



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

**Council Chambers, City Hall, 3rd Floor
October 6, 2011
6:00 P.M.**

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

ABSENT: None

AUDIENCE: Raylene Erickson, Mitchell Moore, Bill Piggott

STAFF: Paul Robertson, Seth Lenaerts

MEDIA: None

Skirvin called the regular DLWID Board of Directors meeting to order at 6:00 P.M.

Consent Agenda

Weldon noted that a correction needs to be made on the September Minutes on Page 3. “Bill Sexton” should be changed to “John Forse” as the person who requested consideration for addition to the LED/Sewer project on which Brian Green is working.
The September Minutes with the correction and the financial report were approved unanimously.

Public Comment

Mitchell Moore. NE Loop. Moore welcomed the Board and audience to the new venue. He said he feels communication will be improved in the new location and the nature of the meetings will change considerably. Moore suggested that the Board ensure that a more structured process is followed and that the atmosphere is more formal.

Unfinished Business

The Devils Lake Plan

Septic Tank Revitalization Program (Lenaerts)

On Wednesday, Lenaerts met with the city manager and the new city councilors. The city manager informed city councilors about the septic systems inventory, the analysis of the inventory, enforcement options, sewerage, and other methods of ensuring that untreated waste is not entering the lake. He reiterated that the issue is complex. The councilors suggested a workshop be considered for Q&A and discussion on the issues. They will place the project on their agenda for next Monday's city council meeting and will discuss holding a workshop for the entire city council. Lenaerts will attend the meeting and will inform the Board on any decisions that are made.

SOS--Save our Shoreline Campaign (Lenaerts)

Lenaerts e-mailed the RFP out last Friday to Board members for the East Devils Lake Park project. Board members agreed it was satisfactory. He said the project requires his meeting with SHPO, (State Historic Preservation Office) on Wednesday. Devils Lake is an historic area and digging at the site requires SHPO approval. After Wednesday, Lenaerts will have more information about the parameters. He is proposing something similar to the Regatta Grounds rain garden. If no excavating is permitted, simply planting will be done. If they do not allow anything to be done, we will just seed the project. Lenaerts is requesting approval from the Board for Robertson to send out the RFP in the event approval is received from SHPO. If SHPO doesn't approve the project in time, we will push back the project until fall. There is the potential of losing a lot of plants in the spring without sufficient water through the summer.

Robertson discussed some details of the project. Two-thirds of the parking lot would be involved. There is currently black plastic there now. Lenaerts said planting dates will be adjusted. The RFP requires two weeks and planting must be finished before 12/31.

Skirvin moved to permit Robertson to issue the RFP after confirmation comes back from SHPO, and if a decision needs to be made before the next meeting to award to the lowest bidder. Weldon seconded.

Vote: Unanimous. Motion carried.

Lenaerts reported that the September 17 Lakescape meeting for lake residents was held. During the first meeting 10 people were in attendance and on the second one, seven people attended. He feels it is good outreach to do this on a regular basis and would like to hold another meeting in the spring. He will request approval from the Board at that time.

Vegetation Management

Robertson reported that he issued the RFP for a grass carp consultant. The RFP was sent to 50 or so entities and is also available online. Time still remains for people to submit to Robertson and to the Board members. The deadline is Friday, October 14 at 4:00 P.M. He is hopeful there will be some applicants to discuss in November. The Q&A period is past as of September 30. Direct questions were submitted by only one company. He is hoping to receive from three to six applicants. Although it is a good opportunity, it is quite a commitment for someone to come to the coast. He reminded the Board that TetraTech will be speaking at the November meeting as well.

Sewer (Brian Green)

The project is still proceeding nicely. He has a draft report from the engineer asking for comments. It includes mandated items from the ordinance. The city council will act to approve the LID. The items included are the boundaries, the method of assessment, pressure sewer design, detailed data, pavement, all the properties included, etc. Green reported that the cost estimate is 15% below what he estimated to residents when he initially circulated the petition, although there are a couple of areas that could increase. He believes the city engineer is going to comment; however, he has not seen any comments. It should go to the city engineer, be placed on the city council's agenda, and then go out to bid after which the work gets done. After the charges are made, there is an assessment period when residents are invited to comment. The assessment isn't done until everything is completed. He is hoping it will be on the city's agenda within 30 days.

Weldon: Didn't the engineer have some concerns about drainage?

Green: He is fine about maintaining existing drainage. He has designed a bioswale feature at the bottom and the drainage will be an improvement over what we have now.

