



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

**COUNCIL CHAMBERS, CITY HALL, 3<sup>rd</sup> Floor  
February 14, 2013  
6:00 P.M.**

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

**ABSENT:** None

**AUDIENCE:** Don Sell, Keith Galbraith, Skye Anderson, Angie Wright,  
Mitchell Moore, Miles Schlessinger

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

**SPEAKERS:** Kevin Brannan, DEQ and Kevin Fenn, ODA

**MEDIA:** None

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

**Special Order of Business**

**Total Maximum Daily Load (TMDL) Presentation-DEQ—Kevin Brannan**

Mr. Brannan gave a PowerPoint presentation on the Total Maximum Daily Load process. He discussed the general aspects of the process and the work regarding bacteria that is used as an indicator for risk of possible illness. The TMDL is used to identify sources of pollution and methods of reducing them to the Oregon water quality standard. His mid-coast territory covers the area from Lincoln City to Florence—several river basins. He said the group held a meeting just this afternoon. There is a great deal of data from 165 stations that covers from 1999 to 2011. They are now looking at more than 35 locations. This project emanated from the Clean Water Act. If the water bodies do not meet quality water standards, they need to step in and see what can be done to bring them into compliance. They attempt to identify the

sources of pollution—failing septics, wildlife, agriculture or anything else that can seep into the water. They are primarily looking for *E. coli* that is an indicator of fecal contamination from warm blooded animals—man, animals, birds, etc. Paul Robertson assists with the source assessment.

Kevin showed graphics in his slide show on developing the TMDL. He said the technical working group is going to attempt to determine the sources of pollution and prioritize areas of watersheds that need help. They will develop time lines, budgets and milestones over several years. In the interim, they need progress points so that they can change directions if something is not effective. They are working to come up with an initial implementation plan for setting goals and measuring progress. As the plan is implemented, they will learn what works and how to improve the process as it progresses. Two approaches will be created--one is Big Elk Creek and the other for the remaining streams and rivers. They will take a look at the flow to see what different sources are contributing. The Load Duration Curve is quick, simple and coarse. In the next six months they will be implementing, monitoring and trying to improve the process.

Skirvin: Will all 34 watersheds get detailed analyses?

Brannan said that they have to work within the resources available. Using the simulation model takes a lot more effort. Big Elk Creek watershed was chosen because it was most manageable and they have the ability to test it with different scenarios.

### **Agricultural Water Quality Plan and Rules Overview-Kevin Fenn, ODA**

Kevin Fenn said that his projects are a result of the Clean Water Act. DEQ is responsible to see that water bodies meet the quality standards. There are 28 different sets of rules for the DEQ. The Agricultural Water Quality Management Act was created in 1993; funds were allocated later. Kevin showed a map of the state and the different territories. He said TMDL covers the upper Siuslaw watershed and the upper Willamette. He explained the rules and said the area plan is available on line. Or, he can be contacted at [kfenn@oda.state.or.us](mailto:kfenn@oda.state.or.us) or 503/986-6486.

### **Consent Agenda**

#### **Minutes of the Previous Meeting**

#### **Financial Report**

Lenaerts requested a change in the January Minutes under the Septic Tank Revitalization on Line 8 to read, “The city can assess fines within its limits and if we can find a way to assess fines within the county, this would eliminate the water shutoff issue as a mechanism for enforcement.”

**Skirvin moved to approve the Minutes with the changes Lenaerts requested. Walker seconded the motion. Vote: Unanimous. Motion carried.**

**Green moved to approve the financial report. Skirvin seconded the motion. Vote: Unanimous. Motion carried.**

### **Public Comment**

**Keith Galbraith.** He spoke on behalf of the local Tigersharks 4-H Surf Club. They are seeking a way to collaborate with DLWID to raise funds for their surf club. The club utilizes the lake for training and they assist with the Devils Lake Revival. The club operates entirely

with volunteers; however, there are expenses related to the club. There is a need for help with entrance fees for the kids that are learning to surf in the ocean. It is difficult for beginning surfers to surf in the ocean due to the temperature and the conditions. If young people receive proper training, the great ocean waves are ideal for world-class surfing. Devils Lake is used for drills and clinics and teaching kids all types of water safety in the calmer lake environment. They also learn stand-up paddle boarding and other water sports. Demographics of this community show that 73% of the residents are in a government-assisted program of some type. Learning to surf costs approximately \$1,000. The club joins with local entities to support these kids through scholarships and funding. The initial cost is for \$125 per student, \$25 of which goes to 4-H. Twenty kids have completed applications. Out of \$5,000 raised, \$3,600 is needed for the kids. Keith said he is soliciting help from the District to assist in fulfilling its mission of encouraging recreation on the lake. Weldon asked Keith to confirm that it was \$125 per enrollment. He said \$100 is pretty standard for fees—upkeep of the equipment, rental of the city pool, purchase of t-shirts and jerseys, etc.

