

## **MINUTES**

Oakdale, California  
May 1, 2007

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Regular Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors:	Steve Webb, President Tony Taro Al Bairos, Jr. Frank B. Clark
Absent:	Jack Alpers, Vice President
Staff Present:	Steve Knell, P.E., General Manager/Secretary Kathy Cook, Chief Financial Officer Gary Jernigan, Support Services Manager Kevin King, Water Operations Manager John Davids, Assistant Engineer, Support Services Manager

### **ADDITION OR DELETION OF AGENDA ITEMS**

There were no additions or deletions of agenda items.

### **ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE**

There were no items taken out of sequence.

At the hour of 9:03 a.m. the Board welcomed public comment.

### **PUBLIC COMMENT ITEM NO. 1**

Jeff Vine who resides at 4949 California Avenue was present at the meeting and stated that last Friday at 5:00 a.m. in the morning he woke up to water under his house, around his house, down his field and into the District's drain. He stated that this was due to his neighbors across the road not taking their water when available. Kevin King, Water Operations Manager, stated that he and his staff were addressing this issue.

There being no further public comment, public comment was closed at 9:22 a.m.

Director Clark requested that Item Nos. 2 and 7 be pulled from the Consent Calendar.

**CONSENT ITEMS**  
**ITEM NOS. 3, 4, 5, 6, 8**

**ITEM NO. 3**  
**APPROVE OAKDALE IRRIGATION**  
**DISTRICT STATEMENT OF OBLIGATIONS**

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to approve the Oakdale Irrigation District Statement of Obligations.

**ITEM NO. 4**  
**APPROVE PURCHASE OF SURPLUS**  
**PROPERTY BY PIONEER EQUINE HOSPITAL**

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to approve the purchase of surplus property by Pioneer Equine Hospital.

**ITEM NO. 5**  
**APPROVE NOTICE OF COMPLETION FOR THE**  
**MAIN OFFICE ROOF REPLACEMENT PROJECT**

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to approve the Notice of Completion for the main office roof replacement project.

**ITEM NO. 6**  
**APPROVE CHANGE ORDER TO GOLDEN STATE**  
**IRRIGATION SERVICES FOR THE HUNTER**  
**RANCH ESTATES PUMPING STATION PROJECT**

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to approve the Change Order to Golden State Irrigation Services for the Hunter Ranch Estates Pumping Station Project.

**ITEM NO. 8**  
**APPROVE ENCROACHMENT AGREEMENT ON THE**  
**LANGWORTH PIPELINE (APN: 062-005-029 – BANDUCCI)**

A motion was made by Director Bairos, seconded by Director Clark, and unanimously supported to approve the Encroachment Agreement on the Langworth Pipeline (APN: 062-005-029 – Banducci).

**ACTION CALENDAR**  
**ITEM NOS. 2, 7, 9, 10**

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS'**  
**MINUTES OF THE REGULAR MEETING OF**  
**APRIL 17, 2007 AND RESOLUTIONS NOS. 2007-18 AND 2007-19**

Director Clark stated that the Minutes currently reflect that Director Webb was absent at the April 17, 2007 Board Meeting. The Minutes should be corrected to reflect that Director Webb was present at the meeting.

A motion was made by Director Webb, seconded by Director Bairos, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of April 17, 2007 once the Minutes have been corrected to reflect that Director Webb was present at the meeting and to approve Resolution Nos. 2007-18 and 2007-19.

**ITEM NO. 7**  
**APPROVE PROFESSIONAL SERVICES AGREEMENT**  
**WITH GIULIANI & KULL FOR ENGINEERING SERVICES**

Director Clark stated that the District goes and obtains bids for many professional services utilized by the Board and he wanted to know if we should go out for bid on these services because he is not always pleased with the services provided by Giuliani & Kull. Director Clark stated that in the future he would like to open the door to some other engineering services. Director Clark stated that he did not think that Giuliani & Kull did a very good job overseeing on the Campbell Pipeline. John Davids, Assistant, Engineer and Support Services Manager, stated that the engineering services being performed by Giuliani & Kull is very good; however, there was a problem in their construction inspection services and that is going to be addressed.

