

# **WEST EXTENSION IRRIGATION DISTRICT**

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**July 21, 2022**

## **Monthly Board Meeting**

Chairperson Philippi called the Board meeting to order on July 21, 2022, at 8:57 a.m. at the Columbia Improvement District meeting room located at 501 E. Columbia Ave. in Boardman. Those in attendance were: Board members, Dalarie Philippi, Vern Frederickson, Abe McNamee, and Bob Mueller; Board Secretary/Manager, Bev Bridgewater, by video; Administrative Services Manager, Lisa Baum; Field Superintendent, Ben De Los Santos; Intern, Emma Mueller; Bureau of Reclamation Local Manager, Chet Sater; Water User, Jim Cross. Director, Whitney Coffman, was absent.

**AGENDA:** Chairman Philippi asked if there were additions to the agenda. There were none. Frederickson moved to approve the agenda. McNamee seconded. Motion passed.

**PUBLIC COMMENT:** Jim Cross, 70753 Quail Lane, stated he has owned his property for 5 years and has never had water. He would like either get water or to give up his water rights. He said he was told by the office that he couldn't give up the rights until next year and he doesn't want to pay for something he can't use (water). Baum clarified that when he called this spring, she told him that transfers had been done for 2022, and it couldn't be done until 2023. Bridgewater wanted clarification if he really did want to give up his water rights because he has asked many times over the years and then changed his mind. De Los Santos explained that his valve is at Quail Lane and he is served by a private line after that, which was put in by the previous landowner and neighbor. The line that goes across his property to Stan Toms, which serves both properties, is a 2" line and broken up in multiple places for about 200 yards. Cross stated he would like to give up the water rights. The District will send him a form and contact Toms. He left the meeting at 9:08 am.

Bridgewater states this is not common, but not rare. Often landowners claim their line is a private line until it needs to be repaired. There are other places, such as along the canal in Umatilla, where private lines were put in to serve multiple properties. Both the Cross property and the Toms property used to have flood irrigation. Dave Payne put in the valve on Quail Lane, and Hancock (previous owner of Cross property) and Toms put the line in to their properties.

Bridgewater stated that the water rights have been protected by temporary transfers. She suggested, and the board agreed, that if he signs the affidavit to cancel his water rights that his bill for 2022 will be canceled. The same consideration will be given to Toms if he desires.

## **MONTHLY BUSINESS**

**APPROVAL OF MINUTES:** Mueller moved to approve the minutes of the June Board meeting and the July 11 Special Meeting. Frederickson seconded. Motion passed.

**BILLS PAYABLE:** After review and discussion, Mueller moved to approve the June accounts payable list in the amount of \$146,523.10. Frederickson seconded. Motion passed.

**FINANCIAL REPORT:** The May 2022 financial reports had been distributed to the Board and were reviewed.

## REPORTS AND CORRESPONDENCE

**OPERATIONS:** Ben de los Santos, Field Supervisor, reported the following:

- Windwave Communications has been installing a fiber optics line along Miller Road, south of Kunze Lane. The line and several vaults are too close to our line; within 1 – 6 feet where the authorization was for 13-feet from the pipe. This is our 12" pressurized mainline for the Miller Road Pump Station. The concern is not only for the potential damage to WEID facilities by Windwave during construction and maintenance, but also of damage to Windwave's line if there is a break in our line. Who is liable for damages if there is a break or flooding from WEID's mainline and Windwave then has an outage? Frederickson stated that when he had gone to inspect the work, he was told that this line carries approximately 20% of the internet access in the US. Mueller commented that an outage could be of national security. This is not the first time Windwave has made installations outside of their Agreements, and then notified us afterwards. They previously installed a line down Miller Road inside WEID's right of way without an agreement, and the problem they are having now is due to the separation needed between the two fiber optic lines. Bridgewater and Baum have been working with Wendy Neal at Windwave on a Letter of Agreement for the placement of this line, which is not within the specs that were approved in the Agreement with Reclamation. Bridgewater also emailed Sater and Wendy Morrison at Reclamation regarding future agreements with contractors wanting to place facilities in WEID right of way, and the need for a liability clause that WEID is not responsible if there is a WEID failure that causes damage to them.

Frederickson brought up future development he had heard about that the Port of Morrow is planning at the Boardman Airport. Amazon is wanting to put data centers there, and fiber optics will need to be put in. The Port has indicated that they would like to go down our canal road. This discussion took place with Frederickson while he was at the Port on other business, and he told them to contact the District. At this point, no one from the Port has contacted the District office. Bridgewater asked if they wanted to put the line in our road or just within the right of way. WEID has to look to the future of the canal, i.e. new deliveries, drainage work, relining, etc. Questions for the Port include where, how deep, can lines be damaged by water, etc. Sater stated that the Port and Amazon must have bigger, long-term plans that we should be able to take a look at. He will contact other Reclamation managers to see if they are facing

similar problems. This can't be unique to WEID. Frederickson stated that this is all around us and was concerned if Amazon could take what they wanted by eminent domain. Bridgewater felt it would be difficult to claim eminent domain against the federal government.

