



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

**COUNCIL CHAMBERS, CITY HALL, 3<sup>rd</sup> Floor  
March 1, 2012  
6:00 P.M.**

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

**ABSENT:** None

**AUDIENCE:** Don Sell, Larry Brown, Raylene Erickson, Mitchell Moore, Mark Christie, Mark Hyland

**STAFF:** Paul Robertson, Seth Lenaerts, Project Manager

**MEDIA:** None

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

**Consent Agenda**

Financial Report: **Skirvin moved and Weldon seconded approval of the Financial Report.**

Minutes from February: Skirvin requested that Page 3, under Vegetation Management, reflect the change that Weldon *moved* to authorize payment for the public records request of \$808.75.

Green requested a change on Page 4 under Sewer to reflect that *Green said the DEQ policy is that a home owner's request for a permit for repair or expansion of an existing septic system will not be granted if they are within 300 feet of available sewer line. Instead, they must hook up to the sewer if they are within 300 feet of an available sewer line.*

Weldon noted that the date for the March meeting should be changed from March 6 to *March 1.*

**Skirvin moved to adopt the Minutes from February with the requested changes. Weldon seconded the motion. Motion was unanimously approved.**

## Public Comment

**Mark Christie.** Christie commended Robertson and the Board for their improvement in the Communications efforts of the District. He referred to Facebook and Twitter, specifically. He urged them to continue seeking new methods of engaging the public here and around the state so that they are aware of the lake. He would like to see a link to the web page of the independent “Devils Lake Navigator” website.

**Larry Brown:** He encouraged the Board to consider good business practices and financial responsibility. He feels many of the projects are unnecessary. There is excessive staff and said the work could be accomplished with part-time clerical help and a second part-time specialized person. He proceeded through the manager’s report and commented on many of the issues. He said e-mail would be a better way to inform people about the “Why Landscape” meeting to save postage and printing. Instead of lunch, cookies and coffee could be served. Regarding the planting guide, he feels \$1,100 is excessive for 100 of these guides. He said money could probably be saved by printing the guides in the valley rather than using local printers. Cost should be considered when spending public funds. On vegetation management and the contractor providing monthly updates—who are the contractor? And, Robertson said he met with Eilers. Who is Eilers? He feels that on the sewer issue, if we are requesting an entity to bend an administrative rule, it will not be done. On the conferences, he feels staff is attending too many conferences. Regarding someone speaking on the radio for the Board, he feels the Board should review what is being said. Regarding the Diver-assisted harvesting option for vegetation management, it is a ridiculous idea and a waste of time to consider. He hopes the Board is reviewing this option as a condition for the grass carp application.

## Unfinished Business

### The Devils Lake Plan

#### Septic Tank Revitalization Program (Lenaerts)

Lenaerts said he has met with representatives from DEQ, the City, the County, and with private wastewater management installers, pumpers and inspectors to discuss the criteria for inspecting septic systems. Drafts of the criteria form should be presented within the next month or so. Weldon asked if it would be presented again to the city council. Lenaerts responded that the council had directed Hawker to come up with a criteria form draft; it has not yet been completed.

Green would like to see added to the criteria that would prioritize inspections for properties within 300’ of a sewer. This might be a negotiating point with the city that might make the issue more palatable financially. The city would have the prospect of obtaining more SDC revenue because they are conducting inspections on a priority basis. If they discover failing systems, these people would be required to hook up to existing nearby sewers if they are available.

Lenaerts said that would have to be incorporated in the ordinance. What he is currently working on is just the form for the inspection.

Green said the city’s only objection seems to be that they might not receive enough immediate revenue.

Lenaerts said that this criterion could be added to the matrix of priorities for the inspection process they are currently considering—proximity to the lake, age of the system, water used, etc. He said he would talk to the City about adding this criterion. If they are within 300 feet of an existing sewer line, that would be an easier remedy for those people to use.

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

Discussion ensued on the date for the Lakescape seminar of 10:00 AM, March 31, to hold it in conjunction with the Oregon and Idaho Spring Break period that overlaps with Washington.

A direct mailer to shoreline property owners will serve as an invitation and announcement of the event. The direct mailer will include the flyer for the event, a coupon for the 75% off a shoreline planting project and the Stay Connected sheet. The event will also be promoted with a newspaper press release, a radio PSA and on the website. Lenaerts feels that the direct mailer as a personal invitation will entice more people to attend.

One printer quoted a cost of 54 cents for each for a two-sided sheet. We would have about \$100 in postage. The total cost will be about \$580.

Skirvin asked if this seminar could be taped so that it could be run on Channel 4.

