



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

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

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

ABSENT: None

AUDIENCE: Larry Brown, Doug Pirie, Raylene Erickson, Gary Ellingsen

STAFF: Paul Robertson, Seth Lenaerts

MEDIA: None

Green called the meeting to order at 6:00 p.m. at the office of the Devils Lake Water Improvement District.

Minutes of the previous meeting

Green moved to approve minutes of the November meeting. Skirvin seconded. Vote Unanimous. Motion carried.

Financial Report

No changes from the submitted report. Tax funds are beginning to come in. Approximately half will be placed in the unappropriated ending fund balance for next fiscal year. Robertson reported that there has previously been a surplus of about \$30 to \$40 thousand annually which are moved to the reserve fund. Barnes asked if the funds are increasing to which Robertson replied, "Yes. At a 3% assessed value on residential; the exception is for industrial property that is assessed at 100%." However, this year, any surplus will be offset by the cost of hiring a Project Management Specialist through June 2011.

Green moved and Barnes seconded to approve the financial report. Vote unanimous. Motion carried.

Public Comment on agenda items

Larry Brown: He said he thought the Board was going to investigate the removal of logs near the Union 50 building.

Robertson responded that that issue had been postponed until spring.

Discussion continued on how far the moving and removing of the logs would be pursued. Green reminded that previous discussions had been on removing logs only from the canal once a year—in the spring. Brown was asked to wait until public comment in non-agenda items to address the issue further.

Unfinished Business

Lake Level

Robertson reported that there had been no issues of clogging since November. It is hoped that additional available funds for unclogging will not have to be used. Robertson sent a third request to Greg Beaman regarding the conditions of the water permit; still awaiting his response regarding the storage right and the flow issue. Philip Ward is believed to be Greg's boss, who administers water rights. Robertson said that a previous communication had indicated the decision could not be changed. Barnes suggested that there must be an appeal process. Strayer suggested writing a letter to the state water master. Skirvin said to phone him. Green said to try calling Greg first, informing him that if he was not forthcoming, Robertson would have no choice but to contact his supervisor. Robertson responded that he has previously talked to Greg, who has worked on the staff gauges. The delay could possibly be attributed to his work load.

Devils Lake Plan

DEQ 319 Grant

Robertson will meet with the contractor next week and also try to set up coordination with OSU to drop off samples for identifying DNA on the *E.coli*. Now he is simply waiting for OSU to provide a convenient date. The database is to be done by the 31st of December. Then we have to do a final report to them based on the database by March 31. Robertson has invoiced DEQ twice, and has double-checked the paperwork, but has not received any funds yet.

Native Vegetation

Green asked if we could get some information up on the website. Lenaerts has been working on a 3x4-foot poster with an old-west theme--"Devils Lake least-wanted" invasive species. He will create another one on good native plants. On the website, there will be native plants and invasive species, plus a link to the native planting guide. Strayer asked how many are aquatic-recommended plants? Lenaerts has not addressed those yet, but has only completed the least wanted. Posters will be placed in the DLWID lobby.

Septic Tank Revitalization Program (Lenaerts)

Lenaerts referred the Board to a memo he had written. He reported that he attended a meeting this week since he had not talked to the city staff for a couple of months on this issue. The City manager remains concerned about staffing for this project, since the city is currently engaged in annexation of the Road's End community. When the city manager feels comfortable with the issue, the city council should project a positive attitude. Currently, the concern is administration.

Barnes said he doesn't see why there is a concern. There are 685 houses that will be tiered with 150 houses per tier—over a period of years.

Skirvin said Hawker needs to get a draft to the Board.

Barnes said the contractor will be contacting residents, scheduling appointments, then providing a list of who will not schedule.

Lenaerts said that Hawker wasn't requesting anything specific from the District.

Discussion ensued regarding who might perform what duties in this project.

Currently, this project is No. 4 on the City Manager's list of priorities.

Larry Brown: Let the city be responsible and the bad guy.

Green: Didn't Hawker give a time frame when he thought the ordinance was going to be processed by his staff?

Lenaerts said Hawker had indicated he hoped to have it drafted within the next couple of months; however, it seems to be too much for the city to handle at this time.

Barnes said that the staffing issue for this project will not change; it will just continue.

Weldon: Until the staffing issue is resolved, the city manager is not willing to move forward. Maybe we need to address the staffing issue.

Skirvin: Hawker needs to decide what FTE he needs before we can even address it.

