



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

**DLWID OFFICE  
February 1, 2007  
6:00 P.M.**

**PRESENT:** Brian Green  
Robert Landhuis  
Otis Winchester  
Smokey Aschenbrenner  
Jack Strayer

**ABSENT:** None

**AUDIENCE:** Don Sell  
Signe Grimstead, Auditor  
Steve Hoover, Contractor  
Raylene Erickson, PADL Recording Secretary  
Pat Payne  
Doug Pirie

**STAFF:** Paul Robertson

**MEDIA:** Garret Jaros, The News Guard

The meeting was called to order at 6:00 p.m. by Chair Winchester.

**Minutes of Previous Meeting**

Aschenbrenner moved and Landhuis seconded approving the minutes from January.  
**Vote:** Unanimous. Motion passed.

**Financial Report**

Robertson described two minor additions that were made after the first of the month.  
Aschenbrenner moved and Strayer seconded approving the financial report as submitted.  
**Vote:** Unanimous. Motion passed.

## **Public Comment**

None on agenda items.

## **Unfinished Business**

### **Audit**

Signe Grimstead declared the financial records in good order through 6/06. She elaborated on the report. Pages 2 through 5 are the manager's summary, comments, comparisons, etc. Signe declared all points were addressed adequately. Page 6 describes the funds, payables and income, modified accruals, etc. Net assets reflected are \$345,500. A footnote shows the easement as an asset, as well as the automobile. Page 7 shows the operations for the year with a profit of \$58,000. She explained that she is switching from the Governmental accounting method to Full Accrual basis. Pages 8 through 11 contain the General Fund. The balances are footnotes. Page 15 identifies the type of cash holdings; Page 16 describes assets, increases, decreases, operating transfers, plus a supplemental section. Pages 18 and 19 are the Oregon Minimum Requirements. Signe Grimstead said that budget laws change from time to time and she would be happy to answer questions prior to any questionable future transactions being made.

The Board thanked Signe Grimstead, who assured them that in the future audits and accounting should run smoothly.

### **Policy Manual.**

Winchester brought up the policy manual, which Robertson said has been completed. Aschenbrenner moved and Strayer seconded adopting the new Policy Manual as created. **Vote:** Unanimous. Motion carried.

### **NALMS**

Robertson asked if there were any questions. None were presented. In a separate matter, Landhuis asked if the payment for the easement at the D River on the north side had been recorded with the County. Robertson stated that it has been filed and explained that this is the piece of property that is designated partial open space and partial urban renewal. DLWID's easement is in the urban renewal section and allows access to the dam.

### **Vegetation Management Strategies.**

Strayer elaborated on the Framework for Vegetation Control Policy form he submitted to Robertson for defining vegetation control methods. This form will assist in defining the type of vegetation in the lake, and then will assist in devising a program to observe and monitor that vegetation in the lake. It would next identify the method as a medium, long term or short term action/method. Strayer said if there is going to be a policy, it is necessary to have a system in place to identify it. A vision should be created for an optimum "look for the lake," defining what type of vegetation should remain in the lake. Landhuis stated that he felt noxious and abundant vegetation should be differentiated. Robertson said that the noxious vegetation has a propensity to become the most abundant. Strayer stated that Robertson could incorporate this form into a monthly monitoring program. He asked if anyone had ever completed an inventory of the vegetation.

Robertson replied that there was an inventory of the seed bed of the lake completed approximately five years ago. Strayer and Winchester asked what the next step should be. Robertson replied that photographic evidence might be a good place to start. Robertson said that expanding on the list would be best. Aschenbrenner suggested holding a workshop for a couple of hours dedicated to the issue of vegetation management rather than bringing it up at every monthly meeting; he stated he would like to see a plan in place by June. The vegetation management and watershed protection plan funds must be appropriated by June 1 or a supplemental budget must be created. Robertson will work on setting up a workshop. It was decided that Friday, the third week of February might be a good tentative date.