Weldon asked if Keith was requesting grants to pay for the kids or partial payment. Keith said they have 20 kids from last year, and they want to recruit 20 additional kids. There is a five-month season from June through the end of August when they could join the surfing team.

Green asked if all the instructors were volunteers.

Keith said eight of them were surfers and some of them are lifeguards.

Green asked about their certification.

Keith said as a director, he would like to see all of the volunteers lifeguard certified.

Green asked how the kids get certified.

Keith said they take courses in riptides and currents and exercise courses. They learn lake flat-water drills, stand-up paddle boarding and how to pull behind a boat to simulate speed and falling down for graduating to the ocean. There are swimming drills and the lifeguard evaluates everybody's swimming capabilities. Once they complete certification, they are eligible to go to the swell call.

Skirvin asked if there was anything that Keith felt could be improved upon in their use of the lake.

Keith replied that a club house would be great where the kids could gather. Right now, he loads 20 surf boards in his vehicle and transports them to and from the lake.

Green asked if there was any waterskiing component.

Keith said they tow the kids behind wakeboarder boats; however, they are surfers and that is what they concentrate on. They would like to have four or five activities that a kid could choose from.

Walker asked what Keith was requesting.

Keith said they are asking for funding—can the Board support some kids with whatever their budget might accommodate. He would like to invite the public to come and view the activities. They want to do more promotional activities.

Skirvin suggested that Keith work with staff on a proposal and they could bring it up at the next Board meeting. They can pass on any ideas they come up with.

Green said he knows the life guard at the pool and he adds a lot of credibility. He said anything that promotes water safety that might save a kid's life is worth establishing a fund

for and he is in favor of it. Skirvin said to wait and see what they propose at the next meeting.

**Mitchell Moore.** He said he has watched the last two meetings from outside the area on video. He appreciates the opportunity to do so. It's pretty great. He passed out some area bird lists and said he would like to get the District to promote the great backyard bird count. It would entail about 15 minutes Friday through Monday. This project has been going on since 2006 and it is a great way for the District to participate in the wildlife aspect of the mission. He would like to see it placed on the Facebook page for this weekend. Go on line and insert what birds you see this weekend.

## **Unfinished Business**

### **The Devils Lake Plan**

#### **Septic Tank Revitalization Program**

**Lenaerts:** He reported that it has been three years since the District passed Resolution 2010-03 in favor of a septic tank revitalization. During the last three years, the parameters have changed; new ones have been added. A formal revision has not been created for the Board or the city council, although the changes have been discussed. The city staff is currently ready to create a proposal to bring before the city council. They would like to have a meeting as early as March, possibly a special workshop. They are considering a city-only program at this time. Then the proposal would be brought back to the city council for staff direction to move forward on the program. David Hawker would like a joint meeting. The venue has not been determined. The new attorney will be on board in the next week or two, and then they will begin looking at dates.

Skirvin suggested that mid-March would be best for the Board to participate in the workshop. He said he prefers afternoons—after 2:00 PM.

Lenaerts said that Hawker was going to come up with a few options and the Board can determine their availability.

Weldon asked if the Board could get a comparison of the original resolution to the current issues.

### **Save our Shoreline (SOS)**

**Lenaerts:** On the raingardens, the first round of maintenance has been completed. A second round of maintenance is needed with more plants obtained from the partnership. NORP is currently putting together plant orders and making deliveries. Regrettably, the primary organizer of the program had some medical issues and this has delayed the plant distribution. Lenaerts has been in touch with NORP and the plants should be delivered soon. Planting needs to be completed as soon as possible.

The past two years the District has organized a fall and spring landscaping training course. Maria Cahill, engineer, was on schedule to offer a more intensive training; however, not enough people registered, so the course was cancelled. Lenaerts believes her course would be invaluable, as she is informal and everyone could benefit. Some people have expressed interest. He suggested that the District sponsor her course this spring and allow it to be free to the public. The cost would be around \$300.

Discussion ensued regarding when the course might be held for optimum attendance and what venue would be best. It was decided that it should be held at the District office and then placed on the web for the public to view.

Robertson said that funds in the improvement fund are available for a video. It could be part of the SOS video program. Someone could be hired to videotape the course in the District office.

**Skirvin moved to allocate funds up to \$600 for the training, publication and videography. Walker seconded the motion. Vote: unanimous. Motion carried.**

Skirvin asked that staff create a budget and a preliminary schedule for the March meeting.

### **Vegetation Management**

Robertson said the final draft from the consultant on the grass carp was sent to ODFW in Newport for their input prior to the formal submission to Salem. Feedback is being incorporated into the final submission. Eilers has sent an email to ODFW's new grass carp contact, Josie Thompson, with whom they met with previously along with Rhine Messner of ODFW. Josie is working with her supervisors to learn more about the program. They will soon learn what all their requirements are.