A motion was made by Director Clark, seconded by Director Bairos, and unanimously supported to approve the Professional Services Agreement with Giuliani & Kull for engineering services.

**ITEM NO. 9**  
**REVIEW AND TAKE POSSIBLE ACTION TO RESOLVE**  
**THE FLOODING OF WAMHOFF PROPERTY (APN: 006-001-062)**

The Water Committee evaluated Mrs. Wamhoff's allegations of district flooding on her property located in the southeast corner of Highway 120 and Victory Road. The Water Committee met on this issue April 25<sup>th</sup> and listened to staff. Mrs. Wamhoff was not present at those discussions but later contacted OID about the Committee meeting.

In summary of staff's position: For 20 years this has been a problem to the Wamhoff's who bought this property. Their drainage problem is related to the lay of the land. The

Wamhoff's and all her neighbor's own land and irrigate in a depression area as shown on USGS Quad Sheets. The Wamhoff's parcel is the lowest area. OID has a drain (Root Drain) serving this area but because of topography, it is flat and has very limited capacity. It drains very slowly. Any irrigation in this area results in standing water for a significant amount of time. There is hard pan in the area which results in a shallow standing water table, which appears now (according to Mrs. Wamhoff) to surface on the Wamhoff parcel and results in standing water in and around her house. We previously thought it was surface flooding that was being reported but it appears that is not the case anymore per Mrs. Wamhoff. She stated that Townsend's water has never come onto her property; it's the groundwater that surfaces.

For a non-structural solution to avoid saturated soils and standing water would necessitate the under irrigation of both Townsends and McConnell's properties to the point of drying up the ends of their fields. That would be an economic impact to those owners to the benefit of Mrs. Wamhoff. Staff does not see that as a viable option.

To avoid that, the Water Committee would recommend OID's participation in a sharing of costs in a structural solution between the 4 parties, the Townsends, the McConnells, the Wamhoffs and the OID. OID does not want to be a part of the landowner's decision on what course they take only that OID would participate 25% in that solution, what ever it may be. Staff supports this direction.

Mrs. Wamhoff was present at the hearing. After a lengthy discussion Director Webb asked staff to come up with a list of options along with the costs associated with each option and present these to the Board of Directors at their first Meeting in June.

**ITEM NO. 10**  
**REVIEW AND TAKE POSSIBLE ACTION TO RESOLVE**  
**THE JONGSMA ENCROACHMENT (APN: 020-019-052)**

The Water Committee met on April 25<sup>th</sup> to evaluate the Jongsma encroachment of the Kearney Siphon on his property. Mr. Jongsma was very adamant that he would not take any cash as a means to settle this dispute; however he would consider annexation of his lands to OID as a means to offset his damages.

In conversations with Mr. Ijams and with Mr. Damon with JPIA, our insurance provider, both indicate the expense to defend this case would exceed the remedy cost to removing the 200 feet of pipe and relocating it.

Staff would recommend that at the end of the water season we pull that portion of the pipe that had encroached upon Jongsma property and relay the pipe to be totally on the neighbors, Mr. Van De Pol, who does not care.

The Water/Engineering Committee met on April 25, 2007 and it was their recommendation that the pipeline be relocated.

A motion was made by Director Webb, seconded by Director Bairos, and unanimously supported to relocate that portion of the pipeline that is encroaching on Mr. Jongsma's property.

**DISCUSSION ITEM**  
**ITEM NO. 11**  
**DISCUSSION ON THE BENEFITS OF CONTINUING**  
**WITH OUT-OF-DISTRICT APPLICATIONS FOR SURPLUS WATER**

Staff wishes to discuss the Board's past practice of making out of district water available based on the availability of surplus water. Staff will be raising the following issues as reasons to not continue this practice;

1. Legal Issues against continuing- Reasonable and Beneficial uses.
2. "No good deed goes unpunished" as evidenced by the Riverbank issue.
3. Priority of recipients may/may not be the best strategic recipients for our water.
4. We shouldn't lead people on with out of district water, we should annex lands when appropriate.
5. Annexation bank needs to be established for such purpose.

