



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

**COUNCIL CHAMBERS, CITY HALL, 3<sup>rd</sup> Floor  
January 5, 2012  
6:00 P.M.**

**PRESENT:** David Skirvin  
Brian Green  
Noel Walker  
Kip Ward

**ABSENT:** Randy Weldon

**AUDIENCE:** Larry Brown, Raylene Erickson, Matt Christy

**STAFF:** Paul Robertson, Seth Lenaerts, Project Manager and David Phillips,  
Intern

**MEDIA:**

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

**Consent Agenda**

**Minutes of the previous meeting and the financial report**

Board members voted unanimously to approve the Minutes and the financial report for December.

**Public Comment**

**Larry Brown:** Said he talked last meeting about the CAFÉ and the existing lease with Radio Shack's owner, Bruce Polvi. He said there was an important issue of a tax exempt status which is should be considered. He told Bruce Polvi (landlord) about the tax exemption status and Bruce said he would pass on any savings to the District. Rod Thomas, LC Tax Assessor took a look at the District's status and said it was like any taxpayer-funded or municipal organization and could file an exemption. Brown said it needs to be done prior to March 31<sup>st</sup>. He looked up the statutes and the lease would have to be amended to pass any savings on to the District. Brown made copies of the statute to leave with Robertson and suggested that someone meet with Mr. Thomas to find out the procedures.

## Unfinished Business

### **The Devils Lake Plan**

#### **Septic Tank Revitalization Program (Lenaerts)**

Lenaerts was asked to assist the city in some details for creating the ordinance. He prepared a memo comparing other municipalities that have conducted mandatory inspections. They are in Arizona, Washington, Wisconsin, Maryland and California. All inspections were initiated to protect the water bodies. Lenaerts checked out inspection criteria. Environmental Management Services, Bob Sweeney, has a good inspection form.

A request was made to the county for an updated list of properties that have been issued permits regarding their onsite septic systems since the last data was compiled in January, 2010. It appears that 15 systems have gone through the permitting process in the last year. Lenaerts will provide an update at the next Board meeting and will check out the details at Newport County Courthouse. Skirvin asked about criteria from other municipalities.

Lenaerts said that Wisconsin has the easiest inspection process. Someone just takes a look. Others are quite extensive. He will work with Tony Shearer, Senior Environmental Health Specialist from the Planning and Development Department of Lincoln County.

#### **SOS--Save our Shoreline Campaign (Lenaerts)**

The District can join the Northwest Oregon Restoration Partnership consisting of watershed councils, soil and water conservation districts, state agencies, land conservancies and others. They will work on restoration of native plants. The groups will seek out and gather plant seeds that are native to the coast, and then propagate them in gallon containers for a year until they can be distributed among the partners, free of charge. Lenaerts submitted the Agreement to the Board members mid-December.

**Skirvin moved to have the District join the Northwest Oregon Restoration Partnership program. Walker seconded the motion.**

**Vote: Unanimous. Motion carried.**

Lenaerts said the second part of the program would be to work with the Salmon Creek Watershed Council and the Lincoln Soil and Water Conservation District as they seek to install a nursery and satellite nurseries. Working with Taft HS, SCWSC will manage the nursery. They have a National Fish and Wildlife grant to work with high school students for the benefit of native vegetation, etc. They are looking for partners as part of the grant—partners who can offer a match in staff or volunteer time. Would the District be interested in providing staff time or volunteer time as the match?

Public outreach, education, lake saving for home owners, seed harvesting, any direct work in the nursery or homeowners' consultations would be considered part of the match. It would be about 10 hours a month for 18 months or 180 hours of staff time in the nursery and public education. It could be part of the SOS program. Lenaerts said it might be best if we only committed through June, 2012 [that is when the project manager's contract ends.] Lenaerts said there are many benefits to this program, only one of which is free plants. The Northwest Oregon Restoration Partnership delivers plants only once or twice a year.

Lenaerts asked the District to write a letter of support because this program and the District's goals are tied together. Lenaerts said their final meeting is scheduled for tomorrow (Friday). If the Board approves 180 hours and they don't need all that time, it can be scaled back.

Discussion ensued regarding what activities would apply toward the grant match and staff time that would be required.

