



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

**DLWID OFFICE
September 2, 2010
6:00 P.M.**

PRESENT: Randy Weldon
Brian Green
Dave Skirvin
Joe Barnes
Jack Strayer

ABSENT: None

AUDIENCE: Larry Brown, Don Sell, Avette Gaiser, Bill Sexton, Gary Ellingsen, Mitchell Moore, Chuck Noriekis

STAFF: Paul Robertson, Seth Lenaerts

MEDIA: None

Green called the meeting to order at 6:10 p.m. at the office of the Devils Lake Water Improvement District.

Minutes of the previous meeting

Research of the July Minutes revealed one change in a motion. The July Minutes were approved with the attached change. The corrected Minutes from August were read by Robertson.

Green moved and Skirvin seconded approving the August Minutes.

Vote: Unanimous. Motion carried.

Financial Report

Robertson reported that a contract with Seth Lenaerts will replace the U of O RARE program contract. He noted that payments will be on a “cash” accounting basis—paid in the year in which the payroll is incurred so that by June 30 Lenaerts will be paid in full. Check will be issued for the period 8/15 through 8/31, then 9/1 to 9/15, then 9/16 through 9/30, etc.

Discussion began about the formatting capabilities of QuickBooks. Strayer questioned the balance sheet's not reflecting Liabilities equaling Assets.

Barnes offered the services of his bookkeeper to come show Robertson how he could change the format.

Green said it might be worthwhile to see what Teresa would charge to do the bookkeeping.

Discussion continued on the benefit of hiring someone outside the office to perform bookkeeping duties. Documents would have to be compiled and transported, and then Robertson would have to check the final draft anyway. Robertson said it only takes him about a half day to do the financials.

Strayer asked about the General Fund on Page 1. What are those columns?

Robertson said the columns continue to the next three or four pages and show them as funds are appropriated. The page is a standard printed report. Strayer said that seems unclear.

Barnes moved and Walden seconded approving the August financial report.

Vote: Unanimous. Motion carried.

Public Comment

Larry Brown: He said he has used Quicken and those summary sheets cannot be changed. The formatting of Intuit reports is static.

Also, he thought the RARE program was up last month. Has the program been extended? Robertson responded that Lenaerts would be working through June 2011 under a new DLWID contract.

Sexton: He is curious about the lake level. To what extent are we going to let the water go out and what is the purpose of retaining water other than recreation and shoreline protection? He is concerned about the level going down. Should he let people know that the lake level will continue to go down? It should be posted.

Robertson said the lowest is 9.0.

Skirvin said 9.1 at the end of September, according to the permit.

Robertson: We store water for recreational water use. In the permit it says you must let the same amount of water out that is coming in during August and September.

Decrease is based on evaporation. It is calculated by a 25-year data set that a group in Astoria has collected. It will go down a little bit slower during September because the evaporation is not as great. 9.12 is the lowest it will go down to in September. October 15, the dam is pulled. The permit allows us to begin impounding water in October.

The final deadline to pull the boards is set by us. By October 15, the rain usually begins. It's a safety thing.

Sexton: He just needs to tell his people what is going on.

Strayer: There was a proposal to bring it to 9.0 during the summer and it would be going down from there to 8.5.

Robertson: From 9.53 to 9.12. It needs to be decreasing and Sexton needs to try to manage it. Water Resources looks at it on a week by week basis.

Skirvin said it is 9.3 now, corrected level. The gage is off.

Brown: has anyone tried to restrict the logs coming under the bridge?

Robertson: It is not possible to block them. We could apply for a permit to pull logs out.

Brown: It was an \$800 job to pull them and place them on city property. But then what do we do with them?

Ellingsen: He talked with Hawker this afternoon and Hawker wanted him to convey that the DLWID letter to the Water Resources Council in August is appreciated for the change of the point of diversion for the Siletz Tribe golf course. He says the benefits the District will see are to the fish and wildlife. Water will be taken and it will not have a negative impact on the fish where it will be taken from. He wanted to point out that the DLWID recognizes the value of nutrient abatement and held a meeting and invited the public and the casino manager and accepted public input. The extraction of water under the city's diversion will not affect the inflow and outflow of the District's permits.

