



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

**COUNCIL CHAMBERS, CITY HALL, 3rd Floor
January 10, 2013
6:00 P.M.**

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

ABSENT: None

AUDIENCE: Don Sell

STAFF: Lake Manager Paul Robertson and Seth Lenaerts, Project Manager

MEDIA: None

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

After much discussion, the final version of the **Top Seven Goals** for the future of the District is as follows:

1. Develop and implement a strategy for the aquatic vegetation management and control.
2. Forward the septic tank revitalization program by passing a mandatory inspection ordinance.
3. Implement new technology for sewerage through the LID process.
4. Increase District's time spent on the lake to promote communication to stakeholders.
5. Determine and control the sources of *E. coli* on Thompson Creek and the D River.
6. Promote Devils Lake as a recreational opportunity.
7. Continue efforts to protect and rehabilitate the shoreline vegetation.

Consent Agenda

Skirvin moved to approve the Minutes from the December Board Meeting and the December Financial Report. Green seconded the motion. Vote Unanimous. Motion carried.

Unfinished Business

The Devils Lake Plan

Septic Tank Revitalization Program

Lenaerts met with County officials to discuss the details on DEQ septic tank inspections. The information was shared with City Manager David Hawker. The process seems to be moving forward. The conversation with Hawker seemed promising. The City will have a new attorney coming in February. Lenaerts reminded the Board that the City is looking at inspections within city limits first; however, there might be an opportunity for a sister ordinance to cover the entire lake if DLWID wishes to pass one. There are some legal issues—it would be necessary to get the attorney to review it and determine if an ordinance can be passed and enforced. It would have a different title. The city can assess fines within its limits and the county can assess fines on the East side of the lake. This would eliminate the water shut-off issue as a mechanism for enforcement. But, if the residents were fined, what enforcement might be utilized for collection?

Save our Shoreline (SOS)

Lenaerts has been working with the videographer and the content is finished; however, there still needs to be some additional footage shot with people on the lake. They are waiting until spring when they can obtain some nice shots and create a more professional video.

On the rain gardens, Lenaerts said they will obtain replacement plants from the nurseries—the native plant nursery at Taft 7-12 or the newest nursery at West Wind. Once the plants are delivered, they can finish the rain garden.

Vegetation Management

Roberson forwarded to the Board the final draft of the review board submission documents. He asked Joe Eisler to add a cover sheet and make a couple of formatting changes. There is no additional input to provide and it is time to submit it. With the Board's approval, Robertson will have Joe submit it to ODFW with a copy to NOAA. Their approval may or may not be needed, but they can look at it directly and see what is being proposed. If no changes are indicated, copies of the original transport permits, the original staff report and the Minutes from the meeting in 1985 where the District received approval from the Commission, along some supplemental items will be included.

Skirvin asked at what point the economic impact study will be needed.

Robertson replied the process is three months out. The review board does not meet unless they have an agenda. The Wildlife Integrity Review Board includes some academics and people who deal with these issues. If it passes this review board, ODFW will request that their staff evaluate the proposal and provide to their commission a staff report associated with the proposal. It will be a 90-day process at the earliest; it could take as long as six months. They have to review and discuss it and provide information back to ODFW.

Skirvin noted that the local community needs to be able to provide input that will be a key part in moving this forward.

Green said it would be better to have the impact study ready sooner rather than later. He suggested a couple of changes. Have Eilers make an insert on Page 13 where it goes to the point that the re-introduction of grass carp is part of the much bigger restoration of Devils Lake. On Page 13, at the last sentence where it says “few lakes have as detailed a plan (76 pages) for long-term solution to the water body,” add: A complete plan can be found on the website,” (give address and page) so that anyone wishing to look at it can do so with ease of access. Also, where it refers to Attachment D, on page 12, place another sentence indicating that the Executive Summary of the Devils Lake Plan is Attachment D.

Robertson will make those changes. This will make it as easy as possible for people to read.

Green moved and Weldon seconded submitting the document with the requested changes outlined by Director Green. Vote: Unanimous. Motion carried.

