



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

**DLWID OFFICE
February 3, 2011
6:00 P.M.**

PRESENT: Randy Weldon
Dave Skirvin
Joe Barnes
Jack Strayer

ABSENT: Brian Green

AUDIENCE: Alex Ward, Doug Pirie, Bill Piggott, Raylene Erickson,
Mitchell Moore, Steve Schenk, Noel Walker

STAFF: Paul Robertson, Seth Lenaerts

MEDIA: Patrick Alexander, *The News Guard*

Barnes called the meeting to order at 6:05 p.m. at the office of the Devils Lake Water Improvement District.

Special Order of Business

Devils Lake Plan Presentation and Public Input

Robertson showed a PowerPoint presentation on the outline of the Devils Lake Plan. Tools for Lake Management will be the primary focus.

Executive Summary is three pages and focuses on goals for improving water quality. Concentrating on the lake for Recreation, Public Access and Tourism. Mitigating invasive species, using Chinese grass carp. Lake Stewardship includes the CAFÉ (Center for Applied Freshwater Ecology), education and research.

Mission: Improving and maintaining water quality, improving environment for fish wildlife and humans, increasing public access to the lake, and re-establishing safe and efficient navigation.

Current Priorities: Aquatic vegetation; complete septic tank revitalization; increase public communications; track sources of *E.coli* in Thompson Creek; scope strategies for sewerage the lake.

Other projects: erosion study, shoreline planting guide, database.
The Plan includes seven objectives.
History of Devils Lake is on the website and within the document.
State of Devils Lake: It is on the (319d List for pH and Chlorophyll a)
Tools for Lake Management include External Controls, In-Lake Treatment and Outreach and Education.

Through February 10 the District is accepting comments by e-mail or letter on the Plan.
This is the fifth session on educating the public on the Plan.

Public Comments

Noel Walker: Has questions about the value of the CAFÉ. Remodeling would be needed. Including the asking sale price, this would bring it to about a million dollars.
The District was formed to clean up the lake. He is wondering what the CAFÉ will do to improve the quality of the lake.

Bill Piggott: Reiterated the fact that now is not the time to purchase the Union 50.
Would like to see some coring done. Feels that DLWID should not be purchasing this facility—it is not a priority of scarce resources.

Doug Pirie: Concurs with the two previous speakers. Hopes that those who read the document can see how comments are addressed prior to the March meeting.

Mitchell Moore: Feels the Devils Lake Plan is great, overall. The concern he has is the mandatory ordinance on inspections of septic tanks. Recommends that the Board consider what the ordinance will entail. People don't like to be legislated upon. It affects how they use their property. Feels the District should be working with the County on the ordinance.

On the CAFÉ, it might be a crazy idea; however, Barnes is investigating the issue. If it does not end up making sense, he has confidence that the Board will not do it.
He noted that John Coburn, a corporate executive for Nike, was confused about The Lake Plan because of references to past reports.

Barnes said there are a lot of different ways to acquire the Union 50. If it can be operated on a similar budget to what the District has at this time, it will be feasible.

Robertson read Green's comments: Timeline for adoption of this plan should occur prior to the grass carp application. The issue with mandatory compliance won't change anything in the plan; it could change the Executive Summary a bit. As to the Septic tank Revitalization, he had no changes.

Audit

Signe Grimstad, auditor, asked if anyone had any questions about the Audit.
Barnes said a summary from her would be fine.
MD&A compares 2009 to 2010. She led the audience through the Audit.
She said it was a quiet year; Oregon has increased reporting requirements.

Oversight that is occurring by the financial oversight committee should be reported to the Board. The bank statements should be initialed by the Board member who is reviewing them.

Barnes moved to accept the Audit as presented and Skirvin seconded the motion. Vote: Unanimous. Motion carried.

Minutes of the previous meeting

Weldon asked for a change on Page 4 of the January's Minutes: A reference to \$35 billion should actually read, "\$35 million."

Skirvin moved to accept the Minutes incorporating the requested correction and Barnes seconded the motion. Vote: Unanimous. Motion carried.

Financial Report

Robertson pointed out the charge of \$600.59 from ODFW to research and copy documents.

Skirvin moved to approve \$600.69 for charges for documentation fees from ODFW. Barnes seconded the motion.

Vote: Weldon, Barnes, Skirvin voted—Yes. Strayer voted—No. Motion carried.

Barnes moved to accept the financial report as presented and Weldon seconded. Vote: Unanimous. Motion carried.

Two Resolutions were read by Robertson

Resolution 2011-01 refers to transferring \$500 from the General Fund to Capital Outlay for purchase of the projector.

Resolution 2011-02 refers to transferring from the General Fund to Materials and Service-Insurance the sum of \$305 to cover costs beyond the budgetary amount for insurance.

The Resolutions were offered to Weldon, Treasurer, and Barnes, Vice Chair, for signatures.

Barnes moved to adopt Resolutions 2011-01 and 2011-02 and Skirvin seconded. Vote: Unanimous. Motion carried.

Public Comment on Agenda Items

Doug Pirie: Two Issues were commented upon by Pirie—Regatta Park SOS RFP and Permitting for shoreline erosion issues.

