



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

**DLWID OFFICE
August 6, 2009
6:00 P.M.**

PRESENT: Jack Strayer
Otis Winchester
David Skirvin
Brian Green

ABSENT: None

AUDIENCE: Tom Snair, Mark and Kerry Richards, Doug Pirie, Randy Weldon,
Don Sell, Tom Moore, Tony McCaslin, Larry Brown, Leigh Hyder,
Donna Elsasser, Bud Depweg, Jim Cavert, Raylene Erickson, Mitchell
Moore

STAFF: Paul Robertson and Hannah Nicholls, intern

MEDIA: The News Guard, Allen Moody

Green called the meeting to order at 6:00 p.m.

Swearing in of Board Member, Brian Green

Green was sworn in for his new four-year term as Board member.

Board Executive Officer Elections: Chair, Vice Chair, Secretary-Treasurer

Winchester nominated Green to be Chair and Strayer seconded the nomination.

Brian Green was unanimously elected as Chair of the Board.

Winchester nominated Strayer to be Vice Chair and Green seconded the nomination.

Jack Strayer was unanimously elected as Vice-Chair of the Board.

Strayer nominated Winchester to be Secretary-Treasurer and Green seconded the nomination.

Otis Winchester was unanimously elected as Secretary-Treasurer of the Board.

Minutes of Previous Meeting

Green asked that a change be made on Page 6 regarding the native vegetation application. The verbiage “permit was withdrawn” should be substituted for “application was withdrawn”.

Winchester moved to approve the July Minutes with the change and Strayer seconded the motion.

Vote: Unanimous. Motion carried.

Financial Report

Robertson noted a couple of changes in the financial report. Winchester moved to approve the financial report and Green seconded the motion.

Vote: Unanimous. Motion carried.

Board Appointee/Applicant Interviews

Two candidates were present who have applied to complete Aschenbrenner’s term, who recently resigned.

Tony McCaslin was interviewed.

McCaslin has owned a residence on Loop Drive in the District for six years and spends approximately half his time here. He said he would like to participate in solving the problem issues of the lake. Environmental issues are his primary concern—algae and septic tank failures. He has been monitoring the website and has been attending Board meetings this summer. He owns a ski boat, wave runners and canoes. He said he believes there is more than one solution to the problems of the lake. He has not served on any Boards previously; he has been in business for 45 years in a sole proprietorship. He is concerned about the SolarBees.

Randy Weldon was interviewed.

He has been attending Board meetings for over a year and really wants to serve on the Board. He realizes that this Board has a great deal of influence in what happens with the lake. He has been a resident of the District for 19 years and remembers the condition of the lake when the weeds were prevalent. He is concerned about maintaining a healthy lake and keeping the weeds at bay to ensure property values remain stable. He is a frequent lake user and feels that he can contribute to the Board from his experience as a lake recreator. He feels that the lake manager and the Board are doing a good job and want what is best for the lake. He feels that the state agencies should govern the rules for the lake and the manager should be a facilitator for lake residents. He believes in educating residents and wants more education on revegetation.

Strayer reminded everyone that the Board would not be forcing property owners to plant any vegetation they might not want on their property.

Green stated that the applicants can submit any further information that might assist the Board in making a decision on whom to appoint.

Public Comments

Elsasser: Asked if there is anything in the by-laws of the District that limits the number of Board members to five. Robertson responded that the number had been established when the District was formed. He explained that terms were for four years, alternating, to allow

continuity, and to permit people to apply for election to the board on a regular basis. The current appointment is to complete Aschenbrenner's term. He explained that even though a person is appointed to complete a term, that person would be required to run for the position at the next available election. Robertson said there is a position open on the budget committee.

Unfinished Business

Boat House/Docks

Robertson has had no response from Dan Avery. After October, Robertson said he would begin working on the issue with the County again. He explained that in 2004, a boathouse was being proposed for Indian Shores and a three-hour planning session was conducted. Guidelines were vague and the Board decided to draft an ordinance for guidelines to submit to the County after nearly half of 450 of the lake residents expressed their wishes for specific guidelines. Then ODFW wanted to make comments. Strayer asked if the District could back away and permit the County to handle this issue. Green said he felt the District should continue to monitor the issue.

Larry Brown insisted that it is not the responsibility of the District to monitor boat houses and docks.

Land-Use complaints

2551 EDLR: No new information.

11th & EDLR: Nothing new on this issue.

