



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

**DLWID OFFICE
December 3, 2009
6:00 P.M.**

PRESENT: Jack Strayer
Brian Green
David Skirvin
Randy Weldon

ABSENT: None

AUDIENCE: Elsasser, Raylene Erickson, Mark Christie

STAFF: Paul Robertson, Seth Lenaerts, RARE Participant

Green brought the meeting to order at 6:00 PM

Minutes of Previous Meeting

Robertson noted three changes in November's Minutes—On Page 2, County should be State: Robertson said that the county worked with him on the brochure regarding the wetlands fill. . . because of the Coho habitat issue.

Page 7, reference to 80% of grass carp should state: you may be able to get 80% of the carp, but never capture the whole 100%.

Page 8, reference to five kayaks should state that all operators in boats over 10-feet will need an invasive species permit; however, if the operator has multiple kayaks, only one permit is required, as the permit is associated with the person not the vessel for these crafts. A new invasive species permitting begins in January. For five kayaks you need one permit.

Green moved that minutes be approved with the changes. Strayer seconded.

Vote: Unanimous. Motion carried.

Board Interview:

Mark Christie was asked why he wanted to be a Board member. He responded that he has been a public servant for 15 years in Sherwood, beginning a fourth term on the Board of that school district. He ran because he wants to make a difference. He said he makes good decisions and choices and articulates well. He has been coming to the lake for 40 years and has a vested interest. He would like to see the lake remain great. He feels that with the advent of a number of decisions, he would like to become involved.

Strayer: What is your area of interest?

Christie: Feels that the Board has done a good job with improved communication. He is interested in lake levels, SolarBees and the sustainability of the lake in the most cost-effective way.

He said his expertise lies in his experience as liaison on the construction in Sherwood of the \$90 million bond project. He believes he is a balanced person who can be objective and look at different points of view. He said he can change his mind if the argument is persuasive.

Strayer asked if he has gotten his “hands dirty” in the construction project.

Christie: Yes, he has served on the citizen oversight committee. This was a huge project and he was involved in different aspects of the project. He believes in transparency to taxpayers.

Green: Any scientific or employment expertise?

Christie: Sells Freightliner trucks. No scientific background, but he can do research and rely on others’ input to make good decisions.

Green: You’ve heard some of the solutions, positive and negative. Do you have your mind made up about any of those issues?

Christie: He was not for the SolarBees originally; however, will continue to look at the data and research. He believes in quantitatively deciding on results and feels he has an open mind.

Green said he hopes that within the next year or two a solution may present itself if we keep an open mind.

Weldon: Do you have a flexible schedule?

Christie: Serves on OSAA Appeals Board committee and with his job, during the last 25 years he has been able to serve in public issues.

Skirvin asked if he had any experiences in making decisions that were not popular with public.

Christie: Not too many controversial issues; however, no matter how much you communicate, people will be at issue with decisions. He feels that all aspects of decisions should be imparted so that people really understand how you arrived at the decision. If people understand, they might not agree with you, but at least they understand.

Green noted that Douglas Pirie was ill and not in attendance; however, he will be allowed to present at the January Board meeting after which time the Board will vote.

Financial Report

Green moved to approve the financial report as submitted. Strayer seconded. There was no discussion.

Vote: unanimous. Motion carried.

Public Comment on Agenda Items

None

Unfinished Business

Green moved that everything under the Unfinished Business section be covered by the attached Manager’s Report of 2009-12-03. Strayer seconded.

Vote: Unanimous. Motion carried.

Boat House/Docks

This issue is pending a new County planning director.

Land-Use Complaints

2551 EDLR: Letter being drafted to DSL, a copy of which will be available for next meeting.

Seid Creek: Bridgett Lorchman is on maternity leave until late January, 2010. Robertson left a message with Cathy Tortocici with a request for a follow up.

Lake Level

D River became clogged with debris in November. Lake level was 9.2 at that time with no risk of flooding. On 11/10, the river was dredged by George Haft Excavating per the permit (\$460), half of which will be billed to the City. The lake rose to 10.4', mean high water. After dredging, the lake was again at 9.2'.

Devils Lake Plan

DEQ 319 Grant

Correspondence with Dr. Ford and OSU identified paperwork not yet completed from DEQ. Awaiting paperwork and clarification from DEQ before beginning work and signing contract with OSU.