Ellingsen said the Siletz are making a financial investment and the savings on the water they will take will require a lengthy break-even point. They want it to be environmentally friendly.

Strayer: What investment are they making?

Ellingsen: A water right application has been submitted and an expedited review—in six months the review will be submitted. Infrastructure improvement and maintenance will be their responsibility. The expense of this infrastructure will be ongoing.

Green: They should save money on fertilizer.

Barnes: It's saving the City money and the Siletz will have to put in the pumps and electricity.

Ellingsen: There will be a greater stream flow at Schooner Creek now and it will be advantageous to fish.

Brown: Mr. Ellingsen, in the interest of nutrient abatement and city water conservation and saving on fertilizer, all of the lakefront property owners could water their lawns out of the lake. Would you support that process?

Ellingsen: If there were an allowance, but it cannot be regulated. It would not preclude someone else from taking it for some unpredicted reason. I would not support it.

Green: You could meter it.

Ellingsen: You could send in a written comment and start the process.

Strayer: The Board was sent some comments from Moore.

Moore: Kudos to the District on the e-mails that are sent to the residents.

Communication is getting better and better. The Planting Guide coming out—I wanted to say it's appreciated. An article on lake level might be good for the next e-mail.

On Erosion, it might sound odd to say "Don't do a study." But, the District is limited about what it can do about erosion. It seems like a lot of money and a lot of information for DSL and others that will be able to use it. You are limited in the ability to do anything. It is not a big priority, but the Devils Lake Plan is gearing up. You need a plan that is well vetted. A formal public process might be needed.

Barnes: Place it on the website as a draft?

Moore: Design a process for it. A complete guidepost for what the District will do.

Green: We can put it on the website and invite comment.

Skirvin: At our next meeting, we need to spend some more time. I'll volunteer to work with Paul to pare it down.

Unfinished Business

Lake Level

Green: We have the manager's report. Anything to add to it?

Strayer: Thinks the lake level should remain at 9.53 mean sea level, the max allowed.

9.5 to 9.0 is 110 million gallons of water. That will have a substantial effect on cyanobacteria, weeds, boat navigation, etc. Fixed docks were built for 10 feet.

There is a safety issue and access with that. Launching access for lifts and for launching boats is reduced and now some of them will have to be modified to be used—some of them recently constructed. Would like to keep it at the maximum level with the water master, it will benefit more people than the lower level will. The Board should take action to establish the maximum allowed.

Skirvin: Go against the language of the permit?

Strayer: No. Just keep it at 9.5.

Brown: Most of the people are packing up and leaving for the year.

Green: You want the level raised now?

Strayer: I want it to be 9.53.

Skirvin and Barnes: Changing the level is not under discussion.

All agreed that it is being kept at the highest level possible.

Devils Lake Plan

DEQ 319 Grant

Robertson reported that he met with three folks from E&S and answered questions. He will drop off additional documents not on the digital DVD that was presented to them. Staff's role is now limited to answering questions. Final product is not due until New Year's Eve, 2010, and the final report to DEQ is not until March, 2011. Once the data base is done, some more reports will be required. We are in line with what DEQ is expecting in time lines.

Native Vegetation

Robertson: We are developing a mailer for the lakefront property owners and local landscapers. Copies of the new document planting guide is going out to landscapers, nurseries and maintenance crews—people who actually do the work. Maybe we can print up some more copies if it's warranted. The library has five copies—some in circulation and some as a resource. They cost \$8 to print. It is too cumbersome to collect funds for charging for the guides. The document is also on-line. We could place some stars on the home page to draw attention to the on-line version. It's a 50-page download—13 sheets of paper if you print it in half.