Skirvin asked Robertson if an intern would be part of the summer program. Robertson said that water quality work and other assignments are based on an intern's talents. Robertson said with volunteers, intern or staff, he feels the obligation could easily be fulfilled.

Skirvin said to consider that through the summer there might just be Robertson and an intern. Are there other activities that could qualify for the grant match? Robertson said he is not actively involved in the SOS program; however, there will be new activities that would qualify for sure. Robertson suggested just committing to a total of 180 hours and not breaking it down by month. Green asked how much time is spent monthly on SOS.

Lenaerts said probably one-third of his time is spent on SOS and he thinks this time would qualify as matching staff time.

Walker asked how we would make use of the nursery.

Lenaerts said the Northwest Oregon Restoration Partnership only brings the plants twice a year. The benefits of SCWSD having a nursery onsite would benefit us more. There is a potential that we could store 1,000 plants at the nursery.

**Skirvin moved that the District write a letter in support of the project and commit to 180 hours of matching-grant time. Green seconded the motion.**

**Vote: Unanimous. Motion carried.**

Lenaerts noted that the East Devils Lake State Park Recreation Area rain garden cost totaled \$9,762.00, including \$100 for the plastic covering, \$4,500 for site prep and \$1,971 for design, labor and delivery and \$200 for permits. The cost of the plants was nearly \$3,000. If we are able to tap into the plants from the nursery, the cost on projects will be greatly reduced.

### **Vegetation Management**

Robertson said David Phillips, the intern, has been working on this project. Brian Green reviewed the contract for the lead scientist role of Max Depth Aquatics, a signed copy of which is on file.

The contractor is now in place for \$33,000, approved at the last meeting.

Staff has been digitizing records to share with them and paperwork from ODFW.

A database containing ODFW's full record of grass carp stocking is being completed by the Department based on our request, which we should have by the end of January. Robertson said he has been reviewing the Grass Carp Strategic Plan that calls for a topographic survey as part of the application; he believes the data are there. He will investigate hiring an engineer if the Board approves. Information can be compiled on who can do this and the time involved.

Green: How long will it take?

Robertson: I will compile that information. We have high level data on our computers. ODFW wants to know the inlets and outlets of the watershed, etc. Having that information pinpointed will serve us well.

Green said an RFP should be developed as soon as possible.

Robertson will work on that over the next month.

### **Sewer (Brian Green)**

Green does not have anything new to report. He provided his final input to the engineer and believes they are at the point of submitting the final report to the city; however, he has not seen it. It is either at the city or close to being sent. Green will check with the project and city engineers if he has not heard anything from them prior to the February Board meeting.

### **Erosion Study**

Robertson read a letter from TetraTech to the Board wherein they said they wanted to comply with the contract. They have reviewed the comments and are revising the report. Synthesis was expected in more detail by the District. They said they will discuss details with Robertson and will have a final report by January 23. Deliverables and additional items will be provided digitally.

Skirvin said he would like to see this report submitted to the Board prior to the next meeting; he feels the time is quite tight to get it done before February.

Robertson said he will talk with Toni Pennington next week. If it cannot be finalized by February, it won't be accepted.

Ward asked if TetraTech had indicated that raising the level of the lake was not detrimental to the health of the lake.

Robertson: At a variable within half a foot, they could not find anything. If you jack up the lake to 11 feet, there would be an impact. What they did not address in their presentation was where the energy was hitting. They outlined how the wave energy was forming, but did not look at where. Discussion continued on the parameters that should be considered by TetraTech and the synthesis analysis that they omitted.

Ward asked after they complete their study, will we have the answers to our questions?

Robertson said he doesn't know what the final product will be.

Walker said he did not want to discuss whether this report would tell us whether the lake will be healthy.

Ward said what he is trying to determine is if raising the level of the lake is beneficial or not.

Green said it might not be within a certain probability. The final opinion has to come from them.

Robertson said he would like to see them relay confidence in their assertions. Just because you don't have the evidence does not mean it does not exist. He would rather know it if they don't have the answers.

### **Communications Report**

Robertson said the Board meetings are airing on Channel 4—there is a link on the website of the schedule. Audio is posted and available on the website. He noted that Lenaerts had sent out a great newsletter for winter quarter.

