

CALL TO ORDER

At 7:00 PM, Chairman Foster called the February 09, 2016 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that Chairman Foster, Vice Chairman Bailey and Director Dexter were present, as well as General Manager, Chris Overland. Director Teals and Director Perry were both absent. Legal Counsel, Brian Iller attended via telephone. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

DISCUSSION OF AGENDA ITEM(S)

Chairman Foster called on the board members and the audience for discussion on any agenda items and nothing was brought forward.

DISCUSSION OF NON-AGENDA ITEM(S)

Chairman Foster called on the board members and the audience for discussion on any non-agenda items and nothing was brought forward.

APPROVAL OF THE AGENDA

Chairman Foster called on the board members to approve the agenda. Chairman Foster added to Executive Session to discuss with legal counsel the legal risks of a proposed action and/or current practice as it relates to a settlement. Vice Chairman Bailey then made a motion to approve the agenda as amended. Director Dexter seconded the motion. The motion was then carried unanimously.

APPROVAL OF CONSENT AGENDA

Chairman Foster called on the Board of Directors to approve the consent agenda. The consent agenda consisted of the meeting minutes from 01/12/16, the Bills/Checks (#15425 - #15456) and Vouchers (#1000152 - #1000155) totaling in \$69,123.17. Chairman Foster had one correction to the 01/12/16 minutes that was corrected before the end of the meeting so the minutes could be signed. Vice Chairman Bailey made a motion to approve the consent agenda and abstained from voting on any items related to Basin Property Management, Inc. Director Dexter seconded the motion. The motion was then carried unanimously.

PRESENTATIONS

Washington State Department of Transportation (WSDOT) – Kirk Berg

General Manager, Chris Overland and Mr. Berg have been talking over the last several months in regards to getting the I-90 culverts cleaned out. Kirk Berg is a Maintenance Engineer for the WSDOT. Mr. Berg reported that the I-90 culverts are approximately 65% - 85% full. WSDOT has decided to hire a contractor to clean out the culverts. The contract is out for bid right now, and the bid opening is scheduled for February 18, 2016. The contractors are expected to start work the week after the bid opening. WSDOT has been discussing how to monitor the culverts in the future and has decided to schedule a review every year when the water is down to see how the culverts look. WSDOT is planned to be 100% done with the project by the end of March. General Manager, Chris Overland has had communication with others; including the Bureau of Reclamation in regards to doing what they can to coordinate to the water flowage to help

this project. The USBR was to start flowing water through Moses Lake in early March, but given the culvert cleaning project, are coordinating with others and working with MLIRD to help. Mr. Berg said that he believes the culverts have been there since the freeway was changed to four lanes in the early 1950's. The Board thanked Mr. Berg for coming and giving a presentation on the project and for everything WSDOT is doing with the culverts.

Lakeland Restoration – Dave Kluttz

Mr. Kluttz reviewed the final report he drafted for the end of the 2015 Weed Treatment Program. The final report is a compilation of all the paperwork and processes that go into a year of treatments on Moses Lake. He also discussed a new mapping program that he referred to as BioBase. Mr. Kluttz used the program and mapped the fill while it was at full pool. This information starts on page 51 of the final report. Located on another page is the bathymetry information of where Moses Lake was dredged for the 2015 season, along with the depths at full pool. For the 2016 year, Mr. Kluttz would like to do BioBase volume maps on the whole lake in the spring time before treatment so that Lakeland Restoration can use this information to decide on areas that may need to be treated. In the back of the final report is a two-page document that gives a schedule of what it would take to prepare an application before the third week in June. He recommends a survey of Moses Lake using the BioBase technology and a visual survey of plant species using the rake toss method. They will then BioBase the area and pinpoint potential treatment areas and combine the data into a treatment plan for the 2016 season.