Weldon: Can we modify the document and do an addition on the internet for the top five invasives that are in the lake to watch for? The photos look great. People need to see what invasives they need to get rid of.

Robertson: We could do that. We do not want those in the lake.

Skirvin: It's a good winter project. Maybe if we are going to be changing the website, we can add that.

Roberson: We can list them. The yellow flag has pretty much taken over the shoreline. Knotweed is here throughout, but it's not nearly the percentage that yellow flag is. We have a lot of invasives. Pulling these things and planting new stuff is a solid direction.

Green: Let's make it a resource along with the plant guide.

Robertson: it would make sense to have another five pages with the invasives highlighted.

Septic Tank Revitalization Program (Lenaerts)

In the August report, Hawker suggested putting it off a few months. Lenaerts talked to the mayor and she said the council has some arduous things on their plate. There is not a pressing deadline since inspections are not to begin until next summer. The positives are there is still support for it; although not all the city council members are for it, the majority is. The head of County Planning said they would be up to the task and would be willing to work with property owners if they have any inspection problems. Hawker is concerned about resources to do the entire watershed. His position was to start with just the properties that border the lake, and then there could be an evaluation process on expanding if it is warranted. Right now, it is watershed wide. The County is participating with the DEQ portion of it. If you are on the east side of the lake, you would be part of it.

Barnes: Won't the council be the ones to decide if it is watershed wide?

Ellingsen: Last month the city attorney said some ordinance language was completed and it went to Hawker and he wants to have a chance to work on that. It is being worked on. It is just going to take longer than was thought.

Lenaerts: It is still being worked on.

Robertson: I'd like to see it done and the Board would like to see it done. What it comes down it is that it has to be passed by the city council. There are four supporting it now. After the election, we might not get it through.

Barnes: Call Hawker tomorrow and start getting this through.

Robertson: If there is an election cycle and it's not part of their goals anymore, a new council could change those goals. The majority right now wants to look at that goal.

Discussion continued regarding how long before sewerage might be installed.

Green: We can only do what we are doing if you require a pressurized system. If gravity sewer is available, DEQ will not allow us to do what we are trying to do.

Weldon: This project is an opt-in system. People are not going to be forced to hook up if their septic system is working properly. They would have to only help pay for the main trunk line.

The discussion returned to the septic tank ordinance.

Robertson: Do we want to push on it or do we want to let it go?

Green: There is no down side to pushing on it.

Lenaerts: Call the city council and ask them to push on it?

Ellingsen: Hawker said he doesn't like to do things based on what might occur in the future. He likes to make decisions based on the issue itself.

Barnes: Who puts it on the agenda?

Ellingsen: The city manager as he sees fit.

Ellingsen: The mayor does have a little extra influence. If she wants to get something done, it weighs into the balance, along with the council.

Lenaerts: I go back again and again and something else always comes up.

Robertson: We just want to see it happen.

Discussion continued on whether a letter should be written or a phone call made to the council.

Gaiser: It might be a good idea to ask those people who are running for city council what their positions are. Sunday, October 10 they have a meet-the-candidate at Chinook Winds Casino. Gaiser said she is in favor of the ordinance. [She is running for city council.]

Robertson said he will go to the event and Green agreed to go. It's connected with the Chamber.

Green: The reason to do something is so that the City knows we are still interested and are monitoring it. It will not have the effect of moving it forward, but it will show them that we are interested in what they are doing.

Strayer: I don't see how the City can have the money with an FTE and not have any money for sewers.

Green: Seth will you put a letter together to the mayor and Hawker for my signature saying that we are interested?

Barnes: Couldn't Seth read it?

Lenaerts: Yes.

Gaiser: What is the best way to dispose of invasives?

Robertson: Depending on the species, compost them or place them in the garbage can.

Save our Shoreline Campaign (Lenaerts)

We have a good understanding on the permitting. If you are only planting and maintaining an existing structure, you do not need a permit. Moving soil or adding new features not including plants requires a general authorization permit or exemptions. If we want to take plants and place them in front of the rock structure where water is shallow, no permit is required. If we want to place plants and an erosion log to decrease the waves, then we'd need a permit.