Seid Creek: Robertson sent an update to Wayne Hoffman, Mid-Coast Watershed Council who called for information. Nothing new.

Lake Level

Lake level is holding at 9.25' despite the dry weather. Robertson reports that he and Paul Katen and Hannah performed flow measurements on Rock Creek and the D River which was at 7.61 CFS. Robertson said the District cannot impound any further water after July. Strayer asked if it is true we are required to maintain equilibrium of flows into and out of the system. Robertson replied, "Yes." He stated that the cement is at 8 feet.

Brown: Reported that he removed all the "No SolarBees" signs so that they wouldn't be an eye-sore for everyone.

Weldon: Reported that 20 inches is normal evaporation and 10 inches are standard evaporations on the coast.

Brown: Said that he has discovered that people are pleased with the lake level at this time. Robertson said less water will be leaving than is coming in because of evaporation.

The Devils Lake Plan

DEQ 319 Grant

Robertson reported that he has e-mailed confirmation for the District of the draft plan that David Waltz approved. Dr. Ford and Robertson will confer on Monday on her scope of work. Work should begin in late fall or early winter when there is less work to be performed outdoors.

Native Vegetation

Robertson said the contract was sent into TetraTech and a draft was received. He feels it is in line—approximately \$12,300 to create an outreach component for wetland, aquatic and riparian vegetation. It is likely that this will fit into the District's scope of work. He asked them to provide a 1/8-inch mesh enclosure component to ensure that the District is in line with ODFW's wishes.

Strayer asked if this in line with the restoration permit.

Robertson said that it would be coded as research, thus suggesting that there is an element of something new in process.

Strayer asked about the timetable. Robertson said that this month he hopes to get a formal contract drafted with TetraTech and will present it at the next meeting. Strayer said with them doing most of the planning, we will have a high quality botanist involved.

Robertson noted that the half-moon structures will have to be quite substantial and could be an eye-sore. They will protrude two or three feet out of the water, as they will need to be really robust to withstand wakeboard and wind energy. Strayer said there are some unobtrusive areas in the canals where they could be placed.

Whole Lake Circulation: SolarBees

Green asked what the plan is for obtaining safety experience on other lakes. Robertson replied that it is difficult to find a venue to obtain this information. Green said if safety experience is good, SolarBees people should be able to provide the information.

Elsasser: Asked "Is this dialog informational or are SolarBees being abeyanced?"

Green: We need to gather more information about SolarBees. It was the Board's decision to find out what experience they have had on recreational lakes, if any. SolarBees should be able to provide this information.

Elsasser: Asked if the Board has the money to pursue SolarBees.

Green: We are looking very hard at this time at the safety issue.

Robertson: The decision to move forward with SolarBees was placed on hold, per a previous Board decision, until the cyanotoxins and the safety hazard issue was full explored.

Brown: What are you doing in monitoring that is different from the past?

Robertson: Guidelines for cyanobacteria sampling included different ways to approach testing. In the previous year, the District sampled single grabs which are the norm—shoreline and mid-lake samples. Shoreline was predominant because of wind and currents. We are now taking nine small samples along three different transects from the shore, then compositing those into one-liter jugs for analysis. We are diluting the potential sample by grabbing stuff further out into the water. We are testing in six areas on the shore and six more in the middle of the lake. For mid-lake samples where there is evidence of strong variation in one area, we are taking nine sub-samples in a ring around the specific geo-referenced site to be more representative of the area. This is similar to taking 9 sub-samples along the shore, and gives a better representation of the whole area (IE, NW finger or NE finger). All of these samples are surface grabs.

DLWID Internship, Hannah Nicholls

Hannah said that she has been performing sampling for *E.coli* and sampling and analysis of toxins. She has been conducting stream-flow measurements on Rock Creek and D River. She has done editing on Dreamweaver (website). She is creating a new display board for tradeshow and public events. Robertson said that he applauds her work. He showed the display board that Hannah has been working on. *E. coli* monitoring is done on Monday

mornings; Wednesdays, cyanobacteria surveys are performed with analyses every two weeks. She has done image creation and a PowerPoint on how to perform stream-flow measurements and how to do bacterial sampling for future interns.

RARE Internship

Robertson said he has interviewed four applicants for two hours each. He ranked candidates and sent the rankings back to U of O. He said RARE staff will compare our rankings to how we were ranked. The best match of the candidates will be placed with the District. It's an interesting way of filling a spot. On August 14 he will know who the candidate is.

