



**MINUTES
DEVILS LAKE WATER IMPROVEMENT DISTRICT
GOAL SETTING WORKSHOP**

**COUNCIL CHAMBERS, CITY HALL, 3rd Floor
October 13, 2012
10:00 A.M.**

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

ABSENT: None

AUDIENCE: Mitchell Moore, Larry and Lois Blumenstein, Pat Dooling

STAFF: Lake Manager Paul Robertson and Alyssa Clayton, Intern,
Seth Lenaerts, Project Manager

MEDIA: None

Summary of priorities discussed for consideration, based on public survey responses, public comments, and the Board's discussion:

Septic Tank Revitalization

Vegetation Management

Expansion of LID's for small-pipe pressurized sewerage

Dredging of the D River enough to minimize bird population

Phosphorous Management

Promotion of the lake as a recreation spot and tourist attraction

Create a method of measuring effectiveness of contracts

Maintain in the budget a place holder for the CAFÉ project

Skirvin called the DLWID Board of Directors Goal Setting Workshop to order at 10:08 A.M.

Staff presentation on the Devils Lake Plan with highlights as follows (this presentation is on line:

Goal Setting Workshop

Mission
Executive Summary
Mission and Current Priorities
Tools
Improve Water Quality
Maintain Beneficial Uses
Invasive Species
Lake Stewardship

External Controls:

Septic Tank Revitalization
685 septic systems and one-third are undocumented. Coastal Zone Ruling that will come through DEQ looking at mandatory inspections.
Shoreline and Riparian Vegetation (SOS) Save our Shoreline
Sanitary Sewer (LID for alternative system near Regatta Grounds)
Erosion Prevention and Sediment Control
Stormwater
Wetland Protection, Creation and Enhancement
Phosphorus Reduction (State has banned phosphorous in dishwashers)
Low Impact Development
Toxicant Reduction and Abatement (pesticide-free parks in the city now; education)

In Lake Treatments:

Vegetation Management—Chinese Grass Carp
Invasive Species Management
Native Vegetation—excluding grass carp from zones where native grasses grow

Outreach and Education:

Invasive Species
Research, Education and Outreach

Monitoring:

E. coli
Cyanobacteria
Cyanotoxins
Lake level
pH, DO, T
Conductivity
Turbidity

Since 2010, Top Five Goals are:

Aquatic Vegetation Management

Septic Tank Revitalization

Communication

Bacteria Source Tracking

Sewers [LID's]

Other recent or ongoing projects:

SOS
Shoreline Erosion Study
K Street Beach Park

Lake Level Management
Summer Water Quality
Internship Program
TMDL
East Devils Lake Road

Grass Carp Strategic Plan:

Breakdown of the plan tasks for the application

Survey Results:

190 Responses

Online: Sent 550 invites, 118 responses

Senior fair: Approximately 140 handed out, 71 returned

Newspaper ad: 1 return

Robertson gave the external controls from surveys received online and reported that people are looking at the Devils Lake plan positively.

They ranked as most important the Septic Tank Revitalization.

Second was Sanitary Sewers; Grass Carp was rated very important

Most respondents were full-time residents; most on-line respondents were lakefront residents.

Skirvin noted that the CAFÉ project seemed to be low on the respondents' priority.

Prioritization of goals should consider the responses of the survey.

Green said another question should have been would you favor the CAFÉ if it paid for itself.

He does not understand how anyone could oppose it if it paid for itself.

Robertson said that if you get down to specifics, perspectives could change.

Green: Sewering is the kind of sewerage with shallow, small-pressurized lines. In the long run, this type of sewerage costs less than installing and maintaining septic systems. The only opposition we've had from residents is 10% regarding cost. That 10% is not understanding that long-term cost will be less. The death of their septic system is unknown; you have to hook up to the sewer in 15 years. In the long term, you are replacing septic systems over and over again. Given the newer sewerage systems, they are not a huge expense—at least the same as maintaining a septic system and likely cheaper.

