

AGENDA

2015 Oct 01 – Date & Venue Change

Regular Meeting: 6 pm
Oregon Coast Community College
3788 SE High School Drive



Devils Lake Water Improvement District

Post Office Box 974, Lincoln City, Oregon 97367
Phone: (541) 994-5330 Fax: (541) 994-6040
www.DLWID.org

Quick Look:

- Shoreline Restoration Presentation
- Devils Lake Dash Presentation
- Goal Prioritization

I. Special Order of Business

- a. Shoreline Restoration Presentation - Liza Ehle
- b. Devils Lake Dash Presentation - Bill Cox

II. Consent Agenda

- a. Minutes of the Previous Meetings
- b. Financial Report

III. Comments from Citizens Present on Agenda/Non-Agenda Items:

This is an opportunity for members of the audience to bring to the District's attention any item not listed on the agenda for public hearing. Comments are limited to five (5) minutes per citizen and the Board of Directors may use the light system. Speakers may not yield their times to others, and as a general rule this is not a time for exchange of questions. At the conclusion of this agenda item, a board member may discuss or raise questions regarding an item presented by a citizen. The Chair has the authority to reduce the time allowed for comment in accordance with the number of persons present and signed up to speak.

IV. Unfinished Business

(Agenda Support Item A)

- a. The Devils Lake Plan
 - i. Septic / Sewer
 - ii. Save our Shoreline
 - iii. Vegetation Management
- b. Communications Report
- c. Safety Report
- d. MidCoast TMDL
- e. East Devils Lake Road
- f. Harmful Algal Blooms
- g. Goal Prioritization
- h. D River Dredging

V. New Business

(Agenda Support Item B)

- a. Personal Services Contracting Policy

VI. Non-agenda Item

VII. Additional Comments from Citizens Present on Non-Agenda Items:

This is an opportunity for members of the audience to bring to the District's attention any item not listed on the agenda for board discussion. Comments are limited to five (5) minutes per citizen, and the Board of Directors may use the light system. Speakers may not yield their times to others, and as a general rule this is not a time for exchange of questions. At the conclusion of this agenda item, a board member may discuss or raise questions regarding an item presented by a citizen. The Chair has the authority to reduce the time allowed for comment in accordance with the number of persons present and signed up to speak.

VIII. Board Comments & Announcement

- a. Senior Fair – Chinook Winds Casino – Oct 6, 10-4
- b. Devils Lake Severe Event Training – Taft Fire Station – Oct 10, 10 am
- c. NALMS – Nov. 17-20, Saratoga Springs, NY

IX. Adjournment

Meetings of DLWID are handicapped accessible under the ADA.
If special accommodations are needed, please contact the District Office at (541) 994-5330 48 hours prior to the meeting.

Staff Reports 2015-10-01

Robertson

Special Order of Business

- a. Shoreline Restoration Presentation** - Liza Ehle owner of [By-The-Sea Gardens](#) in Bandon Oregon. Liza will give a 20-30 minute power point presentation on the proper permitting processes for new projects and options for possible cooperative restoration plans focusing on simplifying riparian work around the lake. This will also include time for questions from the audience and board.
- b. Devils Lake Dash Presentation- Bill Cox.** Bill is a key organizer of the event and will provide a brief presentation with opportunity for questions and answers on the future direction of the event.

Unfinished Business

Agenda Support Item A

- a. The Devils Lake Plan:** A watershed based plan adopted by the Board in 2011 that seeks to address the root causes of nuisance aquatic vegetation and/or Harmful Algal blooms which are excessive nutrients.

*Executive Summary excerpt**: “Devils Lake is a shallow, 680 acre coastal lake that has long suffered from the effects of inputs of excess nutrients. Most prominent of these effects was the domination of the lake by nuisance aquatic plants in the 1980’s. Aquatic weed infestations largely choked the lake covering over 60% of the surface. Recreation was greatly impacted, and property values were in decline. In 1984, a local government entity, Devils Lake Water Improvement District (DLWID), was formed with the purpose of improving water quality, improving the environment for fish and wildlife, and generally reestablishing beneficial uses, including safe navigation and public access.

“Current concerns in the watershed are ongoing inputs of nitrogen and phosphorus, increasing sedimentation, erosion, stormwater, annual cyanobacteria blooms, and the threat of the return of nuisance aquatic plants to the lake.”

*View the full document online: http://www.dlwid.org/Projects/Devils_Lake_Plan/Devils_Lake_Plan_v2.1.pdf

Projects within the scope of the plan are being worked on simultaneously and are listed on the Agenda and in this staff report as subheadings. Updates to the work on the projects are presented month to month as change happens and are left on the agenda until the project is complete. For a full background and all updates, please refer to previous staff reports and the Projects Page of the District’s Website under these headings: <http://www.dlwid.org/Projects.html>

i. Septic / Sewer

- ❖ <http://www.dlwid.org/Projects.html#Septics>
- ❖ <http://www.dlwid.org/Projects.html#Sewer>
- ❖ http://www.dlwid.org/Projects.html#Sewer_Devils_Lake

Devils Lake Sewer System Pre-Design Report: I have created a section of our Projects Page dedicated to the sewer extension around the lake. In that section I have uploaded a copy of the [draft 117 page plan from the City](#). The City is seeking comments on the draft. This is a very comprehensive document, but opportunities for input and improvements are welcome.

Comments can be provided to the Stephanie Reid, Lincoln City's City Engineer, 541-996-1236 or via email at stephanier@lincolncity.org.

DLWID Staff's understanding and comments to the DRAFT - Devils Lake Sewer System Pre-Design Report - dated July 2015 include the following:

- a) The understanding is that this proposal is to serve the water accounts and properties within the Urban Growth Boundary (UGB) which a signed agreement between the City and developer exists which has been recorded in the deed. This is then a project that through proper design is meant to meet the current and reasonably anticipated future demand. Further it is understood that under state lands use, extension of services beyond the UGB is only allowed if it is the only means to resolve a health hazard. Thompson Creek properties for the most part fall outside the boundary, and may or may not have such signed agreements. However properties adjacent to this creek or for which the creek runs through, should be included in the proposed service area as the creek is listed on EPA 303d list for impaired waterbodies for fecal coliforms, and routinely fails water quality standards for *E. coli*, the current metric used to determine bacterial contamination in fresh waters.

As sampled and documented by the Devils Lake Water Improvement District in the summer of 2015, the creek failed to meet the recreational water quality standards for *E. coli* 13 times out of the 16 week period. 2014 results were the same, 13 fails out of 16 weeks. 2011 shown below marked 16 weeks above the recreational criteria, with most samples well above the single sample criteria of 406. Further Thompson Creek is the subject of the current TMDL (Total Maximum Daily Load) for the Mid Coast Watershed Council and thus collective efforts to reducing the loading are needed.