[See Staff report, page 3, for complete description of DSL permitting requirements.]

Strayer: There is no cost for the permit; just a 15-day advance application requirement.

Lenaerts: ODFW aspect needs to be looked into. They probably wouldn't have a problem with it.

Strayer: It doesn't say that in the regulations.

Lenaerts: As long as you are in compliance with ODFW. We need to just have the conversation.

Strayer: You can plant plants.

Green: We do not need to go to another agency to plant the plants.

Discussion continued on whether to contact ODFW or just adhere to the requirements of DSL regarding permitting.

Lenaerts: As long as we are doing shoreline plantings, we are not disturbing anything.

Robertson: If land is inundated two weeks a year, it is considered a wetland.

If you are going below 10.4 feet, you are going onto state property.

Moore: We took plants that were existing; we spread them out a little bit. They took and now we have made a nice break. It was DSL plants and DSL land. It's a combination of hearty grasses.

Lenaerts: I would like to do a physical survey of lakefront properties; then we will invite people to participate.

Strayer: Check with the City and see what properties they might have that could be used as demonstration projects.

Lenaerts: We will be doing a site at the East Devils Lake State Park. Oregon Parks & Rec is in charge. I received an e-mail that said they were in favor of it.

Strayer: Can you get a list of the county and city easements?

Lenaerts: We can check properties by ownership, but not by easement.

Strayer: You could maybe have an opportunity to do a demonstration project on these easements.

Green: I'd like to see incorporated a capturing of runoff from the state boat ramps. Maybe there could be a bioswale or a shunt.

Lenaerts: If the Board would like me to research a bioswale project at the boat ramps, I could look at it.

Discussion about the design of a bioswale continued.

Green: Go ahead and bring it up—don't wait for them to do so.

Lenaerts: Passed around a prototype of the SOS medallion to be provided to those participating property owners and others who are planting native plants on their own or leaving their properties natural. The medallions will require a 4-foot rebar stake.

Lenaerts proposed purchasing an initial 20 of the medallions. It's a level of branding. Cost is about \$12 each and they would be handed out to property owners.

Green moved to allow Lenaerts to purchase 20 medallions for the SOS project, not to exceed \$300. Barnes seconded.

Vote: Unanimous. Motion carried.

Lenaerts showed a video created for outreach by Barry Heidt of Beach Life TV in April during the initial plantings. Its focus was source pollution and erosion. The District has full rights to the seven-minute video.

Lenaerts said that it could be mailed to waterfront property owners, placed on the website and run on Channel 4. Additional videos could be created for about \$300 each.

Roberson: We could do other types of videos—a rain garden study, for instance.

Green: Feel free to edit it down.

Strayer: How about a how-to on planting? Maybe you could then go to another part of the lake and show how the area looks after it is completed.

Gaiser said she uses Animoto.com as editing software.

Robertson: If there is a planting in the next month, the Board could authorize another vignette.

Strayer: Do a how-to showing the process. Here is what you need a permit for and here is what you don't need a permit for.

Weldon: A video on the planting guide would be good. A how-go and another on sites that have been established. Something to complement the planting.

Green: Add something on the invasive species.

Green moved to authorize Lenaerts and Robertson to spend up to \$400 each to create three videos for promotion of the SOS program; Skirvin seconded the motion. Vote: Unanimous. Motion carried.

Skirvin: Start the video with the medallion.

Vegetation Management

Robertson: The major component of the vegetation management plan is the completion of the Devils Lake Plan. Focus was on providing estimates of the workload on each of the action items that related to the top five goals. This is a 25-year document.

The ones I picked are the ones that are in the budget. I would like some feedback.

Barnes: It's a lot of material.

Robertson: Some of the writing is three or four years old.

Barnes: Maybe we could have a summary plan.