Robertson: It is a long-term solution and is taking all the effluent out of the system. It's a good investment. Sewerage should be one of our top goals.

Green: Something between 18 and 26 percent of systems in the reported inspections were failing.

Skirvin: There is a lot of alignment with what we are doing in the survey.

Walker: Concern with the CAFÉ might have something to do with the economy. It could be much worse or it could improve. I'm sure when we tackle that issue, we will have to go by what is happening at the time and people will either approve it or not.

Robertson: We are investing a lot of money in our building right now. If we can get two for one and provide an outreach component, it's really changing the equation for the district. When we look at all the time and energy doing outreach education, if you channel that into one tool, you might save a lot of money. The understanding of the CAFÉ is at 10,000 feet. It is the Mark O Hatfield Center without the salt; times change.

Walker: You might never be able to make up the difference in cost.

Ward: These are good projects. But if we look at dredging and sewerage and the CAFÉ, they are great, but we do not have the funding to do them. What is your feeling and the rest of the Board on getting better funding for these projects? They are Goliath and we are David. We are going to have to figure out a vehicle to get them done. What are your ideas?

Robertson: District's budget is \$200,000 a year and is never going to pay for dredging on the scale of this lake. Even on the scale of the D River, even cutting a hole in the D River, that would cost \$2,000. Dredging is \$30,000 to \$60,000 for Hostettler dredging. It will not be sustained. If you consider dredging a canal or two a year, it would be \$30,000 to \$100,000 a year—a huge fraction of your bottom line. Talking about sewerage, the District cannot afford to sewer the lake. These projects would have to be done by home owners. We might be able to help with a grant. Or the District could tax everyone more to bring in more to benefit everybody. The LID process is people investing in their own infrastructure. With the CAFÉ, if you look at existing expenses of housing the district and you bring in more so it's not exceeding expenses, you are not at risk of not being able to accomplish that.

Ward: When we look at these projects, we create expectations that we have no hope for.

Skirvin: Let's get our public comments so that we can get into the depth and prioritize.

Green to Robertson: Please put the current top priorities of the Plan on the screen.

Public Comments

Mitchell Moore: He wanted to present a series of examples to make a generalized point.

First, the District has been working through a difficult year. Water level created some tension this year between the folks sitting at this table and the Board. Lakefront vs. watershed. He is concerned that it's easy to look at who the Board represents. The tax base is split. Homeowners care about the lake. People come to the meetings because what you are doing impacts them. It impacts everybody in the community. A lot of what happens impacts the homeowners directly. They are not here because they are difficult. They are impacted.

The Plan is mostly positive. The septic program is a positive. The impact would be mostly to lakefront home owners. He would like to see the issue impacting the entire watershed.

Everybody in the Coastal Zone will be implemented next year. Everybody supports the septic system inspection program; they do not support the water shutoff enforcement issue.

He said he was happy to learn that Lenaerts said local entities want to work with DEQ. The County is stepping forward to be the decider of who is going to make the fail or pass determination. That was one of the issues. Regarding the city and enforcement Moore said he has talked to David Hawker. They will pass the ordinance if there is no controversy.

Road's End is causing difficulty now with the water shutoff issue.

The SOS program is a great idea; however, it needs some modification.

The Communication efforts have been outstanding, although the District lost some ground with the lake level issue, but people are now aware of what's going on.

The lake level issue cost you some public capital for the other issues in the plan that you need public support for. If the blinders are on, you cannot accomplish your goals. Moore said he believes the District should stay out of the ordinance business. The District should not be putting forward rain garden, stormwater, phosphorous or fertilizer issues. There are a lot of those ordinances already underway with the City and County—they are working on a nitrogen ban. For you to accomplish your goals, you need everybody in the watershed on your side. You need people to volunteer to participate in SOS and you need people to

volunteer not to use fertilizer. Sewering is a huge thing that you need to get people behind you to accomplish. A supportive public will make your goals easier to accomplish.

Board Discussion:

Skirvin: He has a few ideas he has considered and would like to discuss.