Discussion turned to the future of fiber optics in WEID. In the past, Windwave has waited to notify Reclamation and the District of the need for an Agreement until they are ready to start work. They seem to always be in a bind, needing to rush things and not abide by the Agreements. The Agreements state that they will provide as-builts after the project is complete, and that is how they are able to build without following the approved plan. Sater commented that everything they are doing now seems to be an emergency. Bev will follow up with Reclamation on this issue and how it will be handled moving forward. In the meantime, verbal approval was given to Windwave to continue the installation discussed above, based on a written agreement between WEID and Windwave relieving WEID of any liability for the line. It was to have been done yesterday, but no word from Windwave yet.

- Equipment: All equipment is up and running except for 2 pickups. The Kenworth dump truck has a hydraulic leak which wasn't noticed until it was moved. It is still being used to move equipment, but not for loading/dumping.
- Pickup purchase: De Los Santos reported that he drives 100-plus miles a day and feels a smaller 4-wheel drive pickup might be a better option for him to drive. No pickup was purchased last year, and he asked the board if they were planning on putting one in next year's budget. Frederickson wondered if De Los Santos should switch vehicles with Alan Svaontsky, who has been working more on the projects and needs the equipment that is on De Los Santos' truck. De Los Santos confirmed that he has to stop what he is doing to go to a jobsite when something is needed. Discussion continued about needing to order something now to take delivery in 6-8 months, if that is what we want to do. Motion made by Frederickson to get a 4 cylinder,  $\frac{1}{2}$  ton, 4-wheel drive truck or appropriate pickup. Mueller seconded. Motion passed.
- Report on hiring: An ad was placed on Indeed, from which there were 2 applicants that were interviewed. The first applicant did not possess the essential requirements for the position and was not hired. Baum and De Los Santos interviewed the second candidate on Monday, who is a former employee of Columbia Improvement District. After interviewing him, he was hired conditionally through Express Personnel. The ad on Indeed has been closed, but there is still an open listing with the Employment Department. Discussion.

**INTERN REPORT:** Emma Mueller reported what she has been working on this summer. Today is her last regular day with WEID, as she has vacation plans before going back to college in August. She plans on coming back for 1-2 days in August to finish up any lingering issues.

- 1) Transferring operational forms, maps, schedules and so forth to digital and interactive formats: The District acquired 4 iPads for the ditchriders to use. Emma has set up the run sheets and water order sheets in Microsoft Teams. It costs an additional \$12.50

per month to add an operations account that allows 5 logins to our existing account. She has worked with the ditchriders on training and resolving issues. Emma has been working with the developers of an app that looks promising for timecards and work orders. This app has the feature of a “geo-fence” which tracks where an employee travels when they are logged in, daily mileage, and allows for real-time location tracking. Questions and discussion ensued.

- 2) Water Savings Program. There was a good response to the program. So far, 14 landowners requested information on the program; 2 have completed their applications and are waiting their rebate (one want a refund check, and the other requested a credit to their account). 2 are still pending, and Lisa will follow up with them.
- 3) Conservation: Emma reported on a landowner who is in a serious overuse situation. Their meter shows that they are already out of water for the season. Research showed that last year they used twice their allotment and were notified of that by postcard at the end of the year. Emma has gone to their property twice to look at their system and measure their water use. The landowner has 0.4 acres of water rights, and are allowed 3.4 gallons per minute, or 6.8 gpm on rotation. They have 5 stations on their system, which use from 16-34 gpm each. Discussion. They were pleased with the work Emma had done and felt this is a good of WEID working with its patrons.
- 4) Emma expressed how much she enjoyed working here this summer and hoped she could come back again. Bridgewater, Baum, and the board expressed how much they appreciate the work Emma has done for us, both in the communications improvements and the customer service. Emma will always be welcome at WEID, and hope she considers coming back next summer.