Robertson: I believe Hawker is concerned with the phone ringing off the hook from the public. I think the District could figure out a way to do this easily. Maybe a summer intern could help. Hawker is mostly concerned about the front-end stuff and people who want to appeal the process. It's more than he wanted to take on with the expansion to watershed-wide inspections.

Green: This has to be part of our overall plan if we are going to get grass carp permitted for the lake. Because of that, they need to get more on board.

Lenaerts: Some outreach needs to be done at the city council level.

Robertson said we need to do one-on-one meetings with the city councilors. Maybe prepare a fact sheet, and then make a phone call.

Green: They can't talk to people about an issue in a group of four; however, they can talk on a one-on-one basis.

Lenaerts said he will put together a fact sheet, economic issues, grass carp issue, etc., with a coherent message.

Green: An economic study was created previously about the benefits of having a fully usable recreational lake--"X" number of people from out of town, tourist dollars spent, etc. Put together a talking points presentation.

Barnes: Each of us needs to reach out to the councilors.

Robertson said one of the city council's goals in 2008 was to look at Devils Lake.

Discussion ensued about septic tanks vs. sewer.

Green asked Lenaerts to send out the talking points page prior to the next meeting so that the board is on the same page.

Discussion continued about the ordinance's being the city's responsibility and the Board simply doing what is best for the health of the lake.

Lenaerts then presented some hypothetical issues on the septic tank revitalization program.

Green: It would be helpful to see what the city envisions as administration issues. People on the front lines are going to get a letter on the city letterhead. Then the RFP will delegate the responsibility. If there are no septic problems, there is nothing further. If there is a problem, it is referred to the county. I don't think we can get stuck with much in the way of administration, because there isn't any administration for us to do. I think we should offer to assist where we can.

Discussion about the tiers and inspections based upon proximity to the lake.

Green: The ordinance could be flexible—as staffing permits. We need to know what specifically he wants from us, and then we need to see the ordinance.

Save our Shoreline Campaign (Lenaerts)

Last month Mr. Gensman requested reimbursement for the full cost of his planting project. Lenaerts presented a request for \$262.50; however, Gensman had actually requested reimbursement of the total amount spent--\$3,155.59.

Barnes: Since it was not within the scope of what everyone else is going to have to do, I think the \$262.50 is enough. How does his budget compare with others?

Lenaerts: The direct cost of most of our projects has been around \$700 to \$900.

Green: Lenaerts is recommending that we reimburse the same way we reimburse everyone else.

Lenaerts: The project was well done.

Further discussion continued about canary grass and the fact that the invasive canary grass had not been eradicated in the project.

Lenaerts: If we want the home owner to get rid of the canary grass, we would have to cover it and ensure that anything he has already planted won't be covered.

Barnes: Send him an e-mail and report back.

Lenaerts: Also, when Gensman was requesting a permit with the DEQ, the County required him to get a conditional use permit costing \$580. That was part of the \$3,155.59.

Green: If he had come to Lenaerts first, he wouldn't have had to get a permit.

Skirvin: \$262.50 was approved. We could reimburse for \$544.92 with the condition that he addresses the canary grass.

Green moved for payment to Gensman of a total of \$544.92, superseding the previously approved \$262.50, provided he meets DLWID's SOS specifications for removal of the canary grass by June 1, and that he doesn't receive payment until he does that; plus payment for 75% of any additional materials pre-approved by DLWID for controlling the canary grass. Barnes seconded the motion. Vote: Unanimous. Motion carried.

Vegetation Management

Discussion began on Board members' changes to be incorporated into the document. Robertson walked through the changes and discussion continued on format, content, etc. Strayer was concerned about ODFW's statement. The study was completed in the Columbia with small mouth bass and catfish and walleye. They concluded that those three species were predated on the Chinook salmon. In Devils Lake there are plenty of predators.

Robertson noted that Buckman said Coho are recovered because we don't know what the previous level was. He indicates that impacts are real.

Strayer: Why don't you indicate here, "This information comes from an ODFW comment?"

Weldon: In real life, I have seen bass that is the predator.

Robertson: There is mostly large-mouth bass in the lake.

Strayer: In reviewing the Executive Summary, I have circled some things—38 items that didn't flow. I found problems with the logic and statements. There are some significant negatives with grass carp.

Discussion ensued on the options available for vegetation management and past considerations of such.

Strayer: Discussed the issues of the grass carp's negatives.

Robertson said the fish that are going to die in warm lake water will move up to Rock Creek wetlands. The temperature is generally the same throughout the lake. 65 degrees is about the threshold for salmon and 75 is a lethal temperature. We are only talking about small fish.