Sewer

Green said that January 28 is the public hearing date when the City Council will hear public comment on the proposed LID and presumably at the end of that hearing, they will determine whether to approve the LID as proposed in the engineers’ reports, modify it, seek additional information, or reject it. This item will be part of the agenda of the regular council meeting. It would be great if people who are in support of the process could appear or submit their support in writing at least five days prior to the January meeting. The City Council gets their packets early, so the sooner, the better. Green said he will send out a reminder letter to the property owners in preparation for the hearing to inform them why they should support it. If it is understood how this will replace septic systems, the support should be virtually unanimous. There is better waste disposal, it will improve reduction of nutrient loading in the lake, and it’s less expensive than repairing and replacing septic systems. This is a big step, because if the council approves the program, all that remains is for the city to adopt a resolution of formally adopting the LID, then letting the bids for construction and then making an assessment of the cost of the improvements. Green said there are approximately 58 properties involved and about half are existing homes and the other half are undeveloped lots. The mandatory connection date is 15 years. Studies indicate that these septic systems have a life of about 30 years, so this will eventually replace the cost of having to replace their septic systems that meets the expensive current requirements with this pressurized sewer system.

Discussion regarding how many kilograms of phosphorous per year would be saved with sewer vs. septic system. Robertson said phosphorous gets trapped in the tank and about half of it sits there and half of it gets pushed into the lake. Nitrogen is pretty mobile.

Green said this sewer system will replace about one in 14 septic systems around the lake.

Communications Report

Robertson reported that Lenaerts was the previous guest on the radio’s Morning Wake-Up Show. Robertson will speak during next Tuesday’s spot.

The good news is the new internet streaming of the meetings that are also available for download—on the city’s website under future meetings and previous meetings. The public is becoming more and more aware of these conveniences. There is now a video link rather than an audio link taking people to the actual video of the last meeting.

The Clearwater newsletter was just distributed on the 21st and will again go out March 21st; he is seeking feedback on important issues.

Robertson reported that Facebook clicks were up to 102 likes. He discussed the Google Analytics, the website and Facebook searches as well as those from Firefox and Internet Explorer. Last year, 5,600 people visited the website. Hits peak in the summertime from May through September. More discussion on surveys and hits from the Chamber of Commerce and the Visitor and Convention Bureau websites. He said that there were 102 visits from Raylene Erickson's Bluegreenthumb.com PADL website.

Safety Report

No incidents.

MidCoast TMDL

Robertson invited DEQ representatives to come to the February board meeting, which is coincidentally, Oregon's 154th birthday. ODA will also send a person to provide information about the water quality program for agriculture. As a result of the internet streaming, this could be of value to the broader community. People can learn something about the TMDL process and the water quality issue. Robertson said perhaps 30 to 40 minutes could be allocated to DEQ and ODA to provide their presentation and answer questions. This could drive people to the District's website, as well.

Skirvin said it should be at the beginning of the agenda.

East Devils Lake Road

This issue is still on the website under the projects page. East Devils Lake is now four inches to a foot deep with water and the shoulders are very soft. The entire area is a real issue.

Skirvin said oil from the vehicles going through the water is also contributing to the contamination of the lake.

Goal Setting

Robertson presented a PowerPoint listing the District's current goals and then the submissions of the top five goals for the near future from each of the five Board members.

Skirvin:

Develop vegetation management strategy.

Septic ordinance. He would like to get the City's program started first; after which a District program can be implemented.

E.coli source. Identify and implement a strategy to reduce the hazard level at the D River.

Shoreline and erosion protection.

Promote Devils Lake activities (boating, water sports, fishing and events, boat races and jet ski races, etc.).

Increase the value associated with watershed protection to provide economic vitality for the community.

Green:

Progress with implementing new, cost-effective technologies for sewerage the lake.

He said it appears all the Board members agree on the top issues.

Last year, one issue was to determine methods of collaborating to sewer the rest of the watershed. He believes we are past determining the methods, because the LID process is the only answer within the last 30 years. It creates the availability of low cost, shallow, pressurized sewer systems that are cost effective and bring the cost down to less than the long-term cost of maintaining functioning septic systems. This is his primary focus. The LID is voluntary on the part of the majority of property owners. He said he is surprised that the residents in the first neighborhood were so strongly in favor of the project and others are not expressing an opinion. There might not be the resistance to LID's that we thought there would be, complemented by the septic tank revitalization.

