



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

**LINCOLN CITY COUNCIL CHAMBERS  
March 13, 2014  
6:00 P.M.**

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

**ABSENT:** None

**AUDIENCE:** Joe Barnes  
Mark Christie  
Tina French  
Mitchell Moore  
Susan Wahlke

**STAFF:** Paul Robertson, Lake Manager

**MEDIA:** None

Chairman Brian Green convened the meeting at 6:00 p.m.

**I. ROLL CALL**

All directors present.

**II. CONSENT AGENDA**

**(6:00 p.m.)**

**Brian Green called for a vote to approve the consent agenda (including the minutes of the February 2014 meeting and the financial report). Unanimous vote in favor.**

**III. PUBLIC COMMENT**

**(6:03 p.m.)**

Green outlined public comment policy. Five people signed in to speak. Budget committee candidates invited to speak.

**Mark Christie, 3184 NE Loop Drive, Otis, OR.** Budget committee applicant, 15 years experience with the Sherwood School District, including budget experience. Has managed a budget of over \$30 million. Concerned about green water from algae. Disappointed that algae hasn't been addressed. The board has failed in its attempts to improve water quality. Here to help. Good job keeping lake safe. We failed this year in maintaining the economic value of the lake because people don't come to the lake when it's green. You do an exceptional job on public awareness. The Devils Lake Homeowners Association wants to help. You should use the resources you have. We all want to be involved to make the lake usable year round.

**Mitchell Moore, 2929 NE Loop Drive, Otis, OR.** Budget committee applicant. Previously served the district on the budget committee. Has served on the communications committee. Selected as Lake Steward in 2011. As president of Clear Creek Communications, has prepared and implemented budgets for 30 years. Sits on the boards of seven corporations, reviewing and approving annual budgets. Sat on board of National Broadband Association for eight years with an operating budget of \$24 million. Eight years on the board of Oregon Public Broadcasting with oversight over endowment fund and budget of \$26 million. Experienced with DLWID budget process.

Moore continued to speak on behalf of the Devils Lake Neighborhood Association. Asked for maximum impound of 9.5 feet from April 15 to October 15. Asked that water monitoring start immediately. Concerned about board comments during the February meeting, so offered evidence to support his view. Commented on the 2013 HABs bloom, and disputed board comment that the bloom was a statewide phenomenon. Disputed board data on rainfall and temperatures. Disputed Lake Manager's recent comment regarding failed septic systems. Green algae has been very visible on the lake for nine months, and we need to address this.

[A written version of Mitchell Moore's comments is available by contacting Moore at [dlakeoregon@gmail.com](mailto:dlakeoregon@gmail.com)]

**Joe Barnes, 1727 NE East Devils Lake Road, Otis, OR.** Budget committee applicant. Cited experience on the DLWID board. Ran his own golf course for 10 years. Successful developer. Experience with budgets and numbers.

Barnes continued to speak about algae in the lake, saying that the lake level is lower than ever and greener than ever. Said D River has never been so constricted. Not enough rain to filter out algae. Maybe getting D River moving would help flush algae. He said the board alienates homeowners with the lower lake level. We don't want to be your adversary; 400 homes on the lake, all with the goal of improving lake quality.

**Tina French, 1726 SE Highway 101, Lincoln City, OR.** I know nothing about why the lake is so green. Lived here 44 years and has never seen it like this. Huge concern. Here to educate myself. Not enough flow of info on why lake is green. Terrifying to not be able to go

into lake or let pets in lake. Are we saving money so we can do something to improve the lake? I'm looking at a beautiful picture of a blue lake behind Brian's head, but the lake isn't blue anymore. I don't know what has caused this issue, but I hope we're not satisfied with what is happening.

**Susan Wahlke, PO Box 1018, Lincoln City, OR.** Budget committee applicant. Served two years on the Lincoln City budget committee and just reappointed to serve another three years. Other experience on application.

