



**Devils Lake Water Improvement District**  
Post Office Box 974, 820 SE Hwy 101 Suite D, Lincoln City, Oregon 97367  
Phone: (541) 994-5330 Fax: (541) 994-6040  
[www.DLWID.org](http://www.DLWID.org)

**Quick Look:**

- **Erosion Study**

**Public Notice:**

Please send in your questions about the Erosion Study to [lake.manager@dlwid.org](mailto:lake.manager@dlwid.org) by Nov 28<sup>th</sup>

**AGENDA 2011 December 1**

Regular Meeting: 6 pm, Lincoln City, Council Chambers  
801 SW Hwy 101, 3<sup>rd</sup> Floor

- I. Special Order of Business** 6:00 pm
- a. Erosion Study, Dr. Toni Pennington, Tetra Tech, Inc.
    - 1. Consultant Presentation
    - 2. Questions from Board Members and Staff
    - 3. Written questions received from public
    - 4. Discussion
    - 5. Direction for staff
- II. Consent Agenda**
- a. Minutes of the Previous Meetings
  - b. Financial Report
- III. Public Comment** (Please limit comments to 5 minutes per person or as outlined by Chair)
- IV. 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 & Paul Robertson)
  - b. Communications Report
  - c. Safety Report
  - d. DNA Bacterial Source Tracking
  - e. Audit
  - f. Internship
- V. New Business** (Agenda Support Item B)
- a. Insurance
  - b. SDAO Conference
- VI. Non-agenda Items**
- VII. Public Comment**
- VIII. Board Comments & Announcements**
- IX. 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.

## Special Order of Business:

**Erosion Study:** The Devils Lake Water Improvement District hired the consulting firm Tetra Tech, Inc. to conduct an Erosion Study of Devils Lake to look at in part how the operation of the dam may or may not be contributing to erosion around the lake. Additionally, the scope of work included the compilation and geo-referencing of historic aerials as well as a full photographic and written assessment of the shoreline on a parcel by parcel basis. The field work of this study occurred in the summer of 2010. Tetra Tech will be presenting their findings and reviewing their report at this upcoming meeting. The format of the presentation will be structured to include some time for questions and answers. The public is requested to review the presentation and report which are available online and submit any written questions or comments to DLWID staff via email, [lake.manager@dlwid.org](mailto:lake.manager@dlwid.org) by November 28, 2011 to be included in the Q&A time period.

Download the Final Report at: [http://www.dlwid.org/Research/2011-Tetra\\_Tech\\_Erosion\\_Study.pdf](http://www.dlwid.org/Research/2011-Tetra_Tech_Erosion_Study.pdf)

Download the Historic Aerials at: [http://www.dlwid.org/Research/2011-Tetra\\_Tech\\_aerials.pdf](http://www.dlwid.org/Research/2011-Tetra_Tech_aerials.pdf)

### What is happening at the meeting...

- Presentation of findings from the study by the consultant
- Questions and answers about the study
- The public must submit questions or comments by Nov.28 via email for consideration
- Discussion by the board
- Direction to be provided to staff regarding any next steps

### What is not happening at this meeting...

- A decision on the operation of the dam or the lake level is not being considered at this meeting.
- A public hearing is not being held at this meeting.
- Public comment on the operation of the dam is not being solicited at this time.

### What are the next steps...

- Staff will take direction from the board and report back in January.
- If a change to the operation of the dam is to be considered, a public hearing will be held at a subsequent meeting (e.g. February or March of 2012).
- Public testimony, both oral and written, will be taken and recorded at such a hearing.

## **Unfinished Business**

### **a. The Devils Lake Plan**

#### **i. Septic Tank Revitalization Program** (Seth Lenaerts)

On November 7<sup>th</sup>, DLWID board members and staff attended a City Council workshop to discuss the possibility of a septic inspection ordinance and options to accelerate sewer extension around the lake.

- Agenda Link: <http://www.lincolncity.org/uploads/council/Agendas/20111107-CC-WORKSHOP-AGD.pdf>
- A full copy of the City Manager's Memo can be found here: <http://www.lincolncity.org/uploads/council/misc/20111107-CC-Septic-Sewer-workshop.pdf>

The meeting provided an opportunity to discuss the challenges and opportunities of both an inspection program and sewerage Devils Lake. Since, this was simply a workshop no decisions were made at the workshop.