Robertson replied that if it is held on the weekend, there would be overtime charges for the City staff and the video recording of, possibly, \$200.

Skirvin said it would provide additional value for a one-time activity and expand the exposure to people on Channel 4.

Green agreed that it was a good idea. He said people seem to watch the public access channel.

Lenaerts said the class is about an hour and a half, but a briefer session could be conducted for 20 minutes or so. Discussion continued on the merits of doing a shorter version vs. the longer one.

Lenaerts asked if he could consider the issue and make a recommendation.

Robertson said that both of the projects could be completed and that consideration had been given in the past to creating short video vignettes for CD's.

Weldon reminded the group that many people who own homes on the lake are not here full time.

**Green moved to authorize Lenaerts to conduct a Lakescape class in the City Council Chambers at 10:00 AM on Saturday March 31, with a budget of up to \$800 for direct mailers, lunch and staff overtime, and to broadcast the event on Channel 4. Walker seconded the motion. Vote: Unanimous. Motion carried.**

Regarding the Planting Guide, Lenaerts noted that information sheets on 13 of the most common invasive species around the lake have been created. This will create additional costs for printing. If the same printer is used, the additional pages will add approximately \$1.15 each to the cost. The printer also mentioned some additional formatting might be required.

One concern with the Guide was the planting of species that might have some high top-out depths. Lenaerts will add a note to these items, such as "Use extreme caution or contact the District before planting."

Weldon said that was his concern since this is a planting guide; as long as the note is in clear, bold font, it should suffice.

Walker asked how someone would obtain these \$10 Guides. He cautioned that we want to make sure the people who are obtaining them realize their value.

Lenaerts and Robertson responded that they are not handed out at large, but given to folks at speaking events or people who come into the office, and generally only to people who would actually use them.

**Skirvin moved to approve reprinting the Planting Guides with a budget of up to \$1,100. Green seconded the motion.**

Weldon said he feels it's a valuable resource. A lot of people don't have a clue what is appropriate for landscaping around the lake.

Robertson said the addition of the invasive sheets is a real improvement over the previous version.

Robertson and Lenaerts said they have gone through 150 to 200 of the Guides.

The Guide is available on-line and can also be checked out at the City Library.

**Vote: Unanimous. Motion carried.**

Lenaerts added that he would like to thank the team of AmeriCorps members who worked with the Oregon State Parks. The ten-person team based out of Sacramento spent Valentine's Day learning about the benefits of rain gardens and bioswales, weeding at the Regatta Grounds rain garden, removing invasive species at East Devil Lake State Park Recreation Area and doing site preparation for a rain garden at a private home. Katie Duzik of Oregon State Parks and Recreation was of immense value in these projects.

Lenaerts said that the Northwest Regional Partnership dropped off 250 or 300 plants yesterday, representing about \$1,500. Plants are available to the public if anyone is interested in obtaining plants.

### **Vegetation Management**

Robertson reported that he has been working with the contractor, Joe Eilers, since January on this project. Eilers has provided monthly updates. He has held meetings with ODFW staff and with Robertson; he has made additional contacts with ODFW staff; and he has acquired and reviewed literature relating to grass carp.

Robertson said for the initiation of the petition, there are five sections to the contract. Two new reports have been placed on the website. Robertson and Eilers have created an outline of "To Do's. Robertson has contacted Dr. Mark Sytsma of PSU and is attempting to get his opinion on the speed of vegetation resurgence if it is left unattended. Robertson also wishes to talk to him about developing an internship or degree program for long-term monitoring of the lake's vegetation.

When Eilers was interviewed, he thought this appeal process would benefit from a nutrient model and he has provided Robertson with some of price quotes on those issues. For a very basic fish interaction study there is software called STELLA that would create modeling techniques at a cost of around \$15,880. Another model (SWAT) would be just under \$46,000. These are basic figures. For the full model that would be of greatest use, including a whole new set of sampling data acquisitions, the cost is considerably more—around \$100,000. The current budget has funding for a piece of lab equipment that could be used to do nutrient analysis that would greatly reduce the cost associated with the full model. This would entail additional staff time; it could be built into the annual monitoring program.

Robertson said he just wanted to inform the Board so that they could consider it in the future. There might be some grant funds for this as well.

There was further discussion about the pros and cons of creating a nutrient model.

Skirvin: When you arrive at the overall recommendations and have a time-line, we will look forward to that discussion.

Robertson said that for about \$16,000 we would have a model that would only be of benefit for this grass carp petition. The data would not be transferrable such so that we could use it for a nutrient model to determine the number of things that are in the watershed.