Regarding the monitoring program over the last two years and trying to understand where the *E. coli* origins are, he looks at D River as a hot spot for *E. coli*. He would like to see some method of keeping the bird population down in that area. While it may not be a huge issue to the residents of the lake, there are a lot of kids that play in that area. We should make sure we maintain enough depth to keep it less inviting to the birds.

The City is looking at the stormwater issue. The District needs to work with them and the county for stormwater management. He is glad to see vegetation management is high on the public's list of priorities. He had written some phosphorous-free issues we could plan for the coming spring. We can work to make the issue of phosphorous more visible—education. The last thing from the survey is that there doesn't seem to be a heavy push for the CAFÉ; he would like to see it taken off the near term list and perhaps a special task force created for the future. He does not see the Board taking any action on it right away. There are times to look at issues like that and there are times not to look at them. We should push that issue out.

Green: On the CAFÉ, he disagrees on that point, because having it in the budget is a placeholder. Even if there is a 1% chance to make it beneficial, it either saves us money or gives us a presence on the lake and improves our capabilities. The flip side is that now with real estate values down, this would be the time to look at that. If we don't look at it now, the probability of looking at it in the future will not be as good. I don't know if we are ever going to be able to do it, but I would like to leave it in the budget.

Walker: Do we really know much about this? There is a building there. It would be nice to inhabit it. Create the dream. But, would it even pass inspection? It doesn't look like it's much of a building. There might be so much cost to resurrect it that it might be a hole in the water you throw money into. I agree we should keep it as a possibility, but it shouldn't be a priority.

Green: A typical process would be that if we take what we are paying now and what we could generate from other tenants, and note our expenses wouldn't increase by buying it—the dollars and subject to inspection. If it doubled the price, it wouldn't be feasible.

Walker: I don't see a problem with it being a possibility, but it should be something to keep on the back burner.

Weldon: The CAFÉ down the road could be a possibility, but unless we find some way of vegetation management, we have had biologists tell us that when the weeds come back, they will come back fast. If we are going to do the CAFÉ, we are not going to be able to access the lake from the CAFÉ. What is the use of having it if you cannot access the lake from there? It was interesting to see interest in the SOLV program that we have not done much with the cleanup. Several years ago, there were few paddle boarders on the lake and there are days there are multiple people out paddle boarding. If you are boating, you do not see the bottom of the lake. There is a tremendous amount of trash in the lake and a lot of people are picking up on that. One of the ideas about phosphorous-free in looking at

previous goals, is what makes people buy one product over another—cost. If we worked with ACE and they brought phosphorous-free fertilizer, we could subsidize bags of phosphorous. Say, kick in half of the \$15 cost to make it \$7.50, it might be an idea. The last thing, D River is a health hazard with the seagulls and the *E.coli* we get there. Dredging just enough to keep the sand from covering that area might be possible. The water flows right down to the beach where the kids play. I'd like to see if there is a way to pull it down to the eight-foot level of the concrete dam. The seagulls might come in, but they wouldn't nest there.

Walker: He wondered what they were talking about when they mentioned getting lead weights out of the lake. For over 150 years, there has been leading in the lake. He wouldn't want to keep people from using the lake with their tackle. Most of the people who fish in this lake are from out of the area and they are not going to be aware of a local ordinance.

Skirvin: It has been pretty much just passing out a bag of lead-free weights—just causing awareness.

Ward: As far as the CAFÉ, I think we should continue to bookmark it. I usually have an inventory of investment properties, in case the price turns right or if somebody wants to give it away. By the time you get these older places, you are better off to just scrape them. I think we should be a leader in taking care of our lake and phosphorous management is very inexpensive—not like a septic system where you have to inspect or pump. He said he would be in favor of an ordinance prohibiting phosphorous fertilizer. He understands discouraging boat usage regarding lead, but does not think we should be putting any more lead in the lake. He said he does not know how you would get out the lead that is there, but you should not be putting in more.