Communications Report

Robertson pointed out the ListServe option that is now available through the District's website where people can sign up and get sent to their email in-box different items—weekly quality water updates, agenda items for meetings, meeting minutes and quarterly e-newsletters (this quarterly e-newsletter was just sent out). An approximately 200 e-mails were added after the Festival. The last water quality report has been sent out.

Also, at the last minute, the District was offered a free booth at Tuesday's Senior Faire, which has been paid for in the past. Both Lenaerts and Robertson took turns staffing the booth and talked to a number of individuals throughout the day.

Safety Report

There were no incidents to report.

Erosion Study

Tetra Tech is concluding their work at this time and will make their presentation at the November 3 meeting at 6:00 P.M. Robertson is meeting with their staff this week and noted that he had received a disc of data; however, it was in the wrong format and he returned it. He is hopeful that it will be online at least one week before the meeting.

DNA Bacterial Source Tracking

The Board approved a continuing study of the types of sources of bacteria in the system represented by *E.coli*. Robertson has made contact with the commercial lab in Seattle to do the analysis.

They got the samples on Wednesday and were into the third sample of filtering and the vacuum pump died and would not reset. It has a two-year warranty and will be shipped out tomorrow. The goal is to still do a first-storm sampling event. The potential is still there to get sampling done, as last October was quite dry. Three full days are planned, so all samples will need to be submitted to the lab and we might need to transfer some funds if we go over the \$5,000 monitoring budget. This can still be accomplished in November or December. The first flush is very important—after the summer when cattle have been grazing and after the birds, ducks, people and dogs. We need to plan to do it again if we can get the vacuum pump back soon.

Audit RFP

Robertson sent out letters to 16 qualified firms from Astoria to Brookings as well as to McMinnville, Albany and Corvallis. Only one response was received, a copy of which has been sent to the Board. Grimstad and Associates have done our audits for many years and are very familiar with our situation. They have been in business since 1981. Last year they did the audit for \$3,300 and the previous year for \$3,100. Now their audit bids are \$6,000, \$6,100 and \$6,200 for consecutive years. We also asked for the cost of doing a less arduous Review, for which the bids are \$3,600, \$3,800 and \$4,100 for consecutive years. The audit reflects a substantial increase of \$2,700 from last year. Robertson said he did not contact those who did not respond. One firm said they had some staffing issues.

Skirvin: How much work is involved to respond?

Robertson: You would use staff time to meet the RFP. It's a gamble and there is a cost of doing business on the coast. My recommendation would be to award the Review to Grimstad for one year and resubmit an RFP for subsequent years.

Ward: How far out is this due?

Robertson: By the end of the calendar year. It can be an issue with scheduling.

Skirvin: So, is part of it poor timing?

Robertson: Partially. We could have submitted this in August. But, we still have three months from today to get this completed. If we were to submit this for next year, there would be almost 15 months available.

Further discussion of timing issues and change in requirements continued.

Green suggested the Board approve doing a Review for the fiscal year ending June 30, 2011. The District's finances are quite simple and Grimstad is familiar with the District's finances. They will look at the same red flags.

Ward said he would like Robertson to contact Grimstad to see why the difference is so great.

Green suggested authorizing Robertson to spend up to \$3,600 for the work to be done.

Find out why the price is higher and if he can get a lower price, to do so.

Robertson was asked how long the bid was valid. Robertson said there was no expiration date.

Green said the RFP had a deadline and the deadline is past, so we would have to do another RFP to get any additional bidders. Our only other option is to talk to Grimstad and ask why the cost has increased so much and see if they have concerns. Is there something that we do not understand?

Green moved to authorize Robertson to contract with Grimstad and Associates to pay \$3,600 for a Review for fiscal year ending June, 2011 with the direction that he will contact them to ask them for the reasons for the increase and determine if they can do this for something closer to what they did it for last year if they had done a review instead of an audit. Ward seconded the motion. Vote: Unanimous Motion carried.

New Business

Devils Lake Plan (Next Steps)

Robertson showed a half hour PowerPoint and asked the Board for any new direction for the future.

In the PowerPoint, he showed slides related to the following:

Introduction to the Board and staff.

Outline of the Devils Lake Plan

Executive Summary
Mission
Intent and Reason for Lake Management
History of Devils Lake
State of Devils Lake
Tools for Lake Management
External Controls
In-Lake Treatments
Funding Opportunities
Current Priorities: Aquatic vegetation management; Septic tank revitalization; Communications;
Bacteria source tracking and Scoping Strategies for sewerage the lake
Recent and Ongoing projects
Grass Carp Strategic Plan

What's next?

