



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

**LINCOLN CITY COUNCIL CHAMBERS  
January 8, 2015  
6:00 P.M.**

**PRESENT:** Brian Green, chairman  
David Skirvin  
Kip Ward  
Randy Weldon  
Kent Norris

**ABSENT:** None

**PUBLIC SPEAKERS:** Mark Christie  
Mitchell Moore  
Michael Roth  
Wayne Miller  
Richard Danielson  
Pat Dooling  
Greg Whitaker

**STAFF:** Paul Robertson, Lake Manager

Chairman Brian Green convened the meeting at 6:03 p.m.

**I. ROLL CALL**

Four directors were present at the start of the meeting. Kip Ward arrived at 6:14 pm.

**II. CONSENT AGENDA**

**Skirvin moved to approve the consent agenda, including the minutes and financial report of the November 2014 meeting. Green seconded. Unanimous vote in favor.**

**III. COMMENTS from CITIZENS on NON-AGENDA ITEMS**

Green outlined the public comment policy. Comments were limited to 5 minutes apiece.

**(Video: 0:03)**

**MARK CHRISTIE, 3184 NE Loop Drive, Otis:** Representing Devils Lake Neighborhood Association (DLNA). Noted continued growth and funding of DLNA. Provided photos of major dredging on D River before the dam was built. Thanked Maxine Hyland for providing historic photos. Warned that removing the dam will not eliminate the need for dredging, which requires extensive permitting. Also, high water and erosion will continue if dam removed. Cited minutes from April 5, 2011 re: dredging, planning needed a year in advance. Referred to compliance issues and required permitting from several agencies, including USFWS, NOAA, tribes, Department of State Lands, endangered species requirement, etc. Referred to minutes of July 7, 2011, re: plans for Hostetler Park and need for continued dredging. Expressed concern that board is rushing too quickly to remove the dam without considering the expense and complications of dredging. Urged board to consider all stakeholders.

**MITCHELL MOORE, 2929 NE Loop Drive, Otis:** Also representing DLNA. Urged more study on dam removal. Said replacement should be designed first. Said extensive permitting needed both to remove the dam and to install a replacement. Referred to complex requirements and recommendations from the Oregon Watershed Enhancement Board, including need to contact at least 11 local, state, and federal agencies. All community stakeholders must be included, early and often. Said no less than 19 permits needed, with consideration for water quality, endangered species, fish and wildlife, construction, dredging, highways, demolition, building, coastal zone consideration, etc. Said state does not require a professional engineer but recommends consultation. Said that an RFP proposed tonight cannot happen without permitting. DLNA recommends that citizens around lake be involved. Proper solution calls for a broader scope with cooperative effort from many agencies.

**MICHAEL ROTH, 4619 NE Loop Drive, Otis:** Spoke about living on the lake for 10 years and his observations regarding harmful algal blooms (HABs). Said he is opposed to removing dam. Said lowering the lake coincided with increased algae blooms and the algae blooms are hurting the city.

**WAYNE MILLER, 1769 NE 7<sup>th</sup> Drive, Lincoln City:** Has lived on the lake since 1991. Said carp eliminated most of the game fish and denuded the lake. In favor of removing dam. Areas of lake are 3-feet deep with fish feces. Taking dam out and letting lake flush may alleviate algae blooms. Would like to see lake flush naturally.

**RICHARD DANIELSON, 1824 NW 26<sup>th</sup> Street, Lincoln City:** Expressed appreciation for board and its volunteer work. Concurred with previous speaker. Has been on the lake since 1959. Lake used to have lots of activity: swimming, skiing, boating, along with algae blooms and grass. People used to weed around their docks and cut the lake vegetation. Lake was polluted then. Would like to see no excavation or home building work done until septic systems are inspected and proved healthy. Commented on expense of aeration system. Said a system that is not engineered would be more economical.

**PAT DOOLING, 4799 NE East Devils Lake Road, Otis:** Said dam removal could cause serious unknown consequences. Noted that when the lake level drops half a foot, the level in Horseshoe Bay (at the northeast corner of the lake) drops by more than a foot, leaving docks and ramps high and dry and useless. Urged a delay in action to remove dam without an approved plan in place for replacement. Suggested cutting a slit in the base of current dam with steel plates to control flow. Could be powerful flushing action. Look for options for other permanent solutions. Hold a public hearing. Get expert opinions. Secure approval in advance from all necessary jurisdictions. 40 years ago, when people water-skied on lake, they would be covered with long weeds that grew from the bottom. After the dam and grass carp went in, the weeds went away. But he noted that the carp caused problems, too, and that there are serious consequences to every action.

