



**Quick Look:**

- Meeting Venue Change---City Hall
- Auditor Selection
- Devils Lake Plan – Next Steps

**Devils Lake Water Improvement District**

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**AGENDA 2011 October 6**

Regular Meeting: 6 pm, Lincoln City, Council Chambers

801 SW Hwy 101, 3<sup>rd</sup> Floor

- I. Consent Agenda** 6:00 pm
- a. Minutes of the Previous Meetings
  - b. Financial Report
- II. Public Comment** (Please limit comments to 5 minutes per person or as outlined by Chair)
- III. Unfinished Business** (Agenda Support Item A)
- a. The Devils Lake Plan
    - i. Septic Tank Revitalization Program (Seth Lenaerts)
    - ii. Save our Shoreline Campaign (Seth Lenaerts)
    - iii. Vegetation Management
    - iv. Sewer (Brian Green)
  - b. Communications Report
  - c. Safety Report
  - d. Erosion Study
  - e. DNA Bacterial Source Tracking
  - f. Audit RFP
- IV. New Business** (Agenda Support Item B)
- a. Devils Lake Plan (Next Steps)
  - b. Oregon Legislature Review 2011 Session
- V. Non-agenda Items**
- VI. Public Comment**
- VII. Board Comments & Announcements**
- VIII. Adjournment**

Meetings of DLWID are handicapped accessible under the ADA.

If special accommodations are needed, please contact the District Office at (541) 994-5330 prior to the meeting.

## Unfinished Business

### a. The Devils Lake Plan

- i. **Septic Tank Revitalization Program** (Seth Lenaerts)  
Verbal update will be provided at the October 6 meeting.
- ii. **Save our Shoreline Campaign** (Seth Lenaerts)

Why Lakescape? An Introduction the Benefits of Native Vegetation on Devils Lake was held on Saturday, April 17. The course was free and open to the public. Topics included: brief history of the Devils Lake watershed and Devils Lake Water Improvement District, current land use practices, importance of a healthy water cycle, impacts of development, the Devils Lake Plan, the Save our Shoreline Program, perception of a healthy lakescape, specific native plants, maintenance and state permits.

We had seven people show up, three lakefront property owners, two landscapers and a few interested community members.

I plan on holding this course again in spring.

### East Devils Lake State Recreation Area

Paul will be meeting with Katie from state parks and a representative from the State Historical Preservation Office (SHPO) on Friday, October 14. The SHPO representative will be there to evaluate the site and determine parameters for the project.

The current proposal is to strip the dead sod and invasive species that were killed this summer using black plastic. After sod removal one to three depressions will be dug to capture stormwater (similar to those at the Regatta Grounds rain garden) in the upland. The shoreline will then be planted with plants that will help to prevent erosion.

For a more detailed description please see the RFP sent separately to the board.

It may be necessary to modify the plan, depending on the report that SHPO will provide. If creating depressions is not a possibility we will then simply plant the site. If we are not allowed to dig any holes, then the site will be covered with erosion control materials and seeded with native vegetation.

The timing for this project is getting tight. It has become clear that I should have had this RFP out in September. Additionally, not being able to meet up SHPO until mid October and not clearly understanding the parameters of allowable on site work is also a bit of a hindrance.

If this project is still going to be completed this fall it is important that the site preparation is done when the soil is not totally saturated, which means the sooner the better. Therefore, we are proposing fast tracking this RFP a bit. If the board is amicable to this, I propose giving Paul the authority to choose a contractor, based on the lowest bid and meeting the criteria set forth in the RFP. That way we can chose a contractor before our November meeting, which will give us the best chance of getting the project done before the full on rainy season.

The one caveat is the report from SHPO. I do not know the process that SHPO takes in approving work to be done on historically sensitive grounds. It may be a nod of the head, but I suspect it will take longer before the project is approved by SHPO.

If it appears that an approval or denial will be given shortly after our October 14 meeting, then the fast tracking approach is best way to go. If on the other hand it appears it will take some time, then I can bring the bids back to the November meeting and the board can make a decision.

iii. **Vegetation Management:** RFP was revised and sent out to fifty or so entities and has been made available online. The question and answer period is scheduled to conclude on September 30, at 4 pm. Submission deadline is Friday October 14, 2011 4 pm. All submissions will be sent electronically to the Board of Directors and to the Lake Manager.

iv. **Sewer** (Brian Green)

- b. **Communications Report:** Last of the water quality reports were sent out. These were sent out weekly throughout the summer. A summer closes we will begin working on the Fall Edition of the E-Newsletter "Clearwaters". If board members have specific topic ideas for that edition, please feel free to share them with staff.
- c. **Safety Report:** No incidents.
- d. **Erosion Study:** I have consulted with Tetra Tech throughout much of the last month on this project and will be meeting with their staff next week. Presentation scheduled for November 3, 2011 meeting.
- e. **DNA Bacterial Source Tracking:** I have successfully made contact with the commercial lab (IEH Inc.) near Seattle to do the analysis. They are sending done some cryogenic vials, but otherwise we have the supplies for a series of sample days. It is my intent to sample during the first real rain event we get once the ground is saturated, and the streams start to swell. This could be as early as next week. Sampling will be done on Thompson Creek and the D River. Samples will be taken for *E. coli* analysis as well as the DNA work. The *E. coli* analysis will determine the sensibility of having the DNA samples analyzed. We will have to prep the DNA samples regardless however as the holding times for the water samples are minimal. Once we have prepped the samples (filtered, treated with reagent), we can stores them in the freezer until we complete a full series of sample days. Last year we did three sample days as an indication of the status of the water during that period. We will seek to do the same number of days.

