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Board of Directors

Position 1 – Joe Spendolini

Position 2 – Kevin Harter

Position 3 – Mike Koger

Board Secretary

Cindy Oden

SPECIAL BOARD MEETING

August 30, 2021

1. **Call to Order** - Chairman Harter called the meeting to order at 2:49 p.m.
2. **Roll Call of Directors** – Directors Harter, Koger & Spendolini all present. Heather Harter was also present.
3. **New Business**
 - a. **Wetland Delineation** – Director Spendolini explained once the board approves the reports, they need to be sent off to Oregon Department of State Lands (ODSL) and Army Corps of Engineers (ACE). Director Spendolini explained he had reviewed the Applegate’s Milkvetch Survey and there was not any present. The milkvetch is to the east and to the north of the subject property. The survey consisted of 172.5 acres. Director Spendolini asked if anyone knew why 172.5 acres was included in the survey. Director Harter stated there was nothing that size discussed we discussed 100 acres the size of the ponds and 120 acres was also discussed, both just north of the existing ponds. Director Harter stated he did not know why they did such a large subject area. There was not anything discussed about that size of area. Director Spendolini: This proposed site was for a pond? What kind of a pond? Director Harter: Storage, a storage pond. Director Koger: As was discussed if we don’t have the 100-acre pond out on N Poe Valley, but for us to use our own land here next to the other ponds. Director Harter: For additional storage. Director Spendolini: Is that pre-treatment. Director Harter: No, post treatment. It would be for anything treated to class A and then stored for additional storage during the wet times of the year. I don’t understand why they did such a large footprint, again what was discussed was 100-acres. Director Spendolini: Basically, a holding tank for our class A water. Director Koger: Yes, if we went with KDD those 3 to 4 months that they could not accept water. It could be stored here until they started up. Director Harter: So, I guess it is already done. There is not much we can do about it now. We just have additional land that we would use later. Director Spendolini: I see good news in this report. A big chunk of this land is alkali, perfect for storage. Director Harter: I agree. Director Spendolini moved to accept the reports as presented and we send them to ODSL and ACE with the associated fees for review. Director Koger seconded. Passed unanimously.
 - b. **Peter DeFazio letter** – Director Spendolini: Chairman as you may recall we discussed this in our last board meeting. I investigated it and if you guys are ok with it, I will go ahead and submit a letter in support. Essentially, it is promoting \$200 million dollars infrastructure package going to the EPA to be set aside for grants and then we can apply for them. Director Harter: Do we have any further discussion on this? Director Spendolini: At the last meeting it was decided that I was to investigate it and if it was ok, I was to write the letter. I just wanted to report and make sure the consensus was the same.

4. **Open Public Hearing on Ordinance #59 – System Development Charges** was opened by Chairman Harter at 3:00 p.m.
 - a. Director Spendolini moved to read Ordinance #59 by title only. Seconded by Director Koger. Passed unanimously. Chairman Harter read Ordinance #59 by title only.
 - b. Director Koger read Ordinance #59 for the second time.
 - c. Chairman Harter asked for public comment on Ordinance #59, no public comment.
 - d. Chairman Harter closed the public hearing at 3:10 p.m.

5. **Executive Session ORS 192.660(2)(a)**

The board moved into executive session at 3:10 p.m.
The board adjourned executive session at 4:03 p.m.

6. **Other**
 - a. After reviewing applications, the board has decided to interview the top two candidates. Discussion on the date and time for the interviews. Chairman Harter reminded the board members the questions for the interview still needed to be developed. The board decided to have back-to-back interviews on September 15, 2021, starting at 3:00 p.m.

7. **Adjourn-** Director Spendolini moved to adjourn. Seconded by Director Koger meeting adjourned at 4:06 p.m. Next meeting will be September 7, 2021, at 2:45 p.m.

8. The board reconvened the board meeting at 4:45 p.m. Cindy Oden board secretary joined the board.
 - a. Director Spendolini asked Cindy to update the board on the well situation at 18552 N Poe Valley. Cindy reported the well went dry on Friday, August 27, 2021. The tenants are already in the process of moving out. They will continue to move out and without any water to clean they will do their best to leave the house in proper order. The property manager will do a walk through with the tenant prior to moving and be sure there is no damage but will not mark the tenant down if things are not cleaned properly due to no water on site. I called Klamath County Watermaster, and they said there currently isn't any money available to drill or help drill domestic wells, but they are hoping there will be money available in the future, to save all receipts and hopefully we will be reimbursed later.