### **Chetlo Place**

Robertson met with Michael Morales and Erinn Birmingham from DSL and Jim Hart, the land owner on January 23. DSL is asking the land owner to do wetland delineation and make a formal proposal of old activities and new activities on the property. They will decide if a consent agreement will be provided to the owner. DSL said if his activities have exceeded the threshold of permitted activities and he doesn't want to restore it, they can assess fines and the money would be spent on watershed elsewhere in the state. Vegetation removal does not fit within DSL jurisdiction as long as roots are not pulled. After evaluation, the DSL can determine whether or not he has to pull back from the shoreline edge—perhaps even removing the material. Wetland delineation must be created. The land owner called Robertson and they discussed planting trees. Robertson stated that there is a probability of the landowner obtaining a permit which will be a combination of what he has already completed and some type of remuneration. He needs to come up with his full plan and run it through proper channels and he can still be denied. DSL has not issued any cease and desist orders at this time. Erinn Birmingham is in charge of three counties and there will probably be a lag time. Robertson asked Pat Payne to inform him if she observes any further activity.

### **Green Acres**

Robertson met with Erinn Birmingham on February 1. Erinn and Robertson went to the site, Randy Neal was unable to attend due to work load, but reaffirmed over the phone he was more than willing to work out the issues. If Robertson wants to be an intermediary, Erinn said she approved. There is a need to build an intake structure to allow 2,000 gallons of water and removing all concrete that is in the system. Robertson says that it will cost about \$5,000 or \$6,000 to build an intake. Between Erinn, Robertson and Randy Neals, a good solution would be to obtain a grant from OWEB (Oregon Watershed Enhancement Board). Robertson said that he would petition the District to add matching funds from last year's budget for restoration work. He encouraged the District to allow \$1,000 for the required funds. Landhuis asked if Robertson was asking the District to allocate funds to benefit Randy Neals. Robertson informed the Board that he would like to work toward a solution because Randy Neals has a water right for agricultural usage for much more than 2,000 or 3,000 gallons of water per day. Strayer asked if it would be necessary to obtain a permit to create the dam; Robertson replied that it would be a diversion, not a dam. The cost for a fish ladder over the concrete would be

approximately \$60,000. Aschenbrenner asked Robertson (if the District cooperated) if they could request a guarantee from Neals to limit his water usage. Robertson replied that he would work toward getting the water rights altered. He said that since the mid-80's, fish have rights; however, water rights are considered "senior" rights. Strayer asked how the intake structure would be created. Robertson replied that it would probably comprise an inverted culvert with gravel at the water table and water would infiltrate. It would be fed from the stream similarly to a well. Aschenbrenner cautioned the Board that if the District wants to create a good salmon habitat and a good water resource, they must work with Randy Neal. He moved that Robertson be permitted to allocate \$1,000 for the required 20% of matching monies to obtain the amount needed from Lottery Funds to create the intake structure. Landhuis seconded the motion.

**Vote:** Unanimous. Motion carried.

### **Erosion IGA**

Robertson reported that he had not yet received a response from the City. His letter requested cost sharing for his trip to Reno and reiterated his desire to perform erosion inspection for watershed—everything east of Highway 101 to the factory outlet mall as well as properties in the Villages at Cascade Head.

### **Thompson Creek**

Robertson drafted protocol for sampling in the area. He reported that he has been in contact with the lab regarding desired results from the analysis. There would be no full-blown ribotyping (the cost would be prohibitive), but the analysis will determine if there are bovine, canine, elk, equine, human or swine derived organisms in the watershed, with no percentages. Robertson feels that this qualitative method is well worth the \$1,500 allocated. Landhuis said he felt it would be valuable if testing could be performed at different locations. Robertson says he would like to try for the testing in March; he is seeking a location that is relatively higher in elevation and needs to find a landowner that will allow testing. He plans to test five sites.