Revision of Annexation policy needs to get done in-line with WRP recommendations.

**COMMUNICATIONS**  
**ITEM NO. 12**

**A. GENERAL MANAGERS REPORT**

**Safety Activities**

1. OID has gone 343 days without a lost time injury accident. On May 23<sup>rd</sup> of this month we will have reached our 1-Year Anniversary date.

**Administration Activities (items 1-4 are from last meeting)**

1. The OID Scholarship Committee awarded the 2007 ag scholarship for \$1,000 to Spencer Cooper. We are looking for a Director to make the award at the Scholarship Banquet. Any volunteers?
2. OID was a sponsor and a participant in the "Kids Fest" at Kerr Park on Saturday, April 7<sup>th</sup>. OID sponsored a Water Safety Booth. Over 1,000 people attended this first ever event.
3. Director Alpers and I met with Ellsworth Lurch on various historical issues about OID.
4. Attended the "Stanislaus County Vision 2050" meeting in Oakdale on the evening of April 10<sup>th</sup>.
5. Attended CCSF Scoping meeting on the evening of April 18<sup>th</sup> regarding their pipeline construction project. Hoekstra's and Willms representatives were in attendance.
6. I am having Ijams check on OID's legal ability to allow access onto private lands (without landowner permission) to OE3 Business Representative to meet with its members.
7. Felte called to caution us on the recent BOR numbers for April 1.

8. OID has not heard back from Conde attorney.

### **Finance Activities**

1. Open enrollment is completed. We had 5 employees take Kaiser Plan and the rest took Pacific Care.

### **B. COMMITTEE REPORTS**

Finance Committee Meeting (Closed Session Government Code §54956.8)  
April 23, 2007 @ 9:00 a.m.

Government Code §54956.8 Conference with Real Property  
Negotiator

Property: North Side Reservoir APN: 002-052-025

Negotiating Parties: Patrick Joslin and the OID

Under Negotiations: Strategies, price and terms of payment

Water/Engineering Committee Meeting

April 25, 2007 @ 9:00 a.m.

- Jongsma OID Pipeline/Easement
- Wamhoff Flooding

Community Relations Committee Meeting

April 25, 2007 @ 10:00 a.m.

- Proposal of OJUSD Swimming Pool
- Annual Report to the Community

### **C. DIRECTORS' COMMENTS/SUGGESTIONS**

There were no Directors' comments/suggestions.

At the hour of 10:35 a.m. a motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to move to Closed Session.

### **CLOSED SESSION** **ITEM NO. 13**

**A. Government Code §54956.9(b) Anticipated Litigation**  
One (1) Case

**B. Government Code §54956.8 Conference with Real Property Negotiator**  
**Property:** North Side Reservoir APN: 002-052-025  
**Negotiating Parties:** Patrick Joslin and the Oakdale Irrigation District  
**Under Negotiations:** Price and terms of payment.

At the hour of 11:45 a.m. a motion was made by Director Bairos, seconded by Director Webb, and unanimously supported to return to open session.

General Manager, Steve Knell, reported that the Finance Committee was instructed to move forward in negotiating its strategies, price, and terms for the North Side Reservoir.

**OTHER ACTION**  
**ITEM NO. 14**

At the hour of 11:45 a.m. a motion was made by Director Webb and seconded by Director Bairos, and unanimously supported to adjourn to the next **Board of Director's Meeting on Tuesday, May 15, 2007, at 9:00 a.m.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next **Joint Board Meeting for the Tri-Dam Project** has been scheduled for **Thursday, May 17, 2007, at 9:00 a.m.** in the Board Room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, California.

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Steven A. Webb, President

Attest:

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Steve Knell, P.E., Secretary