



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

**DLWID OFFICE  
June 7, 2007  
6:00 P.M.**

- PRESENT:** Otis Winchester  
Smokey Aschenbrenner  
Jack Strayer  
Robert Landhuis  
Brian Green
- ABSENT:** None
- AUDIENCE:** Raylene Erickson, Recording Secretary, PADL  
Kathy Davis  
Grant Snyder, Wiggins Tugboats  
Kevin Erickson  
Barbara Landhuis
- 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 Strayer seconded approving the Minutes from May, 2007.

**Vote:** Unanimous Motion Passed

**Financial Report**

Robertson explained the format of the Financial Report. \$75,000 was budgeted for July 1 until tax revenue funds are received. \$254,000 will be moved into the new improvement fund. Green asked if the account was interest bearing; Robertson replied that it was at 5.25%. The checking account is not interest bearing. He explained that a Savings

account is a requirement of TLC. Robertson stated that payments for the month are similar to other months. The purchase of the computer will be a hand-written check. Health insurance has increased slightly.

Robertson explained that the budgeted amount of \$204,879 for income closely matches the actual. Robertson walked through expenses budgeted vs. actual. The stated income amount includes taxes and interest—66% is from taxes, 3% is from delinquent tax collection; 43% is the unappropriated ending fund balance. There were no additional questions.

### **Public Comment**

Kathy Davis and her husband are the owners of a fishing vessel—Two Sisters. They fish for crab, salmon, tuna and halibut and work out of Newport. She is the coordinator of a Seagrant managed project—Project Cruise. This project educates people about a plan for salmon and tracks fish. She is collecting opinions about the program that is funded by the Oregon Watershed Enhancement Board. She explained that they clip fins of the test fish, documenting the longitude and latitude and temperature of the water. Coated-wire tags indicate where fish originated. She explained that the Central Oregon coast has more “stray” fish than any other area in the state. Oregon State University obtains all the data about fish migration. The object of this program is to curtail the fishing season closures and learn more about where the fish are migrating. This program began in 1995 as the Governor’s Watershed Enhancement Board, later becoming OWEB. Davis explained that 7 ½% of Oregon Lottery dollars go to OWEB. Restoration work is allocated about 7 ½% of those funds. OWEB has a website. California has begun a similar program.

Robertson explained that the DLWID dam removal and the Green Acres projects are both funded by OWEB grants.

Next, Kevin Erickson, who has applied for the intern position at DLWID, spoke to the Board. He moved here from Florida after recently obtaining his Marine biology degree. He has interviewed with Robertson. Robertson explained that it is necessary for him to await other candidate applications prior to making a decision. He is pleased with Erickson’s background and resume. He explained that the grant asks for a sophomore or junior student to be hired; Robertson called to see if they would consider accepting a grad student and was informed that it would be best if DLWID attempted to comply with written requirements of the grant criteria. Kevin stated that he will be attending OCCC next year. He is very computer literate on the GIS computer program that would enable DLWID to compile and organize all historical data it has accumulated throughout the years into workable data.

Robertson explained that the objective of the grant is to assist a student with funds and experience for a future career.

Landhuis asked when the grant was scheduled to be issued, and Robertson replied that he wanted to hire someone by July 1, since DLWID budget funds are scheduled for that date. He said that the budgeted amount was allocated around a \$10 per hour fee with an additional amount to pay for Express Personnel Services commission and they are now

closing. He said the amount budgeted for 200 hours could now become 350 hours if the intern could be paid direct.

Discussion ensued regarding payment options for the intern and whether grant requirements prohibit direct payment to the intern with a 1099 or would only permit an employer/employee relationship. Robertson said he would like to use the grant as it was written. He said he would like to hire someone who is familiar with the GIS program and is computer literate so that the project of organizing data could be completed. Erickson stated that a one-time usage license for the GIS software would cost from \$1,500 to \$2,000 for the basic program.

### **Budget Hearing**

**Public Comment:** None

#### **Budget Committee Revisions:**

Robertson said he had made the revisions—primarily some requested language issues to make items clearer and an allocation in the improvement fund for \$15,000 for a boat house.

#### **Governing Body Approval:**

Resolutions 07-03, 07-04, 07-05. Aschenbrenner asked where the extra funds would be coming from for the budget amount of \$1,291,000. Robertson explained that this total in the budget would allow for expenditures if they were received from grants. Green reminded the Board that it would not be obligated to spend the funds.