There are 69 followers on Facebook; the website and the Board meetings are the crux of the District's communications. Staff is working to increase interest in the lake.

Skirvin inquired about slides that are shown on Channel 4 between meetings.

Robertson said slide shows have run in the past. He will look into posting the PowerPoint presentations.

### **Safety Report**

No accidents.

### **Audit**

Robertson said an independent accounting audit assessment was posted on the website and sent to the Secretary of State. There is no presentation of the review to the Board, since the contract did not call for a presentation. Robertson said he has paper copies if any Board members would like a copy. Skirvin said he would stop by the office and pick one up.

Robertson said the report was good; there was no material concern identified.

It also includes management discussion and analysis. Net, unrestricted assets have increased since 2005, from \$300,000 to \$540,000.

Robertson said he is attempting to coordinate holding the budget hearings in the City Council Chambers. They are normally held the first Monday after the May meeting. Are there any dates the Board would like to suggest?

Skirvin said if it is weekdays, Wednesdays or Fridays are best for him.

Robertson will attempt to reserve the space for Friday after the May meeting.

### **Comparison of Vegetation Management Strategies (David Phillips, Intern)**

David Phillips presented a slide show on the comparisons of some of the alternative vegetation management strategies, as requested by the Board. Some of the items covered follow.

#### **Aquatic Vegetation Management Options**

##### *Mechanical Harvesting*

Advantages:

Cuts and removes vegetation; immediate results; covers one to two acres per day; cuts to depths of 8 feet

Contracting companies are on the East Coast and Midwest and one is in Sacramento

Disadvantages:

High initial cost is from \$100,000 to \$200,000

Lake must be mowed constantly--\$30,000 to \$50,000 a year

Work would continue all summer long—May through the end of September

Plants grow back at a denser rate

Not a long-term solution; they grow back thicker

Residual damage can occur to the area

##### *Suction Harvesting*

Advantages:

Machines range from \$20,000 to \$30,000

Removes all the plant, including roots; reduces growth significantly in subsequent years

Doesn't remove any sediment

Disadvantages:

Slow process, stirs up sediment

Needs dredging permits as this is considered dredging by State

Requires a two- to four-man team

Only one company out of New York has been doing this for quite a few years

It is possible for the District to build the equipment; however, the New York company has worked out all the kinks

##### *Bottom Barriers*

Advantages:

Cheap to purchase and construct

Kills all plants within 3 to 4 weeks

Effective over dense patches

Takes about a month to kill everything

Effective on boat docks or swimming docks

Can be moved

Disadvantages:

Time consuming and tedious to place

Not cost effective on large scale area

Gasses build up as the plants are killed that can cause a hazard in the lake

Props can get tangled up

Must be regularly inspected

*Hand pulling*

Advantages:

Very species selective

Like pulling weeds in a garden; no detrimental effects to the environment

No permits needed; cheap on a small scale; can significantly reduce regrowth

Similar to landscaping

Disadvantages:

Slow, labor intensive process; not very effective in deep water over 4 feet

May be difficult to remove entire plant and collect all plant fragments

Skirvin thanked David for his work and providing a lot of good information. He suggested that David prepare a “pro and con” comparison sheet.

David Phillips responded to questions from the Board.

Disposal of plants could be an issue—they could be composted or dropped into the landfill.

Robertson responded to a question that approximately two percent of the lake is vegetated.

Discussion continued on the comparisons between lakes that Phillips profiled and Devils Lake.

Hand pulling and Suction Harvesting seemed to be of the most interest.

## **New Business**

### **Cyano-Watch Program**

Robertson presented a Cyano-Watch Program history—it began in 2005. State established new guidelines on August 11, 2005. In 2006, no sampling was done. Info was imparted; signage was created—green, yellow and red. In 2007, monitoring for cyano-bacteria was begun—the first year of cell counts.

In 2008, toxin testing began; used same signage postings; near shore sampling was done. In 2009, toxin analysis was done; third year of cell counts. We changed to nine subsamples from each of 12 sites. We may have missed some of the peak values, but also maybe provided a wider area of representation. We changed some of the signs for readability and did a major overhaul with values of 12 samples. We added the water quality banner to *The News Guard's* publication of our weekly *E.coli* monitoring results. .

