



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

**DLWID OFFICE  
October 6, 2010  
6:00 P.M.**

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

**ABSENT:** None

**AUDIENCE:** Larry Brown, Don Sell, Bill Sexton, Gary Ellingsen,  
Mitchell Moore, Chuck Noriekis, Raylene Erickson

**STAFF:** Paul Robertson, Seth Lenaerts

**MEDIA:** None

The Regular Meeting was preceded by an Executive Session from 5:30 - 6:20 pm. Green called the meeting to order at 6:26 p.m. at the office of the Devils Lake Water Improvement District.

**Minutes of the previous meeting**

Green moved to approve the minutes from September's meeting. Skirvin seconded.  
Vote: Unanimous. Motion carried.

**Financial Report**

There were no changes, questions or comments on the financial report.  
Green moved to approve the report; Strayer seconded the motion.  
Vote: Unanimous. Motion carried.

**Public Comment**

Larry Brown: Has comments regarding test results on *E.coli* run earlier in the summer. Brown named each site and the level of *E.coli* at each site. D Lake State Park had 14 samples. None seemed to be near the state limit for a single sample to be dangerous—a level of 406. Brown said he doesn't see samples that are above 5 or 10. Regatta Grounds has about the same—non detectable. Holmes Road—first test is highest of them at about 20. Sandpoint, very close to Thompson Creek, has the highest of any of those at about a 20-range. One 30 to 35 in mid-July. Brown Bear—all of them are at non-detectable levels. One sample was at 105—there might have been ducks there. D River has some high samples. None in May or June, but in July and August, there are some high samples. Water is warm, shallow and stagnant there. These results would indicate we don't have a contaminated lake. Why are we asking the city to inspect all these septic tanks? The city is getting into an area they have no business getting into, and for which they have no expertise. Doesn't think these septic tank inspections are necessary.

Regarding the boat races this weekend. We should do it the way we did it in the past. Let them run the boats and let them shut the lake down for one day. Nobody is aware that the lake is going to be shut down entirely this weekend. People should be able to use the lake at least one day. It's a mistake to let them run the entire weekend.

Barnes: Do we have any call on this?

Skirvin: Yes, we sent a letter last year.

Brown: I love boat races, but this one is not a spectator sport.

Regarding financial responsibility. I've expressed that I question whether we need the management expertise that we are now employing. We need a manager only about nine months of the year. I don't see why we need full-time manager and the expenses of vehicles, sending them to conferences, etc. Paul could use his own car and we could reimburse him. We could spend this money on other things.

Regarding the dance club—Union 50 has been placed on the market. This is a building that I've kind of stayed abreast of. Smokey and his wife were managing the club. It would be a great piece of property for the DLWID to own. It has a price tag of \$950,000, which nobody will consider paying. It might be something that we could take a look at. People on the lake could use it; it does need a roof. But, it would be a good long-term investment for the public. It was donated to the college and they decided to sell it. I'd like to see the Board look at something like this down the road.

Raylene Erickson: She invited the two city council people here—Noriekis and Ellingsen to discuss this facility.

Green: Maybe we could consider it for next year.

Mitchell Moore: I wanted to share my appreciation to the Board and staff on the communication issue. There has been an overwhelming effort to communicate with residents—e-mails, Facebook, brochures. The message is getting out there.

Gary Ellingsen: Union 50 Club is coming up. I haven't formulated any opinion on this. It would be cool if that property could be considered as a partnership project for the benefit of the lake.

Green: We will place it on the agenda for the November meeting.

### **Unfinished Business**

#### **Erosion study RFP.**

Strayer said people have expressed concern to him that between \$25,000 and 75,000 is being spent to describe erosion. Why not spend that money dealing with erosion, planting aquatic plants around the lake. I thought we'd get someone in here to talk about erosion for about \$5,000. This has gotten out of hand.

Barnes: What is it going to tell us?

Robertson: You are not letting plants grow that are flooding your shoreline. You are aggravating the erosion by having the water stack up against the shoreline.