Skirvin said that it is important to focus on the Septic Tank Revitalization program, supporting vegetation management and shoreline vegetation. He feels that over the next quarter these priorities will provide enough activity on which staff can focus. He asked about the city's storm water group. He suggested creating a home-owners' guide on what residents can do to help the issues.

Discussion continued on alternative methods for eradicating invasive species.

Green reminded that the District would be asked if they had considered other options.

Robertson responded that in '06 and '07 the assessment was created and it could be refined if that was of interest.

Green said that they are assuming that these ideas are going to be too expensive for managing invasive species; still, we do not have any supporting data.

Robertson: Some of them would be useful in the near term, but would not be feasible in the long term.

Ward said: We have an opportunity to pick up a weed harvester for \$50,000. It wouldn't have giant fields to mow anymore; it has a relatively minor landscape.

Weldon reminded that Devils Lake is negative for some of these treatments such as bottom barriers. At an average of depth of 8.5 feet, exotic vegetation can grow over the entire lake. A lot of the lakes he researched had vegetation close to shore but not in the center of the lake; however, they were not so shallow.

Green said that his point was that instead of the Board making assumptions, some data is required to show that these ideas are not feasible. We need to be able to point to specific reasons why we are not employing different strategies.

Walker said he would like to see some more specific costs on the CAFÉ project. It sounds like a good idea, but he would like to see more justification.

Green said that Robertson's figures for a 25-year amortization for \$425,000 shows a cost of \$2,599 per month. Our rent is currently \$1,200; then we would have repairs. He said he would like to see a better location and not much more cost.

Walker said that was based upon \$425,000. What about the down payment?

Robertson said that number was what could be budgeted with the current tax base. The idea is still conceptual. The CAFÉ was in the plan, but it is not one of the top 5, which is why not much time is being spent on it.

Lenaerts said that although he has plenty of work, he could still make some time available if the Board would like to have him perform any research.

Robertson said that the idea now is to get some ideas for some future objectives.

Skirvin said supporting vegetation management is a primary goal.

He suggested that Board members make a list and they could hold another prioritizing session, a planning workshop similar to the previous one. He suggested doing this in January.

Weldon asked if it would be feasible to have Lenaerts update his data base on the septic tanks. People may have had their tanks replaced or cleaned out since the list was created.

Lenaerts said he could contact the County to determine if they have any updates within the last six months.

Green said that Robertson should probably be focusing on the hiring of the consultant for the grass carp initiative. He added that meetings have been held with the City and others about the CAFÉ building and he feels that the need is to develop some partnerships. He would like to see that investigated because it could make this project affordable. It would be pretty nice if we could get this building on the lake that would be our primary venue of operations for the Board and management. There is a possibility for us to acquire this building at a cost that we can afford. I would be in favor of that secondarily. It does, however, take a back seat to the grass carp.

Skirvin said to Robertson: If you are spending 10% of your time on it, that would be too much; however, you don't have to put it off the table.

Oregon Legislature Review-2011 Session

Robertson pointed out a 93-page document created by the Special Districts Association containing summaries of relevant issues for Districts' constituents of legislative bills and items. Robertson looked at ten or 12 items that might have an impact on the District, such as changes to the way districts are formed, record retention, budget items that we were looking at with septic tanks, public records, issues to do with noxious weeds, mandatory check-points for water craft, etc. He doesn't believe this will affect boat inspections on Devils Lake, just on major arterials.

Senate Bill 600 was presented to the District on the riprap registrations and Senate Bill 626 was on Quality Fresh Water, the study of Oregon's angling opportunities.

Skirvin asked if the Board could get a refresher on HB 5022—the coastal region as it relates to the septic issue. Lenaerts will give an update report in November.

Non-Agenda Items

Weldon said he would like to address the Board on an issue. He read a prepared statement regarding changing the language to the public regarding "cyanobacteria." He would like to change the language to that of HABs--Harmful Algae Blooms. He said he feels "blue-green algae" is something that the public can understand, whereas cyanobacteria is a real negative and is sometimes misconstrued to be worse than it is. He suggested that the Board take a look at the HABs website to confirm his request. The common name of blue-green algae is what the state of Oregon uses and he feels that the public would be more apt to understand the reference.

Skirvin said he agrees, and other Board members expressed agreement. Skirvin asked staff to come up with a time-line in January or February to implement these changes.

Announcements

Robertson reminded that he will be on the local KBCH Radio broadcast at 7:30 next Tuesday. He said Channel 4 is a great addition and the District is now online. The meetings will be re-broadcast throughout the month.

Adjournment

The meeting adjourned at 8:05 P.M.

The next Board meeting will be held on November 3 at 6:00 PM.

Respectfully submitted, Linda Burt