Green: With respect to the septic inspection ordinance, Seth, we have the city considering an inspection, but the city cannot reach the east side of the lake. Are we talking about making this effective inside the urban growth boundary? Is that the reason for making the water shut off the issue?

Lenaerts: The city has jurisdiction inside the city, but they have no jurisdiction outside the city. A lot of cities do not provide water outside the city limits. The only enforcement tool the city has is the water. They wouldn't have water shut off inside the city, but would impose a fine. They cannot fine the people outside the city.

Green: So we would need a county-wide inspection ordinance if we are going to have inspections on the east side of the lake. It's hard to avoid if water shutoff is the only penalty.

Lenaerts: All they would be asking is that you perform an inspection. All you have to do is have the inspection and you've met the criteria. People should have their systems inspected every 3 to 5 years. They will know to submit a form within ten years, or at time of transfer, they need to get a form. For property owners who are maintaining their systems, it will change very little for them.

Skirvin: What are the key elements you need to make this a successful project prior to coming to the end of your term next year? What do you need to accomplish this? Do you need a committee? Are there any new ideas on how to avoid water shutoffs or other mechanisms we might be able to model after?

Lenaerts: One issue is the staff between the City and the County. I continue to believe we can resolve this issue. Just getting clarification between the County and the City and the political will to do it. We had a city council that prioritized it, and then with the change of city council, we lost the driving force. We should put some pressure on the city councilors.

When I talk to the city councilors, they all know what I am going to be talking about. We need other voices.

Skirvin: Judging by the surveys, people support the concept. I have to assume the council will also feel that way. Maybe some political pressure. If we have a program and a solution, you would have a better chance. Do we need to have some way to make it more palatable? People want to make sure that the program is not overreaching and how much effect it will have in their lives. We have two parties and we are in the middle. What can we do to bring this about and not have the city councilors worry about how to go about it?

Do we need to hire a consultant? What do you need?

Lenaerts: We need to craft language to where the city manager feels that the inspections need to be made and we are doing something about it. The other things are not necessary. We talked about doing this with the County and it's a non-starter to do a County ordinance. It is something we can pay more attention to if the Board is interested.

Green: Nobody wants to think about water shut off, but is there any other way of bringing people into the program? Is the only way to reach them with the water shut off stick?

Lenaerts: It's the tool that is available.

Green: Practical reality is that most people are going to have their systems inspected. If the inspection yields a problem, then the county will do the enforcement. They have a long history of working with the property owners to make a solution. I've never heard of a house being condemned because someone's septic system was found to be wanting and no solution was found.

Lenaerts: Yes, the county will work with you. Low income property owners are able to work through the issues and get help. One lady had labor volunteered and a new tank donated.

Green: The, if the only thing the property owners have to do to comply with the ordinance is to have the inspection, it doesn't seem to be a problem. You are looking at no water shut off; you are going into the system to have the problem fixed. The water shut off is an effective way to reach the east side and it doesn't sound very nice, but it doesn't seem in reality it is going to be a penalty at all.

Moore: It's a different issue. Originally, that is what started the problem; but it's been three or four years now and we have been trying to get the City to do this. The City is in a pickle with the Road's End problem. I think we should try to get the county involved. There will be a law suit with Roads End. They will try to get the legislature to make it illegal to shut off water. With Jean Cowan, it did not get passed. She is gone now. Let's dual our efforts and go to the county. I will commit to you I will do everything I can to put people before the county and get them involved. The issue is political with the water shut off. You are putting a lot before the city. There is also a high probability that with the DEQ changes, they have to deal with that, plus it is a staffing issue. They will be the deciders. The District might be able to be involved, but the county will be the record keeper. It will be a standard ordinance, if you have a city/county ordinance.

Green: The big issue isn't water shut off or no water shut off. As a lake Board, it's having an inspection ordinance on the east side of the lake.

Moore: The County has to deal with the state's issues. I don't see the harm in trying to get the County involved. Water shutoff is a big component because if you are paying attention to Road's End, they have a lot of people before the city council now.

Green: It would be good if it could be achieved at the County level; Seth said it's a no-starter.