In 2010, we added an integrated photographic zone sample and changed the signage. We used the kiosks for posting.

DHS implemented the harmful algae bloom program; signs were changed slightly.

We changed banner message to a permanent, consistent message. The water contact advisory was changed to mirror that of Washington State's. We added Spanish to some items.

Cyano-Watch 2011. Fifth year of cell counts, 4<sup>th</sup> year of toxin testing. DHS became Oregon Health Authority. Some program changes were implemented.

An outside lab was required if anatoxin-A were found (none have been found on Devils Lake.)

Signs were changed again.

The HABS 2012: Statewide stakeholder meeting will be on March 7, 2012. Signs will change again; website and displays will need to be updated. The OHA has created flip signage. They use blue-green algae and cyanobacteria terminology. Skirvin asked if they would provide the District some signs. Robertson said we could get a few—Regatta Grounds and East Devils Lake State Park, at least. Discussion about when the signs would be flipped. The green signs would remain the same; the flip signs would replace the red signs. Discussion on verbiage: blue-green algae, scientifically known as cyanobacteria. Skirvin said we need to consider changing the signage. He asked Robertson to mock-up the changes and send a draft to the Board to create the District's position prior to the March DHS meeting. Robertson will send a mock-up to the Board and place it on the agenda for February discussion. Signage changes can then be made after the DHS March meeting. Display, brochures and website will probably need to be changed. Robertson will attend the stakeholder meeting in March; obtain/install flip signs from OHA, draft for revised signs, web and revised brochures to maintain consistent message.

### **NALMS 2011 [Spokane] Summary and OLA [PSU] 2011 Summary**

Robertson referred the Board to his notes on the two conferences that he attended. [Pages 6 through 10 of Staff Report, 1/5/12]

OLA has an atlas of Oregon lakes. It can use an interactive map similar to the District's GIS system. The Atlas also has the beginning of water quality data and may become a repository of DEQ's data on lakes. Currently, a Secchi Depth comparison is available to compare lakes.

AOL Home: <http://aol.research.pdx.edu/>  
Devils Lake: <http://aol.research.pdx.edu/?q=lake/353>

The link will be placed on the website.

For the Secchi Depth comparison, a disk drops down in the lake to show the clarity of the water. This plate shows the water clarity and depth is listed in meters (approximately yards). It will reflect the data DEQ has. Robertson said the best clarity is about 4.5 meters.

### **Digital Camera**

Lenaerts talked about the need for a new digital camera. The current one is about five years old. He has compared prices on replacements that have all the features needed (including waterproof), at a cost of \$500 or less (budgeted amount.) Staff recommends something similar to a Panasonic with case, memory card, extra batteries and waterproof.

**Skirvin moved to allow staff to purchase a digital camera with desired features up to the budgeted amount of \$500. Green seconded the motion.**

**Vote: Unanimous. Motion carried.**

## **Non-Agenda Items**

### **Public Comment**

**Noel Walker:** Noted that two weeks ago one of the boats working on the Chinook Winds golf course tied up to one of his docks at Blue Heron. He said all the work was completed and the lines were placed at a depth of from between five to seven feet.

Robertson said he visited the site and noted that they drilled under the lake and the highway to hook up to the fairway. He said there was very little disturbance of the lake.

Skirvin said it would be a good idea for someone to keep abreast of the fertilizer issue to determine if the golf course is, indeed, making the changes they indicated—less fertilizer and fewer nutrients in the water should promote a decrease of nutrients into the lake.

**Matt Christy:** Lives near the Second Street bridge. He is concerned that there is no water flowing through the canal at this time, and it is becoming shallower every year. Is there any consideration being given to removal of the sand build up behind the dam to increase water flow?

Robertson responded that in April the District moved some logs out of the area near the bridge near First Street to promote natural sand removal. He said there is not much of a watershed behind there and the canal will be sluggish, but it does flow. There are currently no plans to dredge.

Skirvin added that it is difficult to try to maintain something that nature will continue to deposit again. He asked if it was open at this time.

Christy said he has not been able to get through since April and kayaks are not going through there. Robertson said that kayaking was one of the reasons that the log removal was done. He hopes there will be some navigable water again. There are limits to what can be done, and sand will continue to be deposited.