See the attachment from Doug Pirie.

Lenaerts said the issue on the shoreline permitting is not about adding additional permits. The property owner wants to do a specific erosion plan and it is not allowed; however, he can go up his property a couple of feet where he can use a little rock and create a wall.

Moore: the property owner is frustrated because of the red tape. Erosion control in Lincoln County is ineffective. There are no guidelines. Benton County has a great erosion control plan that Mitchell used.

He asked if the Audit would be posted on the web site; Robertson replied, "Yes."

Moore suggested quarterly or semi-annual financial documents would be nice to see on the web site.

Pirie: Certified Coast Guard auxiliary personnel were on the lake mid-week. We might want to educate them on what is going on with the lake.

Discussion on what their authority entails. They are safety inspectors.

Unfinished Business

Lake Level

Robertson read the previous years' lake levels during rains.

1971—11.4; 1972—11.4; 1996 during a flood—12.6; 1998—12.15; 2009—11.6 and 2010—11.2. The most recent flooding brought the lake to 11.78.

On the water rights issue to extend a supplement to existing water right in August and September, if it is granted, it must be certified by a water right examiner.

The District could petition the state for a new water right that would supplement the existing one. The process, according to the water master, takes about 10 months.

It is a three-step process: Apply to the Department for a permit to use water; Construct a water system and begin using water; the permit holder must then hire a certified water right examiner to complete a survey of water use and then submit it to the Department with a map and report detailing how and where water is being applied. The application is 11 pages. Minimum application requirements comprise an application, land use information form, property description, payment, a legible and accurate map, and one additional form.

Fees would be for the surface water application of \$700 and for every fraction of cubic feet additional it would be \$250. Then there is a permit recording fee of \$400 to \$500. The total cost would be approximately \$1,300 to \$1,500.

There is no water right examiner in Lincoln City, and one would need to be hired.

The option is there for reworking the existing permit.

Discussion on the water level and the sand that has accumulated in front of Union 50 building and possible methods of eliminating this challenge.

Robertson: A permit would be needed to move the sand.

Devils Lake Plan

DEQ 319 Grant

The project is 95% completed. The data entry work will be completed by February 7, 2011. It might be a good idea to review the information the following month.

The District must complete its final report by March 31, 2011.

Native Vegetation

Nothing to report.

Septic Tank Revitalization Program (Lenaerts)

Lenaerts sent letters to Representative Cowan and Senator Verger. Lenaerts spoke with Rep. Cowan on the natural resources. She will be working on the policy that they are proposing. DEQ will stay in touch with us on when we should contact them.

Discussion began about the benefit and legality of contacting the city councilors to ensure they are educated on the issue.

Weldon: Two people from the city council showed up at one of the Devils Lake Plan meetings and asked questions.

Lenaerts will send his fact sheet to Board members, then send it to the City councilors inviting them to a meeting, with verbiage similar to: For the newer or current councilors who have questions, we would like to invite you to participate in a special agenda item at the beginning of the Board meeting for a discussion with the Board to familiarize you with where we are going with the proposed ordinance.

If necessary, individual Board members can meet with individual councilors on the issue.

SOS--Save our Shoreline Campaign (Lenaerts)

Discussion on the RFP to do the site prep work at Regatta Grounds. Lenaerts asked if the Board had any changes or feedback.

Barnes: We are the Water Improvement District. I don't think we are exempt from keeping the water clean.

Weldon: Save our Shoreline is our focus. Even if the city didn't do something correctly, it remains our mission.

Skirvin: It's in a public area.

Barnes: It might spur interest in shoreline restoration from other residents.

Strayer: What about a demonstration project for aquatic plants in front of it?

Lenaerts: We will do them together. The flag side needs more preparation.

Barnes moved to release the Regatta Grounds RFP on or about February 6 to go out with a return due date of February 25. Skirvin seconded the motion.

Vote: Unanimous. Motion carried.

Lenaerts: Doug Spiro is the landscaper and we are shooting for March 15. We completed an application to offer continuing education hours for landscapers in the area for duration of two to four hours.

Barnes: Add a component on maintenance. This is geared toward new construction.

Lenaerts will talk to Spiro to see what dates are open for him.

Lenaerts: A field trip component (on site) would be good.

Barnes: Who do you expect to attend?

Lenaerts: I hope everyone will want to attend.

Lenaerts requested an additional \$60 in a budget to provide lunch for attendees.

Barnes moved to provide for an additional \$60 for a pizza lunch for the contractors/attendees and Skirvin seconded the motion.

Vote: Skirvin, Barnes and Strayer. Weldon recused himself for potential conflict of interest. Motion carried.

Skirvin moved to have Lenaerts write a letter in support of permitting for the projects for the Save our Shoreline program and Barnes seconded the motion.

Vote: Unanimous. Motion carried.

Vegetation Management

Grass Carp

Awaiting the documents from ODFW; Robertson will then complete a Grass Carp Fact Sheet.

Sewer (Brian Green)

The Lake Manager wrote a letter of support to the City. The LID is on the City's Agenda for February 14.