Further discussion ensued on dependent vs. independent Coho strains. Robertson explained that if the population is dependent, it can be replaced and replanted from different populations. An independent population is of more value than the dependent population. Lake-based Coho has a resiliency and multiple life cycles that the river population does not have.

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

The draft of the letter that Robertson and Green have prepared was provided to Skirvin. Robertson said it addresses the District's desire to resolve immediate issues and move forward. Green added information about the economic benefits to the City relative to opening up more opportunities for properties to hook up to sewer. If there is no sewer available and you provide the opportunity for hookup, the hookups would become more frequent. You create the opportunity for hookups with a 300-foot sewer line proximity. Green said the delay in the final draft of the letter was due to his ongoing communications with David Hawker and the engineer to clarify the issues. Skirvin said as soon as Robertson sends it out to the Board and they approve it, he will sign it.

Green explained that front and center is whether the City envisions enough financial benefit to go forward with the project. If the City has an output of \$200,000 to install sewer and paving, they can get it all back from the property owners plus SDC charges and interest on the deferred payment. The SDC charge is \$5,000 or so; however, the city must take a conservative view point. The engineer is currently surveying the property owners to determine who will hook up immediately and how much money the city will obtain on SDC charges immediately after the sewer is installed.

Weldon said that Hawker had mentioned a 10-year note, retrieving the cost upon the sale of the home via a lien on the property. Financial flexibility in hooking up is what would interest people and get them to participate.

In reviewing the audio of the Septic-Sewer workshop, Green said discussions became quite unfocused toward the end of the as people recognized the enormity of the issue. One suggestion was that DLWID consider a tax levy district-wide to fund a sewer around the lake. That would be a tough sell to the inhabitants of the city and the lake. It would be a tax, and who would be the beneficiaries? Some would benefit more than others.

Robertson said that the end result is that people benefit from less nutrients going into Devils Lake.

Ward said it would be helpful if certain issues and acronyms could be clarified as we go along.

Green said SDC is System Development Charge and is the City's sewer system charge that each individual is asked to pay. If the cost is \$5 million to install lines, the City determines that each property owner needs to share in the cost, and they are charged to hook up to the sewer line. This is amortized over the life of the sewer and individuals are charged an SDC based on their equivalent share of those costs. Green explained that LID refers to a Local Improvement District. The City has the authority to initiate an LID on its own. This particular LID was initiated by 75% of the property owners that would benefit from the improvements. It involves a pressure sewer system that is smaller and less investment intensive than a gravity sewer systems, and includes paving of the roads to the existing 16-foot width. There would be great benefit to the lake. There is currently a natural bioswale with vegetated gutters that will continue to exist and not be disturbed. It is

environmentally healthy to the lake. Payment for the improvements is done by an assessment after the work is completed. We have an estimate by an engineer on what the cost will be, and the actual assessment will be decided after the City pays for the project.

### **Erosion Study**

Robertson received a second draft of the report from Tetra Tech on 2/15 to which he responded and is now awaiting the third response, which will be distributed to the Board, who can then provide comments. It will be on the Agenda for next month.

Skirvin asked if the draft could be sent out by the middle of the month so that they would have some time to review it. Robertson replied he is hopeful it will be received this coming week.

He explained that two bereavements of the Tetra Tech staff have slowed the progress. Skirvin asked if they would be willing to come in or call in for a conference.

Robertson replied that a call-in would be quite feasible. He will ask them to call in.

### **Communications Report**

Robertson reported that he has been asked to conduct a community education class at OCCC that would entail three hours of his time for up to 12 people who are expected to attend.

It could have some benefit to the District as he would focus on water quality, sampling and a number of other issues relating to the lake. They have entitled the class, "Understanding Water Quality: Be Part of the Solution." They will send out their course flyer to everyone in the county.

Skirvin asked that Robertson share with the Board the materials he is developing for the course.

Robertson said that the interim president, Bruce Koike, invited him to be a guest on the live OCCC broadcast on March 16 at 8:30 AM that will air on several stations. A Podcast will be placed on the web as well.

Robertson said that he had made some updates to the *E.coli* Water Quality reports posted during the summer. The changes at the bottom that provide contact details for the District will simplify the connection QR code that, when scanned by a Smartphone, will send the person directly to the website instead of just providing contact information.

Robertson showed a slide report of a draft of the signage that will be placed in the City Council Chambers during the monthly Board meetings to show the public what they are watching.

It lists the District's Mission. It can be used for the Senior Faire and at other public functions, and will be placed in the hallway near the DLWID office.

The sign is portable, lightweight, has a crisp look, and the cost is under \$300. It has a retractable banner, is 33 x 80 inches and is collapsible.