The criteria for septic inspection ordinances could be the owners' proximity to a sewer line. For instance, at Voyage and N.E. 15th Lake Drive area, these folks will have the availability of a sewer system to replace a failing septic. Other determining criteria are valid, such as proximity to the lake, the age of the system, etc.

Green said he would like to see Dredging of D River to reduce the causes of *E.coli* and that should also include Thompson Creek, but not necessarily dredging. Whatever can be done at Thompson Creek to reduce *E.coli*.

Green noted that Weldon's idea of installing a billboard map with icons would be a quick visual and repetitive way of introducing people to the lake to improve its economic benefits. He noted that another issue he is in favor of is shoreline and erosion protection. We've spent a lot of money and had a lot of debate on this issue because it is so important. And, we've learned a lot about raising and lowering the lake level.

Communication should be included in everything we do. We've come a long way.

Skirvin noted that the District needs to get to the next level of outreach from the original brochure.

Walker:

Expansion of Local Improvement Districts—LID's for small pipe pressurized sewerage.
Septic Tank Revitalization.

Vegetation Management through carp restocking. This has been a great way to band-aid the problem and it will work for us during the time that it takes to do other things.

Dredging of D River to reduce *E coli* and bird numbers. People have the greatest contact with the river more than the park. When they read that there is a problem with *E.coli* they get a bad feeling about the lake. If we can start cleaning that up and get the *E.coli* numbers down, people will change their attitude about the lake and will think of it as an asset. It will be good for recreational opportunities.

Promotion of Devils Lake as a recreational opportunity. The ski races are going to be great. There are many more things that we could be doing.

Ward.

Complete the grass carp appeal process. He said he is frustrated that things take so long to get accomplished. Sometimes it seems like there is no progress.

Develop a contingency plan or supplemental plan for vegetation management should the grass carp appeal fail.

Reduce the nutrient loading to the lake through mandatory septic tank inspections, coordinating with the City where possible and otherwise creating a companion DLWID ordinance requiring inspections for all properties in the watershed.

He said although he realizes it might be unrealistic, he leans toward returning the lake to its natural hydrology without the dam.

Weldon:

Vegetation management. Successful grass carp application completed.

Water quality. Septic tank inspection program completed.

Communication. Work with Chinook Winds Casino to place a billboard directly across from the lake north of Highway 101 before the light by DMV with a larger map of the area.

Water quality. Develop a plan on how to keep the birds from using the natural forming sandbars in D River as a bathing, bathroom and overnight area.

Communication. Continue with summertime projects helping lakefront owners. Walk the beat and get a good understanding of what goes on in the lake.

He said he omitted the LID issue since additional such projects could not be completed during this year.

Discussion ensued regarding the priorities of these various items compared to previous goals. Walker said that all the District's goals could be arrived at more quickly if the lake was important to more people. This would generate more income and improve property values. There is such a wide array of activities to do in the area.

Discussion on shoreline protection and the importance of natural hydrology. Skirvin said we do not need to take radical steps; however, good practices are important.

Ward noted that the City has a large advertising budget that might be tapped into.

Green said one facet of the hydrological issues is damage to the shoreline and wetlands. We need to list, "protect, conserve and enhance the shoreline and wetlands-associated areas."

Green said he is not in favor of removal of the dam, because you would lose the option of being able to change the lake level.

Skirvin said the Board should consider placement of timelines or target dates in the Devils Lake Plan.

After much discussion, the final version of the **Top Seven Goals** for the future of the District is as follows:

8. Develop and implement a strategy for the aquatic vegetation management and control.
9. Forward the septic tank revitalization program by passing a mandatory inspection ordinance.
10. Implement new technology for sewerage the lake through the LID process.
11. Increase District's time spent on the lake to promote communication to stakeholders.
12. Determine and control the sources of *E. coli* on Thompson Creek and the D River.
13. Promote Devils Lake as a recreational opportunity.
14. Continue efforts to protect and rehabilitate the shoreline vegetation.

Walker moved to accept these seven goals as priorities for future projects and Skirvin seconded the motion. Vote: Unanimous. Motion carried.

