



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

**DLWID OFFICE  
May 3, 2007  
6:00 P.M.**

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

**ABSENT:** Brian Green

**AUDIENCE:** Chester Noreikis  
Pat Payne and Jeff Oxford  
Todd and Marlene Nelson  
Dave and Sue Bosniak

**BUDGET COMMITTEE:**  
Jim Park  
Mitchell Moore  
Barbara Landhuis  
Don Sell  
Doug Pirie

**STAFF:** Paul Robertson

**MEDIA:** None

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

**Minutes of Previous Meeting**

Aschenbrenner moved and Landhuis seconded to approve the minutes from April as submitted.

**Vote:** Unanimous. Motion passed.

## Financial Report

Robertson explained that the General Fund is \$225,000 more because the amount was switched from other funds. He explained a couple of other small changes that occurred after the financial report had been submitted.

## Public Comment

Todd and Marlene Nelson from Johns Loop in Neotsu told the Board that they had received a notice from the County informing them that a building permit was pending for a dock in their neighborhood. They expressed concern about the conditional use permit, since the house in question is a rental and they are afraid that additional renters will overwork the septic system that has not been updated. The house is listed as the Fish Catch Inn with [www.horizonrentals.com](http://www.horizonrentals.com) as sleeping 12 with parking for 6 vehicles. It has one dock and they do not feel that another dock is warranted on such a small house. The Nelsons said they are representing their neighbors in their plea to the Board for some support. Todd Nelson said the land has been surveyed incorrectly. With seven docks in this cove, they feel no more are warranted. Aschenbrenner asked if there was a hearing scheduled. Robertson stated that when there is a request for a dock, the County sends a notice to DLWID and the public and a period of 15 days is allowed for an appeal, along with a \$100 fee. Aschenbrenner asked if the appeal is open. Nelson replied it closes on May 10. Aschenbrenner advised Nelson to file an appeal and maybe hire an attorney; he stated that DLWID is attempting to get the County to have more control over docks. He advised Nelson to meet with Robertson and discuss options with the County and the Water Board, since DLWID has no enforcement capability; Robertson could write a letter. Strayer asked if there were any visible sewage leaks. Nelson replied, "No." Dave and Sue Bosniak arrived. Bosniak stated that the sewer has never been replaced or pumped that he is aware of. Moore submitted that the codes do not address the number of people who actually use bathrooms, rather, permits relate to the number of bedrooms in a house. He suggested that Nelson and Bosniak check to see how many bedrooms the house was permitted for and request that the County come out and inspect. Robertson said the State accepts fees for docks; the County has to approve installation. The land owner would have to provide a Division of State Lands waterways lease for the dock prior to obtaining a permit for a boathouse or dock. Bosniak stated that Ursula Sperry from State Lands said that the neighbors on either side of the dock would have to give approve prior to a permit being issued. Further discussion ensued relating to Cannon Beach, transient room taxes requirements and the minimum number of days a house could be rented per Cannon Beach's new regulations. Further discussion about how many homes on the lake are being used as rentals—it is believe that possibly as many as 40. Sell said he owns the Lakehouse B&B and he pays a 7% tax to the County. He said if Horizon Rentals is renting these houses without declaring them rentals, the County is not receiving their taxes. Robertson stated that the primary concern for him is the septic tank issue, since weekend pulses on septic systems does them no good. He said it is worth further investigation.

Mitchell Moore said he did not know the exact date, but the month of September (perhaps, the 15<sup>th</sup>, specifically) the National Weather Service has designated as National Tsunami Month. He would like everyone to be aware of the date so that they will remember when more information of available.

Moore also wanted everyone to know that August 8 will be designated as Wet Wednesday, and a group of 15 or more swimmers will swim to the ocean and back. He would like to see it become a kind of “triathlon” tradition that could generate some media interest. The distance is four miles.

### **Resolution 07-02 – Transfer to UEFB**

Robertson explained that this Resolution facilitates moving existing funds in the budget from the current year into the Unappropriated Ending Fund Balance which is a savings account for expenditures in the upcoming fiscal year. Landhuis moved and Aschenbrenner seconded that Resolution 07-02 be adopted.

**Vote:** Unanimous. Resolution passed.

### **Budget Committee**

#### **Elect Budget Committee Officers**

Landhuis was elected Chair of the Budget Committee. Aschenbrenner was elected Secretary.