The City Council took up the issue of septic inspection program and sewer at their Monday, November 14, City Council meeting. Below is the Memo written by the City Manager to the Councilors. In the Memo, the City Manager lists four possible actions that the City Council could pursue. The actions were taken from suggestions and discussion at the workshop that seemed to gain group consensus.

At the Council meeting the City Manager asked the Council if they wanted to pursue, all, some, or none of the proposals. In response, Council unanimously directed staff to pursue items 1, 3, and 4.

#### **Summary commentary on individual options:**

Option 1: This is significant. This is the first time that the current City Council has directed staff to prepare an ordinance for review. There have been many discussions about what may or may not be included in an ordinance, but to date, no ordinance has been prepared. Once this is prepared, then a meaningful conversation can be had about, which properties will be included, who will do inspections, when will inspections occur, how often, etc. I think it's reasonable to expect an ordinance to be drafted in the next two months.

Option 2: Option 2 is a means to begin to bring money in, to finance sewer or septic improvements around Devils Lake. At the Council meeting, possible use of that money included, direct sewer costs, a low interest loan program to improve septic systems, or most likely, to help pay the costs of the engineering study for sewer. As stated above this was the one option that the council did not request city staff to pursue at this point.

Option 3: Option 3 is request to the Devils Lake Water Improvement District to pass a bond, to raise funds for sewerage the lake. The problem the City Manager pointed out about this option is that we don't have a good estimate of how much this project will cost. Therefore, it is difficult for the City or the DLWID to propose a bond, when total funds are unknown. To have a better understanding of the cost, a sewer study would be necessary.

Option 4: This would be something for city staff to look into.

As stated, City staff will pursue, the options put forward by City Council and report back.

DLWID action in the meantime:

- Monitor City Council meetings and attend them when necessary. In addition, be available to aid in any research.
- Research funding opportunities for sewer studies. In the past DEQ and EPA have made money available for sewer improvement projects.

### **Update on House Bill 5022 and the Coast Zone Management Act**

As the board is aware, DEQ proposed several changes to its Onsite Waste Water Management Program in the Coastal Zone in the most recent legislative session. Those changes included (summary):

- Require septic tank inspection and report submittal to DEQ at time of property transfer and require reporting of the septic tank pumping events to DEQ to verify proper management and disposal of septage. Reporting fee would range from \$25 for electronic submittal to \$75 for paper reports.
- Double the permit and license fees for violators caught installing or modifying a septic system without a permit.
- Adjust or adopt new fees for selected Advanced Treatment Technology (ATT) system services.
- Expand maintenance program requirements for complex systems to include sand filters and pressurized distribution drainfields.
- Establish a fee (\$30 to \$50) for consultations related to land-use planning activities.

I spoke with Randy Trox who leads the onsite program for DEQ about the timing for implementation of these policies. He stated at this point, there is funding to begin the rules process, which will occur as early as December. It is expected that the rules process would take at least one year. Based on this timeline, implementation would potentially be in 2013.

#### **ii. Save our Shoreline Campaign** (Seth Lenaerts)

##### **East Devils Lake State Recreation Area**

This project is in progress. We completed our first day of site preparation on Thursday, November 17. Things went well, and the intention is to complete site preparation, Friday, November 18<sup>th</sup>. The site should be planted before Thanksgiving.

A more thorough presentation will be given at the December 1, meeting.



Plate 1. Scott Thompson of Jon M. Thompson Construction excavating for silt fence installation with Nancy Nelson OPRD Archaeologist looking on.



Plate 2. Scott Thompson and Ken Miller of Jon M. Thompson Construction creating the contours on the Rain Garden

- iii. **Vegetation Management:** We received two responses to our RFP. Copies of both responses were sent to the board. A panel interviewed both candidates and will have a recommendation for the board's consideration. Additionally staff had prepared for our previous meeting a matrix comparing the two proposals which will also serve the board in its review. The intent would be to award to the best overall proposal which also provides the best value.

**Action required:** Award bid

Note: Information here is largely a repeat of what was reported under the Septic Tank Revitalization Heading.

The City of Lincoln City held a workshop on Septic and Sewers last month which DLWID was invited to participate in and attend. Board members Ward, Weldon and Walker attended as did the Project Manager and the Lake Manager. The City Manager put forth four proposals at the subsequent City Council Meeting based on this initial workshop. Items 1, 3, & 4 were approved by the council to move forward.