He believes General Manager, Chris Overland's idea of doing a two-phase application last year was an excellent idea and would like to implement that again this year. Last year, Lakeland Restoration treated approximately 190 acres, and Mr. Kluttz suggests MLIRD should budget for another 190 acres for the 2016 weed treatment program. Mr. Kluttz said services for the 2016 year are not changing. Although, he said he included a per acre cost of doing the GIS and the BioBase, which is different from last year. The GIS and the GPS monitoring is \$6.00 per acre, and the BioBase mapping is \$12.00 per acre. The BioBase mapping is more because Mr. Kluttz has to put a boat and crew on the lake. He said the BioBase mapping is kind of a modified fish finder where you drive about 5 miles an hour, map everything and put it into a chip and send it to the cloud. Mr. Kluttz said the BioBase mapping is the only thing that is going to be different for the 2016 year.

Lakeland Restoration rotates treatment areas every two or three years around the lake. General Manager, Chris Overland asked Mr. Kluttz why they have never treated north of the lake. Mr. Kluttz said there aren't very many residents up that way, and it is a deeper area of the lake. Mr. Kluttz also said there has been a discussion in past board meetings that that part of the lake is not in the District. Lakeland Restoration has gone as far north as the Wild Goose area for the aquatic treatments, also all the way around the lake treating Yellow Flag Iris and Phragmites control. Mr. Kluttz said that in 2010 Lakeland Restoration treated 330 acres of Milfoil and in 2011 they treated another 330 acres of Milfoil, which is what got rid of most of the Milfoil in Moses Lake. In 2012 and on, Lakeland Restoration started on the maintenance program which involved spot treating Milfoil and beginning to go after the curly leaf pond weed and some of the other nuisance pond weeds.

Vice Chairman Bailey is anxious to know what the weeds will be like this year since the drawdown of the water was so low along with the freezing temperatures. Vice Chairman Bailey also suggested whether or not this would be a good time to treat some of the weeds that might not have been killed when the water is down. He asked about a dry application rather

than an application when the water comes back up. Mr. Kluttz explained that Lakeland Restoration has started using Imazapyr to help with the Yellow Flag Iris and the Phragmites control. Imazapyr is a very effective herbicide at very low rates and has a long half-life. The advantages to Imazapyr are you don't have to post a notice because you are not spraying in the water. Mr. Kluttz said he would put together a proposal for General Manager, Chris Overland tomorrow to present to the Board. The Imazapyr treatment works out to about \$0.015 a square foot. Imazapyr is a general herbicide that is soil active and active in the plant. Mr. Kluttz would like to set up the Imazapyr treatment and get a good test plot on the lakeshore. He also added that if there are any issues with the effectiveness of the treatment, he will treat those areas at no charge this summer.

Mr. Kluttz said that one of the reasons the Wild Goose area was not treated was not that they didn't want to kill weeds there, it was just that the shoreline is much deeper. He stated that the littoral zone in Moses Lake is 10'0", so anything deeper than 10'0" is not going to grow plants. Vice Chairman Bailey would like to get a list of the herbicides and see if some local vendors can get some of the herbicides MLIRD will need for 2016 to make sure that the local people at least have the chance to supply the product. Mr. Kluttz said that they buy their products from Jerry Ellis, and part of Lakeland Restorations service is to supply the herbicides for MLIRD. Chairman Foster said he looked forward to seeing more next month. Mr. Kluttz said when Lakeland Restoration does the Imazapyr treatment they will map the locations so they will know exactly which area was treated and which was not. He just does not want to oversell the Imazapyr treatment because he does not have personal experience with that application. Chairman Foster thinks MLIRD needs to look into the program because he thinks MLIRD can cover more acres for less money.