The budget was passed out to the Board for their perusal and signatures. Landhuis moved and Strayer seconded that Resolutions 07-03, 07-04 and 07-05 be approved.

**Vote:** Unanimous. Resolutions were adopted.

### **Unfinished Business**

#### **Chetlo Place**

Robertson stated that at one point, the homeowner had placed three motor homes on the property. There has been some good faith effort to remedy some of the changes. Mr. Hart's wetland specialist claims that there has not been any recent landfill on the property. Robertson disputes this, since foliage was absent from some of the property. Hart stated that he would have someone from State Lands visit before he continues to work on the property. He plans to develop some upland property for an RV site. Robertson said he would like to see a meeting to discuss whether it would be more prudent to retain just one location for an RV site or to have them spread over three separate areas.

#### **Green Acres**

Robertson informed the Board that he had placed in the mail the application for the U.S. Army Corps of Engineers grant of \$2800 to do the work. The amount of \$1,000 budgeted by the District will probably not have to be used as a match. It is available for

contingency if any additional funds are needed. Robertson explained that the grant is under the auspices of the Salmon Creek Watershed Council, because DLWID is not eligible for a grant. Paul Katen is working with Robertson on this project. The work should be completed by September 15. All the paperwork has been completed and the permitting should be issued within 60 days.

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

Robertson met with Jamie Hamet of the Army Corps of Engineers, after which he invited her to visit the Green Acres location. She is the person who will write the permit for the Green Acres project; the former State Lands employee, Erin Birmingham, has departed. Mike Morales will assume the responsibility of facilitating the permit. Robertson stated that at least three truckloads of material had been dumped at this 11<sup>th</sup> Street location that is designated significant wetlands. The property owner has cut down all the vegetation. Jamie said that she would pass the issue by their enforcement officer; however, she doesn't see much hope for any enforcement—they just do not have the time or manpower to pursue these types of small projects.

### **SOLV**

Excellent press was generated by this Down at the Lake cleanup project. There were 22 volunteers who picked up 10 tires and 15 bags of garbage, making it a successful event. Green said that there was a lot less trash this year than last year, so it seems to be getting better.

### **East Devils Lake Road**

Winchester asked about a permit to start working on this project. Robertson said the county has expressed goals to try to remedy the situation with both short-term and long-term solutions. On Tuesday, Paul met with Jamie Hamet from the Corps, Paul Katen, and two ODFW people. They were interested in what type of resistance the public might have to their plans. 1970 was the last time the canal was dredged. Robertson said there has been a lot of planning and as far as he knows the community is against it. The 1936 road is sinking. Landslides show the water even further. The second proposal is to build up four inches from the existing bridges with 20 culverts to provide a channel for the water to go through, and then raise the bed. There is a lot of support for culverts. Short term solutions have not worked. A cause-way would be the long term solution—driving the pilings down many feet. They have been trying to obtain some funds from OWEB. Landhuis asked if the Corps of Engineers could assist; Robertson said they only enforce wetlands issues. They have changed their focus and only do the permitting. Strayer asked how much flow-through capacity the culverts would allow. The county claims there is a 3 foot differential between Rock Creek and the lake. Robertson stated that quite a few people want this changed.

### **Knotweed Treatments/SDAO Grant**

This work will be part of the grant from the soil and water conservation district. Stephanie Payne has taken over that role in the district. She has surveyed and their next meeting is next Thursday.

## **New Business**

### **Channel Maintenance**

Grant Snyder would like to improve the environment for fish and wildlife. He contacted Paul about SE First Street and the woody debris. He owns three tugboats. They have recovered 75,000 board feet to put into local streams for spawning beds. The situation by the canal has primarily driftwood. He presented a proposal on performing remediation that would allow a better atmosphere for kayakers and canoers. Grant said that he noticed from the Union 50 Club a lot of deadheads and woody debris, which are a hazard to boaters. Strayer asked if there was anything outside the 5 MPH zone; Strayer said that just pulling them out for kayakers and canoers doesn't make sense, since some of the wood is a habitat for fish and other water life. Robertson said he has had some calls from people asking if the urban renewal space across from D River could be made viable and usable and safer. He said he is not in favor of removing wood. Strayer asked if these pieces of wood are sinkers. Grant said that they could be moved to another location and it would open the canal. Green said he liked the idea of not removing it, but relocating it. Robertson said he would like to see Devils Lake become more of a tourist destination. Kayakers are affluent tourists. Strayer asked if it was possible to identify the number of logs and whether there was a method of anchoring any that were moved. Robertson and Grant will meet and create a plan to relocate the six or seven logs.