Cost for the analysis will be between \$180-200 a sample for the DNA tests and approximately \$12 for the *E. coli* tests. We will have to run two blanks and one replicate and one split sample per sample day, so there are costs associated with the Quality Control aspect as well. With the regular samples of potentially 5 on Thompson (scaled down from last year's 10 sample sites) and 3 on the D River combined with the Quality Controls we would have 12 samples a day to prep and have analyzed. Ultimately we would be looking at about \$2,160-\$2,400 per day for analysis plus the cost of *E. coli* samples of \$144 for a total of around \$2,500 per sample day or \$7,500 for the study.

We have budgeted \$5,000 currently for the DNA portion of our Monitoring budget, but we can move additional resources around within monitoring and into Monitoring to cover the costs through a simple resolution by the Board.

f. **Audit:** We sent out letters to 16 qualified firms which included all coastal firms and those in McMinnville, Albany or Corvallis. We received only one response to our request for proposals. A copy has been sent to all board members. The bid from Grimstad & Associates is summarized below:

|               |          |
|---------------|----------|
| <b>AUDIT</b>  |          |
| June 30, 2012 | \$ 6,000 |
| June 30, 2013 | 6,100    |
| June 30, 2014 | 6,200    |
| <b>REVIEW</b> |          |
| June 30, 2012 | \$ 3,600 |
| June 30, 2013 | 3,800    |
| June 30, 2014 | 4,000    |

Grimstad & Associates have been in business on the coast since 1981 and are well acquainted with municipal audits having even served the District since at least 1991. Last year they did the District's audit at a cost of \$3,300. The current proposal then is a substantial increase from last year as well as the two prior they did which cost the District \$3,200 and \$3,100 respectively. All were for full audits.

*Staff Recommendation:* Accept the bid for 1 year for a review and resubmit the RFP to solicit for subsequent years, sending to an even larger list of qualified firms.

**a) Devils Lake Plan (Next Steps) – PowerPoint Slideshow (Agenda Support Item C)**

A slideshow will be presented which details the Devils Lake Plan as adopted by the DLWID Board of Directors in March 2011, as well as the status of current projects and the District's Top 5 Priorities. Some projects are near their end point, and thus opportunities to develop new projects exist. Ongoing priorities do remain and any needed work on such priority projects would supersede work on new projects. However now is a good time to evaluate where we are and where we want to go next.

The Devils Lake Plan includes the framework for many potential new projects. Staff is seeking the Board's direction as to which types of projects they would like to focus on in the upcoming months. As an example stormwater has been discussed as a possible next big thing to work on. Potential projects would include working with the City of Lincoln City to complete their stormwater inventory from which new restoration projects could be formulated.

**b) Oregon Legislature Review 2011 Session**

SDAO (Special Districts Association of Oregon) provides an annual review of Oregon Legislation as is pertinent to Special Districts. Below is a very brief summary of those items that passed that are pertinent to DLWID. Many other bills that would have affected the District were also brought forward in the last session which is also detailed in their report. A copy of this document is available for viewing at the District.

- HB 2425 Local Budget Law Rewrite -- Major Changes to Local Budget Law effective Jan 2012. Trainings to be announced.
- SB 306 District Formations -- Changes to requirements of passing permanent tax bases – No more double majority, must be May or Nov election
- HB 3358 Noxious Weeds - requires formation of county weed control districts to gain state funding. Lincoln County has a weed control district already established.
- HB 3121 Aquatic Invasive Species Permits for Boats --- Fines reduced.
- HB 3157 Removal of Invasive Species -- requires Oregon Marine Board to provide volunteers instruction on BMP for removal of Invasive Species
- HB 3399 Mandatory Check points for watercraft --- Authorizes Marine Board, ODFW and ODA to require mandatory compliance with previously volunteer only checkpoints. No criminal sanctions to be posed against those who voluntarily stop. Failure to stop equates to a Class D violation.
- HB 2061 Electronic Transactions --- extends electronic signature allowances/eligibilities
- HB 2244 Definition of a Public Record --- essentially extends to Facebook and Twitter
- HB 3251 Electronic Notification – allows public body to send e-notices unless law specifically requires regular mail
- HB 5022 DEQ Budget --- Includes funding for coastal zone septic system program through time of sale fee and time of pumping fee. Program seeks to reduce leaking systems, improve real estate transactions, and maintain alternative technologies.
- SB 600 Submersible and Submerged Lands – removes Rip rap from fee system
- SB 626 Quality Fresh Waters Program --- Directs ODFW to study a program to protect Oregon's unique angling opportunities.