#### **Budget Officer Presents Budget/Budget Committee Questions/Public Comment**

Aschenbrenner opened the budget committee meeting of May 3 and turned the meeting over to Budget Officer Paul Robertson.

Robertson walked through each page of the Budget.

Regarding the Note on Page 4—the anticipation of grant funds, Park asked what the ongoing process would be for obtaining grants and how projects will be identified.

Robertson stated that he is now beginning the process. This step will permit DLWID to utilize grant funds without having to create a supplemental budget. Park asked if there was any documentation in any of the Minutes for obtaining grants and what they will be used for. Robertson replied that the process is referred to in previous Minutes. Park suggested that if this budget is passed, then the board should establish fairly specific goals and guidelines to which the grants can be applied. Moore asked if the projects would be identifiable as discussion proceeds. He reminded everyone that the Board would still have to approve any projects.

Moore asked if a possible loan was included in the budget. Robertson replied that this is not a “fantasy” budget. However, the budget could be divided into two sections. The Improvement Fund might be considered a “fantasy” budget; without a goal to obtain grants, the District’s goals would not be possible. The second section is the General Fund, which is assured. Park asked that a budget note be added indicating that certain items in the budget is based upon the probability of obtaining grants.

Robertson said that there is one error in the budget. Total Contingency amount on Page 23 should be removed from Page 21 Total, bringing the Total Requirements to \$791.544. The loan comes from the General Fund, borrowing at 6.5%. Robertson feels that the local community can and will contribute the \$50,000 in donations with no problem.

Park asked if loans would be from the commercial market. Robertson replied, “Yes.” The Board is allowed to borrow money without voter approval. Strayer asked if there was any down side if DLWID decided not to proceed with projects. Robertson replied

there is no disadvantage to anticipating funds without using them; this provides a legal right to react to the funds. Landhuis asked if Robertson was certain that the Board can borrow funds. Robertson replied that the Board can borrow from any source.

Winchester stated that he would like to go back to Page 5 and work forward.

Robertson began again to walk through each page. Aschenbrenner asked if the \$162,668 amount on Page 7 was the amount to be budgeted now. Robertson replied it was except for a few contingencies. To keep a lid on that number, Robertson said he had added a line onto the LB30 on Page 23, Line 27—Total Tax Levy supported Expenditures—Page 8 under Requirements. A detailed report is on the last three pages of the document—Appendix A.

Moore asked what SEP described (Page 3 of Appendix A). Robertson replied Simplified Employee Pension. Park asked if there was a subcommittee that determines a salary increase for the manager this year; he noted an increase for 07-08 was budgeted. Winchester responded that there is a review process with establishment of goals, review, etc. The June meeting will include the staff issue.

Robertson walked through each item—Accounting, Consulting, etc. D River dredging is a 50/50 cost share between the District and the City, with the City obtaining the permit. Strayer said he noticed that the amount has doubled since 2005. Robertson said he feels monies might have to be used to improve more of the dam, since some of the structure is very old. He stated that it takes approximately \$250 per episode to dredge. He has proposed a \$25 increase per month for the lake contractor, who has not had an increase for many years.

The \$20,000 Debt Service, if not spent, will revert to the General Fund. If it is not spent, it will transfer into the Improvement Fund, since all funds remaining in General Fund 06-07 will be transferred into the Improvement Fund. There were no further questions on the General Fund.

The Improvement Fund will allow flexibility in spending. Revenues for this fund are the transfers, grants, loans and donations to amount to \$800,000. The largest project would be whole lake circulation. Moore asked Robertson if he could add a footnote to the Improvement Fund, stating that monies will be tracked and the District will not spend grant funds not yet issued. Park said he feels it would be good to resolve the issue with an explanation that monies would not be spent unless they were funded by grants already received.

Discussion began on the cost of the original investment of fish compared to the cost of Solar Bees. Strayer replied that the original fish cost was approximately \$150,000 at \$5 per fish. Fish would still be less expensive than other methods of control at \$20 each. Aschenbrenner stated that it would not be illegal to submit a request to restock the lake with fish. The District's goal is to stabilize the lake. Robertson stated that they could petition the ODF&W and indicate that they are working on different projects, but that since the weeds need to be kept in check while other experiments are in progress, would they permit adding 1,000 carp on a temporary fix.