Barnes: With the hot button of water level, if we spend \$17,000 for a study and they tell us we are impounding too much water, the Board has to be prepared to lower the lake level.

Skirvin: There are multiple different opinions. We have erosion in the winter and the summer when the water is higher. We should understand the elements we can have control over. If you want plants to survive, you might come in at a certain level and your erosion will drop.

Weldon: There are different beliefs on erosion. They can set us straight and we need that knowledge.

Additional discussion on erosion, water level and whether factual data is important.

Barnes: More than likely, the lake levels will be back on the table—as long as everyone knows that.

Green: Regarding the level of concern on this issue, it is important to increase our understanding, I just wish the price were a little less.

Barnes: Can we call TetraTech and give them an amount and ask them what they can do for a specific amount of money?

Skirvin: It's more than just lake level. It helps us understand the risks.

Green: Jack, I thought your main goal was re-vegetating the lake.

Strayer: It seemed like the statement of work was more than we anticipated. They were going to analyze soils and do a lot of stuff that was not going to be understood by a lot of people.

Barnes: Can we have them focus on the shoreline? I want to make sure that if we go down this path, the recommendation is going to be that we have the lake go down in the summer.

Weldon: We are going to be spending a lot of time planting. If the lake level comes up again, you are going to have a scientific backing to show people.

Strayer: Right now the lake level is 8.6.

Discussion continued on the lake level.

Strayer: This is just too much money for what we are getting. We could take \$500 worth of plants and plant them and see what happens.

Weldon: I think it would give us all kinds of information for what we do as a Board.

Strayer: Does the lake level have an impact on erosion? Maybe we should change the work statement to ask for what we are looking for.

Robertson: The goal was to get information on Devils Lake specifically. There is a lot of this that is expensive because we want to know it by parcel. If we look for information in detail, there are a lot of hours spent and the specificity increases the cost.

Green: We want to know the effect at specific levels.

Robertson: They are going to have to have some level of confidence in their statements.

At 9.0 it's going to cause this to not erode, and at 9.1 it's going to cause that to erode.

Accuracy is going to be pretty hard to determine.

Skirvin: It's a tool. Maybe if we had a graph it would be beneficial. It could be that there is nominal difference.

Barnes: Would they be willing to send someone to a meeting so that we could ask them some questions?

Green: What is the harm in delaying it another month to see if we could get TetraTech on the phone to go through the RFP and determine if we need to change it? Do we then have to go for another bid?

Skirvin: We are working under the assumption that we are reaching out to have a discussion with the people that we are considering.

Strayer: [to Robertson] Can you send the RFP to the Board again?

**Green moved to change the November 4 Board meeting to November 11. Skirvin seconded the motion. Vote: 4-1 Strayer voted no. Motion carried.**

**Barnes moved to have Robertson invite a representative of TetraTech to the November 11 Board meeting. Green seconded the motion.**

**Vote: Unanimous. Motion carried.**

Robertson was instructed to inform other bidders that a decision has not yet been made.

Skirvin: How long is the bid price good?

Robertson: I would have to double check, but I know one was for 45 days.

**David Skirvin was excused from the rest of the meeting.**

### **Lake Level**

No action. There is awareness that the dam is going to be pulled on or around October 15. This gives the contractor the opportunity to find a safe time to perform the work.

Bill Sexton said the lake level is at 8.7 and 3/10

Robertson said that with the adjustment for the incorrect gauges this is or 8.95'—just under 9 feet. That is the actual lake level.

Robertson said he sent out a letter asking for rates from all the excavation contractors and placed an ad in the paper as well as on line—Lincoln City, Neotsu and Otis, asking for cost and availability when the event arises.

Some discussion began about the feasibility of removing logs near the dam.

Sexton: Said he does not think a permit to clear the channel is the same as a removal permit.