Weldon: Re cyanobacteria, Eilers' statements ended with "indicate" but there are no true facts.

Robertson said cyanobacteria have been in the lake in significant numbers since the '60's. They began to increase before '94. In '94 they really picked up, according to the data. Our goal is to limit nutrients—addressing storm water, septic tanks, etc. Nutrients will find their way out to sea or get buried in sediment. The lake can be a very productive lake for 50 years. The reason we had no bloom this summer is because of the temperature and the rain.

Barnes asked for a change in the verbiage: "dominated by algae and cyanobacteria."

Strayer: Did you add up the FTE's on your action plan?

Robertson: Yes, it is 10.5 years for the FTE's.

Strayer: Won't most be substantially completed in two years?

Robertson: No.

Discussion continued regarding priorities of the Lake Plan.

Skirvin: It's time we allowed others to look at the Plan.

Barnes: Maybe each Board member should mark their changes and send it out by e-mail again.

Green: Jack, why don't you rewrite the Executive Summary the way you want it to be and we'll take a look at it.

Skirvin: Robertson can send it to Jack and he can write the Executive Summary the way he'd like to see it. Then, we can isolate it as a portion of our meeting and send it out as part of the meeting, incorporating some of the concepts.

Strayer: I'll try.

Skirvin: It's like a living document. It's not going to be perfect, but we need to get it out there.

Robertson: The city planning department would like to take a look at it.

Skirvin: We can share our goals with the city if they need that now.

Robertson: I informed them that it would be completed soon. They have a two-year project, so there is no rush.

It will be addressed again at the next meeting.

Sewer (Brian Green)

Green: Currently have 32 signatures on the petition. Now waiting on one man in McMinnville with three lots who is still for it and says he's going to return his signature, but has not. That is 70% of 50. So, when we get those last signatures, I'll file the petition. When the city council approves it they'll have to wait on construction requirements. We have a good engineer on board; the city will hire him. The city council has to waive the provision that everyone has to hook up immediately.

The Café – Union 50

Barnes: Thinks it's a great opportunity; however, believes the site needs to be researched. The District needs a qualified person to meet with the city and who can communicate with the college and convince them to sell it to us. There needs to be some comps to justify the \$900,000 sales price. It's not on Highway 101. Even as a condo, it doesn't pencil at \$900,000 (Note: Actual asking price is \$950,000). The District needs to brainstorm on the exact use of the building. Should there be multiple tenants? We need to talk to a bank. The building needs to be inspected to determine if it is safe. Boat access is a unique opportunity. We will require a dredging and dock repair estimate. DLWID's presence there would help advertise, promote and showcase the lake.

Barnes offered to provide the name of a developer who could work with the Board.

Green: I agree. And a restaurant and bar would showcase it better.

Barnes: Would it be within our scope to lease the other half out?

Robertson: The District can own property. You can have revenue streams that support your cause that might be a little bit different, and the economic value to the community is a real asset.

Discussion continued on the Union 50 property.

Barnes moved to continue investigating the possibility of the District's involvement in the Union 50 project and Green seconded the motion.

Discussion: Weldon suggested the Board consider that if we don't get a handle on the weeds, you won't be able to access the south end of the lake.

Vote: Weldon, Green, Skirvin and Barnes voted affirmatively; Strayer voted nay. Motion carried.

Green and Barnes agreed to arrange to meet with Patrick O'Connor, President of OCCC.

Communications Report

Lenaerts presented a PowerPoint presentation on the various promotional items that could be purchased with the DLWID logo. The items could be used for trade show giveaways, name recognition, gifts/recognition awards. Some items could be associated with a specific campaign.

Items included license plate frames, lead-free weights, water bottles, travel mugs, coolers, pens, seed packets for SOS, floating key chains with a whistle.

Skirvin: Would like to see Coast Guard inspections as an outreach item.

Barnes: Asked about boaters' safety classes.

Larry Brown suggested safety flags as an item.

Lenaerts was asked to research the safety flags, floating key chains with whistles and seed packets as initial items.

Safety Report

No incidents.

Thompson Creek

No action.

Erosion Study RFP

Weldon discussed the historic photos of the lake available at the local museum.

Robertson: Dr. Pennington got back to us on the narrative of her report on the conversations about the aerials, time lines and deliverable tables. She changed the budget to reflect the additional work--\$1495, to include 100% of the cost of the photos.

