



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

**DLWID OFFICE  
June 2, 2011  
6:30 P.M.**

**PRESENT:** Randy Weldon  
Jack Strayer  
Joe Barnes  
David Skirvin

**ABSENT:** Brian Green

**AUDIENCE:** Chris Castelli, Scott Jewell from Oregon DSL.  
Noel Walker, Mitchell Moore, Doug Pirie, Raylene Erickson, Bill Sexton

**STAFF:** Paul Robertson, Seth Lenaerts

**MEDIA:** None

Barnes called the meeting to order at 6:28 P.M.

**Budget Hearing**

On May 9, the budget committee held its meeting. There were few changes. Some language changes and the summary. \$25,000 was added to the improvement fund over what the budget officer recommended to provide funds for restoration. It is now the Board's document to move forward.

**Barnes:** Questions? Public Comment?

Mitchell Moore stated that his comments were incorporated into the budget hearing.

**Skirvin moved to adopt the 2011-2012 budget as presented. Barnes seconded.**

**Vote: Unanimous. Motion carried.**

Resolutions

Barnes read and signed **Resolution 2011-06** whereby the Board adopted the Budget now on file as of June 2, 2011. Skirvin seconded the Resolution.

Vote: Unanimous.

Barnes read and signed **Resolution 2011-07** to appropriate required funds and Skirvin seconded the Resolution.

Vote: Unanimous.

Barnes read and signed **Resolution 2011-08** imposing the tax and categorizing the levy.

Skirvin seconded.

Vote Unanimous.

### **Minutes of the May 5 meeting and the Budget Committee Meeting**

**Barnes moved to accept the Minutes of the May 5 meeting. Skirvin seconded the motion.**

**Vote: Unanimous. Motion carried.**

**Barnes moved to accept the Minutes of the Budget Committee Meeting and Skirvin seconded the motion. Vote: Unanimous. Motion carried.**

### **Financial Report**

Robertson noted a couple of extra items. Devils Lake Rock invoice for work at Regatta Grounds and an additional payment to Spiro Landscapes. He asked that the board approve his paying for the elections as well as the stipend for the intern of \$1,000.

Payment for the election would be approximately \$1,750; he has no data yet and is due the second week of June.

**Skirvin moved to permit Robertson to pay the election board up to the budgeted amount of \$1,750.**

**Weldon seconded the motion.**

**Vote: Unanimous. Motion carried.**

**Skirvin moved to allow Paul to pay the \$1,000 stipend for the intern on her first day at work.**

**Barnes seconded. Vote: Unanimous. Motion carried.**

The Board also directed Robertson to clean up any miscellaneous invoices prior to the end of the fiscal year.

**Barnes moved to adopt financial report. Skirvin seconded.**

**Vote: Unanimous. Motion carried.**

Barnes read and signed **Resolution 2011-09** to transfer funds to Materials and Services for Office expenses. Skirvin seconded.

Vote: Unanimous.

### **Public Comment**

**Chris Castelli** was asked questions regarding dock modifications, removal of pilings, fees for additions, etc. Castelli said that any additions physically connected to an existing dock must be permitted. However, if the docks are still within 1,000 square feet, there is no extra fee. Lifts are considered individually registered structures. If any additions are connected, you can add the square footage together. Any retaining walls must be registered, but require no fee. There will be a lag between the notices to property owners and any fines or fees. Senate bill says if you are protecting your property from falling into the waterways, there is no fee.

The state is awaiting the resolution of SB 600.

Chris said they just recently took the first inventory with GPS and photos of the lake since 1998. They are going through the material and lining up the data now. They will continue with outreach until July 20 when they have scheduled a workshop from 3:00 to 6:00 PM. Notices will be sent to residents as well as notifying those residents who have not documented their structures.

Any action will be delayed until SB600 is resolved.

**Scott Jewell** added that for any changes to a dock, a modification application is required. There is not much deviation allowed. There are approximately 480 structures around the lake recorded. There are approximately 220 retaining walls; only a few riprap walls are registered; it is a requirement that they be registered as well as structures. Registrations are simple, and DSL provides comments on all removal or fill reports; retaining walls will require no fee if SB600 passes.

Out of 480 structures, at least 80 or 85 percent are permitted. The July 20 workshop will be for general inquiries and will be an open-house format.

Castelli said that if another one is warranted in the future, they will hold a second workshop.

They are considering automating the registration process to make it more seamless.

Note: All registration funds go to the schools.

**Noel Walker** expressed some concern about the water level, causing further discussion about water level. Further discussion focused on the debris on the north side of the D River and whether or not it would be removed.

**Mitchell Moore** encouraged the board to continue to work on the lake festival.

He questioned the criteria for water quality. Asked for description of the current method for posting and the cell count within the testing.