New Business

Budget Officer, Committee and Calendar

Robertson reported that the Audit is nearly finished. The draft was completed on December 30 and two weeks past the December 31 is the deadline. The first step is to appoint the budget officer for 2013-2014.

Skirvin nominated Robertson to serve as budget officer for 2013-2014; Green seconded the motion. Vote: Unanimous. Motion carried.

All dates have been established and checked. The budget committee meeting needs to be advertised five days in advance and no more than 30 days in advance. This can be done on the web and in print.

A new budget committee member needs to be appointed at the next meeting for the one three-year vacancy. The meeting date will be Friday, May 10, following the May 9 Board meeting. Applications for this vacancy can be advertised on line and in the newspaper. Applications will be accepted until February 1 with an appointment to be made on February 14 at that Board meeting. If the vacancy is not filled, it will be held open until it is filled. Applications can be downloaded from the DLWID website, or Robertson will mail a copy to an applicant. The May 10 Budget meeting will be from 10:00 AM to 1:00 PM.

Skirvin moved to adopt the 2013-14 budget calendar as outlined in the staff report. Weldon seconded the motion. Vote: Unanimous. Motion carried.

Internship

Discussion ensued about the upcoming summer internship and the amount that should be allocated for this position.

Skirvin asked if the Rare program was still an option and Robertson said it was a separate issue and would be for a full year or 10.5 months. He said it was more time consuming to work on this, as it is quite a process. You have to do a formal proposal and apply to offer the internship and then there are meetings and three or four applicants who feel this might be a good match would apply. If the fit is right for both the District and the applicant, they are hired. The cost is approximately \$19,000 and is matched by federal dollars.

Robertson said he could begin the process in April for the Rare program that begins in September for the following September of 2014. Robertson said he is in favor of looking at the Rare program for 2014. He said it would be a budgetary requirement for this next budget and the funds would have to be available in August. Skirvin said Robertson could do a proposal outlining the potential benefits he feels would be achieved toward current pursuits with a Rare intern for 2014.

Skirvin said he is definitely in favor of the summer intern for this summer.

There was some discussion of the benefits of a paid vs. unpaid internship.

There was some discussion about shortening the term for the summer internship and offering a higher hourly wage vs. a longer term at a lower wage. Robertson said the 17 weeks fits the quarter calendar for most universities. The position is subcontracted, thus providing the intern immediate payment, plus the District is removed from unemployment insurance, social

security, etc. Green suggested authorizing Robertson to spend up to \$10,000 for all costs for a minimum of 14 weeks or more, using a little discretion on adjustment of the hourly rate if he found a superstar—paying a little more as long as the total amount remained under \$10,000.

Skirvin moved to authorize Robertson to define the program and to offer an internship for up to \$10,000 for the summer of 2013. Green seconded the motion. Vote: Unanimous. Motion carried.

Non-Agenda Items

Robertson noted that SDAO, the insurer for the District and for staff's healthcare and the organization that serves in a legislative capacity on behalf of special districts is holding a conference in Portland in February. They are in the know on what is happening in Salem. Robertson said it would be a good idea for Board members to attend the conference and he would like to attend as well. Last year, he took advantage of a free full-conference registration and paid for the accommodations.

Skirvin asked if there were any changes in laws that the Board needs to be concerned with. Robertson said that last year he learned about public contracting and borrowing funds. Discussion ensued about who would benefit the most from attending the conference. Green suggested that Ward and Robertson should attend.

Skirvin moved to authorize Robertson to go to the SDAO conference for February 7 – 10 in Portland and any Board member who desires to go. Walker seconded.

Green said he feels there should be a limit of dollars.

Ward suggested that this should be a one-day deal of \$160 for the total—two people to go—Paul and one Board member.

Further discussion on authorizing all Board members to attend for one day.

Skirvin revised his motion to allocate up to \$1,000 to allow Robertson and all other Board members who wish to attend the event on Thursday to travel to and from the conference in one day as a group. Green seconded. Vote: Unanimous. Motion carried.

Board Comments and Announcements

Skirvin reminded anyone who wished to apply for the vacancy on the Budget Committee to download the application and submit it by February 1.

The meeting adjourned at 8:11 P.M.

The next regularly scheduled Board meeting will be February 14, 2013 at 6:00 P.M.

Respectfully submitted,
Linda Burt