Native Vegetation

Robertson enquired about potential February presentation. Dr. Pennington was out of the office. He will know more by the next meeting. The timeline presented last meeting is:

Draft Plant List	33 Days	12/11/09
Final Plant List	47 Days	12/23/09
Mock-up	40 Days	12/18/09
Final Planting Guide	60 Days	01/08/10

Whole Lake Circulation

Robertson received a message from Elaine Stewart of Metro who said that Blue Lake report is inconclusive on the effectiveness of SolarBees. There was evidence in the report of increased native plant increase demonstrating some recovery of lake bed to a more native condition. The report provides information on the cyanobacteria control. Evidence of improved water clarity, but with no changes in water chemistry. The report suggests if algae control is the primary goal, use of SolarBees should be used, but only until the fall turnover of the lake; continued quality monitoring should be conducted to create a long-term dataset. Macrophyte control, harvesting, bottom barriers and small-scale herbicide applications may be effective.

See more elaborated information on Pages 3, 4 and 5 of the Manager's Report of 12-03-09 attached.

Septic Tank Revitalization Program

Lenaerts: Researched and found a program offered by Shoreline Enterprise, a national non-profit bank offering loans to individuals and businesses, and now to counties to rebuild septic systems. Lenaerts had an opportunity to meet with their officials to discuss this program within the watershed of Devils Lake. Loans can be obtained at from 2 to 8 percent,

depending on residents' incomes. Loans can be structured so they do not have to be repaid until the sale of the home. Also, the City might be persuaded to add some "seed" funds. Weldon: Said you might get people interested if these types of loans can be obtained.

Discussion ensued regarding the mandatory inspections of septic systems of landowners. DLWID co-hosted a meeting with the City of Lincoln City on November 25 to discuss justification for the program to determine the area and distance from waterways to be regulated, the inspection requirements and roles and responsibilities of various agencies. It would be important for the Board to support any mandatory inspections requiring an inspection as a condition of water usage.

Strayer: Feels it is heavy handed.

Green: Feels that sanitation is a heavily regulated area and within the police power of the state. There has always been a problem with failing systems. There is a state law that says you have an obligation to maintain the systems as stated in the state law.

Strayer: You will have various levels of compliance.

Green: Does not feel that people would have their water shut off. Enforcement is generally not that strict. Only the worst offenders will have their water shut off. It will offer a stick to enforcement agencies for forcing offenders to repair their systems.

Strayer believes that the Board should support this program before going any further.

Weldon: Referred to the last time the City used condition of water service being turned off, it created a lot of fury.

Green said the city will enforce it in the county as well as the city. He said voluntary compliance might work if you have this tool for enforcement in the background.

Weldon said he would vote for it if he has all the facts and it seemed reasonable. Robertson said the City is compiling all the information. He doesn't know if it will be the entire watershed; if they used a 500-foot designation, that would include all of Neotsu. The reason they were considering scaling it down to 200 is because of the first load of residents. A requirement would be that residents must have proof of inspection. And, if it has been within the last five years, it would be retroactive. This would get to the variable systems that are going straight into the lake.

Green asked how fast the program would move.

Robertson replied, "Pretty fast."

Skirvin feels more information should be obtained before the Board pursues this.

Lenaerts said at this time they are only seeking approval from the Board to draft an ordinance.

Robertson said the City would like to include this in their January meetings—the second and fourth Mondays, as they want to move quickly.

Green: Doesn't the City schedule hearings prior to adopting an ordinance?

Green: The Board seems to want more information from the City. The text of the ordinance seems to be the primary issue.

Robertson responded that philosophically, the ordinance would require septic tank revitalization for continued water service.

Strayer asked for specifics on "septic inspection."

Lenaerts: The City has been working with an ordinance that would mirror that of Dune City. Robertson said that septic tanks are draining toward the lake creating a human impact that has been identified for decades.

Robertson: The City cannot fine people in the county; they can only turn off their water.

There is uniqueness in Devils Lake compared to Eddyville. The push is that we are trying to protect our water body; that's why the District should be involved in the nutrient abatement of the watershed.

December tasks: Continue to search for funding opportunities; continue to work on GIS layer; create a septic tank presentation.

Save our Shoreline Campaign

Lenaerts: Grant application from Oregon Volunteers was not funded. The Cesar Chavez restoration project is still planned for Saturday, March 27. He will continue working with agencies and businesses to determine sources to purchase plants and to obtain funding sources, including the landowners and the District (?).

December tasks: Develop sample garden plot designs; work with OSU Master Gardener Program; search for funding.

Financial Oversight Committee Report

Robertson reported that the audit materials have been delivered to the auditor on November 13.

Communications Committee Report

Communications Report will be discussed at the next meeting.

Safety Report

No incidents; no issues.

