



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

**LINCOLN CITY COUNCIL CHAMBERS
February 12, 2015
6:00 P.M.**

PRESENT: Brian Green, chairman
David Skirvin
Kip Ward
Randy Weldon
Kent Norris

ABSENT: None

PUBLIC SPEAKERS: Paul Katen
Noel Walker
Mitchell Moore
Mark Christie

STAFF: Paul Robertson, Lake Manager

Chairman Brian Green convened the meeting at 6:02 p.m. **(Video microphone off)**

I. ROLL CALL

All directors are present.

II. CONSENT AGENDA

David Skirvin moved to approve the consent agenda, including the minutes and financial report of the January 2015 meeting. Kent Norris seconded. Unanimous vote in favor.

Randy Weldon corrected a figure he provided in the January meeting to clarify that rainfall increased by 134% this winter compared to the previous year.

III. COMMENTS from CITIZENS on NON-AGENDA ITEMS

Green outlined the public comment policy. Comments were limited to 5 minutes apiece.

(Video: 2:49)

PAUL KATEN, Otis: Spoke as president of the Salmon Drift Creek Watershed Council about concerns regarding Senator Ron Wyden's legislation that would increase timber harvest, saying the effect on Devils Lake and Rock Creek could be devastating. Urged opposition to Wyden proposal. Forest emphasis areas would be aggressively logged, with significant reduction in environmental protection and harm to the quality and quantity of water to the creeks. Under the current northwest forest plan only thinning is allowed. The Wyden legislation would put the land under Bureau of Land Management harvest rules, which would allow clear cutting. Could lead to more sediment and nutrients getting into Rock Creek and Devils Lake. Urged board to let Sen. Wyden know that you oppose this plan. Keep this land under Forest Service management. Keep a dialogue going and stay on top of this issue. Suggested talking with Sen. Merkley and his environmental people, and that Merkley might be an ally.

NOEL WALKER, 4006 West Devils Lake Road, Lincoln City: Walker operates Blue Heron Landing, a boat rental facility. Brought in several damaged propellers. Said that because we're now lowering the average lake level in the summer, propeller damage has become more common. Many people have extremely expensive stainless steel props. These cost \$125 apiece. Most damage in the south end of the lake. A lot of people come here not expecting problems. If I went to a lake and lost a prop and it ruined my vacation, I probably wouldn't come back. Since we're promoting recreation, we should adopt some kind of program to clear up snags and to alert people about hitting snags. Shallow areas should be marked.

GREEN: Asked if Walker has a good idea of where these areas are.

WALKER: Some of them. Leisure Bay, south end around island particularly treacherous. Need markers to warn boaters. This can ruin your vacation.

MITCHELL MOORE, 2929 NE Loop Drive, Otis: Spoke about proposed removal of impoundment structure. Seems like biggest justification is removal of sandbar and amount of seagulls. Suggested calling this the sandbar abatement project. Might be other solutions to consider. Question the urgency of the proposed solution. Suggested first securing the water right by installing the boards and raising the lake to 9.53'. Think about removal in a subsequent season. Perhaps the sand can be removed. Also spoke about the request for proposals regarding aeration, which came back with no responses. Encouraged the board to revise the RFP to address concerns. There might be concerns about liability or the scope of the project. Don't give up on it yet.

MARK CHRISTIE, 3184 NE Loop Drive, Otis: Spoke about the lack of response to the aeration project. Said he asked Eli Kersh from Aquatic Environments about the project. Kersh said the company did not want to assume the liability that the RFP demanded as far as eliminating harmful algal blooms and permanently changing the water chemistry. He said

these were not realistic expectations. Suggested inviting possible vendors for a work session to ask them how should we structure the RFP so they would bid on it.

IV. UNFINISHED BUSINESS

(Video: 19:50)

a. The Devils Lake Plan

i. Septic/Sewer

SEE STAFF REPORT re: status of sewer master plan, review of sewer technology; efforts of local Voyage LID.