**GREG WHITAKER, 2170 NE Lake Drive, Lincoln City:** Not an expert, but brother is an engineer who specializes in hydraulics. He looked at the dam but he could not make a conclusion. He said there could be serious consequences re: shifting sand. Encouraged board to study and make an informed decision. Referred to notes in minutes.

#### **IV. UNFINISHED BUSINESS**

**(Video: 0:33)**

##### **a. The Devils Lake Plan**

###### **i. Septic/Sewer**

SEE STAFF REPORT re: recap progress on sewer system planning; proposal for mandatory septic inspection program; no update on buildable lands inventory.

GREEN: Commented on status of Voyage LID (see staff report), including need for revised engineering report, development of Reimbursement District to let city collect proper assessments and reimburse landowners when applicable.

###### **ii. Save our Shoreline (SOS)**

**(Video: 0:40)**

SEE STAFF REPORT: re: outreach with Mitchell Moore of DLNA, possible addition of projects at three properties.

###### **iii. Vegetation Management**

SEE STAFF REPORT re: update on carp application; ODFW study on age and sterility of DL grass carp (found that carp in Devils Lake are sterile and aging as expected, which means that the carp in the lake were all legally stocked); Devils Lake probably has the oldest grass carp in North America.

##### **b. Communications Report**

**(Video: 0:46)**

SEE STAFF REPORT re: strategies for public outreach (Internet, Channel 4, social media (YouTube, Facebook), AM radio 1610 broadcasts, radio interviews, Clearwater E-Newsletter, 100 Years on the Lake presentations, Know Your Lake column ad in News Guard).

**c. Safety Report**

SEE STAFF REPORT re: revised safety manual completed by intern Ava Laszlo before she departed.

**d. MidCoast TMDL**

SEE STAFF REPORT re: no update; next meeting is next week.

**e. East Devils Lake Road**

SEE STAFF REPORT re: county roads department considering another fix, possibly a box culvert to help water flow and raise road; would cost quarter of a million dollars rather than the \$5 million needed for a bridge.

**f. Policy Updates**

SEE STAFF REPORT re: no update; Personnel Policy manual is available for review.

GREEN: Suggested plan to review manual and make suggestions at next meeting for approval, and approve if possible.

ROBERTSON: Discussed changes to Safety Data Sheet.

**g. Harmful Algal Blooms**

**(Video: 0:55)**

SEE STAFF REPORT re: focus on aeration project; Request for Proposals for an Engineering Report issued in November; discussion with DSL re: possible waiver of easement payments, pending approval by ODFW; collaboration with City Council and City Manager re: finding property for aeration equipment. Information on proposals expected next week.

**h. Water Quality Update**

**(Video: 1:03)**

SEE STAFF REPORT re: water contact and health advisories lifted in November.

**i. Intern**

SEE STAFF REPORT for Ava Laszlo's December 2014 report, link to video of migrating salmon. DLWID is advertising for a summer intern.

**j. Replacement of the Water Impoundment Device (The Dam)**

**(Video: 1:06)**

SEE STAFF REPORT for Randy Weldon report on dam replacement proposal; possible benefits; responses from Department of State Lands re: permits; responses from hydrologists, who see merit in plan; possible RFP for dam removal pending agency approval; district has history of getting all needed permits; sees dam replacement as a way to improve the lake; natural flow of lake should reduce need for dredging; encouraged board to explore idea.

Weldon thanked Mark Christie for compiling images and minutes from past re: dredging, noting that the dredging always occurred west of the dam site.

Board members discussed proposal to remove dam and replace it with a temporary system.

NORRIS: Noted that sandbags can't be reused and that bladder bags would be susceptible to vandalism.

WELDON: Other types of temporary structures could be used.

SKIRVIN: Can we consult with a hydrologist engineer to discuss options for a temporary structure before we commit to removing dam? Is it possible to get a response in the next month or two so we could make a decision in March?

GREEN: Noted height of lake in December, over 11 feet with lots of docks under water. Allowing lake to flush is bound to help remove sand and algae.

NORRIS: If lake too low, it blocks the passage for fish going up Thompson Creek. We should involve public and make decisions with all stakeholders involved.

SKIRVIN: Between now and March, we could have a professional hydrologist come out and determine if there are acceptable temporary structures and give advice on the ramifications of removing dam.