1. Prepare an ordinance for Council consideration that would require an inspection of septic systems as a condition of continued water service (for those outside the City), and an appropriate enforcement mechanism for those inside the City. The ordinance would be generally as outlined in the October 24<sup>th</sup> staff memo (attached).
2. Develop a proposal to assess those customers who have a septic system tributary to Devils Lake a water charge that would be used exclusively to accelerate the installation of sewer in that area. This charge would be a combination of a base monthly charge plus a usage charge. The charge would not apply during the year in which the property owner obtained a required septic system inspection. (An alternative would allow the funds to be used both for sewer and for low interest loans for septic improvements)
3. Ask the Devils Lake Water Improvement District to develop a proposal for voter approval to imposed a property tax and authorize a general obligation bond to be used to accelerate the installation of sanitary sewer. This would require further study on the part of the City to develop a plan. This would require some funding to complete the study.
4. Develop Incentives to encourage sewer in the Devils Lake Watershed. For example, allowing time payments for SDC's, a period of inside-city sewer rates, etc.

Of these four, the septic inspection we are covering under another heading and are in great support of this perspective program. The second proposal is off the table at this time. The third proposal, seeking DLWID to work to pass a general obligation bond, would obviously take additional coordination between the two governments, while the fourth item is more internal to the city itself.

As to number three, the benefit of having this potential bond levy come forth from the District is that it would reach a larger pool of properties, spreading the cost across more broadly. A great deal of work would be required from both the city and DLWID to have any success, something the city recognizes as well. In order to get a bond levy to the voters we will need concrete costs associated with the improvements as well as a fully thought out and developed means of assessing the levy. This is a \$200,000-300,000 project, by the city manager's estimate, just to the engineering.

Currently there is not any money in the City's budget, nor ours for this outlay. Grant funding was floated as an idea which has significant merit. The District could, if so desired, make some of its funds available for a match to such a grant. The District might also apply for or at least investigate funds (e.g. grants) to do engineering study. I believe this would be a good first step towards the mutual goal of providing sewer around the lake in the long-term. I have asked the project manager to begin this process as part of contributing to the work on the District's Current Top 5 goals.

- b. **Communications Report:** The District board meeting from November 2011 was not able to be visually recorded due to a scheduling error by the City. As a result the October 2011 meeting has been airing on Charter Cable Government Access Channel 4 since our first live broadcast. The City has assured us that the scheduling error has been rectified and our subsequent meeting should be recorded and re-aired throughout the month as originally planned.
- c. **Safety Report:** No incidents.
- d. **DNA Bacterial Source Tracking:** I believe the pump is enroute, but as discussed at our last meeting, the window of sampling has likely passed. This item will be taken off future agendas until further notice or direction from the board.
- e. **Audit:** At our last meeting we awarded Grimstad and Associates a three year contract for review of the District's financial record. They are in receipt of seemingly all the statements and files requisite for their review. The District will be in close contact with the auditors throughout the completion of the report, scheduled to be available by December 31, 2011.
- f. **Internship:** David Philips, a Bachelor Degree program candidate at Oregon State University will be interning with the District this winter. His main workload will surround developing more detailed assessments of some vegetation management strategies.

- a) **Insurance:** I have met with Isham and Sprague Insurance regarding our insurance offerings to staff. We are still however researching a program that will not appreciable sacrifices neither benefits nor burden employees with additional cost, and yet also not exceed the District’s maximum economic commitment to contracted employees. A full report will be available at our next meeting.
- b) **SDAO Conference:** the District has been offered a free registration (\$230 value) to the annual conference and training for Special District of Oregon near Bend at the Sunriver resort. The District has been unable to attend one of these conferences in the past although has attempted to, even registering for the Seaside conference before having to cancel. The conference is aimed at District Managers and Board Members with four concurrent sessions running over the course of two full days. The conference not including a preconference trainings runs Friday Feb 10 – Sunday Morning Feb12.