#### **IV. UNFINISHED BUSINESS**

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

###### **i. Septic/Sewer (6:23 p.m.)**

Lake Manager reviewed plan to replace septic systems with a sewer system in order to reduce the flow of nutrients into the lake. He discussed a suggestion that the proposed septic tank inspection program be shelved in order to get the sewer process started. Working to find funding sources for sewers; meeting with Oregon Department of Environmental Quality in April to discuss possible funding. Since Devils Lake has been listed since 1998 as an impaired lake with too much chlorophyll, an elevated pH level and harmful algal blooms. Problems with vegetation or HABs tend to swing back and forth. All of the problems with the lake are related to excess nutrients. That problem is to be addressed by replacing septic tanks with sewer and the Save Our Shoreline program to revegetate the shoreline. Stormwater runoff also must be managed. When you build a sewer, you provide an opportunity for increased development, which creates more runoff and puts more nutrients into the lake. Through an Urban Growth Management Agreement, the city and county can control growth in order to reduce the impact of development.

Green said he is still awaiting for progress on the Voyage LID. Schedule calls for a one- to two-week project in August 2014. Possible revision of the assessment method.

###### **ii. Save our Shoreline (SOS) (6:30 p.m.)**

Lake Manager showed pictures of project to plant vegetation on Linda Burt's property. SEE STAFF REPORT for description of project, which includes matching funds and a volunteer work crew. Students from Taft High School participated in this project. Robertson noted that willow stakes root easily and do not disrupt the shoreline, so they do not cause more erosion.

###### **iii. Vegetation Management (6:33 p.m.)**

Lake Manager referred to an earlier study by EPA to determine the source of nutrients that cause weeds to thrive in the lake. Improper land use, including a former dairy and unmanaged forestry caused problems. EPA recommended fixing land use. In addition, grass carp were added to the lake to control vegetation. The carp are aging and DLWID is now applying to Oregon Department of Fish and Wildlife to be allowed to add more fish.

**b. Communications Report** (6:41 p.m.)

SEE STAFF REPORT for review of communications strategies, including streaming on the internet, TV Channel 4, training videos, interviews on KBCH 1400AM on the 3<sup>rd</sup> Tuesday of each month, Career Day at Oregon Coast Community College, water quality class at OCCC.

**c. Safety Report** (6:44 p.m.)

SEE STAFF REPORT: no accidents reported.

**d. MidCoast TMDL** (6:44 p.m.)

SEE STAFF REPORT re: Total Maximum Daily Load, how much of a pollutant or impairment factor can you add to a lake before it gets really bad. DEQ focusing on bacteria, sediment, and temperature of streams that feed lakes. Many vested interests (farming, timber) take issue with DEQ plans. Lake Manager noted that DEQ received a letter from a lobbying firm opposed to elements of the draft plan. EPA defended the DEQ plan.

**e. East Devils Lake Road** (6:51 pm)

SEE STAFF REPORT re: first salmon seen, ushered across road. No other strandings reported. Road still flooding. Permanent fix could be \$5 million to \$30 million. Requests for funding are very competitive.

GREEN asked about Salmon-Drift Creek Watershed Council grant application. Robertson said the funding was rejected.

Lake Manager said the temporary road fix has improved travel and fish passage.

**f. Policy Updates** (6:55 p.m.)

SEE STAFF REPORT for review of policy manual updates so far. Technical issues prevented the onscreen review of further changes. Board decided to move the review of the Personnel Policy Manual to next month. Investment policy was changed to require full board approval on changes in investments. Board discussed investment policy. Investment fund that had been earning 5% in 2007 is now earning 0.5%. Lake Manager recommended looking for a professional to manage fund if alternatives are desired.

**g. Budget Committee** (7:01 pm)

Lake Manager explained the ballot process to have five board members pick four budget committee members from a list of seven candidates. Directors will rank candidates 4 to 1. Those with the most quality points will be selected and be given longer terms. Three members will be given 3-year terms and one member will be given a 2-year term. An

existing committee member has a 2-year term. The plan is designed to create staggered terms on the committee so experienced members will always be serving and provide continuity.

WARD: Thanked candidates for their presence and their comments and their spirit of collaboration.

**First ballot results:**

Joe Barnes = <3 votes  
Mark Christie = 3 votes and 5 quality points  
Max Hanson = 3 votes and 5 quality points  
Douglas Holbrook = 3 votes and 11 quality points  
Robert Landhuis = 3 votes and 6 quality points  
Mitchell Moore = <3 votes  
Susan Wahlke = 3 votes and 12 quality points

**Holbrook, Wahlke, and Landhuis were chosen for 3-year terms.**

**Second ballot results:**

Barnes = 0 votes  
Christie = 1 vote  
Hanson = 2 votes  
Moore = 2 votes

**Green moved to vote next only on the two candidates who received two votes in the second round. Walker seconded. Unanimous in favor.**

Green voted for Hanson  
Walker voted for Moore  
Skirvin voted for Moore  
Weldon voted for Hanson  
Ward voted for Moore

**Moore was chosen for a 2-year term.**

Budget meeting will be 10 a.m. May 9, 2014, in City Council Chambers. The meetings in the past have lasted about 3 hours.