Robertson: You are creating a new channel so it is a removal and would require a permit. It's blocked at nine feet. The sand is only as high as the cement. You are not in an

emergency situation. The permit is to dredge the D River; it is just an emergency situation permit. If we go on the east side of the bridge or even under the bridge, we violate the permit.

Strayer: Navigation is one of our missions, is it not? So that people can navigate under the bridge with kayaks.

Robertson: We have had that discussion in the past and we've decided not to do that. Personally, I think it would be great for kayaks to navigate through. The liability issue was in the floating debris management.

Strayer: Moved to have Robertson seek permission from DSL to create a kayak channel by First Street.

Robertson: If you were to do that, I would say it's October and we are in the phase of a storm season. It might be more effective to do something in the spring.

Barnes: If we are going to move them out of the way, let's just get a permit to get rid of them.

Discussion ensued regarding the removal of logs—cost and the permitting.

Robertson: Cost for applying for the permit would be I think \$750 for just moving it.

Weldon: Every year, we would have to go through and clear all the channels.

Sexton: It's not considered a navigable water way, so you are going to have to go through the state.

Green: What I would rather do is to have Paul make a couple of calls to see what needs to be done and see if the permit is an ongoing permit.

Robertson: It could be a one-time permit. Regardless, it would be an annual one.

Green asked Robertson to report back to the Board next meeting re what the cost would be and what can be done. Maybe talk to a couple of contractors, also.

### **Devils Lake Plan**

#### **DEQ 319 Grant**

Accounting issues. Based on lake manager's report, Robertson forwarded the database framework from E&S to DEQ for input. E&S has requested a meeting in the future so that they can respond to any questions on the data. The next deadline is December 31, at which time the database is due. DLWID has met the minimum obligation requirements for the in-kind pledge.

### **Native Vegetation**

A color mailer for the Shoreline Planting Guide was sent out to 500 property owners on the lake. Cost for printing and mailing was \$633. There are still 50 or so of the full Shoreline Planting Guides remaining. Only about 2% of the fliers were returned.

### **Septic Tank Revitalization Program (Lenaerts)**

Went to the September 27 council meeting and presented the letter from Chairman Green for the Board. The same concerns were expressed—unknown staffing needs, prioritization of inspections, other priorities that are more pressing. If we are not looking at imminent inspections, the council does not appear to feel the issue is urgent.

The city attorney questioned DLWID's role in administering the ordinance. Also, the council voiced questions about what the District would contribute to the project.

Ellingsen said he would like to see a draft of the ordinance soon. He felt the city has a responsibility to return the draft. Most of the council felt that they could have it within a month or two.

Weldon: Why would they ask what the District's role would be? Is there expectation that we would help out?

Robertson: At one time there was discussion of a potential job sharing, having someone work part-time for the District and part-time for the city. Maybe that's where some of that emanated from.

Ellingsen: Said he regretted getting involved to the degree that he did and apologized for the delay on the city council's part. Since the city brought up the project, he felt that the issue should have more priority. He feels there is a lot of benefit in research and that the District could go into the project with good intentions and if there seems to be no need to continue, it could just be terminated. He doesn't know why the ordinance has not progressed further.

Green: He remembered David Hawker saying that if the project was not uncovering any problems, the city would not continue inspections.

Brown: Feels everyone would have to be treated equally if the inspections began.

### **Save our Shoreline Campaign (Lenaerts)**

On Saturday, September 25, DLWID hosted a shoreline planting in conjunction with the SOLV Beach and Riverside Cleanup. The planting took place near 10<sup>th</sup> street and Chetlo.

East Devils Lake State Park. Lenaerts contacted Oregon Parks and Recreation Dept last month to see about doing a demo shoreline planting. It appears that a 600 to 800 square foot area that is just to the right of the boat dock would be available for creating a bioswale or a rain garden.

Strayer: What about a shoreline emergent planning? Have you asked for a permit?

Lenaerts: We haven't come to the place where we have to add something into the water. Spiro [Landscaping] has access to anything we want—he is able to obtain plants from nurseries. In the first planning some of them aren't listed in the planting guide; however, they are all natives.