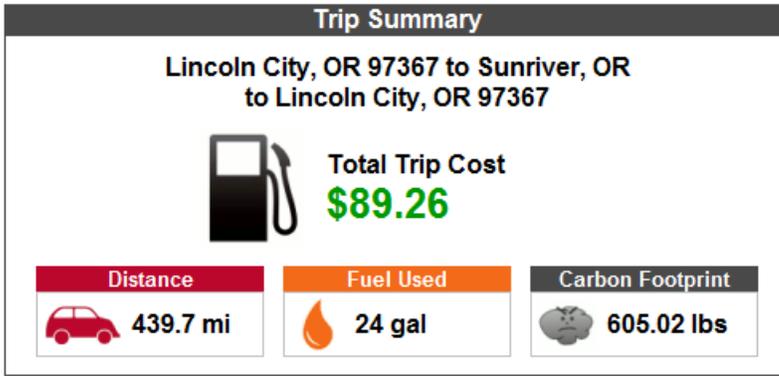
  
 SPECIAL DISTRICTS  
 ASSOCIATION OF OREGON  
**2012 CONFERENCE AT-A-GLANCE**

FRIDAY, FEBRUARY 10				
7:30 - 8:30 a.m.	Continental Breakfast			
8:30 - 10 a.m.	Welcome and Keynote Address John Sileo Stolen Lives: Identity Theft Protection Made Simple			
10:00 - 10:30 a.m.	Morning Break			
10:30 - Noon	Governance 101	Public Records	Effective Safety Committees	Bullying Basics
	Frank Stratton SDAO Staff	Eileen Eakins Law Offices of Eileen Eakins	SDAO Risk Management Staff	Tamsen Leachman Fisher & Phillips
Noon - 1:30 p.m.	Lunch			
1:30 - 3 p.m.	Public Meetings	Landuse, easements, licenses, right-of-way	Internal Investigations	Legislative Summary
	Tom Sponsor	Elizabeth Dickson Hurley Re, PC	Kathy Peck Williams, Zagrofos & Peck	Hasina E. Squires and Mark Landauer, SDAO; Genoa Ingram, Court Street Consultants LLC
3:00 - 3:15 p.m.	Afternoon Break			
3:15 p.m. - 5 p.m.	District Caucus Meetings Fire, Park & Recreation, Ports, Sanitary, Water, and Irrigation + At-Large			
5:00 - 6:00 p.m.	Exhibitor Reception			

SATURDAY, FEBRUARY 11				
7:30 - 8:30 a.m.	Continental Breakfast			
8:30 - 10 a.m.	Succession Planning	Legal	Ethics: Practical Fraud and Loss Prevention/Mitigation	Health Care Reform: What Employers Should Know Now & for the Future
	George Dunkel SDAO Staff	Ron Downs SDAO Staff	Peter Shepherd Harrang/Long/ Gary/Rudnick PC	Iris Tilley Barran Liebman
10:00 - 10:30 a.m.	Morning Break			
10:30 - Noon	Public Contracting; Key Components to Special District Contracts	Understanding, Preparing and New Items for Audits and Financial Statements	Nightmare on Workers' Comp Claims Street	The Board as Manager
	Alex Sosnkowski and Tony Motschenbacher	Kenny Allen Pauly Rogers & Co.	SDAO Workers' Comp Staff	Judy Clark HR Answers
Noon - 1:30 p.m.	Lunch			
1:30 - 3:00 p.m.	Public Contracting; Key Components to Special District Contracts	Getting the Most out of Your Planning Process	Social Media	From the Ring to the Final Destination
	Alex Sosnkowski and Tony Motschenbacher	Mary Cook Swanson, AICP Swanson Partners, LLC	Charles Leitch Patterson Buchanan Fobes Leitch & Kaiser, Inc. P.S.	SDAO Property/Casualty Staff
3:00 - 3:15 p.m.	Afternoon Break			
3:15 - 4:30 p.m.	Annual Business Meeting/SDAO Board Elections			
6:00 - 8:00 p.m.	Banquet and Awards Program			
8:00 - 10:00 p.m.	Entertainment Illusions of Anderson			
SUNDAY, FEBRUARY 12				
8:00 - 10:30 a.m.	Breakfast Buffet and Closing Speaker Charly Heavenrich Unimagined Gifts, Spirit of the Canyon			

**Costs:**

1st Registration	COMP
2 <sup>nd</sup> Registration	\$230.00
Hotel Thurs-Sat 3 nights @ 93.00 plus 17.5% =	\$327.83
Meals at conference	\$164
Travel time meals	\$40
Fuel	\$90 in direct fuel cost
or mileage reimbursement	\$220



**Estimate \$621.83 to \$751.83 for 1<sup>st</sup> participant**

**Action Required:** Decide if it is warranted to send staff and/or board member(s) to the conference and if so authorize staff to initiate registration.