Strayer asked if comments would be appropriate on the budget objectives. Pirie asked about zeroing out the boathouse amount. Discussion began on the boat house. Robertson stated that a note could be made that a boathouse for up to \$15,000 could be built. He said that it would be built at the Regatta Grounds, off the water next to a parking lot. Parks and Recreation has given permission to build the boathouse. Robertson stated that it likely will eventually be completed. Moore stated that it would be a good presence on the lake. Aschenbrenner asked where the money would come from and precipitated discussion about the boathouse funding. Robertson stated that if a loan is not made, the \$20,000 could be transferred to a capital fund to use for a boathouse, but would not recommend funding any loans from the Improvement Fund. He further stated that \$15,000 had been appropriated in the last budget for a boat house, so that there was cause for making those funds available again out of the consolidated reserve fund.

***A short break was taken.***

Strayer stated that one of the missions of DLWID is to improve habitat for fish and wildlife. He said the bare lake bottom is not conducive to a fish and wildlife habitat. He recommended conferring with ODF&W, educators, grant agencies, local groups, etc., to determine artificial or natural means to ensure that the tributary streams into the lake are as efficient as possible for fish. Landhuis said he had some good ideas on creating an ecological cycle for oxygenization for the lake. Strayer said he felt that an amount should be allocated for improving habitat for fish and wildlife. He listed bird boxes, planting certain kinds of trees and enhancing lowland areas around the lake in an attempt to return the habitat to the level of previous years. Robertson said that it has been one of the missions from 1984 to maintain a healthy wildlife and fish population. Simple projects can be created to address this issue—bird boxes, fish structures, etc. Strayer stated that the State of Washington has conducted research on warm water fish and they do not impact salmon in the least. The State of Oregon has a warm water biologist and Strayer states that Devils Lake is a perfect canvas. Robertson said that he is not a fishery person and would need resources to aide his decision-making process. Strayer said that Ten-mile Lake is in the Oregon Revised Statutes. Robertson said he is in favor of a fishery—that is one reason they allow the free fish to be placed in the lake—it would be great if the lake could be inhabited by native fish. Strayer said he would be happy to provide resources. He will obtain information off the internet and talk to fishery biologists and the community. Robertson said he could go after some grants to support this project. Aschenbrenner encouraged Strayer to research ideas of how to progress. Strayer said he will contact people as a member of the Board, and Aschenbrenner suggested that he contact Buckman and ask him to speak to the Board.

**Budget Committee Revisions**

Aschenbrenner asked if Robertson was clear on any changes that he needs to make on the budget. Robertson said he would place the Budget on the website after making the changes, with a final version to be printed for the next meeting.

**Budget Committee Approval**

Park moved and Pirie seconded that the budget be approved with comments and budget notes included as discussed.

**Vote:** Unanimous. Motion passed.

## **Unfinished Business**

### **Chetlo Place**

Robertson said that he received a call from James Hart, property owner, who has contacted a wetlands delineator to prevent his receiving a fine. Robertson said he discovered that Hart has two motor homes on the property when the County code allows only one. Pat Payne said that neighbors remain concerned that he is continuing his plans to build an RV park. She said she waited six months for a survey by Ferguson. Hart's attorney called her attorney to obtain the surveyor's name, which she provided. After she returned home, the surveyor and the land owner arrived together and conferred, much to her dismay. Ferguson said that he would survey Hart's property also, and told Hart to have someone else look at the property to determine if they were wetlands. Discussion continued about the landowner's activities and intent. Morales and Robertson informed Hart that aesthetic activities do not necessarily create improvements. Hart has not been permitted to make any further changes. He is awaiting the wetlands delineator, Wilbur Turnick of Florence, to determine what types of trees he will replant. Robertson said he had received a call from another neighbor who brought him up to date. Park stated that surveys are required to be filed with the County and become public record. He said the State will inform Hart to repair the damage. These are considered significant wetlands and the State will not change their maps. He said it is important for people to make their voices and opinions heard—the State and County do acknowledge local reaction for enforcement of ordinances. Pat Payne and Jeff Oxford thanked the Board and Robertson for their support and departed.