Skirvin said public involvement is going to be very important and a plan should be readied for gathering support and what the public can do to assist in these efforts. It might be writing letters or submitting petitions. A potential grass carp committee could be organized to provide the face of the public support.

Robertson suggested that Skirvin also work with him to write a letter to generate some federal congressional support since this issue includes a NOAA Fishery component.

**Lenaerts** presented a PowerPoint Study (in draft form) on the Economic Impact of Devils Lake to the community. His presentation included the following:

#### **Contents**

Intro/background

Real Estate

Recreation

Events

Lodging

Public Investment

Coho Salmon

Conclusion

The report summarized the current economic contribution of Devils Lake to the community and explained the potential impact to the local economy if Devils Lake were to have a resurgence of aquatic non-native plants. He separated real estate values into two groups—lakefront and lake view. He explained the potential impact of non-native aquatic plants to activities on the lake, including fishing, boating, camping and other activities. He added a section on public investment and Coho salmon.

In the 1960's, Devils Lake was inundated with non-native aquatic macrophytes—Eurasian watermilfoil. Sterile grass carp were introduced into the lake in 1986. By 1993, the lake had returned to usability.

In his background section, Lenaerts defined the lake as 685 acres, 3.3 miles long and 1400 feet across on average. It has a mean depth of 8.4 feet. Major tributaries are Rock Creek and Thompson Creek, and the lake is connected to the Pacific Ocean via D River.

Lenaerts' report concluded with a potential impact on real estate prices if the non-native aquatic vegetation returns. Recreation would be negatively impacted as well, and, therefore the local economy's health would be impacted due to loss of revenue of tourists and locals as well as hotel rooms and VRD rentals. Tax rolls would be affected by thousands of dollars. Lenaerts stressed that his report was a draft and revisions will be completed and sent to the board.

Walker said he believes that his boat rental figures might not be added in the economic revenue totals since he has never been contacted him about his rentals.

Ward did not agree with the impact of the overnight visitors. He noted that there are 320 VRD's and about 2,000 hotel rooms.

Green noted that this report was conservative and Lenaerts agreed.

Ward said many of the lake users are day-trippers who come over and go home the same day.

Lenaerts noted that if you drive two hours to get here, the average time spent is about eight hours to make it worthwhile.

Walker said the average person only uses the lake for two hours. Fishermen are a different breed; the average person who uses the lake is not a fisherman.

Skirvin asked about a time line and Robertson replied we are months away. He asked the board to provide feedback to Lenaerts. If you want to add another section, let him know. A high quality document is a real key component.

## **Sewer**

**Green:** This was a big month for the sewer LID north of Regatta Grounds--58 lots--30 homes and 28 lots. At the public hearing of Jan. 28 for the Voyage Local Improvement District, we ran into an organized opposition, although it was a minority. They asked a lot of good questions and had objections that caused the city council to request more input. Green spent the next two weeks answering questions. At the second hearing on February 11, questions were answered.

For existing home owners with a septic tank, some are already facing the expense of replacing their septic systems. We had 70% of the existing home owners behind the LID and 70% of the lot owners—more than 70% supported it. Questions were “how reliable is the small pipe system?” “How reliable is the pump?” “Where is service available?” “What is the MTBSC (mean time between service calls)?” MTBSC is about ten years and with seasonal homes it is longer. For one sewer system in the Atlanta, Georgia, area, the average time between service calls was increased from three to seven years after some simple homeowner education sessions on what not to place in the system. The manufacturer has made arrangements for service to be available. The city council did not take a formal vote, but of the six out of seven members present, five were in favor and one was leaning toward it. He wanted to read some more. Green handed out hard copies. He believes there will be unanimous support of the city council. The next step is for the council to adopt a formal resolution. They are discussing contribution toward the paving of 30% of the cost as a result of a 1991 Resolution. The next step will be the design phase that is actually more involved than it sounds. It is not just a drawing, but will also include specifications for the pump,

what service will be available, whether there will be a maintenance agreement, and the terms of it. Necessary easements are also part of the design issue. According to a time line, construction can begin in June or July and construction will take just a few days. We could have it installed by the end of summer if all goes well.

### **Communications Report**

Next Tuesday (third Tuesday of the month), Robertson will speak on KBCH during the morning show. Board meetings are now streaming live on Channel 4. We are going to get out to a wider audience the report on the TMDL.

### **Safety Report**

On February 26, a safety audit will be conducted by SDAO, our insurance agency for special districts. Their last audit was three years ago.

