unfinished Business

The Devils Lake Plan

Septic Tank Revitalization Program (Lenaerts)

Nothing new. Lenaerts talked to David Hawker and some of the City Councilors, but nothing has been completed. He will speak to the two newer councilors to whom he has not yet spoken on the issue.

SOS--Save our Shoreline Campaign (Lenaerts)

The Rain Garden sign was in place (by the Sextons) prior to the Devils Lake Revival.

The course on the Save our Shoreline program for residents will be held Saturday, September 17 from 10:00 A.M. to noon at the District office. It will be an informal meeting and will focus on showing the benefit and value of planting native vegetation around the lake. Lenaerts would like to emphasize that the District's 75% contribution to projects is a good value.

Within the next six weeks, the rain garden project at East Devils Lake State Park will be completed. It needs to be completed as close to the rainy season as possible since there is no other water source.

Vegetation Management

Robertson created seven pages of RFP, including a bibliography and a species list. He broke it down into four tasks with Task 1 being the petition. The consultant will need to understand the overall picture and the whole connectivity so that they know what they are assuming. The Scientific Report is the center section. There are seven subtasks and seven sub-subtasks, broken out into what the scientific study has to cover. Public access will be the largest concern. There might be other items that the Commission will request. Task 3 is somewhat scant, but states what we need. ODFW wants to see that we have a plan. They won't want to give a carte blanche approval.

Task 4 deals with federal agencies and the endangered species act. It's going to focus on Coho. NOAA Fisheries will independently determine what they want—a biological opinion or a biological assessment.

Task 2 will help in creating Task 4—it will build on it. If there is a significant request beyond that, we will have to consider it. Task 5 presents the findings to the commission and follows their process as far as how it has to be done.

Skirvin said he is concerned about the timeline—he doesn't know if there will be enough time. He said instead of doing interviews in October, they could be done at the November meeting so that the Board has ample time to review the responses.

Skirvin suggested offering the responders 30 days and give them a deadline for any questions they might have.

Green: Why couldn't we have the deadline for applications October 15?

Robertson: Friday the 14th gives us three weeks. We could do September 30 for any questions.

Green: They can submit their questions via e-mail. Add "unless indicated otherwise, answers to all questions will be distributed to all interested parties."

Skirvin moved and Weldon seconded authorizing Robertson to submit the RFP.

Vote: Unanimous. Motion carried.

Sewer (Brian Green)

Green noted that the sewer project is moving forward with no problems. The property owners who previously asked to be excluded have decided to participate. They have decided that apparently the sewer will be of benefit to the valuation of their properties. The engineer now is ready to complete his report and give it to the city within the next 30 to 60 days.

Bill Sexton asked if Oksenholt is included. Green said he will check on this to see if Oksenholt's home is included. Sexton wanted to be included as well. Green asked Sexton to e-mail his property tax map and he will give it to the engineer. Sexton said his property borders on Oksenholt's property.

Communications Report

Lenaerts said the Devils Lake Revival went really well and the weather was great—about 250 people attended; 185 people signed up for e-mail; 132 people were contacted by the Fire Department. The City cleaned up and dropped off the barricades. Sailboats were visible. There were kids' activities, a floating stage for puppets, and young people were enacting the story of Devils Lake for an educational component. There were 12 informational booths. The bands were great. \$877 was generated for the school Backpack Program. The Festival remained within the \$3,000 budget. One Editor said it was the best event he had ever attended of this type.

Weldon said he believes a second pontoon boat would have been of value and might be considered for next year. Lenaerts said thanks go out to all those who helped on the event:

Salmon Drift Creek Watershed Council

Newport Yacht Club

Surfrider Foundation

Coast Guard Auxiliary

Oregon Marine Board

Buy Local/Sell Local

U.S. Forest Service

Lincoln County Solid Waste Management

Audubon Society

North Lincoln Fire and Rescue

Dawn Stetzel

Depoe Bay Auxiliary

Lincoln Soil Conservation District

Robin Koller

Tony Shearer

Mikal Brucken

Anchor Inn

D Sands Motel

Blue Heron Marina

Oregon Surf Shop

Gary Newman

Board Members: David Skirvin, Randy Weldon, Brian Green

Safety Report

No incidents to report.

Erosion Study

Nothing new on the erosion study. On track for an October completion and an October or November presentation, depending on their schedule.

Intern Report

Lisa Lynch put together the crossword puzzle and Crayola coloring sheet for the kids for the Festival. During her internship, she worked on water sampling and testing, outreach and educational materials for the District and helped to plan the Devils Lake Revival. Her internship has ended. Skirvin thanked Lisa on behalf of the Board for her contributions.

Neotsu Public Beach – K Street

The sign was installed by Sexton, the lake contractor. The area has gained in popularity.