In the 1990's Thompson Creek was the subject of a comprehensive septic survey, which revealed failed systems. Once repaired the creek's water quality improved, but given the longevity of septic systems, water quality again has significantly declined, suggesting the periodic repairing septic systems is not a long term solution to this public health hazard. Systems continue to age and will continue to fail. With the close proximity of so many properties to the creek, septic system failures can impact the stream readily and may flow subsurface, obscuring the failure from visibility and thus detection.

Further in 2012, while bacterial contamination can come from a multitude of sources, the District documented actual human derived bacterial contamination through the use of microbial source tracking. This DNA fingerprinting uses *Bacteroides* an anaerobic bacteria present in the intestinal tracts of warm-blooded animals which can be genetically traced to the host organism. While this is a limited and imperfect dataset, it is notable that if septic systems were successful in preventing this human source of bacteria from entering the stream, never would the human marker be present. From Figure 2 it can be seen that human derived bacteria have in fact been shown to be present in Thompson Creek.



E. coli: 2011 Summary

DLWID has finished the 2011 Monitoring Season for E. coli. Below is a summary of the 16 week long season. Results are presented as the number of weeks the site Met or Achieved Oregon's recreational water quality standards for E. coli per the number of weeks sampled.

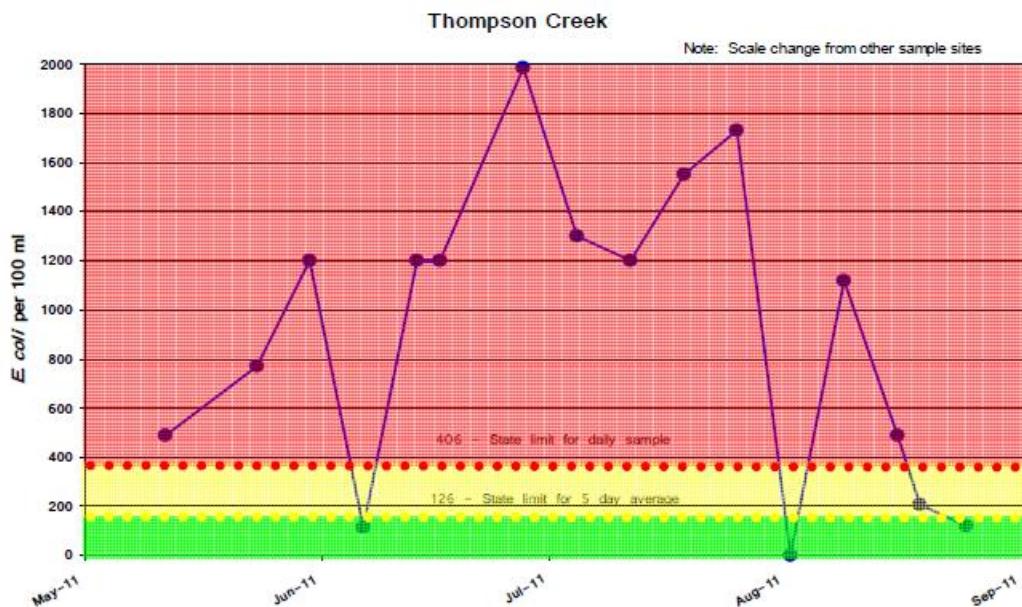
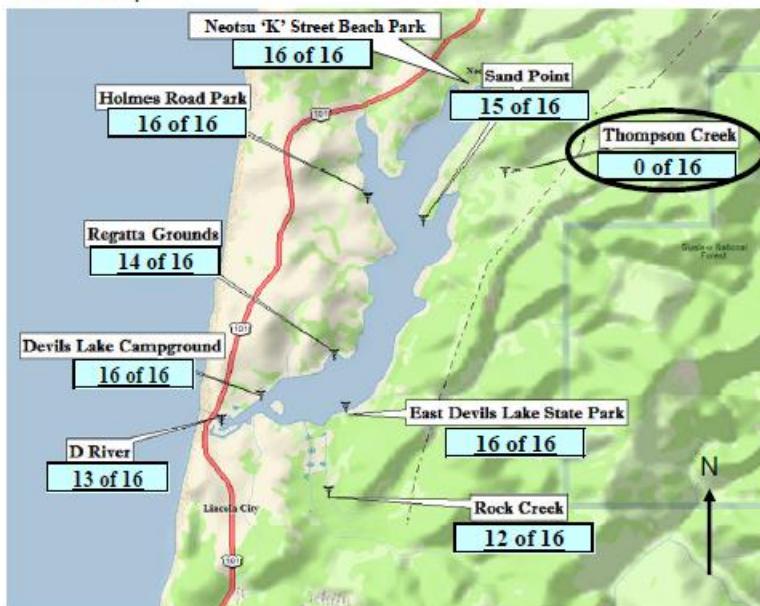
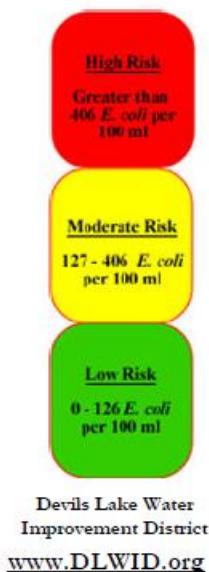


Figure 1. E.coli summary from summer of 2011. Thompson Creek shown to fail water quality standards throughout summer.



CERTIFICATE OF ANALYSIS
Devils Lake Water Improvement District

820 SE Hwy 101 Suite D
Lincoln City, OR 97367
Phone: 541-994-5330 Fax: 541-994-6040

IEH Laboratory and Consulting Group
IEH-Lake Forest Park
15300 Bothell Way NE
Lake Forest Park, WA 98155
Phone: 206-522-5432 Fax: 206-524-4639
www.iehinc.com