Dave Price, *Oregon Coast Today*, designed the sign at no cost to the District. He created QR codes so that you can scan it and get the Facebook and Twitter pages of the District.

Robertson said he will add a laboratory photo as well to represent the scientific portion of the work that the District performs. Skirvin made a small suggestion on the design; the Board was pleased with the draft.

### **Safety Report**

No accidents. Robertson has a new OSHA poster placed in the office.

### **Budget Calendar**

The Budget calendar was presented on the manager's report.

**Green moved to change the Budget Committee meeting from May 4 to May 11.**

**Skirvin seconded the motion. Vote: Unanimous. Motion carried.**

### **Regular Meeting**

Robertson said that the City Council Chambers facility is available on May 10 if the Board wished to change the regular meeting date.

**Green moved to change regular meeting date from May 3 to May 10. Skirvin seconded.**

**Vote: Unanimous. Motion carried.**

## **New Business**

### **SDAO Conference**

Robertson pointed out that the summary of this recent conference is contained in his manager's report. The primary presentations were on Public Records, Easements and Land Use, Managing Employment Relations, Public Contracting I and II, plus several caucuses with other Special Districts including Flexlease, Insurance, Risk Assessment and Consulting. He felt the conference was very worthwhile.

### **Rental Lease**

Robertson reported that he has been preparing paperwork with Bruce Polvi, the District's landlord, to take advantage of the tax relief that Mr. Brown brought to the District's attention. Robertson thanked Larry Brown for his efforts in this issue. Robertson received a new lease from the landlord. Changes from the previous lease include the benefit of cancelling with a 30-day notice. Rental costs are the same with a 3% annual renewal increase. If successful in reducing the taxes, the discount will become effective November of 2012 and the District could save as much as \$2,000 annually. Robertson said that the lease should be signed within two weeks to submit the paperwork before the April 1<sup>st</sup> deadline.

**Skirvin moved to authorize Director Brian Green to review and sign the lease on behalf of the District. Walker seconded the motion. Vote: Unanimous. Motion carried.**

### **Diver Assisted Suction Harvesting (DASH)**

This vegetation management option is one that the Board requested staff to investigate and to bring into the arsenal of management tools. Robertson made contact with a colleague in the North American Lake Management Society in New Hampshire. Rather than taking the advice of the vendor, he said it is important to have a more unbiased contact. She sent lots of information that Robertson feels is good, solid data. This option entails taking a direct approach to vegetation management of the lake by sucking out the weeds by the bottom, roots and all. Robertson will study the data that she sent; however, at this time, the Budget is the primary concern. He will come back with some type of summary on the information for the next meeting.

Walker asked if this DASH process would suck up the surface blooms, to which Robertson replied that it does remove surface scum, similar to what they do at Lake Oswego. There are some canister devices through which water is filtered. Robertson will discuss with Lake Oswego managers the details of their program. This particular vessel costs about \$50,000.

## **MidCoast TMDL**

Robertson said that DEQ has begun the planning process for developing an implementation-ready TMDL for 303(d) listed water bodies in the Oregon Mid-Coast Basin. There is information on the ListServe. This is a process of identifying how much bad “stuff” is in a water body. How much can people continue to add to it without making it worse, and how is the “stuff” managed. This TMDL process is going to look at the whole mid-coast watershed down to Florence and will continue for about 18 to 24 months.

The first step from staff’s point of view is the local stakeholder advisory committee meeting that will take place on March 20 from 9 to 5. Participants will meet at regular intervals, and other groups will be formed—a technical working group, a scientific level group and others.

Devils Lake is officially listed for Chlorophyll a and pH and Thompson Creek is listed for fecal coliforms, and thus, as a local government, the District has been invited to participate.

The Technical Working Group will have a role in discussing Best Management Practices for reducing the loading to the impaired water bodies. Robertson said we have to get rid of these blue-green algae and try to reduce the nutrients. That is one reason a nutrient study would be beneficial. After the meeting on the 20<sup>th</sup> he said he will have more to report.

The group will develop a website for the project and we will have a link so that people can stay informed on the information.

## **Lake Steward**

Two nominations for Lake Steward were received this year. Mitchell Moore was last year’s recipient. Robertson asked the Board to vote on the recipient.

One nomination was Katie Duzik, Oregon Parks and Recreation. Seth Lenaerts reports that we were able to complete the Regatta Grounds and the Devils Lake Park projects with the help of Katie. Without her, we would have been required to hire an archaeologist. She participated in the preparation, helped with the signage, and helped with AmeriCorps team on the Regatta Grounds and private residence projects. She has been a consistent partner throughout.