Robertson: The idea is to do an executive summary. You don't want to do it ahead of time. Fish and Wildlife need this detail.

Strayer: They don't need the details yet. We can do it when they ask for it.

Green: You can look at the table of contents and you can go there.

Barnes: Condense it for the website. Say, "and for details, go to . . ." But right now, I'd like to see the executive summary.

Strayer: I'd like to know what the results are that you intend to obtain from these activities.

Robertson: This is an action plan.

Skirvin: You have a lot of components and it's good to list the "impact" of doing these activities. What are the expected results of the activities?

Robertson: Would it be good in this format or in a narrative? A column for expected results or benefits?

Skirvin: I tend to speak in bullets.

Barnes: Isn't the intended result water improvement?

Green: Goals, implementation and timeline. For instance, if you go to the action plan for Septic Tank Revitalization, put the goal in front of it.

Further discussion continued on the desired format.

Strayer: What did you cut out from last time?

Robertson: I didn't cut out anything. There were action plans. I put the estimates in and haven't cut anything but a few sentences.

Barnes: Some more needs to be cut.

Skirvin: Mark some of the items as "achieved."

Strayer: Results column could be marked "completed."

Barnes: Do we want this to be our archive?

Skirvin: Put in the executive summary and it will place the history in context.

Discussion continued about formatting.

Green: This is a good thing to show to a state agency.

Robertson: Having the resource is good.

Skirvin: Can we do an executive summary for next month?

Barnes: With expected results?

Robertson: I'm thinking very short goals on the items. If you want detail, you can go to

internal or external goals. We have accomplishments to date for each item. We can do another column for expected results. Where we've been, where we are going, etc. I think I've got the direction I need.

Strayer: Will that be done a week before the meeting?

Robertson: Yes. The executive summary is about two or three pages.

Skirvin: Shoot for two.

Barnes: What about our current five Board goals? Pull those out and say the Board is currently working on those.

Robertson: The goals are on our website, however the Draft Devils Lake Plan is not. It was on the Projects page, but it was under such flux, we took it down. I want to put it up again. Then, invite the public, the marine board and everyone we invited three years ago to get their feedback. It's a good tactic.

Skirvin: Shall we set a target for November for that kind of meeting.

Green: Just send it to them and invite them to comment.

Robertson: I think you can solicit comments, but if you invite them to a meeting, they will book it and will come to comment.

Moore: Make it clear what you're actively pursuing and what you are not. Then you have the answer to any criticism.

Moore: You create an executive summary and you have one page with the goals that the board is actively pursuing.

Green: Say, the Board is working on these projects as of this date.

Robertson: Do you want that in the executive summary?

Barnes: In the document, reference this as the current goals we are working on.

The executive summary introduces the document then the top five goals.

Skirvin: So, do you have what you need, Paul?

Robertson: I will create an executive summary and a chapter one on current objectives, and then in the action plan sheets, put at the top a sentence and a half and a column with the anticipated results.

Sewer (Brian Green)

My letter was sent to 35 people in my neighborhood who own 55 lots and maybe five that are unbuildable. About 50 lots is the divisor for the cost per lot. Response to the letter has been pretty mild. The letter was written on August 12 and I asked them to respond within ten days and have received responses from the 12 owners of 15 of the lots. The result is that ten are in favor and three are against and the owner of two lots has all kinds of questions. I will call her and answer the questions.

Strayer: You need 26 to form the LID?

Green: We need about 26. I won't charge someone who cannot build on their lots, so it's 24, 25 or 26. The next phase is to call the people who haven't responded and see what their thoughts are.

Robertson: Is it a 51% issue?

Green: If they are not responding, maybe they are against it. I only got one letter returned. The total package is \$4,400 for the part you have to pay for and another \$12 or \$14 thousand for hook up. It would cost about \$40-some dollars a month.

Robertson: What can the District do? Can we write letters? This is a big step.

Green: It looks like we are going to have to do a second letter.

Robertson: We could send out a postcard.

