

MINUTES OF A REGULAR MEETING OF BIG BEAR MUNICIPAL WATER DISTRICT HELD ON THURSDAY, OCTOBER 6, 2011

CALL TO ORDER

President Suhay called the Open Session to order at 1:00 PM. Those in attendance included Director Murphy, Director Fashempour, Director Eminger, Director Smith, District Counsel Wayne Lemieux (via Skype), General Manager Scott Heule, and Board Secretary Vicki Sheppard.

REPORTS

Mr. Heule introduced Phillip Flores, a new reporter working for the Grizzly. Mr. Heule reported that since the last meeting some staffing changes have formally been made. He announced the creation of one new position, Lake Operations Analyst, and introduced Tyler Cockrell who previously had the position of Launch Ramp Supervisor and Lake Patrol officer. He reported that Mr. Cockrell has already made huge strides in getting the RV Park reservation process in order. He added that he has also made significant improvements in recordkeeping and file updates for our private dock program. He explained that he will also be instrumental in fixing several flaws in our existing dock management operations and in assisting with Lake Patrol duties. Mr. Heule also announced that we have finally filled the vacant Lake Operations Supervisor position with Lake Patrol officer Adam Williams. He explained that Mr. Williams is completing his second season with the District and over the course of this past summer it became obvious to Mr. Stephenson and himself that he has earned the respect of the other officers and clearly would be an excellent addition to our full time staff. Mr. Heule commented that he and Mike Stephenson believe that with both Tyler Cockrell and Adam Williams on board the District is much better positioned to efficiently manage private docks, marina compensation, improve after-hours callouts, and beef up our early and late season Lake Patrol efforts. He welcomed both to their new positions. Mr. Heule reported that the highway bridge demolition is about half way done with the portion over Bay 2 and the decking on the catwalk. He added that during the original dam construction, metallic letters spelling out Eastwoods' and Garstins' names along with BVMW Co. 1910 – 11 were placed in the concrete of the catwalk. He commented that Garstin was the president of the water company at the time. He explained that Jim Weber took some photos of the lettering adding that he placed copies on the dais for the Directors to look at. Director Murphy asked if the District should do something special with this historical section. Mr. Heule stated that the Facilities Committee could discuss it. He reported that Caltrans has completed their design of the mitigation grouting program and sent it off to DSOD for preliminary review. He explained that they took most of DSOD's suggestions and revised and improved their program. He stated that, according to recent emails from Ray Stokes (Caltrans project supervisor), the project is essentially out of money. He added that, at this point, the District has no confirmation that any additional access to the catwalk or into Bay 7 will be constructed. He explained that Mike Stephenson will be meeting again with Ray Stokes when he returns next week to discuss these issues and get a clear picture of what we will be left when Caltrans finally leaves. Mr. Heule reported that he received information from the State Water Resources Control Board indicating the State, at the direction of the EPA and in response to the Clean Water Act, intends to create a Nutrient Policy for water bodies in the State. He added that the State could decide to allow each Regional Board to enforce some kind of numeric objective for water bodies in their jurisdictions or adopt regional objectives that would still rely on numeric

targets for nutrients in the water bodies. He commented that a scoping session hearing on this issue is scheduled in Sacramento for October 27th with written comments due November 10th. He stated that he cannot tell, based on his reading of the document, if the plan would alter the existing nutrient TMDL. He commented that it might create a new obligation for the District and other parties within the watershed. He reminded everyone that Tim Moore has stopped working for the TMDL Task Force. He explained that he indicated to Mr. Moore that the District would like his help on this issue but Mr. Moore did not commit to consulting on our behalf. He added that he has a scheduled conference call tomorrow. He stated that as he gets more information he will discuss it with the Watershed Committee and bring any actionable items to the full Board. Mr. Heule explained that Mike Stephenson is away at the CALMS Conference. He reported that Maintenance and Lake Patrol work is winding down as it always does this time of year. He explained that Maintenance has removed the bay markers and they are working to remove the 5 mph buoys from the lake for winter storage, a job that takes about a week to complete. He added that since the pace has slowed down, staff has been able to schedule filming and production of some new informational videos, one on the Lake rules and regulations and another on launching. He added that we are also discussing an informational video on private docks that hopefully would be very useful next spring. Mr. Heule commented that we got 2.7 inches of rainfall at the dam yesterday.