### **Green Acres**

Robertson submitted an application for a \$2,800 grant for the project at Green Acres. He said that Paul Katen told him that if the grant is issued, there will be no need to match any funds, since \$2,800 will be a sufficient amount to complete the project. The grant application was submitted on Wednesday, the deadline. Robertson is quite sure the funds will be issued, since it is only 10% of the total amount available. The project can be begun in July for probably completion by September 15.

### **11<sup>th</sup> & EDLR**

Robertson stated that no changes have occurred here that he is aware of. Pirie stated that all the grass has been cut and the birds have no cover.

### **Boat Houses and Docks**

Last month, Robertson talked to Wayne Belmont and the County for support. Wayne suggested that Robertson wait on pushing this project with the County until June, due to their involvement with Measure 37 claims. DLWID's attorney has reviewed the proposed ordinance. The next step will be to have it formalized so that applicants would have to request a hearing with the commissioners to have the ordinance changed. Aschenbrenner asked if Jerry Warner will be involved in the issue and Robertson replied that he would be.

### **Bacteria Monitoring Program**

Robertson reported that as of April 30, results of the monitoring are on the web site. The Water Quality page displays values of the entire lake, with a map of corresponding red, yellow and green symbols/numbers denoting risk. Previously, people assumed the entire lake was the same as Regatta Park. Now they can see the difference. Regatta Park has

improved; however, weather is still cool. Last year, two resident Canadian geese remained after the Geese Removal Project as those could not be removed due to the timing of a hunting season.

## **New Business**

### **Down by the Lakeside**

This will be the second year for this project to clean up the lake—scheduled for May 19. Robertson asked if the Board would approve funds for T-shirts. All supplies have arrived—flyers, gloves, etc., that will be placed at Union 50. A lady scuba diver would like to help; however, she needs scuba gear. Doug Pirie stated that he has some scuba gear he would lend to the project. The diver would need to have the equipment certified. It is sufficient for approximately 20 feet.

Aschenbrenner moved and Strayer seconded allocating up to \$200 for the promotion of Down by the Lakeside cleanup project.

**Vote:** unanimous Motion carried.

Strayer asked if there should be two scuba divers. Pirie stated that the lake is very shallow and someone would be on shore to act as a handler/safety person for the diver. One diver should be fine. Robertson said that the \$200 would allow for certification of the equipment.

### **Computer Purchase**

Robertson requested that the Board allow him to purchase a new computer with a Windows XP system in favor of a Vista-based computer. He would also need \$300 for materials and service. All programs currently being used are XP programs. Discussion continued about the pros and cons of XP vs. Vista. Moore said that it will be some time before Vista is the preferred system.

Landhuis moved and Strayer seconded that Robertson be allowed to utilize \$1,000 from capital outlay to purchase a new computer, and an additional \$300 for materials and service to support the new computer.

**Vote:** unanimous. Motion carried.

### **SIL 2007**

Robertson asked that he be allowed to make plans to attend a Conference in Montreal—the Society International Limnology on inland lakes and waters. He stated that this is the first time in 30 years that it has been held in North America. He said that although the conference is not until after the next board meeting, he can save funds by purchasing hotel and air fare at this time. He feels that \$2,600 would be the approximate cost. Strayer asked how Robertson expected to benefit from this conference; he said that there are very few lakes similar to Devils Lake. Robertson replied that most lakes have similar issues and problems. And, networking is such a valuable tool for researching issues. Robertson feels he will learn from others about their experiences in aeration and other projects.

Strayer moved and Aschenbrenner seconded that Robertson be permitted to spend up to \$3,000 to attend the Limnology Conference in Montreal.

**Vote:** Unanimous Motion carried.

### **Non-agenda Items**

Landhuis reported that he is still working on getting the representative from the wind circulating company out to give a presentation on his product. Strayer asked Robertson if he would check to see if Steilacoom returned their Solar Bees. Robertson agreed to follow up on this.

As to Thompson Creek, Robertson stated that he will include upstream sites and source tracking into the monitoring this summer.

### **Public Comment**

Moore thanked the Board and Robertson for their hard work and the positive visibility that the manager has created within the community. He said he is redesigning his website and upgrading at a cost of about \$35,000. Positive changes will occur in e-mail and spam filtering, etc. The Board agreed that the website is a positive resource for DLWID.

### **Announcements**

Robertson will speak on KBCH 1400 am at 7:00 a.m. on Tuesday, May 8, 2007.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Linda Burt