TRADE SECRET / CONFIDENTIAL COMMERCIAL INFORMATION

| Samples Received: 5/23/2013 Report Date: 7/8/2013 Report No: LFP-447 | | | | | | | | | | | | |
|--|-------------------|-------------|----------------------------|----------------------------|----------------|---------------------------------|---------------------|-------------------------|-----------------------|-----------------------|---------------------|--------------------------|
| LabSampleNo | Customer SampleNo | Sample Type | SampleDesc | CustomerComments | Receiving Date | Bacteroides MST Avian (General) | Bacteroides MST Dog | Bacteroides MST General | Bacteroides MST Horse | Bacteroides MST Human | Bacteroides MST Pig | Bacteroides MST Ruminant |
| 1100331-001 | DR-01 | Filter | D River 1 | Date Collected: 10/03/2012 | 5/23/2013 | Present | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-002 | DR-02 | Filter | D River 2 | Date Collected: 10/03/2012 | 5/23/2013 | Present | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-003 | DR-03 | Filter | D River 3 | Date Collected: 10/03/2012 | 5/23/2013 | Present | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-004 | TC-1 | Filter | Thompson Creek 1 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Present | Absent | Absent |
| 1100331-005 | TC-1 Split | Filter | Thompson Creek 1 Split | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Present | Absent | Absent | Absent |
| 1100331-006 | TC-1 Replicate | Filter | Thompson Creek 1 Replicate | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-007 | Blank 1 | Filter | Blank 1 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-008 | TC-2 | Filter | Thompson Creek 2 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Present | Absent | Absent | Absent |
| 1100331-009 | TC-3 | Filter | Thompson Creek 3 | Date Collected: 10/03/2012 | 5/23/2013 | Present | Absent | Present | Present | Absent | Absent | Absent |
| 1100331-010 | TC-9 | Filter | Thompson Creek 9 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-011 | TC-12 | Filter | Thompson Creek 12 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-012 | Blank 2 | Filter | Blank 2 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |
| 1100331-013 | TC-10 | Filter | Thompson Creek 10 | Date Collected: 10/03/2012 | 5/23/2013 | Absent | Absent | Present | Absent | Absent | Absent | Absent |

UNLESS OTHERWISE NOTED, ALL SAMPLES WERE RECEIVED IN ACCEPTABLE CONDITION. THE RESULT(S) IN THIS REPORT RELATE ONLY TO THE PORTION OF THE SAMPLE(S) TESTED. THIS REPORT DOES NOT CONSTITUTE A RELEASE OF PRODUCT FOR CONSUMPTION. THIS REPORT SHALL NOT BE REPRODUCED EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THE LABORATORY. THIS DOCUMENT CONTAINS CONFIDENTIAL COMMERCIAL INFORMATION PURSUANT TO 5 U.S.C. SEC. 552(b)(4).

Kristina Tenney

Monday, Jul 8 2013 16:15:22

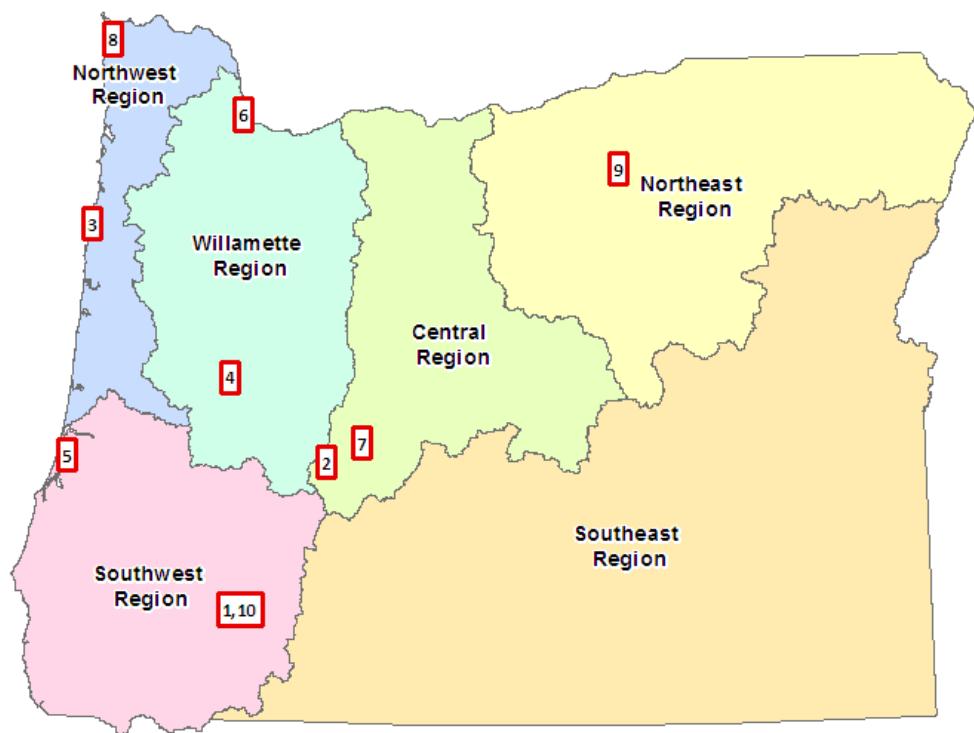
Page 1 Of 2

Figure 2. Microbial Source Tracking Data from Thompson Creek and D River in 2012, showing human derived bacteria present in Thompson Creek.

Beyond the bacteria issues associated with septic systems, one of the main reasons to convert onsite systems to a sewer is to collect and properly treat the accompanying nutrients, particularly phosphorus and nitrogen. Such nutrients are the primary resources that feed the growth of cyanobacteria, aka harmful algal blooms, a known health hazard occurring routinely in Devils Lake and the root cause for lake's 1998 EPA 303d listings of Chlorophyll *a* and elevated pH. Impacts from eutrophication continue as demonstrated by Figure 3, which show the health advisories posted by the Oregon Health Authority in 2014. Devils Lake suffered the longest lasting bloom in the state that year extending a full 116 days. Not captured by those data was the major spring time bloom that actually began as early as mid-January of 2014. This bloom crashed in April 2014 marking what was collectively known as the "worst bloom in history".

In order to meet water quality objectives for Devils Lake, reduction in waste loads of nitrogen and phosphorus will be necessary. Thompson Creek is a consistent source of these nutrients with concentrations typically well above the lesser developed tributary of Rock Creek and the discharge of the lake, the D River (See Figure 4). Urbanization of the stream corridor has occurred of the last 50-100 years. Conversion to sewer would remove an important anthropogenic source of these nutrients which is fundamental in the long-term recovery of Devils Lake, the abatement of the toxic cyanobacteria, ultimately leading to the delisting of the lake.

In consideration of all of this information, staff believes that a good case can be made for the extension of sanitary sewer outside the Urban Growth Boundary in this limited situation, and it is deemed warranted.