New Business

DNA Bacterial Source Tracking

No update on the DNA. Robertson is confirming that it is something the District wants to do. He wants to do some kind of storm sampling on Thompson Creek and on the D River. Weldon asked if the dollar value is there. How many people are on the lake during storm events?

Roberson: It would be mostly for tracking to see what kind of a “hit” is there. Rather than just believing that it is all from canine. With the DNA we are trying to determine just the *E.coli* and where it is coming from. If we can answer those questions, there is a lot of evidence to indicate it might be from septic tanks and would provide more weight on the position the District might take.

DLWID Regular Meeting Venue

Regarding moving the District’s meetings to the City Council Chambers, the cost would be \$15 per hour for the meeting to be televised. The overtime rates for one building maintenance person would apply at approximately \$40 per hour.

Walker said it would be a good move. Weldon feels it would be a good outreach program.

Robertson said the meetings would probably be televised twice a week—the District’s meetings would rotate within a regular schedule.

Skirvin moved to change the District’s meetings venue to the City Council Chambers. Walker seconded the motion.

Vote: Unanimous. Motion carried.

Audit

Robertson said the RFP offers auditors an opportunity to do a three-year bid—the contracting capacity of the District is three years. Ward asked how the responses will be handled.

Per Ward’s suggestion, Robertson will request that copies of the bids will go to both Robertson and the Board members.

Walker said he would like to see what the charges are for just a review. Skirvin asked how difficult it would be to include language within the RFP for a review process as well as an audit.

SDAO might be able to provide information on the difference between the review and the audit.

Skirvin moved to authorize Walker to make the final decision on the RFP within the next week, based on the RFP revision Robertson proposes. Weldon seconded the motion. Vote: Unanimous. Motion carried.

Water Quality Reporting Thompson Creek vs. Canal

Regarding the water quality in the canal vs. the water quality at the creek's culvert on East Devils Lake Road where it is currently tested for *E.coli*, a limited sampling protocol was embarked upon to investigate the relationship.

Sample sites are PZ-5: East Thumb, Canal 1, Canal 2, Canal 3, Canal 4, Canal 5, TC-0: Mouth of Thompson Creek and TC-1: Thompson Creek upstream East Devils Lake Road Culvert.

Regular sampling season is from Memorial Day to Labor Day.

Robertson said that an event that is forthcoming is the Triathlon on September 11, and it might be a good idea to sample the entire watershed area again as close to that date as possible for both *E.coli* and cyano. Approximately 80 people participate in this event.

Cost for the whole lake *E.coli* sampling is about \$150 and for cyanobacteria it's about \$250.

Green said we are providing information at a critical time and the information on the website ought to be as current as possible.

Discussion on whether it would be valuable to test again as close to the Triathlon as possible.

Green asked Robertson to check out the lake visually and test and post if it looks like it is warranted. If it is elevated, then sample again in two weeks. If it doesn't look like it needs to be tested, don't do it.

Discussion on whether the City should be asked to help pay for the testing for their event.

Seth said for what the City did for the Devils Lake Festival, it probably isn't warranted to ask them to pay for the testing.

The lake manager will test at his discretion and not ask the city to pay.

Skirvin said based on the results of Thompson Creek, he sees no reason for those postings going forward. He believes the water quality should be of concern within the meander line, within the recreational area of the lake. If Robertson feels that the east thumb is still needed, then consider the possibility of mooring the boat on the lake during the week. Some discussion on a location for boat moorage at a resident's home.

SDAO Training Summary

The training by George Dunkel of Special Districts Association of Oregon was good. All Board members and staff were present except Noel Walker. Robertson said there was some time remaining if the Board would like any additional training. He can check into other options.

NALMS Conference

The North American Lake Management Society is holding its annual conference in Spokane, Washington October 26-28. Skirvin asked if the subjects were the same as previous meetings; aside from the networking, is there a great deal of value?

Robertson said most of the themes and topics are recurring; however, it is not always possible for him to attend all the sessions in one conference. Robertson said he tries to strategize and plan his schedule. There are usually from 450 to 650 people.

Skirvin moved to allow Robertson to go to NALMs with the flight option. Walker seconded the motion. Vote: Unanimous. Motion carried.

Oregon Lakes Association Annual Meeting

Oregon Lakes Association is holding its conference on October 21-22. Skirvin said he would like to go to one session. Paul said that Saturday is the primary day. It will be at Portland State this year.

Green moved to authorize Robertson and Lenaerts to attend the conference based on the costs enumerated in the manager’s report--\$450 for two people. Funds are also approved for registration, accommodations (if required) and incidentals for any Board member who wishes to attend. Skirvin seconded the motion.

Vote: Unanimous. Motion carried.