Re the dock issue, he said there are several abandoned structures throughout the lake. He asked if it would be possible for the District to have a “clean-up” day where people would work to remove the debris. Discussion ensued on the value of abandoned pilings and whether or not they were holding a spot for any future modifications. Sexton responded that no matter what the property owner wishes to do in the future, permitting would be required, so they serve no purpose as an existing structure.

Robertson brought up the issue of the District removing the debris if the residents refuse to accept responsibility. Castelli felt that it would be up to the home owner. Unless they are usable, they are worthless. Sexton noted that new permitting from the county would be required to make any changes.

## **Unfinished Business**

### **The Devils Lake Plan**

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

Lenaerts reported that staff is tracking SB 83 that appears that it moved out of one committee into another and will be reviewed and voted upon. It was a work session. The city did not send anyone to testify.

HB 5022 will be in front of the Ways and Means Committee—the DEQ budget. It seems promising.

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

The project was completed on May 26. Summer maintenance will soon begin at Regatta Park. East Devils Lake State Park’s contract was signed. The District will assume responsibility until October, 2013, at which time Oregon Parks will assume responsibility for the planting. “High level of

maintenance” was changed to “routine maintenance.” The area currently is covered with black plastic until October when the area will be planted. We are now in the remodel phase and there is signage to reflect the project.

### **Vegetation Management**

Robertson reports that the District was asked to create an outline of the scientific study. Seven factors for ODFW will be considered as well as other factors deemed important by the Commission, including water quality, vegetation goals, water body size, public access, issues with angling, etc.

Skirvin asked if Robertson could provide timelines, activities and whether or not he needs support for each section.

Robertson said the next step is to create seven chapters of the document. He cautioned that it will not be the type of verbiage that is digestible to the average audience, but more scientific. What he will do is dig deeper into each bibliography that will represent some of the issues. Mitigation is a good strategy for impacts upon birds and wildlife. If the lake is barren, there will have to be some flexibility. That is where our SOS program comes in. We need our shoreline brought back to a healthy state with plants of a palatable species, such as lily pads and wetland emergent plants that utilize nutrients.

Barnes reminded that the carp application is a one-time shot.

Strayer said he didn’t see anything about a nutrient budget on this plan.

Robertson said this is a study of grass carp. If the District wants as part of their case to have done a nutrient budget, we can do that; however this document is addressing a scientific study.

Skirvin: We need the outline and a brief synopsis of the project . . . the pieces that you need assistance with and a timeline on how you are going to attack each of the chapters.

Strayer: We need an integrated vegetation management plan with the latest science involved.

How you eradicate the plants you don’t want. Even if we have a plan for restoration for 500 feet, we have about 50,000 feet of shoreline. It would take 50 years to complete the restoration. How can you justify mitigation with this type of program?

Skirvin asked Robertson to just provide brief details and a timeline on developing it—ideas on what we need to RFP. At our next meeting we can establish a timeline and work toward how it can fit into the schedule when the Commission meets.

Barnes: Can we go before the commission at this time next year?

Robertson: I try to hold myself to timelines.

Discussion about why there are so few lily pads on the lake.

Barnes suggested they might consider interviewing someone who has gone through this procedure before who could assume the project since there is only one shot at the grass carp application process.

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

Brian is out of the area.

### **The Café – Union 50**

Barnes noted that a meeting still has not been set up with Urban Renewal; Green was going to set up a meeting with them and has not yet done so.

Barnes said that regarding the Café, the District should look toward the community. He talked about the perception of the public about the lake and the fact that residents think the fish is toxic. The café would be huge in helping to improve the image of the lake.

Discussion ensued on the reason the lake is so clear at this time, even at the 16-foot level. Robertson said it is basically because the bottom is undisturbed at this time. When the lake warms up, it tends to stabilize. Water temperature is also an issue.

Strayer said that last year the lake temperature was only up to 68 degrees, which is the reason it was so clear.

### **Communications Report (Lenaerts)**

Lenaerts reported that the flags should be in next week. The recreational brochures have been printed and distributed to 50 lodging and restaurant locations—approximately 2,500. He invited the audience to take a few for distribution.

Standup paddle board and open swim event is scheduled for Sunday, June 19. The District will support the event that is being held at Regatta Grounds. It is coordinated by the City Parks and Recreation.

### **Safety Report**

No incidents. Safety policies and boating issues will be reviewed by the new intern.

### **Thompson Creek**

Oregon State University still has not sent an invoice. They provided a quote on the cost for sampling and the cost would amount to about \$6,000. Robertson said he has done everything possible to obtain the invoice, without success.