**V. NEW BUSINESS**

**(7:24 p.m.)**

**a. Lake Steward nominations**

SEE STAFF REPORT for information on Lake Steward nominations.

**b. Devils Lake Revival Request For Proposals (RFP)**

A draft RFP was sent to the board.

Board members discussed the advisability of holding the Devils Lake Revival this year given the quality of the lake water. Lake Manager reviewed some history of the revival as it relates to lake quality.

WALKER: Noted that when grass carp were put in, problems with HABs were predicted. He said money has been spent over the years but nothing has been done to control the algae. It would be a travesty to celebrate lake quality this year because we have failed to improve the lake. There's too much animus between some of the members of this board and people who live on the lake. As the only one here who makes a living on the lake, I can't promise pontoon boats availability. They're too expensive to insure.

GREEN: We don't have to hold the event. On the off chance the lake clears up, we can still disseminate an RFP.

Lake Manager said the RFP is sent out to the usual candidates and reported through news media. He noted there's a short time frame. (Robertson also noted for the record that he has family members who could organize the event.)

Board members continued to discuss possible costs and the wisdom of planning an event.

WALKER: Questioned expenditure of funds on items other than water treatment to control HABs.

ROBERTSON: Related history of investment fund growth.

**Walker made a motion to have no Devils Lake Revival this year. Skirvin seconded.**

WELDON: We keep getting fooled on expectations of when algae will go away. No harm in putting out RFP.

WALKER: Is it fair to ask someone to do the work of a proposal and then cancel it?

ROBERTSON: The district has the right to refuse any and all proposals.

WELDON: This is a chance to educate the public about the lake problems.

WARD: Revival has been very positive for the lake and the community. Hope we can keep it.

GREEN: Premature to cancel. Don't want to be afraid of reality. Chance to educate people if lake is green and what can be done about it.

**Call for a vote. Walker motion failed 1-4.**

SKIRVIN: As date nears, we can consider doing something different.

**c. HABs Stakeholder Meeting**

**(7:51 p.m.)**

SEE STAFF REPORT for Lake Manager's report on annual meeting in Corvallis, including history of lake treatment, grass carp, HABs, lake monitoring in Oregon and Washington, proposed legislation to provide funds for HABs research.

GREEN: Asked about Lake Oswego's algae treatment.

ROBERTSON: Lake Oswego uses periodic alum treatments. They use herbicides, water aeration and circulation. Their budget is 10 times higher than ours.

GREEN: If they are having success treating algae, I'd like to know about it.

**Green moved to have Lake Manager draft a letter in support of HABs research legislation to four key Oregon and Washington congressional representatives. Skirvin seconded.**

SKIRVIN: Spoke in favor of seeking federal funding. We don't have the money Lake Oswego has. Homeowners there pay \$3,000 each to support the lake.

**Call for vote. Unanimous in favor.**

**d. Water quality monitoring: *E. coli***

**(8:18 p.m.)**

SEE STAFF REPORT re: training to do water quality monitoring, transfer mobile lab to OCCC, shared lab space.

**Green moved to authorize the expenditure of existing Training and Continued Education Funds for *E. coli* analyst training up to \$400. Skirvin seconded. Unanimous in favor.**

**e. Lab equipment**

**(8:25 p.m.)**

SEE STAFF REPORT re: need for research-quality refrigerator and freezer for \$800 to \$1,000 each

**Skirvin made a motion to move \$2,000 from M&S: Monitoring to Capital Outlay. Ward seconded. Unanimous in favor.**

**Green made a motion to authorize the Lake Manager to spend \$2,000 for the two items from Capital Outlay. Weldon seconded. Unanimous in favor.**

**VI. NON-AGENDA ITEMS**

**(8:30 p.m.)**

Additional comments were invited from citizens on non-agenda items.