2014 Advisory Listing (Click on issued or lifted date to view news release)

| # | Waterbody | Region | County | Dominant species / toxin | Cell count/ level | Issued (start date) | Lifted (end date) | Duration (days) |
|----|------------------------|------------|-----------|----------------------------------|-----------------------------|--------------------------|-------------------|-----------------|
| 1 | Lost Creek Lake | Southwest | Jackson | Anabaena flos-aquae | 3,222,251 cells/mL | 6/3/2014 | 6/26/2014 | 22 |
| 2 | Odell Lake | Central | Klamath | Microcystin | 675 parts per billion (ppb) | 7/21/2014 | 8/8/2014 | 18 |
| 3 | Devils Lake | Northwest | Lincoln | Microcystin | >25 ppb | 8/1/2014 | 11/25/2014 | 116 |
| 4 | Walterville Pond | Willamette | Lane | Microcystis | 53,000 cells/mL | 8/5/2014 | 10/2/2014 | 58 |
| 5 | Tenmile Lakes | Southwest | Coos | Microcystin | 107 ppb | 9/15/2014 | 11/25/2014 | 41 |
| 6 | Willamette River | Willamette | Multnomah | Microcystis | 2.25 million cells/mL | 9/16-19/2014 Expanded | 10/2/2014 | 16 |
| 7 | Wickiup Reservoir | Central | Deschutes | Microcystin | 20.6 ppb | 9/19/2014 | 11/10/2014 | 52 |
| 8 | Cullaby Lake | Northwest | Clatsop | Cylindrospermopsin & Microcystin | 12 ppb & 16 ppb | 9/22/2014 | 10/3/2014 | 11 |
| 9 | Willow Creek Reservoir | Northeast | Morrow | Microcystis | 1,777,664 cells/mL | 10/10/2014 | 11/18/2014 | 39 |
| 10 | Lost Creek Lake | Southwest | Jackson | Anabaena flos-aquae | 197,629 cells/mL | 12/4/2014 | 2/26/2015 | 84 |

Figure 3. 2014 Algae Bloom Advisories as listed on the Oregon Health Authority's Harmful Algal Bloom webpage. (<http://public.health.oregon.gov/HealthyEnvironments/Recreation/HarmfulAlgaeBlooms/Archive/Pages/2014.aspx>)

Devil's Lake Oregon, Paul Robertson

| SampleName | Project Code | Lab Number | Site ID | Delivery Date | UTN (mg N/L) | Duplicate | | |
|------------|--------------|------------|----------------|---------------|--------------|------------|--------------|------------|
| | | | | | | Date | UTN (mg N/L) | Date |
| DELA112 | DELA | 112 | RC-1 | 9/25/2014 | 0.93 | 11/12/2014 | | 0.060 |
| DELA113 | DELA | 113 | NC-1 | 9/25/2014 | 2.07 | 11/18/2014 | | 0.105 |
| DELA114 | DELA | 114 | TC-1 | 9/25/2014 | 2.43 | 11/18/2014 | | 0.062 |
| DELA115 | DELA | 115 | GC-1 | 9/25/2014 | 0.61 | 11/12/2014 | 0.61 | 11/12/2014 |
| DELA116 | DELA | 116 | DR-0 | 9/25/2014 | 0.70 | 11/12/2014 | | 0.040 |
| DELA117 | DELA | 117 | LZ-1 | 9/25/2014 | 0.80 | 11/12/2014 | | 0.048 |
| DELA118 | DELA | 118 | LZ-3 | 9/25/2014 | 0.92 | 11/18/2014 | 0.92 | 11/18/2014 |
| DELA119 | DELA | 119 | LZ-6 | 9/25/2014 | 0.80 | 11/12/2014 | | 0.040 |
| DELA120 | DELA | 120 | DR-0 Replicate | 9/25/2014 | 0.71 | 11/12/2014 | | 0.040 |

Figure 4. Water Quality Monitoring Data for 2014-09-25, including Thompson Creek (TC-1), Rock Creek (RC-1), and D River (DR0)) for total nitrogen (UTN) and total phosphorus (UTP). Thompson Creek nutrient concentrations are highest of all tributaries.

- b) Staff proposes consideration of beginning the sewer line at the East Devils Lake State Park Day Use facility. Currently there are pit toilets, but water is already available would make a logical beginning point for the service. This would allow other properties to the north which are not currently in the proposed service area to also have access to sewer.



Figure 5. East Devils Lake State Park - Day Use: Proposed beginning point for sewer system

- c) Staff understands, but seeks confirmation that properties owned or operated by KOA have a municipal water connection, and that thus the entire campground and the residence will be included in the proposed project. This is an important service connection for inclusion and should be insured

to be included in the project, which notably is a property inside the Urban Growth Boundary which would not need an exception to state land use laws for extra-territorial sewer extension.

- d) Through subsequent discussions, staff understands that expandability to the system might be reasonably accommodated by the use of secondary lines that might be trenched into place and isolated off from the main system through valves until required. Given the feasibility of such, the expandability might suitable service additional properties that might foreseeably come online should zoning changes become a reality whether through annexation or otherwise. This would conceivable serve large parcels currently provided one water service per 5 acre lot which ultimately could be developed to significant densities under a 5,000 or 7,500 square foot lot allocations as prescribed in municipal zoning.
- e) Given the volume of sewer collection and the flow rates expected particularly initially, the report relates that hydrogen sulfide [H₂S] issues are expected. The report offers two possible solutions, one deemed viable which includes the use of a proprietary calcium nitrate [Ca(NO₃)₂] product soon thought to be more cheaply available commercially with an expiring patent. While the needs for hydrogen sulfide reduction and/or prevention must be address, an alternative of increasing the flow in the system might be a suitable third alternative worthy of consideration. Introduction of nitrate into the system has notable drawbacks as quoted below.

Some drawbacks of nitrate use are as follows*: (**Bolded for emphasis**)

- Inefficient for gravity lines (Not applicable)
- **Increases nitrogen levels in the wastewater**
- **Resultant N₂ gas (or residual NO₃) may present problems downstream at the wastewater plant**
- **Costs for prevention mode may be excessive in long retention time lines**
- **Biomediated oxidation mode may require several hours, making nitrates less effective in certain applications (e.g. manifolded force mains)**
- **Costs may be high in applications with high oxygen uptake rates (higher temperature, etc...)**
- **Costs for prevention mode impacted by high BOD levels**

(*quoted from <http://www.h2o2.com/products-and-services/us-peroxide-technologies.aspx?pid=114>)

While the goal of the engineering efforts would be to size the system to meet the peak demand, without oversizing it which can lead to long in-pipe retention times, leading to the formation of the noxious and corrosive gas, phased implementation of actual lateral hook ups could undoubtedly exacerbate the hydrogen sulfide issue. As such, if indeed the issue is predominately time wastewater is under anoxic conditions, flow might be increased by modestly supplementing with municipal water for a period of time and quantity of water necessary to meet the optimal retention time as new services come on line. It is understood that sewage flow is already anticipated to be monitored as it enters West Devils Lake Pump Station. This metering could likely be used as a real-time signal to estimate the needs of additional flow through water injection, verses calcium nitrate injection.

As the city owns the water infrastructure and provides the water to the area, water service might be relatively inexpensively added to the system. Further as the needs for added flow would be greatest in the winter as seasonal populations have vacated, water availability is at its highest, easing any pressure that water use might have on the water availability from Schooner Creek in the summertime. Lastly while over dilution of the sewer biochemical oxygen demand (BOD) can have pose treatment issues downstream, the estimated BOD from the Devils Lake Sewer as

stated in the report is higher than other sources, specifically due to the lack of dilution caused by inflow and infiltration as in traditional gravity collection systems. While some technological issue may certainly confront this, the idea is worth exploring as opposed to introducing long-term chemical costs and potential additional sewer treatment costs at the wastewater treatment plant.