### **Get the Lead Out**

Robertson said he is interested in a campaign to promote alternatives to toxic lead in fishing equipment. Removal of lead weights from fishing tackle boxes would help a great deal. He said he had spoken to the sporting goods buyer of Bi-Mart in Eugene is using lead-free weights, but cannot purchase them this year. Wal-Mart has a good supply of lead-free weights and Knight's Tackle in Rose Lodge has some. Robertson stated that tackle providers have a real jump to make; however, the community needs to demand the change. Landhuis asked how much lead is leached; Robertson replied that they do leach, which is one of the reasons builders no longer use lead pipes.

Strayer asked about the density between steel and lead. Winchester asked if there was some action the Board should take. Robertson said that just informing people as you can would help. Green suggested placing the information on the DLWID web site. Strayer suggested promoting on the lake signage the retail locations who sell non-lead weights. Robertson said he is trading lead-free weights for lead weights as he encounters young kids that are fishing. Robertson said he will also create some public service announcements on the issue.

### **Guest Speaker at John L Scott Realty**

Robertson recently spoke at the John L. Scott Realty office. Sandra Lamb handed out information to the staff about DLWID. Robertson said that realtors have a real incentive to promote the health of the lake since it represents a large portion of their livelihood.

### **Hands On Portland Clean Up July 12<sup>th</sup>**

Robertson received a phone call from a group about organizing a volunteer project similar to SOLV. They called again and declined because their leaders had chosen another hands-on project.

### **Contracts:**

**Auditor:** There is an existing contract in place for the auditor. It will continue.

**Minute Recording.** The minute-recording contract with Accent on Business will be changed to a 30-day notification of termination from a 90-day notification.

**Payroll Services:** This existing contract will continue.

**Lake Contractor:** The lake contractor's fees increased slightly. The Board agreed that he was due for an increase.

### **Legal Services**

The attorney said that his rate would remain unchanged; however, he will increase the fees of his secretary and his paralegal to \$40 and \$60, respectively.

### **Manager**

Winchester asked if the Board wished to meet with the manager. Winchester stated that there were a couple of projects he would like to see the manager concentrate on.

Robertson asked if the Board could allocate some sick days for the manager's position. He stated that he always worked a minimum of 40 hours per week. Green asked if it could be discussed at the end of the Board meeting.

### **Non-agenda Items**

Robertson read Robert Landhuis's letter of resignation as of July 1. Robertson said that Landhuis has been a very positive influence on the DLWID Board, and presented him with an award certificate for his many volunteer hours.

Winchester said he would like to nominate Aschenbrenner to act as Board Treasurer. Green seconded the nomination.

**Vote:** Unanimous. Motion carried.

### **Public Comment**

None

### **Announcements**

Robertson will speak on KBCH 1400 am at 7:00 a.m. Tuesday, June 12, 2007.

Raylene Erickson announced the celebration of PADL's 25<sup>th</sup> anniversary. There will be a discussion about rain gardens. Robertson will speak on Devils Lake, Past, Present and Future. The event will be at the Union 50 Club on Saturday, June 23rd.

The meeting was temporarily halted at 8:00 p.m., when the Board went into Executive Session.

The regular meeting was continued at 8:30 pm. Chair Winchester announced the approval of the Manager's Contract with the pay increase equal to that requested and the addition of five sick days in the contract, accruable up to 15 in total.

Aschenbrenner moved and Landhuis seconded to approve the contracts for the Lake Manager, the Lake Contractor, the Auditor, the Minute Recording, and the Payroll.

**Vote:** Unanimous. Motion passed.

Robertson relayed the results of a second round of bacteria testing within the watershed during the week. The D River maintained a high level of bacteria, but the state park had returned to background. Winchester inquired about the possibility of the gulls being a source, and Robertson suggested a likely connection. Strayer inquired about Thompson Creek and Robertson relayed that it has been a consistently high source of bacteria.

Respectfully submitted,

Linda Burt