**Mike Delk, 2020 Lake Drive, Lincoln City, OR.** Been there 6-7 years. Questioned why some highly qualified budget committee applicants were not selected. Said there is no more important issue to spend money on than the algae bloom. My family wouldn't visit the lake because they think they're going to get sick if they even touch the lake water. Right now, there's a green slime in front of my house that I've never seen before in February. Called for seeking more funding to fix the problem. If so, you would gain the support of homeowners.

**Joe Barnes.** First meeting I've seen with some passion about the issues. Thanks Noel Walker, who spoke to not alienating homeowners. We should be pooling our resources. Lake Oswego used to be green and they cleaned it up. We need to raise the lake level. If lake still green, then what would it cost to treat the lake?

**Mark Christie.** You have resources here that you have chosen not to engage. You're taking no action. You're not spending the tax money you have to try to fix the lake. You have an open-ended agenda with no accountability because you have no completion date. We have an immediate problem that needs to be solved now. I can support sewers. I offer the Neighborhood Association to help come up with a game plan. We're not the enemy.

**Mitchell Moore.** Echoed everything just said.

## **VII. PUBLIC COMMENT**

No additional comments.

## **VIII. BOARD COMMENTS AND ANNOUNCEMENTS**

**(8:43 pm)**

GREEN: Expressed support for and described the background of budget committee members who were selected: Wahlke, Holbrook, Landhuis. Agreed that we need to stop butting heads, but said lake level not the issue. Noted that Lake Oswego problems were fixed but only after a lot of money was spent. Said no one has offered specific suggestions for concrete action because it's very difficult. Spoke to history of steps taken to improve lake. Invited Lake Manager to recap.

ROBERTSON: Decision was made in 2009 to get more grass carp. At the time, he suggested combining with long-term plan for sensible land use, including original solutions proposed by state and federal government officials to address nutrient problems. Went with stopgap fix of ongoing vegetation management with grass carp. Focusing on weeds turned attention away from HABs. Weeds and HABs are coupled. When the fish came in, the blooms got worse. Weeds and algae were present in the 1960s, according to the sediment record. Plan was based on notion that weeds were the larger issue.

Long-term focus is on healthy shoreline to fight erosion, which benefits from a naturally fluctuating lake. A static lake limits the summertime growth of wetlands that trap nutrients. Now have Save Our Shoreline in place.

Moved on to septic inspection, which required a change in thinking on City Council. But major steps need to be taken.

As for money, we need to multiply our \$500,000 by 10 in order to pay for sewers. Looking for other funding.

Nutrients are at the root of the issue, leading to weeds and HABs. Unless we address that, we will continue to be plagued by these issues. We might have enough money for a one-time alum fix, but what do you do after that?

GREEN: Commented that short-term solutions are elusive. Noted that he and Robertson spent two hours with Joe Eilers, described as the state's preeminent limnologist (or lake scientist) discussing lake levels and the latest technology to counter algae blooms. Noted that Eilers had worked with the Solar Bee company, but he saw that a lot of claims from Solar Bee fell short. Talked about relationship between cyanobacteria and certain viruses. Mentioned Ken Wagner, who has a contract from the American Waterworks Foundation to develop a system for controlling HABs in drinking water. Wagner's talk at NALMS noted no correlation between the amount of water pumped and the results in the lake. Eilers found that viruses fought HABs, but the HABs evolved.

As for alum, Eilers says this has been the most popular solution in shallow lakes. Noted that Green Lake in Seattle had a treatment that didn't work the first time, but a heavier dose was effective. Aluminum sulfate fights algae, but it produces sulfuric acid that has to be neutralized. Treatment was 8 or 10 years ago, and it's still effective.

AUDIENCE MEMBER: Why don't we do that here?

GREEN: Need to have conversation with Mr. Gibbons of TetraTech, who has said the rapid flushing of water in Devils Lake would work against alum. Lake Oswego has that problem.

ROBERTSON: Lake Oswego can shut off the source. Runoff at Devils Lake is vast. If you don't address phosphorus, algae will return.

WALKER: Most of the water is flushed out of the south end, so wouldn't the alum remain in the north end of the lake?

ROBERTSON: The phosphorus comes in all around the lake.

GREEN: Rapid flushing should help us because the worst thing you can do is dam the water and let it sit there. Eilers said a proper alum treatment would cost \$1 million to \$2 million.

WALKER: If we need that kind of money, why have we never asked for an increase in taxes?