- f) In Section 2.2.2 and elsewhere as appropriate reference to Devils River should include local name, Neotsu Creek.
 - g) In Section 2.2.4. Cultural Resources, suggest seeking input from Siletz Tribe.
 - h) The map in the report labeled Figure 2.3 needs updating to show properties east of East Devils Lake Road which are understood to be in the proposed project. Currently shown as just dots, but shading the tax lots would provide more clarity to proposed extent. Similarly as other properties are included such as those up Park Lane on Thompson Creek or at the southern proposed beginning point, the map will need updating accordingly.

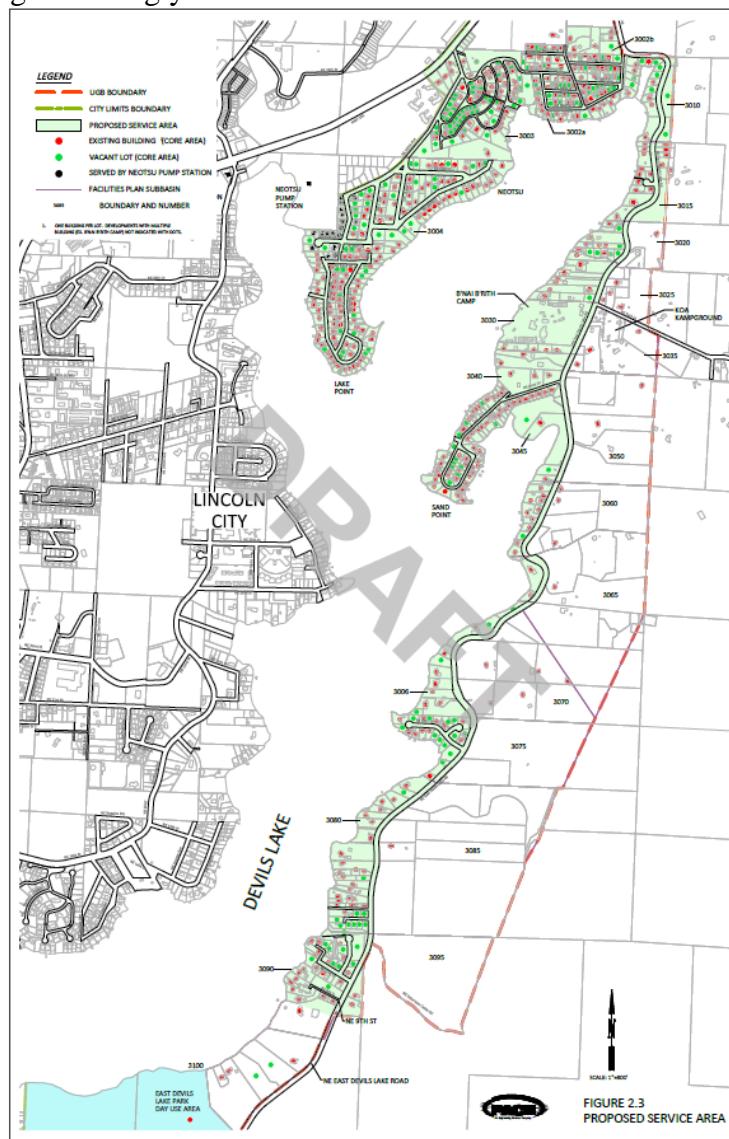


Figure 6. Report's Figure 2.3, Proposed Service Area, requires updating to reflect all tax lots included in proposed project.

- i) In section 4.3 of the report a reference to 50-70 gpcd is reported to be suitable for designing flows “with little weekly or seasonal variation.” While estimates are given of the seasonal flux anticipated and as grounded in calculations of housing estimates shown in the appendix, it may be prudent to further verify that the estimated variation is indeed met by the 50-70 gpcd flow.
- j) Adding a list of abbreviations used in the report would be an aid to the reader (e.g. gpcd understood to mean gallons per capita per day).
- k) Add units to all numbered values (e.g. BOD₅, understood to be in mg/L).
- l) Opinions of Probably Cost might reasonably include basic known estimated costs of private connections including E-one, (Models WH231 and WH101, System Development Charges (if applicable), extension of private lateral per foot, etc.). While not meant to be site specific, the basic magnitude of cost associated would be important for policy makers and homeowners understanding of the sewer proposal.

End of Comments on DRAFT

Finance: A special meeting of the Devils Lake Water Improvement District is being held on October 5, 2015 at 6pm at the Oregon Coast Community College to receive a presentation and have questions and answers on potential strategic funding plans. This is a follow up to a meeting Director Brian Green, former City Manager David Hawker, City Financial Planner Ron Tierny and I had with Tia Cavendar of Chase Park Grants in August. [Chase Park Grants](#) is a Denver, Colorado based company who focuses on funding strategies for capital and infrastructure projects. They have worked extensively with the City of Newport in the past on sewer improvements and were part of a recent water summit put on in part by the City of Newport & Surfrider Foundation. Subsequently the City of Lincoln City asked for and received a proposal for a strategic funding plan for sewer around the lake. Cost of the plan is quoted at \$22,500. The District asked for and received complimentary proposal (\$31,000) for sewer and aeration as well as a stand-alone (\$17,000) strategic funding plan for aeration. Presenting and available for questions and answers at the meeting will be President and owner Tia Cavendar and Anna Shevlin from their Portland office.

Chase Park Grants:
<http://www.chaseparkgrants.com/>

Sewer Only:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Sewer_only_LC_Proposal.pdf

Sewer and Aeration:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Sewer_Aeration_LC_DLWID_Proposal.pdf

Aeration Only:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Aeration_DLWID_Proposal.pdf

Sample Report A:
http://www.dlwid.org/Projects/Aeration-Oxidation/CPG_Sample_Greenway_Report_Final.pdf

Sample Report B:

To Do and Pending Items:

- Mandatory Septic System Inspection Ordinance: Lincoln City
- Urban Growth Management Agreement: Lincoln City and Lincoln County, with FY 2014-2015, DLWID to provide comments to City.
- Devils Lake Sewer System Pre-Design Report - Lincoln City [Draft Completed](#)
- Strategic Funding Strategy: City? DLWID?