GREEN: Spoke about Voyage LID public hearing on February 9, 2015, which eliminated an area from the project. City staff has fine-tuned proposition. See staff report for link to city proposal. Financing expected for all elements through the Oregon Department of Environmental Quality. Financing now available for hookups. City now willing to finance SDC charges. Interest rates would be in the 2%-3% range. City council might consider the proposal on March 9. Depending on city and state budget cycles, the sewer line could be constructed in 2015.

WARD: Asked about financing options.

GREEN: 3-year limit within DEQ plan. SDC financing might be available for only 3 years. Other elements can be financed over 10 or 20 years.

WARD: Asked about effect on sewerage the rest of the lake.

GREEN: City learning how this works and potential pitfalls on relatively small scale. If you don't have enough people hooked up, you have stagnant stuff in your lines and problems at the treatment plant. Solution is to flush lines periodically. If property owner gives city permission to come onto property, city does maintenance. Asked Lake Manager if there is anything new to report about a city septic inspection ordinance.

ROBERTSON: No, not since August 2013. New city councilor Susan Wahlke is promoting inspection. One to one talks with councilors could be valuable.

KIP WARD: Sometimes we just need to be reminded. There's lots of support on City Council.

GREEN: Commented on need for buildable lands inventory before creating Urban Growth Management Agreement.

ROBERTSON: Could encourage city GIS person to work on that. Key to ensure that UGMA includes protection for the lake. If district intends to guide agreement, we need to be giving feedback to the city.

GREEN: Suggested compiling ideas for what should be included and circulating them to the board. Frustrated at lack of progress. Maybe when predesign comes in April, we should jump on that and give it momentum.

ii. Save our Shoreline (SOS)

(Video: 40:00)

SEE STAFF REPORT: re: surplus plants available that we'd like to get in ground, suggested property owners call DLWID office and plants (sedges and rushes) can be delivered. Now is a good time to plant. Need people to understand connection between their shoreline and lake.

iii. Vegetation Management

SEE STAFF REPORT re: no update on grass carp application; ODFW hiring a new director.

b. Communications Report

(Video: 42:40)

SEE STAFF REPORT re: strategies for public outreach (Internet, Channel 4, social media (YouTube, Facebook), AM radio 1610 broadcasts, radio interviews, Clearwater E-Newsletter, 100 Years on the Lake presentations, Know Your Lake column ad in News Guard).

ROBERTSON: Seeking nominations from public for annual Lake Steward award. Would like them back by March meeting.

Devils Lake Dash organizers asking for promise of reimbursement for fees, such as city special use permit and rental of Regatta Grounds, if the event is cancelled because of poor water quality.

Board discussion favored guaranteeing reimbursement and expressed appreciation for organizers' efforts.

Green moved to reimburse Devils Lake Dash up to \$150 for permit fees should the event be cancelled for water quality reasons. Skirvin seconded.

WARD: If we help finance them, those new permits have a lot of requirements, including insurance. Would we be liable for that?

GREEN: We would only pay if event cancelled due to water quality, so we would have no liability.

Call for vote. Unanimous vote in favor.

ROBERTSON: Spoke about upcoming Lincoln City Chamber of Congress Super Auction. Asked that DLWID offer a 2-hour boat tour.

SKIRVIN: Offered to provide his boat and if Lake Manager acts as tour guide.

Skirvin moved to offer a 2-hour boat tour. Norris seconded. Unanimous vote in favor.

ROBERTSON: Asked for direction on Devils Lake Revival. Bay Area Merchants Association, which organized it last year, might be willing to handle it again.

Board discussion favored holding event again and looking for an organizer. Agreed to pick a date. Could coordinate with a summer car show. Can seek grants from Lincoln City Visitors and Convention Bureau.

c. Safety Report

(Video: 1:06:00)

SEE STAFF REPORT re: no incidents or updates.

d. MidCoast TMDL

SEE STAFF REPORT re: meeting scheduled February 24.

e. East Devils Lake Road

SEE STAFF REPORT re: county confirmed that it will place a culvert for fish passage in order to protect the road.

f. Policy Updates

SEE STAFF REPORT re: updated personnel policy.