Robertson: The greatest concern is that the carp will eat the shoreline plants.

You put a plant there, you could destroy the thatched roots that serve to protect the shoreline, and you need erosion control or a sediment fence. Most of these demo projects have been far enough back that they do not destroy the face of shoreline that is intact. Otherwise you are going to be dumping sediment into the lake.

Lenaerts: Once we verify the project, we will apply for the DSL permit. We have just completed one; two are ongoing and two are coming into line. If you are just placing the plant straight in, you don't need a permit.

### **Vegetation Management**

Robertson: Latest draft of the Devils Lake Plan has been completed—one with the changes and one without all the mark-ups. This was the direction received—to create the document as a guiding tool for the District. Long term, you identified a big part of the plan as getting grass carp again. We are working on a holistic approach to Devils Lake.

We've got nutrients, weeds can return. We've got cyanobacteria. We need to reduce nutrients. We are working on septic tank revitalization. The driver of this plan has been tools to prevent invasive weeds. And a mechanism to reduce the nutrient loading. LID's are in there. Septic tanks are in there. Shoreline vegetation. Wetland protection is a key ingredient, along with erosion prevention. Sanitary sewer is a long-term goal. Invasive species prevention. Through this process, we'll show that we have worked on alternative issues. Native vegetation has been part of the District's philosophy for three years. Invasive species management. The District looked at 25 or more options—based on biology, physics and chemistry. Preventative is a lot cheaper.

Barnes: The TetraTech gal on the phone said it would be a maximum of two years before we are back to the weeds once the grass carp are gone. I think No. 1, I would like the Devils Lake Plan to say that we have looked at all those things you've talked about and we have a mess on our hands when the carp go away. I don't think we are doing enough.

Robertson: A summary is what you are talking about.

Barnes: The next step is to make a formula to put in front of the Board to get a variance for introducing grass carp on an as-needed basis. Our no. 1 goal. If we can get the field office on board that's going to be a huge step. We should invite them to the meeting and see what they say. We need to formulate our plan now. We'll have to get on the agenda. They only meet quarterly. Then we will have to formulate our attack. This plan could totally change once we get on the agenda.

Robertson: Based on the conversations I had with Buckman, we have a 50-50 shot and we need to get our ducks in a row.

Discussion ensued regarding the goals of the plan, i.e., grass carp and priorities.

Green: On the executive summary, it's pretty good. On the third paragraph on Page 3, regarding prevention of the invasion species and grass carp. He would suggest providing the benefits of the last time we introduced grass carp. Highlight the issues of recreational use and property values—the wonderful things that happened as a result of the weeds being eradicated. Need that paragraph and whatever biological benefits you can mention. But, go into the benefits that we saw from the last carp insertion.

Barnes: You need to paint more of a picture that the grass carp is a positive.

Weldon: Show from 1985 through 2000 how property values started increasing. Balance out the positives with the negatives. We can list all the stuff we are doing, and put in here that macrophytes feed off the lake. We need to be clear that weeds grow from the soils in the lake bed.

Green: Rather than on Page 3, do it at the bottom of Page 1 where you talk about the benefit of grass carp. Talk about the intended consequences rather than the non-intended consequences.

Strayer: One comment is that in reading some of the old documents, weeds covered 60 percent of the surface. There has not been one time where I didn't find a place to ski.

Toni Pennington is not going to say that the lake will be covered with weeds in one year.

Barnes: He just wants to put the same effort in vegetation management that is being put into the septic tank revitalization.

Green: We need to do an honest sales job. We need to see another draft soon.

Make grass carp a priority. [Robertson] needs to maintain his integrity with ODFW.

Segue into the positives. Discuss aquatic management control and segue into why grass carp is the best alternative.

Robertson: We will complete the plan and then we bring all these people in. You increase your chances of approval by being prepared.