Green: I need phone numbers of the people who are out of town.

I'll ask either you guys or Randy to get phone numbers.

Weldon offered to make phone calls.

Green: Of the 35 people, I only know about 20 of them.

I just received an e-mail from the city engineer (a letter was sent out to the City prior to sending it to residents), who said, "Your letter is a very good start. Ron and Lila Bradley and I would like to meet with you about going forward."

Communications Report

Robertson spoke with two local vendors regarding the flag for the boat.

Discussion ensued regarding what to place on the flag.

Barnes insisted that DLWID and the logo both need to be on the flag.

Barnes moved and Skirvin seconded authorizing Robertson to spend up to \$200 for a large enough flag to accommodate "DLWID" and the logo, plus shipping and handling.

Vote: Unanimous. Motion carried.

Safety Report

No incidents.

Thompson Creek

We have done three days of sampling up the systems, for E. Coli and prepared the samples for DNA, but can only say that nothing is definitive at this time.

Water Quality Update

We have not monitored for cyanobacteria beyond Phase I of the program, the visual inspection. Sampling for toxins and cell counts has not been warranted by these visual inspections. . We have all the data on *E. coli*. Thompson Creek is the only consistently bad site. We think birds might be the cause for the beach warning that was just lifted.

Weldon: Are those samples being pulled out of the river?

Robertson: They are pulled out of the actual salt water.

Erosion Study RFP

Green: He thinks the District should hold off on this until the next meeting. He hasn't had an opportunity to study the issue.

Strayer: What is Robertson's recommendation?

Robertson: You've asked for some things that are timely. If you wait until our October 6 meeting, then there's little time for anybody to meet with us and begin the process.

Strayer: What is your recommendation?

Robertson: I would recommend awarding the project to TetraTech, based on cost and expertise; they have demonstrated more experience and we've had experience with them. A couple of weaknesses—they did not quote a price to do the aerial photographs, which we need. They said they could do it but they didn't bid that. The other weak point is the field sheets that they decided they would do weren't as specific. TetraTech is providing an expert opinion bid.

Barnes: I think we should step back and look at what they are doing. I'd be open to re-evaluating this.

Weldon: Regarding the time frame, how is the dam going to affect their work?

Robertson: They won't be able to do anything at 9.5. We are just going to have to change the time frame.

Skirvin: So, it will be good until our next meeting.

Robertson: It is a short time frame.

Weldon: We could leave it at 9.53 for a couple more weeks if they are working in the lake.

Skirvin: What is more advantageous for them to perform? Do we need to control the lake level so it's at 9.6? What is the process they need?

Robertson: It's through February. 9.18 is what the lake level will be at the end of September.

Skirvin: Let them know that we are not going to make a decision until the October meeting.

SOLV

Lenaerts reports that they have selected a suitable property on which to do sampling. Whether there are two or more people, they can perform the work. It is set for Saturday, September 25.

New Business

There was some discussion about Mitchell Moore's letter opposing the City's approval of the point of diversion change for the Siletz. Green said he would write a rebuttal.

Moore: Once you get past the ninth, there is no more debate. It costs \$600 to file an appeal.

Green: Public comment period is still open.

Discussion continued regarding the water rights of the City.

Moore: The current point of diversion has the caveat that they have to work with the ODFW and they have to allow the passage of fish. Moore is concerned about a restriction if the irrigating gets out of control. They need to build it so that it doesn't affect the passage of fish.

The Board went into Executive Session.

The Board came back from Executive Session at 10:15 P.M.

At that time, Skirvin moved that Seth Lenaerts' contract reflect an annual salary of \$36,000 for 10.5 months, pro-rated, plus a health care stipend of \$1,575 and 8.75 days of vacation for the 10.5-month period. Barnes seconded the motion.

Voting affirmative: Weldon, Green, Skirvin and Barnes.

Voting negative: Strayer. Motion carried.

The Board meeting adjourned at 10:19 P.M.

Respectfully submitted,

Linda Burt