Another treatment that Lakeland is doing is they are using 2,4-D with the Imazapyr where milfoil may be located. Lakeland Restoration uses one gallon of Imazapyr per acre, and it is \$55 per gallon. Integrated programs show the public that MLIRD is looking at all the options. Mr. Kluttz was going to send General Manager, Chris Overland all the information on the Imazapyr treatment tomorrow with how much they can do and what it is going to cost. Chairman Foster said General Manager, Chris Overland has his authority to spend whatever he thinks he needs for the weed control. General Manager, Chris Overland just wanted to make sure whether it was the whole 2016 weed treatment or just the test dry land treatment that was being decided on at this time by the Board. General Manager, Chris Overland's intent was to continue with weed treatments for 2016, but his understanding was that MLIRD would have to go out to bid for the 2016 weed treatments unless Lakeland Restoration's contract was extended as the Board of Directors did last year. Legal Counsel, Brian Iller recalls that the advertisement was issued for a three-year extension and if it is still within the three years then MLIRD is still operating under the original action. If the original has expired, then the 2016 weed control treatment would need to be put out for a request for proposals and the District would have to go out for bids. Legal Counsel, Brian Iller said he would read over the previous RFP and advise the Board of Directors and General Manager, Chris Overland through email on what the proper process needs to be. Vice Chairman Bailey would still like to go ahead with the test dry land treatment, as 35 acres will be under \$25,000. Legal Counsel, Brian Iller confirmed that if the scope of the project is under \$300,000 the application could be done under the Small Works Roster as authorized by RCW 39.04.155.

Another product Mr. Kluttz mentioned was called Hydrathol. This is a new product that kills algae and weeds, and he would like to use it this year. It is a product that you have to be careful with because it will kill fish but Mr. Kluttz feels confident enough in his application technology that he can use it. General Manager, Chris Overland mentioned that in the 2014 weed

treatment year MLIRD had a couple of complaints from lake front home owners that MLIRD killed their ornamental plants on their shoreline. General Manager, Chris Overland is concerned that we may be setting up for some of that again in 2016 if we're not careful with dry application treatments. Mr. Kluttz said that they are going to be spraying below the shoreline with the test dry land treatment. Mr. Kluttz said the reason that occurs is that those plants are Reed Canary Grass which is another invasive grass and his point is that if you are going to spray the whole shoreline, then you are going to spray all the invasive plants and Lakeland Restoration did that in 2014. He also mentioned that the only reason those plants are growing here is that they have been brought here by someone. Mr. Kluttz said he just tries to do his best.

MLIRD STAFF REPORTS

General Manager, Chris Overland reported the following:

- Lake elevation was at 1042.43 feet as of February 09, 2016.
- There were no bids on the Soil Compactor. However, MLIRD did get an offer to trade the Soil Compactor for a needed Bull Dozer. The Soil Compactor has been excessed as surplus property and General Manager, Chris Overland would like to move forward with that trade.
- There were also no bids made for the sale of the spoils. Vice Chairman Bailey asked if General Manager, Chris Overland has talked with the Port of Moses Lake yet. General Manager, Chris Overland said that he has not talked to the Port of Moses Lake yet, but will contact them. There was also a mention by Chairman Foster that the City of Moses Lake may be interested in the spoils.

Chairman Foster said that he doesn't know if MLIRD should continue to advertise that the spoils are still available or if the Board of Directors should make a decision on what they are going to do with them.

Vice Chairman Bailey asked if Chairman Foster was able to get in contact with the City Manager or if MLIRD has heard anything back from the two landlords. Chairman Foster hadn't made contact with the City Manager yet because he didn't have any direction from Legal Counsel, Brian Iller on what MLIRD could do or couldn't do nor did MLIRD have an answer back from the two landlords on what their plans were. General Manager, Chris Overland intends to talk to Mr. Maiers soon to sign the lease. Mr. Maiers reportedly seemed surprised that he even had a third ownership of the spoils and may not have much interest in the third. Vice Chairman Bailey said he was pretty sure that was the case because he had never talked with him about owning a third. Legal Counsel, Brian Iller said that when General Manager, Chris Overland talks with the two landlords, if both were not interested in the proceeds to make sure they know MLIRD will be asking them to sign a disclaimer of interest in the proceeds. Then MLIRD can draft up a one-page disclaimer saying that they disclaim any rights to the spoils that they might have under the contracts. General Manager, Chris Overland said that he will talk to the two landlords about a disclaimer. Chairman Foster asked if Legal Counsel, Brian Iller would draft up a disclaimer for MLIRD.