Nutrient Budget RFP

Robertson reports receiving one response from Environmental Chemistry, Inc. Dr. Raymond is very experienced and has worked on Devils Lake projects, including the monitoring of post grass carp while working for CH2M Hill. The projected cost of this project is \$31,360. Robertson said that the District should move forward on this project so that they can work the database management. If it is not begun early, we are setting ourselves back.

Discussions began on the logistics of beginning the project or wait and complete the data base first and decide if we wanted the deliverables of the other contract?

Robertson said it really comes down to whether we want them to do the work that we are signed up to do or do we want to do our own match on the 319 grant and have someone come in and look at it. Green said that the nutrient budget was going to identify nutrients in the lake and identify the sources.

Strayer said that Robertson should send the proposal out again to the Board and they will discuss it at the January meeting.

Green: Maybe we should consider that it might be helpful to Dr. Raymond if we delayed awhile and he could give us a better product if he had the data base. It might be to our advantage to delay it. Green suggested it be put off until January for a decision as long as it doesn't delay the performance of the DEQ grant.

Listserve

Green moved that the listserve be funded as previously listed in last month's meeting with Constant Contact for a total of \$200 for the balance of the fiscal year of 2009-10. Weldon seconded the motion. Vote: Unanimous. Motion carried.

Devils Lake Low Power Radio

The antenna and the conduit to the antenna have been installed. Coaxial cables need to be run and tested. Jack Woods is a volunteer with HMSC and is willing to help with final implementation. A locking mechanism will be installed on the antenna box. Another item to consider is the installation of a phone line to connect remotely to the radio for recording updates. If the unit's coverage is suitable, this would be a good addition to consider.

SDAO Best Practices and Self Assessment

Green will complete this form and report on it in January's meeting.

SDAO Board Training Workshop

Lenaerts reported that he has talked to the Special District Association of Oregon who was contacted and they will come to Lincoln City for a workshop on Board/Management Roles and Responsibilities training. They will come in January for a couple of hours. Discussion ensued regarding dates and schedules. Robertson suggested that this training be tied to a workshop. [It has been scheduled for January 9 at 9:00 A.M. to 11:00 A.M., after which a budget workshop will take place from 11:00 to 1:00 P.M.]

New Business

PADL's Next Steps: John Lazier

This issue will be covered at the next meeting. John Lazier was unable to attend.

Hydroplane Racing Letter to OMB

A letter was drafted and distributed for review.

Webspace

Robertson reported that the donated server space from Clear Creek Telephone and TeleVision has served the District for two years. The website has grown considerably and has nearly reached the capacity of the donated space. Robertson recommends that the District move up to a paid service provider. Skirvin has suggested two options: FatCow at \$66 per year with unlimited space and another at \$109 a year for 200 GB. Skirvin has offered to help with the transition, including e-mails.

Skirvin noted that if Outlook is used, you can bring them over or just forward them to the new account. Strayer stated that he has much information stored in those files and would appreciate their being moved. Skirvin stated that he would help coordinate the project. Green moved and Skirvin seconded funding the webspace through the balance of this fiscal year. Vote: Unanimous. Motion carried.

Tetra Tech

Discussion ensued regarding a meeting with TetraTech in February and whether or not a meeting was to be scheduled and/or a presentation from them. Strayer stated that they were supposed to present a variety of plants from which the Board could choose.

Robertson said he thought that some of the Board members, along with him, were to have a meeting before February, with a presentation to be scheduled to the general public. Strayer responded that they are scheduled to present a plant draft by the 11th of December.

Strayer asked if they could have a meeting in Portland. Skirvin and Strayer and Robertson will schedule a meeting via e-mail. They will then ask for a February presentation that might include transportation costs. Strayer asked if a presentation could be done by Skype. Discussion of technology segued into a discussion on the Technology Needs.

Technology Needs.

Robertson reported that he has been researching desktop computers—something with a longer shelf life.

Skirvin: For a budget of \$2,000 you can get a couple of desk tops or a good laptop.

Robertson said he did not feel that the laptops were as durable as the desktops. He would still have the laptop for mobility. Robertson stated that Lenaerts was asked to obtain a computer from the University and is running GIS. Green asked that Robertson work with Skirvin to collaborate on a computer.

Green moved and Strayer seconded funding computer upgrades up to \$2,000.

Vote: Unanimous. Motion carried.

Discussion: Robertson noted that a Resolution would be required to move funds from Debt Service.

Green moved that the Board adopt a Resolution to transfer \$2,000 from Debt Service to Capital to purchase computer equipment. Skirvin seconded the motion.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Public Comments

Announcements

Robertson will be on the radio Tuesday, December 8, 7:30 a.m. 1400.

Adjournment

There being no further business, the meeting was adjourned at 7:00 P.M.

Respectfully submitted,
Linda Burt