ROBERTSON: A tax increase and a broadening of the tax base in Roads End was talked about at last year's budget meeting, but it was tabled.

WALKER: People in the watershed could be taxed more, and I think they would pay the extra if they were asked.

GREEN: Noted that Eilers said a less expensive strategy is to employ catch basins for stormwater runoff. Grassy areas help catch phosphorus.

ROBERTSON: A lot of the pre-existing wetlands have been destroyed. Maybe we need to get out of the way of nature. Cited Tenmile Creek, where vegetation was allowed to rebound. Water flows through a sea of grass, which captures 99% of the phosphorus and 90% of the sediment.

GREEN: 99%, and that was empirically determined. The system was not engineered. Just some homemade catch basins. We can spend a lot of money but we should not overlook less expensive strategy. Mentioned paper by Frank Wilhelm, who said dredging is the most damaging thing you can do to a lake. He said lakes should be allowed to fluctuate and not be dammed. He said raising the lake would not make a difference of more than two-tenths of one degree.

MOORE (public comment): Wherever I go people talk about the lake level: What did they do to the lake? The community blames you for the lake because you lowered it and the lake went to hell in a handbasket. All of the ideas you get are not going to go anywhere. Suggested raising the lake to get the public behind you. If it doesn't fix the lake, then they'll know and they will trust you to move forward. The issue is how to get the public behind you. The other thing is that I ask you to start monitoring the lake now.

WALKER: Asked Moore about a requirement regarding lake impoundment.

MOORE: The lake needs to be fully impounded once every 5 years, or the district will lose its impoundment right. You're on two years and counting.

GREEN: We want public support, but for the right ideas, not because lowering the lake coincided with a bad summer. Asked Robertson to address lake level effect on algae. Objected to interruptions from the audience.

WALKER: Spoke for raising lake level.

GREEN: Raising lake to full level would affect temperature only two-tenths of a degree. Water temperature is much more related to sunlight and to longer residence time.

ROBERTSON: 1994 was an epic year for blue-green algae in Devils Lake. We've had exponential growth in algae since 1994. Based on that history, you should expect the lake to turn green. The lake is green but it's not because the lake is at 9 feet. The lake is at 10.1 feet today. The bloom crashed in December, but since then we have not had our traditional rain in November and December. It's been a different year. Lake level is not the cause of HABs.

GREEN: The lower the lake, the further it is from septic drain fields. Keeping the lake lower improves the effectiveness of the wetlands in trapping phosphorus and sediments.

ROBERTSON: You have to address the sources. Installing sewers could take five years. There are a lot of obstacles related to money and annexation. We need concerted effort from homeowners.

GREEN: We do know that the shoreline is protected with a lower lake level. Might be better to remove the dam. Instead, we compromise by keeping the dam and keeping the lake level higher, but we don't get credit for that. People are making it very difficult for us.

WALKER: There are other benefits to raising the lake, such as making the docks more accessible.

GREEN: The first complaints were about the docks, which is an individual homeowner's problem. The benefits of protecting the shoreline outweigh the problem. Raising the lake 6" to the maximum would not reduce the algae, but could make it worse by adding resident water. People are blaming the DLWID for causing the HABs bloom by lowering the lake, which is intellectually dishonest and is not getting us anywhere.

WARD: Told story of Sue Polk in Seaside, who revitalized the town in a difficult period. Only way a community can reach its promise is when they understand that they don't have to like each other to reach common goals. I don't care about being right, but I do care about finding the right solutions.

WALKER: At a crossroads with my business, which I need to concentrate on. I hereby submit my resignation. I enjoyed all the board members, but this is in the interest of harmony because we don't see eye to eye.

GREEN: That's why we need you. I'll ask you to reconsider.

WALKER: This is a year like no other. It may not pay me to operate beyond my insurance anniversary, which is very costly.

ROBERTSON: Regretfully accept your resignation. You've been an asset for many years.

GREEN: Thank you. Appreciate your service. I hate to see you go. We don't need yes-men up here.

ROBERTSON: Series of steps required to notify public about resignation, and board will make an appointment to fill the remaining length of term.

## **VII. ADJOURNMENT**

Green adjourned meeting at 9:43 p.m.

The next regularly scheduled Board meeting will be April 10, 2014, at 6:00 p.m.

| Respectfully submitted,  
Rick Mark