General Manager, Chris Overland said that Mr. Penhallurick offered to re-write the lease and take MLIRD out of the third ownership situation, to legally unencumber MLIRD from the spoils ownership. Chairman Foster said that if the Board decides that we will let somebody else have it without having to go through the whole bid process, that he is fine with that too.

Vice Chairman Bailey suggested that General Manager, Chris Overland talk with the Port of Moses Lake and find out if they need some material and if so, let them know MLIRD has approximately 30,000 cubic yards that are available. Legal Counsel, Brian Iller said as long as there have been no bids, it is reasonable to conclude that the material has no value. General Manager, Chris Overland said there have been no bids and stated that perhaps you could make the case that the spoils currently have a market value of \$0.00.

- Other financially related items include the possibility of a floating decanter system at the dredge site that is being looked into. The floating decanter will help restrict sediment in the primary pond. General Manager, Chris Overland was under the impression that the Board wanted a Budget meeting to go over what was going to be spent in 2016, so he has not proceeded with any commitments. However, General Manager, Chris Overland has advertised for the floating decanter system and gone out for bids to get costs in. No action was taken on this subject.

The Center Strip Irrigation System at Connelly Park was discussed briefly. There were four contractors that expressed interest and MLIRD only received two proposals back. No action was taken on this subject.

To improve Harvester operational efficiency, a Harvester Transport Barge was discussed because the Harvester cost per load currently, is extremely high. When you run a harvester out to Cove West for example, to pick up one load and then it returns to unload, by the time the Harvester would get back to Cove West, it's getting too late in the day to go back out for another load and efficiency suffers. The idea of the Harvester Transport Barge is to unload the Harvester at its assigned location which allows more time spent in a given area harvesting weeds since the Transport Barge works with the Harvester to maximize the weed cutting in an assigned cutting area. Vice Chairman Bailey asked the question if it was possible to use the MLIRD work barge that MLIRD has right now for one year even though it is not designed for hauling weeds to find out how much more efficient a harvester transport barge may be. Vice Chairman Bailey believes even if it has to be done by hand transferring the weeds from the harvester to the barge boat, how many more loads can be done? Chairman Foster asked if the harvester could be unloaded at multiple boat launches to save time. General Manager, Chris Overland said he has only known of the Dahl Road boat launch being used as another unload area but that he is open to ideas. Vice Chairman Bailey asked if we could contact garbage companies to see what it would cost to have a dumpster at different locations. No action was taken on this subject.

Another financially related item is the trade of the soil compactor for the dozer. The first time MLIRD ran the ad for the sale or trade of the Soil Compactor for a Dozer was in 2015. There was one contact in 2015, but no bids or trade offers were made. In 2016, an advertisement to sell or trade was published, and a trade offer came in. Legal Counsel, Brian Iller said that if there were no bids for the sale of the Soil Compactor and there was an offer to trade straight across for the Soil Compactor and a Dozer that the offer could be accepted because it complies with the advertisement and resolution. Vice Chairman Bailey made a motion to approve Resolution 2016-004. Director Dexter seconded the motion. The motion was then carried unanimously.

- Don Beckley has approached MLIRD a few times expressing concern and interest that MLIRD steps forward while the comment period is still open for the apartments that are being built on 9th and Division

Street. This area is declared as a sensitive wetland area, and the development is encroaching on it which is creating concerns. Mr. Beckley feels strong through his past work with MLIRD that the District should file a letter of complaint. Chairman Foster feels that this is something that the City of Moses Lake and other agencies are going to take care of, and he doesn't want to get into the political side of things. Vice Chairman Bailey added that MLIRD deals with the lake and not the wetlands. No action was taken on this subject.