ROBERTSON: We could take the information we find and have a public hearing in March to discuss options re: water right and dam removal. Would be appropriate for board to allocate funds for an engineer to issue a report in the next month. Might be able to do that for \$5,000.

**Skirvin moved to adopt a resolution to move \$5,000 from General Fund-Debt Service to Consulting for the purposes of preliminary engineering evaluation for temporary impoundment structures for the D River. Weldon seconded. Unanimous vote in favor.**

**Skirvin moved to authorize the Lake Manager to spend up to \$5,000 for consulting services for that preliminary engineering work. Green seconded. Unanimous vote in favor.**

## **V. NEW BUSINESS**

**(Video: 1:38)**

**a. Financial Review** – SEE STAFF REPORT for accountant's review.

**b. Budget Process** – SEE STAFF REPORT re: tentative date for Budget Committee Meeting, proposed May 15, 2015, 10 a.m. to 12 noon, in Lincoln City Council Chambers.

**Green moved to appoint Lake Manager Paul Robertson as Budget Officer. Skirvin seconded. Unanimous vote in favor.**

**Skirvin moved to adopt the budget calendar for 2015-2016 as set forth in the Budget Officer's report. Green seconded. Unanimous vote in favor.**

Robertson noted that the Staff Report includes dates for training sessions for local budget committee officials.

## **VI. NON-AGENDA ITEMS**

**(Video: 1:43)**

**GREEN:** The board chairman said he has an irresolvable conflict with the March meeting date. He asked to move the meeting to March 19, 2015.

**ROBERTSON:** Said he does not know if Council Chambers will be available. There might be a state requirement regarding regularly scheduled meetings.

**GREEN:** Said the state requires adequate notice.

**WELDON:** Suggested making meeting announcement on the DLWID website more prominent so people notice if there is a change. He said some people were confused by previous date changes.

**ROBERTSON:** Encouraged people to keep an eye on the website and agreed to make notice more prominent.

## **VII. ADDITIONAL COMMENTS from CITIZENS on NON-AGENDA ITEMS**

**(Video: 1:46)**

**MITCHELL MOORE:** Commented on Hostetler Park, which was created from sand dredging. Thanked board for agreeing to do due diligence on dam. Noted that Joe Eilers' hydrologist certificate is for water quality, not hydraulics. Asked the board to look for a hydrologist with pertinent expertise.

**GREG WHITAKER:** Said he is a commercial contractor. Recommended that someone on team should evaluate proposals. Engineers could review the plans. Suggested finding a hydrologist who deals with water retention structures. Could also call marine contractors for guidance.

**RICHARD DANIELSON:** Said he hopes Paul will issue RFP for dam removal so we could know cost and have dam out by next winter. Anytime that lake has to stay stagnant is longer than necessary. Suggested researching permit needs. Congratulated Kip on his election to City Council. In past city transitions, city sometimes taken advantage of. Be honest and recuse yourself when appropriate. City staff has been wagging the tail of the dog. Hopes new council and mayor does not rely too heavily on staff recommendations. Decisions should not be made before the meetings. It's obvious when items come to the floor and it's a done deal.

## **VIII. BOARD COMMENTS AND ANNOUNCEMENTS**

**(Video: 1:55)**

**WARD:** Can we get a bid on the dam removal?

**NORRIS:** That would be premature. Getting an RFP tells the public we've made up our mind. We should take the process step by step.

Board members discussed the merits of getting an RFP now in order to understand the possible costs. The consensus was that costs could be estimated without getting an actual RFP.

**Ward moved that the Lake Manager should gather information on the expense of removing the concrete dam. Green seconded.**

WELDON: Said he has already talked to three excavation companies and rough estimates ranged from \$10,000 to \$20,000.

**Ward withdrew his motion.**

**(Video: 2:05)**

WELDON: Said he is becoming a bigger fan of rain. In 2013, rainfall in October was 1.83"; in November, we had 6.49"; in December, we had 3.95". Total rainfall was 12.27" in the last 3 months of 2013. In the last 3 months of 2014, we had 8.77" in October, 7.79" in November, and 12.14" in December. The total for those 3 months was 28.7". We're up 234% over last year, and I'm happy. More rainfall means more flushing and less sunlight. And that means less algae.

## **IX. ADJOURNMENT**

Green adjourned the meeting at 8:09 p.m.

The next regularly scheduled Board meeting will be February 12, 2015, at 6:00 p.m.

| Respectfully submitted,  
Rick Mark