Voyage Lake LID: (Director Green): City Council awarded bid of \$278,700.25 made by Devils Lake Rock, project to be completed by May 2016

Devils Lake Plan (continued)

- ii. **Save our Shoreline (SOS):** Per request for outreach on specific property - sent a SOS flier and letter to property owner near Rock Creek as a way of opening dialogue about possible restoration and sediment trapping vegetation buffers.
 - ❖ <http://www.dlwid.org/Projects.html#SOS>
- iii. **Vegetation Management:** No Update
 - ❖ <http://www.dlwid.org/Projects.html#Vegetation>

b. Communications Report

- www.DLWID.org: mobile friendly website complete with water quality information, research reports, staff reports, links to meeting, maps and more!
- **Internet Streaming:** Meetings of the DLWID are now available for live streaming and/or recorded streaming on the internet. The internet feed can be accessed via the City's website: <http://www.lincolncity.org/> by clicking on Agenda, Packets & Video or from the following link: <http://lincolncityor.iqm2.com/citizens/default.aspx>
- **Government Access Channel 4:** The District's monthly meetings continue to be broadcast live and throughout the month repeatedly airs. This channel is available for Charter subscribers.
- **Social Media:** The District uses these social media components to reach the general public periodically.
 - YouTube: <http://www.youtube.com/user/DLWID>
 - Facebook: <https://www.facebook.com/DevilsLake.Oregon>



- Twitter: https://twitter.com/Devils_Lake
- **KBCH am 1400:** The District has had a standing interview spot on the THIRD Tuesday of the Month from 7:30 – 8:00 am.
- **100 History of Devils Lake:**
http://www.dlwid.org/Communications/Know_Your_Lake/100_Year_History.pdf
- **Know Your Lake:** Download copies of the articles from our website's Project Page:
<http://www.dlwid.org/Projects.html>
- **Devils Lake Radio 1610 am:** Short recorded messages broadcasted on 10 KW AM frequency from Regatta Grounds.
- **Clearwater E-Newsletter:** Fall issue:
<http://myemail.constantcontact.com/Devils-Lake---Fall-2015-E-newsletter.html?soi=1102761961457&aid=QjhWDtttGNk>
- **Senior Fair – Chinook Winds - Oct 6th, 10-4:** District to have a booth. A Doodle poll has been sent to the Board to schedule anytime board members might be available to be present.

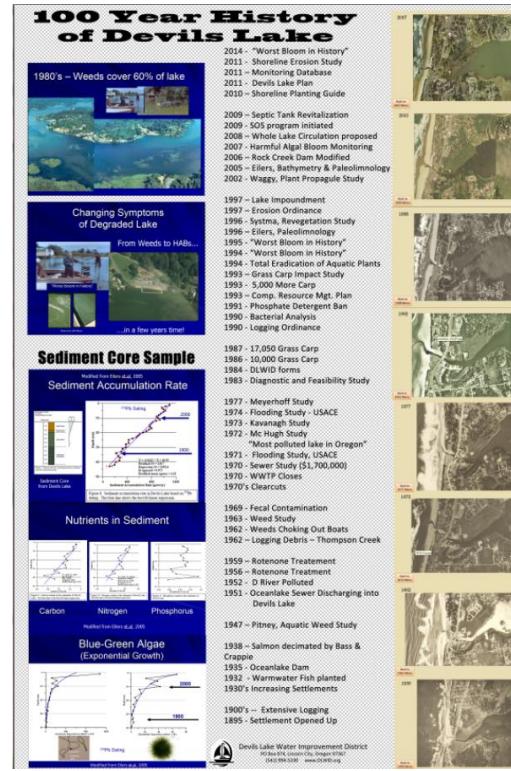
c. **Safety Report** (Robertson) Staff was in a small fender bender on Hwy 101 where the District was rear-ended by a vehicle which was also rear-ended in a three car collision. No injuries to any parties reported. No damage to District vehicle. File closed.

d. **MidCoast TMDL** (Robertson)
❖ <http://www.dlwid.org/Projects.html#TMDL>

Department of Environmental Quality (DEQ) has begun the planning process for developing an Implementation Ready - Total Maximum Daily Load (IR-TMDL) for 303(d) listed waterbodies in the Oregon Mid-Coast Basin. The initiation of this TMDL process has been a long-time in the works and the process itself will be lengthy stretching over the next 18 - 20 months. Devils Lake is listed for Weeds/Algae, Chlorophyll *a* and pH and Thompson Creek is listed for fecal coliforms, and thus as a local government we have been invited to participate. Notably, temperature listings are also proposed by EPA for the lake and one of its tributaries. Representatives from local, state and federal government, special districts, Tribal Nations, private industry, forestry, agriculture, conservation, NGOs, watershed councils, landowners, and others were also identified.

Links to the DEQ's website are posted below.
<http://www.deq.state.or.us/WQ/TMDLs/midcoast.htm>
<http://www.deq.state.or.us/WQ/TMDLs/midcoastLSAC.htm>

Stakeholder Meeting: No recent meetings.



Bacteria Technical Working Group: No recent meetings

e. **East Devils Lake Road:** No Update.

f. **Harmful Algal Blooms:** <http://www.dlwid.org/Projects.html#Aeration>

Aeration/Oxidation Project: Meeting with Dr. Horne tentatively scheduled for Nov 12, 2015. HBH to attend as well.

Financing: A special meeting of the Devils Lake Water Improvement District is being held on October 5, 2015 at 6pm at the Oregon Coast Community College to receive a presentation and have questions and answers on potential strategic funding plans. This is a follow up to a meeting Director Brian Green, former City Manager David Hawker, City Financial Planner Ron Tierny and I had with Tia Cavendar of Chase Park Grants in August. Chase Park Grants is a Denver, Colorado based company who focuses on funding strategies for capital and infrastructure projects. They have worked extensively with the City of Newport in the past on sewer improvements and were part of a recent water summit put on in part by the City of Newport & Surfrider Foundation. Subsequently the City of Lincoln City asked for and received a proposal for a strategic funding plan for sewer around the lake. Cost of the plan is quoted at \$22,500. The District asked for and received complimentary proposal (\$31,000) for sewer and aeration as well as a stand-alone (\$17,000) strategic funding plan for aeration. Presenting and available for questions and answers at the meeting will be President and owner Tia Cavendar and Anna Shevlin from their Portland office.

Links:

Chase Park Grants:
<http://www.chaseparkgrants.com/>

Sewer Only:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Sewer_only_LC_Proposal.pdf

Sewer and Aeration:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Sewer_Aeration_LC_DLWID_Proposal.pdf

Aeration Only:
http://www.dlwid.org/Projects/Sewer_Devils_Lake/CPG_Aeration_DLWID_Proposal.pdf

Sample Report A:
http://www.dlwid.org/Projects/Aeration-Oxidation/CPG_Sample_Greenway_Report_Final.pdf

Sample Report B:
http://www.dlwid.org/Projects/Aeration-Oxidation/CPG_Sample_Report_b.pdf

g. **Goal Prioritization:** Board members to bring personal prioritized list to meeting for finalization. This list was condensed based on feedback from board at last meeting.