Director Spendolini: the program the Watermaster is referring to has not been signed yet by the Speaker of the House, President of the Senate, and the Governor. It has not been signed yet, but once it is signed there will be millions of dollars coming to Klamath for domestic well mitigation. Obviously, we cannot ding these folks on their security deposit for not properly cleaning the house. They don't have any water. We don't have the tank hooked up, so we don't have any opportunity to provide them with water. We are going to have to get that place cleaned. Director Koger: do we have anything in the budget for having someone go in there and clean the oven, clean the refrigerator that kind of stuff later. Director Spendolini: what I think this board may want to consider doing is going ahead and directing Cindy to make arrangements to have the well deepened and get water. I am verily confident the Governor will be signing. Chairman Harter I am verily confident of that myself. Director Spendolini we will get reimbursed. Chairman Harter we are probably looking at 400 feet is my guess. You are looking at \$45 to \$55 a case foot. Director Spendolini about \$20 to \$30,000 dollars ballpark figure. Chairman Harter: it is \$18,000 at \$45 foot, but with the

demand right now it could be higher. Director Spendolini: honestly guys I don't think we need to or should go through a competitive bid process, because we don't have any well drillers seeking work. Chairman Harter: I think it is an emergency to get water out there and I think this board needs to take an emergency action. Director Koger: so, where are we at with the well compared to offering the water tank hook up? Chairman Harter: One of my biggest concerns with the tank hook up is we are not that far away from freezing temperatures. That exposed tank sitting out is going to freeze. Director Spendolini: my personal opinion is if we had tenants still living at the house, we should immediately hook that tank up. The house is going to be vacated today or tomorrow. So, I think we spend the money and deepen the well and call it good. Chairman Harter: I don't disagree with that. We have money left over from the property purchases that were budgeted that we could use on this correct. Cindy: Yes. Director Koger: Those tanks are out there now, but they are not owned by the district? Director Spendolini: They are ours. Director Koger: Are we going to keep those onsite or we going to store them here at the district. Chairman Harter: If we are going to deepen the well there is no need to keep them onsite. Director Spendolini: We should make a call to the Watermaster after we know we are not going to be utilizing the tanks and ask her if she would like them back. They may have someone on the waiting list that can use them. Chairman Harter: Yes, that would be a good thing to do, help the next person down the line. Director Spendolini: You will have to let us know the lead time that we are looking at because well drillers are in high demand. Cindy: Last I heard it was a year waiting list. I will call around and see what I can get and what it will take. Director Spendolini made a motion to have Cindy get someone to deepen the well at 18552 N Poe Valley Road. Seconded by Director Koger. Passed unanimously. Cindy will report back to the board once she knows the lead time for the well drilling. Cindy will also see if she can find someone that would clean the property using their own water. Director Spendolini made a motion based on the lead time of the well for the board to authorize him to make the call on what to do with the tanks. Director Koger seconded. Passed unanimously.

- b. Chairman Harter: While we are here, I would like to update the board. There is another company called Aqua Pulsar. They do something very similar to E3 Water. The exception this company has been in production for a while. His technology was developed in India and was used to treat their water problems. He has asked for some things, and I have asked Sally to go ahead and send it to him. He is willing to test our water, come out and prove his system works before he charges us anything. I asked Sally to provide him with 5 one gallon's containers of water. They will be created and shipped to him and that will be the only cost associated with this. He also wants a video of the facility; I haven't asked Sally for that yet and I am sure we must have something we can send him showing an aerial for him to look at the layout. He says we can go to potable water easy. He uses a ceramic polymer diaphragm that is good for 20 years. It sounds promising. Consensus of the board was to look further at this option.