**ADMINISTRATIVE REPORT:** Lisa Baum, Administrative Services Manager, reported the following:

- 1) Baum reported that when she was reconciling the June bank statements, she discovered that \$2,000 had been transferred out of the WEID Banner Bank checking account into a private account on June 16. She immediately contacted Cindy Meyers, bank manager, who informed her that it had been done by Director Whitney Coffman. Baum immediately notified Bridgewater, Philippi, and the accountant. Baum contacted Coffman by phone who stated that her assistant must have done it by accident, and that she would call her. Despite repeated attempts by both Baum and Bridgewater to contact Coffman again, Coffman has never returned any phone calls or text messages. SDAO legal counsel Spencer Rockwell, and local attorney Phillip Spicerkuhn were both notified. Results of their discussion and direction was included in the board packets and reviewed. Discussion. The Board directed Baum to contact the Morrow County Sheriff's Office and file charges against Coffman as soon as she got back to the office.
- 2) Baum relayed her conservations with the bank, on how this happened, and preventing it from happening in the future. Because Coffman is a signer on the accounts, she has access to them in her personal on-line banking. Baum directed the bank to remove all on-line access to WEID accounts with the exception of the District's own login. This has been done, but the bank warned that anyone who is a signer on our accounts can still call the bank and regain that access. Discussion.

**BANKING:** Frederickson moved to remove Whitney Coffman as a signer on all District accounts, both at Banner Bank and Bank of Eastern Oregon. The authorized signers on the accounts will be Directors, Dalarie Philippi, Vern Frederickson, Robert Mueller, and Abe McNamee, and Manager/Secretary, Beverly Bridgewater. Lisa Baum is authorized to get information on the accounts and make bank transfers by e-mail or phone. The only on-line access allowed to District accounts is to be from the District login; no individual signers should have online access. McNamee seconded the motion. Motion passed.

- 3) **Oregon Paid Leave:** Oregon has a new program available to all employees who have been with their current employer for more than 90 days and earned at least \$1,000 in the prior year. It allows for up to 12 weeks of paid leave for family leave, medical leave, or "safe" leave. This will be administered by the state with funds from payroll deductions. Deductions will begin January 1, 2023 in the amount of 1% of gross wages, split between the employer and employee 40%/60%. Baum gave the example that for the 2022 budget of \$386,000 in gross wages, the employees would pay \$2316 and WEID would pay \$1544 total. Baum reported that there is a clause that small employers, under 25 employees, do not have to pay into the fund, but she is not sure if government was allowed that exemption. She had reached out to the state but had not heard back yet.

**MANAGER'S' REPORT:** A written report was distributed to the Directors and is attached to and a part of the minutes. It was reviewed and discussed.

**WESTLAND IRRIGATION DISTRICT / BPA CONTRACT:** Westland Irrigation District notified WEID by letter on July 1 that they were cancelling the maintenance contract effective July 15. After discussion and direction given at the Special Board Meeting on July 11, Bridgewater reported that she had not pursued renewing the contract. The board was in agreement.

## DISTRICT BUSINESS

**LATERAL 17:** Bridgewater met with both Morrow County and the City of Boardman regarding the scope of work for the planned improvements. Our current ditch is on the east where the road and utilities are currently located. The landowners on the west are encroaching upon the ROW. Bridgewater discussed with the County the idea of moving the pipe 10 to 15 feet in exchange for the county doing the two HDPE crossings at Kunze and Wilson. She learned that the City will be annexing area between Wilson Lane and Kunze Lane, putting in sidewalks and bike paths. This could also impact our pipe if it is the same side of the road. Discussion about pipe location and utilities. Bridgewater reported that there is already an agreement in place for Paul Smith Road, and that Reclamation will have to be involved to either amend that agreement or make a new one.

**BOR INFRASTRUCTURE LOAN:** Bridgewater reported that Reclamation has informed WEID that there will be a \$6,000 charge for the \$60,000 contract. She wonders if it would be the same charge for a \$300,000 contract, or if it is a percentage of the whole contract. Sater wondered if future funding would be a new contract with a similar cost, or if the existing contract could be amended at a lower cost. Bridgewater felt it would be worthwhile if it could be amended. There was discussion as to the overall cost. McNamee felt if there is a 10% fee for the loan, plus the interest, it may be more cost effective to get local funding. Sater stated that the interest rate would be locked in when signed. The Board approved Bridgewater to move forward, contingent upon answering these questions: 1) contract costs, and 2) whether needs to go to public vote. Bridgewater will report back to the board.

**NITRATE CONCERNS:** WEID did extensive testing of nitrates levels of water in its Main Canal and of drainage water entering the canal. The results were as expected: nitrate levels in the canal were very low; some of the water coming into the canal had elevated levels. Baum will email the results to the Board.

### EXECUTIVE SESSION

No Executive Session was called.

### OTHER BUSINESS

There was no other business.

### ADJOURNMENT

With no further business, Chairperson Philippi adjourned the meeting at 10:45 a.m.

Signed:

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Bev Bridgewater, Secretary

Attest:

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Dalarie Philippi, Chairperson