Moore: The water shutoff is a political thing. It is one of the sticks in the mud that makes the ordinance stop. The city would pass the ordinance in a minute if there was no water shutoff issue.

Lenaerts: Water shutoff has not been the reason the City has not passed this, but it is the staff issue with the City and County.

Green: Why not make the ordinance county wide? People are paying for these inspections, so it's a "jobs bill."

Lenaerts: The final thing is that we have yet to have an ordinance that we can look at and move forward with. Right now, it's kind of open and there hasn't been a lot of support.

Skirvin: Would you want to take something to the City without the water shutoff, or do we need to bring someone on board to draft an ordinance?

Lenaerts: The city manager at this point is concerned about what is going to happen after the inspection.

Ward: At some point, this has to come to fruition. I appreciate Mitchell's point of view, water shutoff sounds Draconian, but it might not be. Somehow we've got to get there. Something has to light a fire and make it happen.

Green: Of course, if we have sewers around the lake, this is totally irrelevant. Suppose the city council approves the LID and passes the resolution and we have a sewer in the LID, what is the thought process about how to move that around the lake? You have talked about that and you've said you would like to pursue some LID's.

Lenaerts: We could try to find people in the watershed who would be willing to lead the LID charge with staff assistance from us.

Robertson: The big slow down for moving it is to have one completed. The city is going to want to see it manageable for them. They might want to see one to three years to test it out before they consider more.

Green: The first step is to find people in the neighborhoods to bring it forward.

Robertson: You have to have real numbers. The idea has been to see this current LID and use it as a model to do it five to ten more times. Neotsu is probably your next best go. Down the road, it could be Sandpoint. There needs to be one major improvement on the east side to pick up the rest of them. We've had interest from the folks in Neotsu.

Green: You might not have a neighborhood leader who could get it done and it might fall to the Board or the District to lead the way. The strategy is to show people that installing the sewer system is no more expensive than maintaining your current septic system and having to replace it over and over again.

Skirvin: Anything from TMDL that we need to consider? Any of the things you are working on that we need to take action on?

Robertson: This TMDL does not touch the components that the lake is listed for. It is one step to cover a lot of ground. The only thing we have a need to adhere to would be bacteria levels in Thompson Creek. We need to diffuse it down to below thresholds.

Skirvin: It would be nice if there were more people who know the lake is here. Are there some things we can do to create destination attractions? Try to bring people into the area to enjoy the lake, such as reaching out to Miles and starting the Jet Ski competition. What can

we do to take the initial packet and brochure to the next level to bring people to the community?

Robertson: Attend the Oregon Tourism Board meetings and drum up support for the District. That would be one direction.

Weldon: You might be able to place some type of signage before you get into town—an outline of the lake. Lincoln city is a long strip and you cannot see much. The majority of people who stay here do not know the lake is here. We need a highway sign or something.

Robertson: A dual sign--Devils Lake-watershed sign.

Ward: Where the ocean interfaces with the lake, we've already talked about dredging that area. It was a huge draw once and now it's kind of raggedy.

Walker: He said he has heard from 27 years of customers—even many people who have lived here just realized there was a lake. The tribe owns the north end of the lake on his side of the lake and they own that strip along the highway. It might be easy to get something placed there with an outline of the lake on their property.

Skirvin: One last thing as we talk about priorities, we need to establish success criteria. I'd like to have the District look at how we measure the effectiveness of our programs and our employees in accomplishing our goals. And, in managing our contracts and contractors. I think it's important to establish success criteria to make sure we are tracking our accomplishments. Having something from a District management perspective would keep us on task.

Skirvin: So, we will direct staff to take primary goals and build them into a staff report for December and we can have additional public comment and create priorities in the December meeting.

Skirvin asked Alyssa Clayton to come before the Board, where they thanked her for the work she had accomplished during her internship.

The meeting adjourned at 11:57 A.M.

The next regularly scheduled Board meeting will be December 13, 2012 at 6:00 P.M.

Respectfully submitted, Linda Burt