Walker asked if the District would be allowed to remove the logs.

Robertson said the logs provide a place for a breather for Coho that have just made it up the stream. Going out the river, they are going to hang out by the logs, and ODFW will note that. We were able to move the logs before because they were floatable. We could move the logs, but could not remove them in the window of time we had. We would have to move them between November and February. They are pretty stable now. If there is three feet of sea water, it is going to move something. They are going to go toward the state park.

**Kip Ward:** Gave a big welcome to David Phillips.

**Robertson:** Read a letter from Mitchell Moore congratulating the District and listing some of the accomplishments of the District during the year—the database, the SOS program, rain garden, lake saving class, RFP, communications improvements, skier-down flags, recreational brochure, seed packets, kiosks, K Street signage, cyano-watch signs, local media, Channel 4, water-quality monitoring, kayak navigation, internships and more. The letter follows in the Minutes.

### **Adjournment**

The meeting adjourned at 8:33 P.M.

The next Board meeting will be held on February 2, 2012 at 6:00 PM.

Respectfully submitted, Linda Burt

Mitchell Moore  
2929 NE Loop Drive  
Otis, OR 97368

January 03, 2012

Devils Lake Water Improvement District  
820 SE Hwy 101, Suite D  
Lincoln City, OR 97367

Dear DLWID Board Member:

I will very likely not be able to attend the meeting this month. As we begin another year, I would like to take a moment to make a few brief comments.

### **CONGRATULATIONS ON A GREAT YEAR**

I wanted to take the time to complement DLWID on its many accomplishments in 2011. I have looked back on the year and was quite amazed. Here is what I found

The significant DEQ 319 database scrub project was completed. Save our Shoreline projects continued with the completion of the Regatta Grounds and East Devils Lake State Park rain gardens. Another year of Lakescaping class was provided to landscapers in the area. Additionally, the District created the Grass Carp Strategic Plan. Work has begun on the first few steps in the plan, included the creation of an RFP and award for a consultant to help with the next few steps.

Impressive is the progress that has been made toward the items in the Communications Report. The District's new Facebook page is active and contains very interesting references, which I check regularly. The content is also tweeted on the District Twitter account. Regular email newsletters are sent out to an ever-growing list of contacts. The District planned or attended several events during the year raising visibility of staff and the work they perform. These include the Devils Lake Dunk, the Stand Up Paddle, the Devils Lake Revival, Community Days, the Stand Still Parade, and a gathering at Chinook Winds.

In addition, there were several efforts attempted to reach out to lake stakeholders; several were grass roots by nature. Examples include a special flag designed for the District boat, and the handing out of skier down flags. Informational flyers were created and staff made a real effort to spend more time on and around the lake making contact with patrons. A terrific new recreational brochure was designed and placed in informational displays around town. Staff even designed seed packets of native grasses that were sent to local residents.

Signage around the lake has been updated to help communicate to the public. The new sign kiosk at the K Street beach has been installed. All of the Cyano-Watch sign were redesigned and updated all summer long during water quality monitoring season.

The District made great use of the local media including The News Guard, the Newport News Times, and Oregon Coast Today. Discussions continue on KBCH, and perhaps most significantly the new location of Board meetings was negotiated bringing the beginning of broadcasts of the Board Meetings on Cable Channel 4. This really made the District more accessible to all residents.

Several other ongoing projects were also accomplished. Another season of Water Quality Monitoring is completed including DNA testing on Thompson Creek identifying canine as a possible source of the Ecoli readings. The Erosion Study was completed and presented to the public. Logs were removed on the D River making kayak navigation on the 2<sup>nd</sup> street canal once again possible. Some progress was made on the Cafe; researching the potential purchase of the Union 50.

This year the District had significant changes in the make-up of the Board of Directors; it was a smooth transition. Continued use of Interns brought in Lisa Lynch and most recently, David Philips, each helped to accomplish some of these projects. The Board committed to the addition of Seth Lenaerts as Project Manager as a new staff position, which also contributed to the tremendous volume of accomplishments during the year.

**IN CONCLUSION**

Wow, as I said that is quite a list. I appreciate the opportunity to say thank you. So, here you go... Thank You very much.

Sincerely,  
Mitchell Moore