APPROVAL OF CONSENT CALENDAR

Upon a motion by Director Murphy, seconded by Director Eminger, the following consent items were unanimously approved:

- Minutes of a Regular Meeting of September 15, 2011
- Warrant list dated September 29, 2011 for \$104,828.18
- Approval of a Resolution of the Board of Directors of Big Bear Municipal Water District establishing Employee Compensation and amending Resolution No. 2011-04

CONSIDER APPROVAL OF A WRITTEN STATEMENT OF DECISION AS PROPOSED IN THE MATTER OF THE APPEAL OF CRISANN CONROY

Mr. Heule reported that in 2002, Crisann M. Conroy acquired improved property contiguous to Big Bear Lake. He explained that in 2005, she subdivided her property into two parcels, severing one from the lakefront. He added that she obtained a dock permit from the District for the lakefront property and then sold the lakefront property. He explained that the current owner of the lakefront parcel holds a District dock permit. Mr. Heule reported that acting through him (as the General Manager) the District, which owns the lake bottom, refused to issue a dock permit for the divided parcel which is no longer contiguous to the Lake. He explained that Ms. Conroy appealed the decision of the General Manager. He reported that the Board conducted an Administrative Hearing on June 16, 2011 adding that on September 15, 2011, during a closed session meeting, the Board of Directors deliberated this matter. He stated that after reconvening to open session the Board reported that they had approved a Written Statement of Decision in the matter of the appeal of Crisann Conroy. Mr. Heule explained that his decision to deny Conroy's request for a dock permit for the parcel without lake-frontage was sustained and the Board will now need to formally adopt the written decision.

Director Eminger moved approval of a written statement of decision as proposed in the matter of the appeal of Crisann Conroy. Director Murphy seconded the motion and it was unanimously approved.

RECEIVE WATERSHED COMMITTEE REPORT ON THE TROUT POND AND PROVIDE DIRECTION TO STAFF

Mr. Heule reported that the Watershed Committee recommended that the full Board discuss the various options and provide direction to staff. He explained that during a previous Watershed Committee meeting Staff was asked to:

1. Research potential listing/sales prices with realtors for the Trout Pond house
2. Speak with Reese Troublefield about Recreation and Park District interest in collaboration at the site, and
3. Research what costs there would be for creating a new parcel with just the house on it

Mr. Heule reported that he spoke/met with two realtors to discuss the sale of the house. Dan Bathurst, Exit Realty said the District could market the house for a little more than \$200,000. He also said that he had an investor that would probably be interested in buying the house, even though a subdivision recordation is in process. Christy Nelsen, Sunshine Realty, researched recent sales, listings and pending sales in the area and concluded it should be listed for \$199,900. She felt it could move pretty quickly at that price. Real estate sales commission fees and other sales expenses will likely be on the order of \$12,000 to \$18,000. He reported that he also secured a price for the subdivision process from Bob Carlisle at Transtech/MAPCO. He explained that the engineering fees to process a tentative tract map and final tract map would be \$8,000. He added that fees for the City permits/hearings etc would be about \$3,700 and a title report (parcel map guarantee) would be about \$500. He reported that Mr. Carlisle said that if the City had any special conditions that they wanted to add, the associated engineering fees would be billed on a time and materials basis adding that the process will take about one year to complete with the planning commission hearings and other meetings (the parcel map process will cost at least \$12,200). Mr. Heule reported that he also spoke to Reese Troublefield and briefly described the property suggesting that the District was interested in exploring potential partners for future development/use of the property. He explained that Mr. Troublefield advised that Recreation and Parks would be interested in further discussions and asked for a copy of the mapping of the site. He reported that Recreation and Park would be hiring a full time educator and use of the trout pond might fit in well with some ideas they had. He explained that it was further discovered that any remaining parcel after the house is sold will need a sewer connection (\$4,500) for restrooms, meeting space and secure and weather proof storage space. He added that any permits for new construction at the property will have to satisfy engineering calculations showing it will not make the flooding problem worse for adjacent properties. Mr. Heule explained that after discussing these factors staff thought the Board might like to discuss the possible sale of the house. He commented that Staff also thought that with a bit of interior remodeling a meeting room and men's and women's restrooms could be constructed at a reasonable cost. He reported that would result in plenty of secure storage and a facility that could almost immediately be put to use for a variety of public purposes and also some additional work could be done on the bait shack/ticket office to create a three sided open air classroom without too much effort. Mr. Heule explained that after hearing all of this information the Committee thought it would be best to discuss these matters in detail with the rest of the Board in order to provide clear direction to staff. District Counsel Wayne Lemieux stated that the District does not have to assume that they have to go through a subdivision process adding that this can be discussed later. Director Fashempour explained that the Committee looked at the expense of possibly involving the Flood Control District. Mr. Heule reported that additional studies would be required regarding the 100 year flood plane and the possibility of making a flooding problem worse. Director Eminger stated that there is still a lot of cleaning up to do so there is no big rush to make a decision on the house adding that we still need to discuss the various options. President Suhay asked if fish-raising is