Robertson said he spoke to candidates about coming on early. There may be an opportunity for the Board to spend a day with the intern and get to know the intern.

Financial Oversight Committee Report

The financial committee has not yet met. Robertson said that now that the treasurer has been selected, Winchester can orchestrate this oversight meeting in November. Winchester said that he will meet with the auditor and other members of the committee to move this forward.

Communications Committee Report

Strayer reported that the committee will meet at 7:00 p.m. on Thursday evening at the Devils Lake Water Improvement District office.

Bioswale

Robertson said there is one bioswale in the city. It is a storm water treatment mechanism that filters the water with vegetation. It is located at High School Drive and Spyglass. The idea was suggested by PADL with the Soil and Water Conservation District providing the funds. It is known as the Rain Garden. Robertson showed slides of the bioswale that cleans asphalt run-off and removes nutrients and sediment.

New Business

Robertson said the Bijou Theater has offered an outreach program and now shows slides before the main event that are running in rotation. They are:

- Fertilizing just your lawn?

- Do not feed the birds!

- Pesticide-Free Zone (with a ladybug).

- Down by the Lakeside (3rd Saturday in May) at Union 50.

Water Quality Update

Cyanobacteria are out in force in Devils Lake. Robertson has ramped up the cyanowatch program that is now in its third year. He showed slides on the various locations where different sample sites are located. He said they are testing all locations every two weeks. The District is spending about \$100 per sample vs. \$250-\$350 to send out the samples. The closer you run the samples to collecting them, the more accurate they are.

Brown: Said he found no labs that would test the samples.

Discussion ensued on labs and testing.

Mitchell Moore: Said he appreciated the work that is being done by the manager and intern in testing. He said the new tables and reports are easy to understand.

Strayer: Robertson is doing a good job and the testing is accurate. He is just wondering what the standards are.

Robertson said the standards are a real issue. Different states have different standards. This is true for *E. coli* as well as microcystin. He said we are in Oregon, so we use Oregon's standard. Oregon developed these standards in 2005, and we are one of the few lakes that have implemented a program. Other entities are the US Forest Service, and the US Army Corps of Engineers (US ACoE). The entity that analyses microcystin samples for the US ACoE is the US Geological Survey (USGS). To do the analysis they use the same kits and same machines we do. We actually copied their program as a model. The USGS also have recently (Dec. 2008) come out with the sampling guidelines for cyanotoxins and cyanobacteria. He said we get a lot of positive comments on our program from Oregon DHS and others as we test the toxins, not just count the cyanobacteria.

Robertson showed slides of various locations around the lake and different levels of toxins. One day the water was murky and the next day it was clear in Regatta Grounds. This is indicative of the variability of the water quality. This came be day to day or site to site. This variability usually occurs because of the wind, he explained. He explained the testing sites and the different targets for the testing—cyanobacteria vs. *E. coli*. He also mentioned the new signage for the Cyano-Watch which are bright yellow sign boards posted along side the blue *E. coli* signs. There are also large blue and white signs which say "Water Quality" to identify where to look for information.

Safety Report

Robertson met with Troy De Young from Special Districts, workers comp providers. De Young does safety audits for all districts and OSHA has new rules. The District is not complying in the area of safety meetings. Generally it is just Paul, so there has been little need for a safety meeting. However, Hannah and Robertson ran through safety training—MSDS sheets on chemicals, first-aid kits, etc when she started. He said there should be a safety issue report every month. Reducing rates and incidents are of primary concern to OSHA. Ergonomics is a major issue—a larger computer screen, a new chair and a new keyboard were mentioned. Green recommended to Robertson that he get a new chair and a new keyboard.

OLA Sponsorship

Robertson said Oregon Lakes Association is a statewide association. DLWID has been involved since Dell Isham was the manager. The past manager was also a President of OLA. He said Lincoln City is the host city for the next meeting with the event being held at the Union 50 facility. Robertson proposed that the District become a bronze sponsorship for the event. The cost will be \$55 or \$60 for Robertson's attendance; for a \$300 sponsorship, there would be a booth space plus advertising in OLA's newsletter of Devils Lake. Winchester moved that the District do a bronze sponsorship. Strayer seconded the motion. Discussion continued on where these funds are used. Robertson said it goes into the OLA treasury and is used to promote conferences. There will be approximately ten speakers on cyanobacteria, focusing on coastal lakes. They have asked Robertson to present a program on updates of the District's issues, such as grass carp. Robertson suggested that the Board Chair give a welcoming speech. September 12 is the Saturday event. Friday night will be an introduction on Friday night. Robertson said Dr. Dreher will be giving a talk and Jean Jacoby, professor from U of Washington, will be discussing cyanobacteria.