Chairman Harter gave an update on E3. Stating they were not very happy with the board's rejection to their proposal. They said they would mobilize for free, and I told them the board would need to discuss that further prior to them mobilizing. Director Spendolini: My only questions is we are on the clock; we need to get the facility plan going and done within 4 months. Director Koger: Either company works, it doesn't matter. What matters is the end product will be accepted by DEQ. Chairman Harter: The only thing I bring up about E3. I understand they made a lot of promises. They believe in their technology but what I have seen hasn't been exactly forth coming. They didn't send the data that they said they would

send. The contact information to the treatment facility in Fort Worth was actually given after we rejected their offer. I do know Sally has reached out to them and I believe she has not gotten a return call. Director Koger: I think no matter what we do it is still going to fall upon what DEQ will approve. We can set around the table and say we think if we go to potable water. We think DEQ will say we can do this. Chairman Harter: it does lessen the requirements DEQ has on us. Director Spendolini: But is also going to take some education of DEQ to accept. Director Koger: I think it is up to this board to continue with DEQ, once we go to potable water will it still be that it cannot touch water of the state. Director Koger: I think all of this is riding on DEQ. We could go to spring water and if DEQ says you cannot commingle this water. We are no different than the water we have right now. I feel we need another meeting with DEQ. To find out what we are looking at, does meeting potable water change the definition of our water. Chairman Harter: The only thing I can say is it is approved once you go to drinking water quality. You can reinject into aquifers. That is approved under DEQ. If you can reinject into an aquifer, I think there isn't anything you can't do with the water. Director Spendolini: the part that concerns me about that is the DEQ's definition about that everything we discharge is classified as effluent. One drop of our water in any other body of water, changes that body of water to effluent. Director Koger: If we are looking at these two companies than I say let's look at where we can inject. Have an idea if we go this route we can't go into KDD, we have a plan of where we may inject. Chairman Harter: Yes, that is all part of the it. The only thing I have to say is if we can inject, I don't see why we can't go to KDD. Director Spendolini: Chairman I am really kind of torn. On the one hand I don't have a good feeling about E3. On the other hand, professionally and my obligations to the citizens of this district maybe we should tell them to go to ahead show us what you can do if it isn't going to cost the patrons any money. Director Koger: I am all for it. If it isn't going to cost the patrons any money, we could go ahead with anything to give us more knowledge on what we can purchase. Once we are spending money, we need to know what we are going to do with it and what our abilities are. Director Spendolini: We are going to need to treat the water to class A water regardless. The board paused to read an email from Sally. Chairman Harter: We need data or Sally needs data. How does the board feel about this? I can call Robert with E3 and tell him how the conversation went with the board; no data has been presented. Until we get data it is a no go. If your data comes back and it is real and it looks ok, then we will discuss further options. Director Spendolini: We can not rely on a fly by night. In my opinion, if you cannot be trusted I will not do business with you and right now I don't trust them. One vote on this board of directors is I don't trust them. Director Koger: I don't see how we can do business with them with what they have provided so far. Director Koger and Director Spendolini stated they felt we should send Aqua Pulsar the water they are asking for to test. The cost to the patron's will be very small to ship the water.

- c. Director Spendolini: One of the things I have found while being acting manager is we need to implement is IT policies and procedures. Chairman Harter agreed. I think we need policy and procedures on how we bid and how we put out RFP's Director Spendolini: I also think we need to get enrolled in Oregon Buys. Cindy: I know Dan sent over the information to do that and I just have not had the time. Also, didn't Dan say he was sending over an agreement for him to be the districts engineer of record? Chairman Harter: Yes, he did. I thought we did that at the last meeting. Cindy: we approved his proposal and I thought he said he would send over the contract. I can follow up with him and see if there is anything left to be done. Further discussion on District files and emails and retaining them per Oregon records

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retention laws was discussed. Cindy and Director Spendolini will meet with Bear Tech and discuss setting up an IT policy and procedures.

9. Executive Session ORS 192.660(2)(a)

- a. The board moved into executive session at 5:45 p.m.
- b. The board adjourned executive session at 6:18 p.m.

10. Adjourn- Director Spendolini moved to adjourn. Seconded by Director Koger meeting adjourned at 6:18 p.m. Next meeting will be September 7, 2021, at 2:45 p.m.


Cindy Oden, Board Secretary


Kevin Harter, Chairman