Green: There are criteria for the variance. You could make sure the plan meets the criteria without referring to the variance. We meet the criteria of no water bodies coming into the lake.

Barnes: The fact that we are over ten acres is not an issue. The biggest factor is that we have an education plan. I would like to see it stepped up and more concentration placed on grass carp.

Moore: You need to get the public vetted in the process so that they can be involved. Create communication and you will find a big component that supports grass carp.

Green: [To Robertson] We have given you some really good input.

**Discussion on when another draft would be available. It was determined that two weeks would be the target.**

### **Sewer (Brian Green)**

Green: Got in touch with everybody in the LID District and talked them through the questions and it looks like out of 47 properties, maybe 30 will support us. So we have a majority. Of the other 17, I would divide them into 4 or 5 that are against it, 4 or 5 who don't respond and another 4 or 5 who are undecided. So, those who are in favor of it vs. those against it are 6 or 7 to 1.

Strayer: Did the city want to re-evaluate it?

Green: The city is nitpicking the letter saying that we should have used a broader amount for bids for the engineers—a broader range of cost. But, so far, so good.

Strayer: What kind of time frame are you expecting?

Green: I didn't want to go to the city with a simple majority. You sign the petition for approval of sewer and the city sends it to staff and gets an engineer and the engineer looks at the feasibility. They actually let the engineer decide how it will be assessed. They go on a lot by lot basis. If you look at the ordinance process with the city, you have hearings on LID's and assessments. Maybe six months to break ground, which means probably a year.

### **Communications Report**

A double-sided flag has been purchased for \$130.

### **Public Outreach and Education**

The Lincoln Soil and Water Conservation District did not apply for the grant because there was not a comprehensive plan and the time frame was short, so this is not longer a project we potentially could be partnering with.

### **DLWID**

Robertson and Lenaerts: We can now accept fans on Facebook and are working on Twitter as well. The newsletter went out today.

### **Safety Report**

Brakes on the truck required immediate replacement. Les Schwab installed new front brakes at a cost of \$371.40.

### **Thompson Creek**

Lake Manager's report indicates that Robertson has spoken with Dr. Field, who will be able to discern fecal sources from existing samples, based on the concentration of *E.coli* present. The next step is to have the existing samples analyzed. The plan is to have a storm sampling completed within the next month or so.

### **Water Quality Update**

Summarizing of the water quality updates were similar to what Larry Brown reiterated above. The website will identify any existing problems.

### **New Business**

#### **NALMS**

Green: This is a conference which all lake managers attend. Green moved that Robertson be authorized to attend the NALMS Convention in November. There was no second to the motion.

Barnes: I think we've got enough stuff to work on.

Regarding the District's pickup. It has 78,000 miles.

**Green moved to authorize Robertson to perform whatever work is required for the pickup, based on the mileage and the service manual recommendations.**

**Barnes seconded the motion.**

**Vote: Unanimous. Motion carried.**

### **Non-Agenda Items**

Barnes moved to post the lake manager's position. Strayer second the motion. Discussion ensued.

Weldon: Feels that the position should not be posted; manager should be encouraged to do his job. Weldon doesn't believe that the job should be posted unless the Board is unhappy with the job that Robertson is doing.

Green: There is a lot of time involved in the process if we are going to be looking at posting, then interviewing, etc. Paul is doing a pretty good job. I understand a few of the issues. However, his science background shouldn't be diminished. Overall, he's doing a good job.

Vote: Barnes and Strayer voted to post the position. Weldon and Green voted Nay on posting the position.

The position will not be posted.

Moore: Regarding the Union 50 Club, is it true that the college owns it? Don't they have an aquarium science program?

Some discussion continued on the size of the building, the lots, the value, and the possibility of obtaining a partner to purchase it. Robertson noted that there are four lots. The building is about 2,000 square feet and is located within the urban renewal district.

The next Board meeting will be held on November 11, 2010 at 6:00 P.M.

The Board meeting adjourned at 9:16 P.M.  
Respectfully submitted, Linda Burt