Raylene Erickson, who was the 4<sup>th</sup> Lake Steward, nominated Don Sell, a volunteer on the Budget Committee. He has worked with PADL for years, worked on the International Migratory Bird Day and on other projects. Don and his wife, Mary, own the Lake House Bed and Breakfast and encourage people to visit the lake. Don attends the DLWID Board meetings regularly.

The Board voted by ballot. Skirvin, Green, Walker and Ward voted for Don Sell; Weldon voted for Katie Duzik.

## **Glossary**

Robertson asked for the Board to provide additional terms and acronyms that they would like to see defined. Weldon asked if Robertson would place the Glossary on the website and Robertson said he thought that would be the best place to display it. Skirvin asked for a pdf on the website that people could print.

Robertson read off about 40 or so terms and acronyms that he has defined and he will continue to add to the list on an ongoing basis.

Ward asked if the reports that are received could be written in more of a layman’s vernacular so that folks could understand the projects better. Robertson said that Executive Summaries are very helpful; however, many of the documents are scientifically based. He said he could request that contractors write as much as possible for their audience which is often the general public.

### **Internship 2012**

Robertson said that now is the time for the Board to decide if they wish to hire a summer intern. Much of the work involves basic water quality monitoring, educational outreach and scanning and digitalizing documents. There was discussion on whether it is more feasible to hire through a temp agency or hire an intern direct, and the hourly amount to be paid.

Four of the past six interns were paid, and two were not. Robertson would like to get the announcement out prior to Spring Break if the Board agrees. The program would be for 17 weeks of full-time work at a total cost approximating \$10,000.

**Walker moved to authorize Robertson to develop a summer internship program, conduct the interviews and determine the most feasible way of hiring the intern at a salary of \$10 per hour to be paid to the intern. Skirvin seconded the motion.**

Weldon asked if a second staff person for the summer was really necessary. Robertson said they would be performing more basic duties—water quality monitoring, archiving, planning the Devils Lake Revival as well as other outreach programs.

Green said that since the grass carp issue is on the front burner, he believes it is necessary to hire a summer intern.

**Voted Yes: Walker, Green, Skirvin, and Weldon. Ward abstained. Motion carried.**

### **Guess who is Turning 7?**

The District was formed on February 29, 1984, and celebrated its Seventh actual birthday on February 29—this leap year.

### **Public Comment**

**Mitchell Moore.** Moore said he is excited about the TMDL process. He believes that this two-year program will drive the future of the lake. He also commended the staff on their superb job of communicating to the public. (A written statement from Moore is attached.)

### **Adjournment**

The meeting adjourned at 9:05 P.M.

The next Board meeting will be held on April 5, 2012, at 6:00 PM.

Respectfully submitted, Linda Burt

Mitchell Moore  
2929 NE Loop Drive  
Otis, OR 97368

February 29, 2012

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

Dear DLWID Board Member:

I would like to provide a brief comment related to an item on this month's agenda.

**NEW BUSINESS – MID COAST TMDL**

This may seem to be a very small item but given recent discussions related to the definitions of terms used by the District in the past two meetings I believe it a correction that needs to be made.

In the staff report for this month's meeting the following statement is made under New Business item (d), Mid Coast TMDL.

*“Devils Lake is listed for fecal coliform and pH and Thompson Creek is listed for fecal coliforms, and thus as a local government we have been invited to participate.”*

This statement is incorrect Devils Lake is listed for Chlorophyll-a and PH, the reference to Thompson Creek is correct as it is listed for fecal coliforms. The lake was first placed on the 1998 DEQ 303(d) list and has remained there based on the original assessment.

In 2010, a notation was added to the list that referenced the two HABS advisories issued by DLWID during the summer. There is also a notation related to nutrient readings from summer time samples taken in 1995, 96, 97 listing nutrient levels as a potential concern. I have attached a listing from the 2010 Oregon Water Quality Assessment Database, which contains more details.

Pointing out this discrepancy may seem petty but I would argue it is really quite important that we reference this correctly. There is no association with fecal coliforms and the 303(d) listing on Devils Lake. There has recently been an abundance of incorrect information floating about in public meetings and mis-statements made by government officials in local papers as it relates to the level and type of pollutant found in the lake. It is imperative that DLWID enters the TMDL process by publishing the correct information.

This incorrect reference to fecal coliforms as the root cause of Devils Lake 303(d) listing could result in limited resources being focused controlling a pollutant that does not exist in the lake instead of the real culprit, Chlorophyll-a, otherwise known as blue-green algae.

**IN CONCLUSION**

I appreciate the opportunity to address you. I hope you will give these comments due consideration.

Sincerely,  
Mitchell Moore

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