### **Erosion Study**

Tetra Tech is scheduled to begin on Tuesday, June 14, when two reps will begin at 10:00 AM on that day. The following day the engineer comes from Ft. Collins. They will be on the lake on Tuesday, Wednesday and Thursday. On Friday, the work will wrap up and we will install the dam based on what we are doing.

Barnes said four people had contacted him because they could not access their boats/lifts with the lake at 9.06. Weldon said it is low; he did research to determine where it was last summer and determined that on September 11 it was at 9.04. It jumped up all the month of October.

Barnes feels that the Board should notify residents when the level goes below tolerance levels.

When the boards are in, are we going to be at 9.2 or 9.5? Robertson said it would be at 9.5.

Robertson said we are 4 inches below that level. 9.53 is where it runs during the summer mid-July and now we are at 9.06—4.5 inches lower. The boards will be in on the 17<sup>th</sup>; he will notify Sexton of that tentative date.

### **Water Quality Monitoring**

We just completed the first week of bacterial sampling. Sandpoint was in the yellow zone; fecal matter is in the watershed. Thompson Creek is in the red zone. The lake contractor changed out all the plastic sign holders and cleaned up the sign boards for the beginning of the season. We first conduct a visual inspection. If it is 16-foot clarity, it is obviously not needed. About mid-July temperatures warm up and once we see signs of a potential bloom, we will check for microcystin and the quantity of the cyanobacteria in the water.

Discussion continued on the criteria used for monitoring and sampling.

Robertson: For an advisory, we will be using the new signage. For an advisory to be lifted, Microcystin levels have to come down below 8 parts per billion. And anatoxin was added this year; it is more toxic. If you have known anatoxin producers (there is a list on line), we know that there are organisms that can produce the toxins. If you have a bloom, you let it run its course. If you have organisms that produce the anatoxins, you need to show that it has subsided. Once our microcystin levels drop down, we wait a week and we can test for anatoxins and then the advisory can be lifted. It's not cheap to test for these—approximately \$350 per sample. The state does not test Devils Lake because it is not a drinking water supply. The Army Corps of engineers and others test water bodies that are drinking water supplies in the valley.

### **Neotsu Public Beach – K Street**

Sexton has created a narrow sign. We will have to await the findings of the county counsel on whether the “public beach” is considered access only for those with deeded access. After we receive the final findings, we will submit any plans for placement of signs to the County Public Works. There have reportedly been incidents in the area, and some of people do not want to invite the public to use the access. One neighbor is obtaining a “neighborhood Watch” sign that would be appropriate to mount on whatever sign board we install. Robertson has been requested to meet with the property owners and he will do so.

## **New Business**

### **Devils Lake summer Festival**

Lenaerts is working on a community event that is scheduled for Regatta Grounds on a Sunday in mid-July from 1:00 to 5:00 PM. He would like to keep it simple. A food option could work with possibly a service club; music would be an option.

Robertson said that July was considered for good weather and good water quality. He compared it to something similar to the old grass carp festival. Barnes suggested calling it the grass carp revival. Further discussion on other date options was considered. The Board preferred a Saturday—August 20 or 27 or possibly September 10<sup>th</sup> were three options provided to Lenaerts. Lenaerts estimated an initial cost of around \$3,000, could be slightly more.

**Skirvin moved to permit Seth to work on the Grass Carp Revival Festival with a budget of up to \$3,000. Barnes seconded the motion.**

**Voting Yes: Weldon, Barnes and Skirvin. Voting No: Strayer.**

**Motion carried.**

### **Contract Reviews/renewals with dates from July 1, 2011 through June 30, 2012**

**Skirvin moved to adopt the renewal contract for payroll services. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

**Skirvin moved to adopt the renewal contract for minute recording. Weldon seconded the motion. Vote: Unanimous. Motion carried.**

**Skirvin moved to adopt the renewal contract for Lake Manager with the same parameters as the current contract. Barnes seconded the motion.**

**Vote: Unanimous. Motion carried.**

**Skirvin moved to adopt the renewal contract for legal services. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

**Skirvin moved to extend the contract for the Project Manager for an additional 30 days until the final review can be completed in July. The new Board is advised to address the scope of work-hour week and the final compensation amount. Barnes seconded the motion. Vote: Unanimous. Motion carried.**

An Executive Session will be held at 5:30 PM, prior to the 6:00 PM Regular Board Meeting on July 7, 2011.

### **Non-Agenda Items**

Robertson presented an Outstanding Service Award for 2010-2011 for Brian Green, who will receive it when he returns from his trip.

Robertson announced he will present on the local radio next Tuesday, June 7 at 7:00 a.m.

### **Adjournment**

The meeting adjourned at 8:34 PM.

The next Board meeting will be held on July 7, 2011, at 6:00 PM.

Respectfully submitted, Linda Burt