DRAFT ONLY - Current District Priorities

1. Develop, finance, construct, operate, and maintain a lake-wide aeration system for Harmful Algal Bloom abatement.
2. Forward the septic tank revitalization program by first developing a volunteer inspection program with Lincoln County, followed by a mandatory inspection program including the City of Lincoln City as a partner.
3. Reduce nutrient loading to Devils Lake from onsite septic systems by supporting extension of a cost effective sewer around the watershed by a means which does not enable detrimental development.
4. Further engage stakeholders through outreach to associations and community groups and through the formation of volunteer committees, including water quality monitoring, recreation and promotion, and shoreline restoration.
5. Through a removal fill permit obtained by the District and implemented by volunteers dredge the lake in front of Hosteller Park, near the D River, reestablishing recreational opportunities in this historic area.
6. Reenergize the Grass Carp application with Oregon Department of Fish and Wildlife as a possible means of vegetation management.
7. Amend the Devils Lake Plan to reflect the current priorities of the District and provide updates to the previous version.
8. Quantify sources of nutrients to Devils Lake.

- h. D River Dredging:** Staff and Board members French and Skirvin to meet in Portland with permitting agencies for a Pre-Application meeting on October 21, 2015, 1pm.

US Army Corps of Engineers
333 S.W. First Avenue, 8th Floor
Portland, Oregon 97204

Participating agencies



- U.S. Army Corps of Engineers – Portland District
- Oregon Department of State Lands
- Oregon Department of Environmental Quality
- U.S. EPA – Region 10 Oregon Operations Office
- NOAA National Marine Fisheries Service
- U.S. Fish and Wildlife Service
- Oregon Department of Geology and Mineral Industries
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development

A. Personal Services Contracting Policy: In order for the District to have the flexibility allowed under the law to contract for Personal Services, a policy update is required.

Excerpts from Special Districts Association of Oregon Public Contracting Manual:

PERSONAL SERVICES CONTRACTS For non-state agencies (such as special districts), “personal services” are whatever the governing body decides they will be, by rule or legislative act. [See ORS 279A.055.] ORS 279A.070 permits a local contracting agency to adopt rules governing personal services contracts, and requires them to create procedures for screening and selection. Typical examples of personal services contracts are those with accountants, attorneys, consultants, physicians, artists, architects and engineers, and land surveyors (procured under ORS 279C.105 or 279C.110). Routine types of services typically based on price, such as janitorial, food service, or maintenance contracts, may also be included in the definition of “personal services.” Note: The Attorney General’s Model Public Contracting Rules for personal services contracts expressly do not apply to local contracting agencies. Thus, there are no “default” rules for 83 personal services contracts. A district that legally wants to enter into personal services contracts, must adopt rules for doing so, or may not enter into these kinds of contracts. See sample Personal Services Contract policy at end of chapter.

.....

Personal services shall mean services that call for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary. In addition to the general description of personal service contracts, the following classes of contracts are personal service contracts: Contracts for services performed as an independent contractor in a professional capacity, including but not limited to: the services of an accountant, attorney, architect, architectural or land use planning consultant, construction manager, information technology consultant, registered professional engineer, financial/investment/insurance advisor, underwriter, appraiser or surveyor, data processing consultant.

Personal Services Contracts Do Not Include: Contracts primarily for equipment, supplies or materials. For example, a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract.

.....

Below is the draft Resolution and Policy for adoption based on slightly outdated SDAO Sample Policy. Changes to the sample policy highlighted in **Green** were minimal and described here.

Definition

- Explicitly added scientist and researchers to list for clarity.

Selection Process for Personal Service Contracts other than A&E

- Used \$100,000 for Informal Process similar to state limit for Direct Appointment. This was left blank in the sample and is to be set by the District.
- Used over \$100,000 to be follow formal process. This too was left blank in the sample and is to be set by the District.

Selection Process for A&E Consultants

- Updated Direct Appointment from \$50,000 to current \$100,000 state limit as described in state statute
- Updated Informal Appointment from \$150,00 to current \$250,000 state limit as described in state statute
- Updated Formal Appointment from above \$150,00 to current state limit of above \$250,000

DRAFT ONLY
Resolution 2015-08

Personal Services Contracting Policy

Whereas the Devils Lake Water Improvement District seeks to establish guidelines for authorization regarding personal services contracts, governed by State statutes, primarily ORS 279A and 279C, as modified and adopted by the Board of Directors.

Be it Resolved that the Devils Lake Water Improvement District hereby adopts a Personal Services Contracting Policy as attached.

Dated this 1st day of October 2015.

Kent Norris
Board Chair

Bill Sexton
Secretary/Treasurer

Personal Services Contracting Policy (Adopted by Resolution 2015-08)

Purpose

The purpose of this policy is to establish guidelines for authorization regarding personal services contracts, governed by State statutes, primarily ORS 279A and 279C, as modified and adopted by the Board of Directors.

Policy

The Devils Lake Water Improvement District is subject to the Model Rules adopted by the Attorney General under ORS 279A, 279B, and 279C, which includes Division 46, 47, 48 and 49 in the Attorney General's Public Model Rules for contracting activities. Division 46 and 47 are applicable to Personal Services contracts, while Division 48 rules are limited to professional services to be performed by a licensed Architect or a Registered Professional Engineer (A&E). The following policy governs all personal services contracts; subset apply only to A&E Contracts, and are identified as such.

Definition

Personal services shall be defined to include those services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects, engineers, surveyors, attorneys, accountants, auditors, computer

programmers, artists, designers, performers, scientists, researchers, and consultants. The District Manager or his/her designee shall have the authority to determine whether a particular service is a "personal service" under this definition.

Personal service contracts do not require a competitive bidding process. When screening or selecting a personal service contractor, the District will consider qualifications, performance history, expertise, knowledge and creativity, and the ability to exercise sound judgment. The selection is based primarily on these factors rather than price.

Selection Process for Personal Service Contracts other than A&E

a. Informal Selection Process (Under \$100,000)

When the estimated cost of Consultant Services is not expected to exceed \$100,000, proposals may be awarded that are solicited informally, either orally or in writing. If it is practicable, proposals shall be solicited from a sufficient number of qualified prospective proposes to ensure that no fewer than three qualified proposes submit proposals. If fewer than three qualified proposes submit proposals, the efforts made to solicit proposals shall be documented in the District's files. The selection may be based on criteria including, but not limited to, each proposer's:

- i. Particular capability to perform the services required;
- ii. Experienced staff available to perform the services required, including each proposer's recent, current and projected workloads;
- iii. Performance history;
- iv. Approach and philosophy used in providing services;
- v. Fees or costs; and
- vi. Geographic proximity to the project or the area where the services are to be performed.

Price may be considered, but need not be the determining factor. Proposals may also be solicited using a written request for proposal, at the District's discretion.

b. Formal Selecting Process (Over \$100,000)

The formal procedure shall be used whenever the estimated cost of Consultant exceeds \$100,000.