still one on the table. Director Fashempour stated that is not being discussed today adding that we need to decide about the house and the bait shack asking for opinions on dividing and selling the house and re-configuring the shack/shed. President Suhay commented that if we don't know what we are going to do with the buildings (leave and remodel or tear down) we can't make a decision. Mr. Heule stated that one conclusion that was reached during the workshop some months ago was that the house should be sold, but the Committee now thinks we need to possibly revise this and ask the full Board. President Suhay stated that there are Flood Control issues. Mr. Heule stated that by not selling the house now the District's options remain open. Director Fashempour stated that we could re-configure (remodel) the house. Director Murphy stated that it is better not to sell the house at this time and see if values go up. President Suhay commented that we need to do something with the area to make it fit for public use. Director Smith stated that it is not a good time to sell the house and he questioned disclosure issues; bus loads of children arriving right next door to a private home. Director Eminger commented that when it was an operating trout pond there were lots of children there. Director Smith said that is true with the neighbors but not right at the house on the property. Director Smith added that he believes we should keep the house now (not put it up for sale) and look at options in the future. He commented that as far as tearing down the building, he sees \$50,000 in fees and permits before we would even take the building down adding that it might not be worth it. President Suhay stated that maybe we could use part of the house as a caretaker house and the other as a meeting room. Director Smith asked Mr. Lemieux about disclosure laws and a conflict if numerous children were right next door to the house. Mr. Lemieux stated that he is not greatly concerned and the District can make a general disclosure prior to sale. President Suhay asked if we will need a special use permit. Mr. Lemieux stated that he will go over it with Mr. Heule after the meeting.

Director Smith moved approval of not pursuing the subdivision or sale of the house at this time and to just continue the clean up the property and look at other options in the spring. Director Fashempour seconded the motion and it was unanimously approved.

PUBLIC FORUM

No comments were made

ANNOUNCEMENTS

Mr. Heule announced that Mr. Stephenson will be watching over the day-to-day issues while he is at the CSDA conference next week, Monday through Thursday. He added that he and his wife Jackie will be vacationing in Hawaii October 27th through November 5th so he will miss the Board meeting on the 3rd.

DIRECTOR COMMENTS

Director Eminger thanked "Mother Nature" for the rain commenting that it should be beneficial during the fire season. He asked how the Troutfest tournament went. Mr. Heule responded that the weather was excellent for the event which attracted 743 anglers but only 3 vendors. He explained that there was a major backup of boaters trying to launch Saturday morning at 6am adding that Big Bear Marina staff did not arrive at the marina until 6. He reported that there were some problems but most participants seemed to have a good time. He added that hopefully next year the organizers will have a better handle on the necessary details and logistics of running the event. Director Eminger asked if Western Outdoor News was okay with it. Mr. Heule commented that they seemed satisfied adding that they learned some things from the experience. He explained that District staff did end up helping out more than anticipated.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:48 P.M.

NEXT MEETING

Open Session at 1:00 P.M.
Thursday, October 20, 2011
Big Bear Municipal Water District
40524 Lakeview Drive, Big Bear Lake, CA



Vicki Sheppard
Secretary to the Board
Big Bear Municipal Water District

(SEAL)