Skirvin asked about language re: overtime after 8 hours in a day. Robertson said 40 hours a week is cutoff for overtime, but he favored overtime after 8 hours in a day. Board preferred 40-hour a week cutoff.

Board instructed Lake Manager to provide revised draft at next meeting.

g. Harmful Algal Blooms

(Video: 1:14:00)

SEE STAFF REPORT re: response to Request for Qualifications. No bids received. Comments provided on feasibility and reservations regarding aeration in lake.

ROBERTSON: Summarized concerns about requirement for a performance bond, difficulty in designing a system that could meet guarantees, high construction costs. Bidders want to be able to construct system; original idea was to have engineer design plan, but then have vendor bid, so engineer would evaluate vendors.

Board discussion noted that vendors have different systems, so might not be possible to have engineer design a system for another vendor to use. Option would be to have vendor design system and then have engineer evaluate.

ROBERTSON: See summary of 33-page evaluation re: internal nutrient loading to blame for algae, and doubt that plan could be designed to alleviate problem adequately. Another response said aeration has not been reliably successful in shallow lake.

NORRIS; Received word from Austin Lake project in Michigan, bigger lake, but shallow. Aeration project seems to be working there.

ROBERTSON: Lots of similarities in that system, which focused on muck in lake rather than algae.

Board held lengthy discussion on potential role of civil engineers, trying to design a simpler proposal, getting data on internal and external nutrient loading, value in reducing muck; suggested possible smaller scale project to get responses; considered a partial system with a lease.

h. Replacement of the Water Impoundment Device (The Dam) (Video: 2:13:00)

SEE STAFF REPORT for options on temporary damming device; date for public hearing, possibly in April.

V. NEW BUSINESS (Video: 2:17:00)

a. Board election

SEE STAFF REPORT: Three Devils Lake Water Improvement District board positions are up for election (Norris, Ward, Weldon).

b. Oregon and California Land Grant Act of 2014 (S.1784)

SEE STAFF REPORT re: Sen. Wyden proposal to transfer land from Forest Service to BLM, opening it for timber harvest; concerns about impact on watershed and lake; concern for water quality; possible objections to Wyden proposal.

Ward moved to write a letter to Wyden to oppose the legislation.

Skirvin agrees if objections are limited to Devils Lake watershed boundaries, so as to not interfere with other communities' interests. Ward said DLWID should back city in its opposition. Norris asked why a change is being proposed. (Ward: increased harvest will bring more timber revenue to counties.) Ward recommended viewing City Council discussion from February 9.

The board directed the Lake Manager to draft a letter in opposition for the board to review.

VI. NON-AGENDA ITEMS (Video: 2:35:00)

NORRIS: Spoke about a Master Gardener class presentation on a 10-year study that says the best strategies to absorb nutrients are (1) old growth forest (2) riparian plants and (3) actively growing turf. Said we should maintain vigorous lawns in summer in order to absorb nutrients. Board members said DLWID has never recommended letting lawns turn brown in the summer.

Board discussed change in March meeting date. Meeting will be Thursday, March 5, 2015.

ROBERTSON: Noted that a resolution approved at the January meeting to move funds is Resolution 2015-01.

VII. ADDITIONAL COMMENTS from CITIZENS on NON-AGENDA ITEMS

(Video: 2:44:00)

MARK CHRISTIE: Thanked Kent Norris and asked for information on Austin Lake in Michigan. Encouraged board to learn from what others have learned about aeration projects. Do a conference call with those who rejected RFP to get feedback. Noted that three board positions are up for election: Positions 1, 2, and 3.

VIII. BOARD COMMENTS AND ANNOUNCEMENTS

ROBERTSON: ODFW will be holding its Devils Lake Family Fishing Frenzy on March 28, 2015. Trout are stocked in the lake, and families are encouraged to come catch them.

IX. ADJOURNMENT

Green adjourned the meeting at 8:50 p.m.

The next regularly scheduled board meeting will be March 5, 2015, at 6:00 p.m.

| Respectfully submitted,
Rick Mark