Consultation Services may be obtained using the formal selection procedure set forth in OAR 137-047-0255 or 137-047-0260.

Architect, Engineer, and related Services are a special class of Personal Services Contracts, which are defined by ORS 279C.100 and are subject to special provisions of these rules.

Selection Process for A&E Consultants

a. Direct Appointment Process (Under \$100,000)

Consulting Services may be entered into a contract directly, when the estimated cost does not exceed \$100,000, as set forth in OAR 137-048-0200.

b. Informal Selection Process (Under \$250,000)

When the estimated cost of Consultant Services is not expected to exceed \$250,000, the informal selection procedure set forth in OAR 137-048-0210; shall be used.

c. Formal Selecting Process (Over \$250,000)

The formal procedure shall be used whenever the estimated cost of Consultant Services exceeds \$250,000, using the formal selection procedure set forth in OAR 137-048-0220.

Procedures

The following procedures must be used for solicitation of A&E contracts:

Competitive Procurement

a. Direct Appointment Process

A&E Consultation Services may be appointed directly without completing the competitive procurement process if the contract is under \$100,000. The appointment can include, but not be limited to: District's current list of consultants (OAR 137-048-0120); or another public contracting agency's current list of consultants, pursuant to an interagency or intergovernmental agreement.

b. Informal Selection Process

When the estimated cost is equal to or less than \$250,000 the following informal selection process should be used:

- i. Written Solicitation - Solicitations inviting written proposals shall be sent to a minimum of five (5) prospective A&E Consultants to include at least:

- (1) Description of project
- (2) Anticipated contract performance schedule
- (3) Conditions or limitations
- (4) Date and time proposals are due
- (5) Criteria upon qualified consultant will be selected
- (6) Statement that proposer are responding at the own expense
- (7) Statement directing proposers to protest procedures set forth in Division 48 of these rules.

ii. Review Proposals - All proposals shall be reviewed and the three most qualified consultants selected and ranked.

iii. Competitive Informal Selection - The informal selection procedure shall be competitive to the maximum extent practicable and the selection and ranking based on criteria which include, but not limited to consultant's capacity to perform; number of experienced staff; performance history; project approach and design philosophy; compensation information; geographic proximity to the project.

iv. Negotiate Scope of Services- The District shall discuss and refine the scope of services for the project and shall negotiate conditions, including but not limited to a compensation and performance schedule with the highest ranked consultant.

Note: If the scope of a project is revised during negotiations and the estimated cost of the consultant's services exceeds \$250,000, then the informal process will be terminated and the services of a qualified consultant shall be solicited using the formal selection process below.

c. Formal Selection Process

This formal procedure shall be used whenever the estimated cost of A&E consultant services exceeds \$250,000.

i. Advertising - The Board of Directors must authorize the advertisement to bid for goods and services when services exceed \$250,000. All rules related to advertising must be followed.

(1) Request for Qualifications (RFQ) - Used to develop a short list of at least three qualified Consultants. Must be followed by a Request for Proposal.

(2) Request for Proposal (RFP) - Whether or not preceded by an RFQ, the RFP shall describe or contain project description, evaluation process, whether interviews are anticipated, closing date and time, reservation to reject any or all proposals, contract requirements, and a sample contract.

(a) Procuring Departments shall create a Request for Proposals (RFP) to include at a minimum:

- (i) Background information and project description;
- (ii) Evaluation Criteria for Selection;
- (iii) Conditions or Limitations;
- (iv) Whether interviews are possible;
- (v) Proposal Due Date;
- (vi) Reservation of the right to: seek clarification, negotiate, and reject any and all proposals;
- (vii) Statement that Proposers responding at own expense;
- (viii) Protest Procedures
- (ix) Special Contract Requirements;
- (x) Statement of whether a pre-Proposal meeting will be held;
- (xi) Sample Contract

(b) District shall advertise each RFP at least once in the publication of general circulation, such as the Daily Journal of Commerce, no fewer than fourteen (14) calendar days before the closing date of the RFP.

(c) Solicitation Requirements: All formal solicitations require an RFP or RFQ, and must be in writing and advertised at least once in the publication of general circulation, such as the Daily Journal of Commerce, no fewer than fourteen (14) calendar days before the closing date of the RFP or RFQ. Upon completion of contractor selection and competitive procurement procedures, refer to Purchasing Authority Policy

ii. Pre-proposal meeting - May be held for all interested consultants to discuss the proposed project and the required consultant services.

- iii. RFP Analysis - Consultant selection committee shall review, score and rank all responsive proposals according to the criteria included in the RFP.
- iv. Contract Negotiations - Contract negotiations with the highest ranked consultant shall be directed toward obtaining written agreement.
- v. Contract Award - Only the Board of Directors has the authority to award a contract for services.

General Origin of Rules

The following table shows the statutory or other legal basis for personal services contracting activities. For other statutory or legal basis for competitive procurement, see OAR 137-047.

| Rule | Origin |
|--|---------------|
| Personal Services Contracts | |
| Authority | ORS 279A.055 |
| A&E Consultant Selection Procedures | |
| Application | 137-048-0100 |
| Definitions | 137-048-0110 |
| List of Interested Consultants | 137-048-0120 |
| Applicable Selection Procedures | 137-048-0130 |
| Direct Appointment Procedures | 137-048-0200 |
| Informal Selection Procedures | 137-048-0210 |
| Formal Selection Procedures | 137-048-0220 |
| Ties Among Proposers | 137-048-0230 |
| Protest Procedures | 137-048-0240 |
| Solicitation Cancellation | 137-048-0250 |
| Two-Tiered Selection Procedures for Public Improvement | 137-048-0260 |
| Prohibited Payment Methodology | 137-048-0300 |
| Expired or Terminated Contracts; Reinstatement | 137-048-0310 |
| Contract Amendments | |

Resources

Department of Administrative Services Purchasing Home Page:

<http://www.oregon.gov/DAS/EGS/ps/Pages/index.aspx>

Administrative Services Purchasing – Reciprocal Preference Law re Non-resident Bidders:

<http://www.oregon.gov/DAS/EGS/ps/Pages/reciprocal.aspx>

Attorney General's Model Public Contracting Rules: OAR Chapter 137, Divisions 46, 47, 48, 49

http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_137/137_046.html

http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_137/137_047.html

http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_137/137_048.html

http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_137/137_049.html

Bureau of Labor and Industries Prevailing Wage Information:

<http://www.oregon.gov/boli/WHD/PWR/Pages/index.aspx>

Construction Contractor's Board Home Page:

<http://www.oregon.gov/CCB/Pages/index.aspx>

Public Contracting Statute (ORS 279): http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors279A.html

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors279B.html

http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors279C.html