### **MidCoast TMDL**

DEQ has begun the planning process for developing an Implementation Ready Total Maximum Daily Load for 303(d) listed water bodies on the Mid-Oregon Coast. Devils Lake is listed for weeds/algae, chlorophyll a and pH and Thompson Creek is listed for fecal coliforms. Temperature listings are also proposed by EPA for the lake and one of its tributaries. Representatives from local, state and federal governments, special districts, tribal nations, private industry, forestry, agriculture, conservation, NGOs, watershed councils, landowners and others were identified.

Robertson noted there is a link under the Project Page for the TMDL process.

[www.dlwid.org/Projects.html#TMDL](http://www.dlwid.org/Projects.html#TMDL)

A meeting of the Bacterial Technical Working Group was held today at the District office.

### **East Devils Lake Road**

Catherine Pruet, Executive Director of the Salmon Drift Creek Watershed Council is writing two grants—one for NOAA (Habitat Restoration Grant) and the other one for Oregon Watershed Enhancement Board. Both of these are targeting a \$4 million fix for the East Devils Lake Road flooding issue. More millions will be needed, but either one of those will be a huge start. Fish are running; two weeks ago, they were all over the road. One person moved two dozen fish by himself and folks with the Salmon Drift Creek Watershed Council were also moving fish. This is a live system and one that really needs to be addressed.

Ward: Do we have any idea what the impact is?

Robertson said that fish get hit by vehicles; however, we do know there is some success with their getting through the system. We know they were wasting resources on the dam and what percentage was left behind we don't know. Fish are coming as early as the end of October and through the end of February. The signs are down. There is sediment back-up and it is a bog. The water cannot get to the lake at the height it would be at the bridge. The bridge is under water a good part of the year.

## **New Business**

### **Budget Committee**

Robertson said one person applied for the budget committee position—Ed Willette. We have had a full budget committee the last two years; there is one space available and one person applied. If the Board so chooses, they can offer him that spot. Applicants were asked to respond by February 1. The Board determined that the applicant was qualified for the position.

**Green moved to appoint Ed Willette to the Budget Committee vacancy. Skirvin seconded the motion. Vote: Unanimous. Motion carried.**

### **Financial Review**

Digital copies and paper copies were received of the annual financial audit; the auditor no longer addresses the board in person. Robertson said he would answer any questions or obtain the answers, or the Secretary/Treasurer can talk to the auditor. The report was good, quite typical to past reports.

Green said it came out as clean as in the past. No apparent concerns.

Robertson noted one overage in personal services of \$67. Timeline for this is post dated because it has already been submitted to the secretary of state. He noted that this report should get to the auditor a little sooner.

**Skirvin moved to formally adopt the 2012-13 Fiscal Year Audit as presented. Weldon seconded the motion. Vote: Unanimous. Motion carried.**

### **Financial Software and Accounting Changes**

Robertson reported that the District has been using QuickBooks for bookkeeping since 2006 and he would like to upgrade to QuickBooks 2013 Pro and take additional training.

He has taken some training through Lincoln City Young Professionals; however, he would like to take some professional courses at OCCC.

Skirvin noted that the projected costs include \$250 for training, software expenses of up to \$400 and \$250 to work with the payroll contractor to set up integrated systems.

Green asked if there would be a different format for reports.

Robertson said it is an upgrade with this fund accounting software and an add-on module for non-profits. He has had to manipulate the program to work within a non-profit area.

**Skirvin moved to allow Robertson to purchase software, training and outside services to upgrade the QuickBooks bookkeeping system so that it aligns with the payroll and accounting systems. Walker seconded the motion. Vote: Unanimous. Motion carried.**

Skirvin read Resolution 2013-01 to Transfer to Material and Services \$900 from the General Fund: Debt Service for the purpose of financial accounting software, training and expertise. He signed the Resolution as Board Chair and Noel Walker signed it as Secretary/Treasurer as of February 14, 2013.

### **Elections**

Two positions will be open for Special Districts board election on May 21, 2013. They are Positions 4 and 5, currently held by Vice-Chair Green and Chair Skirvin. Applicants can apply at the county clerk's office in Newport or obtain the application on the website of Lincoln County. The calendar for the elections is:

February 11—first day to file for office  
March 21—Last day to file for office  
March 25—Last day to file for voters' pamphlet (candidates)  
May 21-- Election

### **Non-Agenda Items**

Lenaerts noted that at 10:00 next Saturday, a delegation from Japan will be at the Chinook Winds Conference Center to discuss the tsunami generated marine debris issue.

### **Board Comments and Announcements**

There was some discussion about the hand-out that Mitchell Moore presented and what to do with it. Robertson referred the board to the details on the hand-out for counting birds in Otis and Lincoln County for this area.

Robertson noted that May 18-19 will be the Devils lake Dash at Regatta Grounds. A press release is going to media outlets. This will be a qualifier event and there is a lot of excitement from participants about coming to Devils Lake on their Facebook page.

The meeting adjourned at 8:50 P.M.

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

Respectfully submitted,  
Linda Burt