### **Boat house and boat docks.**

Robertson has created a survey/questionnaire regarding boathouses and docks to be mailed to lakefront homeowners. He is awaiting completion of the website, where information will be published for the public to peruse proposed changes.

### **www.DLWID.org**

Robertson was working with Travis Reeves of Trinity Computer Services who has not been responsive in creating the web site. Robertson will contact another source in Newport if he does not hear from Travis soon.

## **New Business**

### **Power Line over Canal**

This issue relates to the power line feeding the property at Chetlo Place. It was too low and has been in danger of hitting the mast of a resident's sailboat. Robertson reported that he placed a dangerous wire request with Pacific Power, who raised the slack of the

line. The lake is now at 8.8 feet. Doug Pirie stated that the lake's high level is 10.4 feet. He has been in contact with DSL to determine what the requirements are for safe clearance.

### **MS Access Database**

Robertson spoke with Eddie Huckins who has offered the District an eight-hour grant of Kelly Ellis's time to work on establishing a data base to complement the watershed data collected by the Confederated Tribes of Siletz. The area covered is from Tillamook south. Robertson expressed concerned that the MS Access software in his computer could be corrupted and that the computer itself has had problems in the past, in which case he will ask the Board for the \$1,000 to obtain a new computer.

### **East Devils Lake Road (EDLR)**

Robertson reported that he will attempt to develop an interest group residing and working in Lincoln County that might have an interest in the flooding issue of the county road—East Devils Lake Road near Rock Creek. Robertson will be the facilitator for the agencies and businesses of interest. He feels that the best angle of attack for the issue would be from the standpoint of public safety. Landhuis asked if the road is acting as a dam, slowing the flow. Robertson replied that it was and dredging out the side of the road only allows a smaller amount of water to accumulate. Robertson feels that installing culverts would be the best solution; the District's interest lies in not having people wash their vehicles in the lake as they travel through the water. Some of the agencies who will be included in the interest group would be OSP, local ambulance companies, local businesses, Chambers of Commerce, the Visitor and Convention Bureau, and Darlene Hooley's office.

### **Funding Resource**

Robertson's talks with Mike Morales of DSL forged this idea. The funds that are generated from fines could be channeled through the District and utilized for local watershed issues. Robertson will try to incorporate the funds into the budget. He reported that if funds are not "anticipated" revenue, they cannot be spent; however, if they are in the budget as "anticipated" revenue, they can be allocated for future expenditures. It would be necessary to place a line item in the budget identified as "grants." The funds could be placed in a trust fund; this might inflate the resources in budget, but it would not inflate the general fund. Robertson will discuss this issue with Signe and OWEB. Aschenbrenner commended Robertson for his interaction with DSL.

### **Lake Steward**

Robertson reported that he has received two nominations for Lake Steward—Jerry Warner and Chester Noreikis. Robertson would like to have nominations completed by the March meeting.

### **Election Notice**

Four DLWID Board positions will be opening in this election—Strayer's, Aschenbrenner's, Winchester's and Green's. Green's is a two-year term while the others are four-year terms. The last day to file is March 15 and the primary requirement is ownership of property on the lake. The filing fee is \$10.

### **Non-agenda Items**

Robertson reported that he has been asked to serve on the panel for Oregon Shores Conference in Florence. The conference is regarding water quality and land use issues. Since the emphasis is on the formation of a water district, Robertson would assist in their procedures. Strayer asked if other lakes would be involved. Robertson responded that there would be two panelists. The Board approved of Robertson's attending the conference.

### **Public Comment**

Doug Pirie reported that he is investigating the method of centrifugal dredging that he discussed at a previous meeting. In areas with fill, he suggested the Board might think of wetland enhancements, particularly on land that has been damaged. Robertson replied that this would be the goal of the resource pass-through funds.

### **Announcements**

Robertson will speak on KBCH 1400 am at 7:00 a.m. on Tuesday, February 6, 2007.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Linda Burt