The Café – Union 50

Barnes: Just to clarify the issue of the CAFÉ, anything the Board does will go through the public vetting process. If the project costs us, we will weigh the value. It won't cost a million dollars. We will, hopefully, have some information prior to the next meeting.

Strayer: Would it be worthwhile to go to our attorney and find out whether it is within the scope of the District's authority?

Robertson: ORS 552 allows this within the scope of the District's authority and mission. Discussion ensued on whether the District is within its authority to lease or purchase Union 50.

Strayer: People are concerned about whether it is within the scope of the District.

Barnes: We will talk to the owners of the property and determine what is feasible.

Strayer: We could wait until Barnes has a better plan before going to the attorney.

Communications Report

There were comments on the attendance at the open houses on the Devils Lake Plan.

Tonight's meeting was the fifth educational meeting on the Plan.

Discussion ensued regarding comments and where they were coming from.

Robertson: We hope to have the plan revised and ready for adoption by the March meeting, however as we incorporate ideas, comments and suggestions, if we feel we want more time we can postpone adoption until April.

Safety Report

No incidents.

Thompson Creek

A billing request was sent to OSU; no response. Robertson will try to get a draft letter for Thompson Creek residents regarding the dog pollution issue. He will send the draft to the Board for individual input prior to mailing.

Erosion Study

Robertson notes that some supplemental photos have been requested from the city.

They will use an animation to make it more user-friendly.

Internship

Robertson: In January, the internship was discussed and the Board wanted to wait and discuss it later. The Project Management position ends on June 30, 2011.

Hannah, Michelle and Kevin did water quality sampling and database management.

They filled in their time with other projects. Seth used the internship as part of his RARE program, which is why we didn't have an intern last summer.

Barnes asked if Seth had the time to perform the additional duties of the internship; he feels another staff person is not needed.

Robertson asked if the Board wanted to consider funding Lenaert's position through September; that would flow into the next budget.

Strayer: We used to get the intern to do sampling to take those duties off Paul and we also pay a lot of money for it. Since then, we've acquired a full-time employee and I don't see any change in what we are accomplishing. The Board has not made a statement about how many employees we are going to have.

Weldon: I don't think they are talking about adding a third person, but adding additional time for Seth or in lieu of Seth.

Discussion began about the pros and cons of a free internship program.

Robertson: The \$10,000 helps someone fund a move to the coast. We wouldn't have to offer any pay, but could go through U of O, Oregon State and Portland State.

Barnes: Maybe we can make a decision based on the candidate. Put together a sample internship description. If we get an applicant and Seth gets another job and decides to leave, we will have someone on hand. Let's place it on the next meeting agenda as "Project Manager or Staffing Plan for the Summer."

Robertson: I'll take off the payment item.

Barnes: Moving expenses can be a potential.

Skirvin: We can make a final decision in March when we decide if we are going to be extending the second position for the summer or longer. Create a staffing plan for the summer detailing what is needed along with the job description for next month's meeting.

New Business

Business Cards/Envelopes

Robertson said he has no business cards and wants to reorder with some changes, along with business envelopes.

Strayer suggested that Board members be provided with some generic business cards.

Barnes moved to authorize Robertson to order 500 cards for himself; 1,000 envelopes and 600 generic, one-sided business cards—100 for each of the Board members and 100 for Seth Lenaerts. Skirvin seconded the motion.

Vote: Unanimous. Motion carried.

Budget Committee

Robertson: We have one person on the Budget Committee and four vacancies.

Alex Ward has applied to be on the Committee.

Alex Ward came forward to provide his background: He has lived in the area for 7 ½ years. He is a small business owner—an employment security company for employee background checks. He is very invested in the city and serves on the planning commission. He is president of BAMA (Bay Area Merchants Association). He believes that lake quality is important to tourism and to the city and feels this is a great opportunity to serve the community.

Barnes moved to appoint Alex Ward to the Budget Committee and Skirvin seconded the motion.

Vote: Unanimous. Motion carried.

Douglas Pirie expressed his wish to continue serving on the committee.

Skirvin moved to appoint Pirie to another term on the Committee and Strayer seconded the motion.

Vote: Unanimous. Motion carried.

Robertson mentioned that Jim Park is interested in serving on the Committee and noted that Jim Hoover's term has not ended yet.

Board Elections

Robertson noted that three Board positions will end in the next election cycle—Positions 1 (Strayer), 2 (Weldon) and 3 (Barnes). Positions 4 (Green) and 5 (Skirvin) will continue. The first date to file is next February 7. A link has been placed on the DLWID website. The last day to file is Thursday, March 17. Ten friends can sign a petition and the \$10 will be waived.

Non-Agenda Items

Lenaerts discussed briefly the District's joining the Buy Local/Sell Local Association.

Weldon moved to authorize the District to spend \$25 to join the group and Barnes seconded the motion.

Vote: Unanimous. Motion carried.

Public Comment

None

Board Comments and Announcements

Robertson noted that he will speak on KBCH Tuesday morning, February 8.

Adjournment

The meeting adjourned at 8:50 P.M.

The next Board meeting will be held on March 3, 2011, at 6:00 P.M.

Respectfully submitted, Linda Burt