Vote: Unanimous. Motion carried.

Non-Agenda Items

Strayer said he is concerned with the level of phosphates and nutrients in the lake and the means to deal with the inputs. He said someone needs to do research on studies that have been conducted so that the Board can assess the priorities of the issues. We need a Work plan—sewage, septic tanks, bioswales, vegetation, pesticides, herbicides, etc.

Strayer said he would like Robertson to make an assessment before the next meeting—should a contractor come in or can Robertson take a shot at it with all documents on file. What does the rest of the Board feel?

Green asked if phosphates could be measured—how can you measure inputs? Strayer said he thinks they can be measured—he wants to find out. He thinks the work should be prioritized. Green asked if that had been done previously.

Robertson said the first step will be compiling the data. Septic tanks in the watershed should be identified—how old are they and what type are they? Historically, there is a lot of information about nitrogen and phosphates. Somebody can create something more comprehensive. The District is being offered \$15,000 to compile data. This is a tool for both DEQ and the District.

Strayer asked how long it would take to get these answers. Robertson said 18 months total. Robertson said we should have a contractor with multiple levels of expertise. Strayer said it wouldn't cost anything to obtain bids from contractors describing what they can do.

Robertson said he is prioritizing what would make the most sense. Shoreline vegetation should be addressed since it will potentially make a big difference. Strayer asked if Robertson could address a nutrient budget at the OLA conference and how to determine the nutrients and phosphates.

Public Comment

McCaslin asked what the plan was for installing carp into the lake.

Strayer said the District's application for carp and its application for establishing native vegetation had been rejected. Because of the sensitivity to fish habitat, they feel it is better to do nothing. We are now going to work on the 1/8-inch mesh containers for vegetation.

Green said a lot of the alternative solutions are too expensive.

Strayer said today there is a lot more awareness of weed transfer from one lake to another.

Depweg said the SolarBees are not going to stop the weeds from growing.

Mitchell Moore said isn't it fair to say that the Board is working on prioritizing the issues and assessing alternative methods of affecting the weeds.

Robertson described the primary issues as being shoreline vegetation and septic tanks. Roots hold the shorelines and also capture nutrients. These issues will set the framework for larger ideas that will be detailed in vegetation management strategies that were placed on-line.

Depweg suggested piping septic tanks into the mountains similar to a pump station or pumping it into an LID drain field.

Robertson replied that the Clean Water Act would not allow that. You would have to have a sewer treatment plant with tertiary treatment.

Depweg asked whose objection is it to put grass carp in the lake.

Robertson said we do not qualify and would have to appeal the rejection. The objection is because of what has happened to Devils Lake—we went from a weed problem to a void lake.

They thought the carp would cause a suppression of the weeds, but all vegetation disappeared. Devils Lake was the first one this side of the Mississippi permitted to insert carp.

Robertson said fixing the watershed is what is going to repair the lake. He explained the experiment of the District last year in counting the fish. It appeared that there were approximately 300 carp. In 1993, we started with 5,000 and knew that they would eventually die off. The carp are nearly at the end of their lives. Green said it is pointless to talk about the number of carp that are in the lake.

Announcements

KBCH 1400 am: Tuesday, August 13, 7:15 am to 8:00 am
Oregon Lake Association: September 11, 12, 2009-01-30, Union 50
Erosion Control Seminar: October 8, 2009 (This may be postponed).
North American Lake Management Society, October 27-31, 2009

Contract Review/Renewal

The Board went into executive session at 9:00 p.m. to discuss the manager's contract.

After discussion, Green moved and Skirvin seconded approving the contract (from July 1, 2009 through June 30, 2010) as proposed.

Vote: Unanimous. Motion carried.

Green reported to Robertson that the contract will be approved as proposed—a 3% COL increase and time off in October for his wedding and honeymoon.

Adjournment at 9:45 p.m.

Respectfully submitted,

Linda Burt