Robertson noted that on October 12-13 (Wednesday and Thursday), there is an **Oregon Water Resources Conference** being held at the Inn of the Seventh Mountain (room rates are \$88.) It might be warranted for a Board member to attend and network with contacts, such as Tom Biler, Oregon Lottery, who handles restoration funds; Roy Elikor, head of ODFW; and Dick Pederson, ODEQ. They discuss legislative topics, and this year the focus will be on water-related legislation; Funding; Oregon Natural Resources Agencies; Oregon’s integrated water resources strategy; and O-Web grant program opportunities. Cost for non-members, including meals and seminar notebook, is \$200 and golf fees are \$100. (Late fee is \$50 after 10/1.)

Green moved for the District to pay expenses for any Board member wishing to attend the conference at the Inn of the Seventh Mountain, including registration fees for the 2011 Water Law Seminar. Walker seconded the motion.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Announcements

Robertson reported that Betty Watts notified him that the Rocky Stone Memorial Kilo event is October 8 and 9 this year. Robertson previously sent a letter to the Oregon Marine Board requesting that they limit the event to one of the two days; the letter did not limit them to one day. Robertson said that hydroplane operators come from as far away as Florida and it is difficult for them to come for just one day.

Adjournment

The meeting adjourned at 8:00 P.M.

The next Board meeting will be held on October 6 at 6:00 PM.

Respectfully submitted, Linda Burt

Paul Robertson

From: Mitchell Moore [mmoore@clearcreek.coop]
Sent: Tuesday, August 31, 2010 9:28 PM
To: board@dlwid.org
Cc: paul@dlwid.org; seth@dlwid.org
Subject: Comments for September Meeting

To my friends at DLWID:

I would like to share a few thoughts with the board prior to the meeting to help economize the time used for public comment. My comments are related to two topics on the agenda for this meeting. They include the Erosion RFP, the relationship between DLWID and the City.

Erosion RFP

I am concerned that DLWID is about to spend a tremendous amount of money on a study that will provide little in the way of conclusion or advice that the District could act upon. Indeed the only conclusion that has been requested of the successful bidder is if and how the dam operation may be affecting the shoreline.

We now know that it is not realistic to make adjustments further lowering the level of the lake. This is due to the new management procedure, which attempts to balance the lake inflow, and outflows from August through October. This procedure effectively lowers the lake .4 to .5 inches during the months that require balancing. If we begin the year at the previously suggested 9.0' level, the resulting summer's end level would severely affect recreational use and potentially water quality. We also now know that current levels are actually lower than previously thought rendering historical comparisons skewed, with an unknown beginning point to the data collection error.

The larger problem with the requested study is that DLWID can do little to rectify any issue that may be identified. Generally, any of the corrective measures that could impact erosion, must be taken by either a government agency with jurisdiction or individual property owners, would need to receive approval of those same government agencies (DSL, Lincoln County, or Lincoln City). DLWID simply does not have the required jurisdiction to force or approve these actions, but can create a program like Save Our Shoreline to encourage action by homeowners.

It would be my recommendation for the District to pause prior to awarding this RFP and re-access the purpose of the study. If the goal is to make an impact on erosion sites on the shoreline of Devils Lake this may not be the best use of the District's limited budget. According to the March Manager's Report the Save our Shoreline Campaign phase one plantings cost the district \$15 a linear foot. The money used for this study could instead be used to expand SOS and natively re-vegetate 3,440 feet of shoreline. Put a different way, 115 more properties could participate in the program. Assuming the project would be noticed by next door neighbors, proximity to SOS project could inspire ¾ of lakefront residents becoming more aware of this positive lakeside activity.

Relationship between DLWID and the City

Very simply put, I want to caution the District as it relates to its newly found partner the City of Lincoln City. I am not suggesting that it may not be appropriate to work with the City on some things, but I have been hearing rumblings around the lake that the District is too cozy with the city.

The City has cued up a huge annexation battle with the residents of Roads End and likely Neotsu next in line. Students of Oregon history know that annexation fights in this State get ugly fast. Remember the City of Beaverton vs Nike? I would predict that this would be one of those situations. Consider that the City has tied the provision of extraterritorial

service (water) as the enforcement vehicle and consider that the same is true for the Septic Program. DLWID is on a crash course to become embroiled in a citizen against government, battle of the decade.

The district has been given a long list of reasons by Mr. Hawker about why the septic ordinance has not been drafted. I believe the truth behind this is that the City Attorney has told him they have no statutory authority to tie water service to enforcement and their search for a way to make that happen. My advice to the District is taking the mulligan and let Mr. Hawker off the hook for awhile. Give him more time and let this annexation fight blow over. If I am wrong, then the project will just be delayed for a while, if I am right you just prevented some nasty stings from a real hornets' nest.

Thank you for considering my comments,

Mitchell Moore