Green: If we accept the bid, I would like to make the condition that the study includes recommendations for corrective action for whatever problems we find.

Skirvin pointed out Pennington's assurance on that issue.

Strayer: Are they going to use a jet boat?

Robertson: The idea is to use a typical boat.

Weldon: She said we could help her out.

Barnes: The ideal day would be when there is major activity of boats and jet skis on the lake.

Robertson: We are looking at a time frame of May for much of the work, with the rest in September and October.

Skirvin moved to accept the proposal from TetraTech with the additional aerial photographic data to be included in the report. Weldon seconded the motion.

Discussion on the fact that the Board needs to be prepared: If they accept this study, more than likely, recommendations will be followed.

Weldon: Just because they say 8 feet would be perfect, we don't have to go there. This study is more for erosion. We have 100% control over the level in the summer time. I think the visual data of the shoreline is valuable. We do not have any now.

Strayer: It's too much money for what we are getting. If we are going to spend \$30,000, we need to do a nutrient study to determine what the problems are.

Vote: Skirvin, Barnes, Weldon and Green voted yea; Strayer voted nay.

Motion carried.

Robertson: We talked about where the funds were coming from. Currently, we have appropriated \$35,000 in Watershed Protection, so that should cover it.

Skirvin moved to use the Watershed Protection funds for the TetraTech erosion study project. Barnes seconded the motion.

Vote: Weldon, Green, Skirvin and Barnes voted Yea. Strayer voted Nay.

Motion carried.

Green: If the study shows that we need to raise or lower lake level, we need to follow through. Hopefully, it will show us some options other than raising or lowering the lake.

New Business**Intern project**

Robertson said he has received an email from U of O regarding a summer intern. It would be for 17 full-time weeks for just under \$10,000. This is something that was budgeted in the General Fund.

Skirvin: What do you envision the intern doing?

Robertson: Water quality, educational outreach, participating in levels of the project implementation that we have. Grass carp if there is an opportunity for them to key in. We began this program in 2007. Lenaert's job will end in June.

Barnes did not feel there was a need for three people.

Robertson: We need to address Seth's position if we are going to continue it into the future.

Barnes: Let's put this on the agenda. I didn't realize we were losing him in June.

We can plan to discuss it in January; we need to see what Seth's plans are.

Strayer: I don't think we ever considered this would be a two-person office.

Green: We need to decide if Seth's position is going to continue. If it is, you need to justify a third position; however, the intern is a good idea for the summer if Seth is leaving.

Non-Agenda Items**Public Comment**

Larry Brown: Get some bids on removing the logs in the spring to dredge the area east of the bridge to a depth of about 3 feet. It's an attractive area if you can drive a boat down there. If you can't get a boat there, you can't use it. We are going to have to dredge it every five years or so and remove the logs every year or two.

Skirvin: It's January. We don't know how much debris there will be in the spring.

Brown: What will it cost per day to do the work? We can get some kind of a bid on excavating.

Strayer: Sexton can move some of the logs out of there under his contract for a kayak channel and a navigational channel.

Brown discussed how the area used to look. The City might be able to work on creating an attractive park area. It's city owned right now.

Robertson: They are looking at a boat house, a kayak shack on the Hostetler Park.

But, you don't want grass there. The beauty of it is that it is a bit wild.

Green: Why do we have to wait until spring to find out what Sexton can do?

Strayer: There is a permit required.

Robertson offered to research as the Board directs.

Strayer: Navigation is one of our missions. Let's find out what the resources are going to cost. Clear out a kayak channel and another one for the bigger boats.

Skirvin: Maybe the city is willing to do something. I think there should be some sort of a plan.

Raylene Erickson: Can the District partner with Parks?

Skirvin: Maybe we can share some of those costs.

Barnes: Can we get to them without a crane? What would we do with them afterwards?

Robertson: \$275 an hour gets you two trucks.

More discussion on how to go about removing the logs and how far to go in the cleanup.

Robertson: According to his understanding, it is not necessary to obtain a permit to move and remove the logs.

Board Comments & Announcements

Robertson: Currently working on the audit.

Lincoln City VCB does a promotion with glass floats. This promotion is to entice people to the beaches. Why couldn't we have something similar going on on the fresh water side? Such as a "glass carp" promotion?

Adjournment

The next Board meeting will be held on January 6, 2011, at 6:00 P.M. after the 5:30 P.M. Executive Session ends.

The Board meeting adjourned at 9:15 P.M.

Respectfully submitted, Linda Burt