EXECUTIVE SESSION

The Board went into Executive Session at 8:15 PM to discuss with legal counsel the legal risks of a proposed action and/or current practice as it relates to a settlement and the trade of the soil compactor for the dozer as authorized by RCW 42.30.110(1)(i)(iii). The expected time was 15 minutes and they were to return to Regular Session at 8:30 PM.

The Board entered back into Regular Session at 8:30 PM.

ACTION ITEMS

General Manager, Chris Overland is trying to get the District into a more suitable maintenance shop to protect MLIRD assets and also do better at preventive maintenance on equipment. General Manager, Chris Overland mentioned that he has recently looked at Pacific Northwest Mechanical's previous shop downtown. MLIRD currently pays \$1,500 a month plus utilities for the shop the District is currently leasing. Pacific Northwest Mechanical is asking for \$2,500 a month. Vice Chairman Bailey thinks moving into the Pacific Northwest Mechanical's shop is a good option. Chairman Foster said that General Manager, Chris Overland does not need a Board motion to change locations that MLIRD is renting. Legal Counsel, Brian Iller said that the Board has the power to meet the bid statutes as it applies to property acquisitions. The current shop lease expires December of 2016. Vice Chairman Bailey suggests talking to Mr. Gerber about the Pacific Northwest Mechanical's shop to see when it will be available. He then suggested talking to the owner of the current shop and see what can be worked out with the current lease. Chairman Foster said that General Manager, Chris Overland may want to check to see if the Pacific Northwest Mechanical's shop structurally meets everything it is supposed to.

WORKSHOP/DIRECTOR QUESTIONS AND/OR COMMENTS

Vice Chairman Bailey would like to see General Manager, Chris Overland contact some of the other local providers of chemicals and get some pricing to compare. Chairman Foster said that part of what Mr. Klutz with Lakeland Restoration makes is the markup on what he's buying and applying for MLIRD. General Manager, Chris Overland said that was one of the reasons he had planned on going to a bid process for the 2016 Weed Treatment Program. Vice Chairman Bailey said there was an issue a few years ago that MLIRD overpaid for a chemical. It is the Boards understanding that the contract is up with Lakeland Restoration for weed and algae control, so Chairman Foster would like to make sure that General Manager, Chris Overland has everything for moving forward with the 2016 Weed Control Treatment. Vice Chairman Bailey mentioned that an option may be that MLIRD bids the 2016 Weed Control Treatment with and without chemicals. Clean Lakes, Inc. has been in contact with General Manager, Chris Overland and has sent MLIRD their summary statement of qualifications.

Chairman Foster said that he was unable to get a budget meeting together last month. Chairman Foster, Director Dexter, and General Manager,

Chris Overland will be working together to build a budget that is more presentable for the March Regular Board Meeting. Vice Chairman Bailey would still like to see a side by side comparison of the actual 2015 costs and the proposed 2016 costs for the March Regular Board Meeting. General Manager, Chris Overland showed the Board what he had been working on which was a month by month comparison of all the accounts side by side for the 2013, 2014, 2015 years and the 2016 proposed costs. Vice Chairman Bailey liked what he saw but only wanted to see the year end data for the entire year on 8½” x 11” paper, not month by month. Chairman Foster wants General Manager, Chris Overland to help the Board by letting them understand what it is that he wants to accomplish for the 2016 year. Chairman Foster stated if he wants to spend \$200,000 on Weed Control and General Manager, Chris Overland figures out how to do that with the budget or if he presents something to the Board that shows that he is going to dip into reserves. Chairman Foster would like at some time in the future to say, based on the spending history and based on the forecast of assessments that MLIRD will be assessing at a rate less than a \$1.00. Chairman Foster said MLIRD is not at the financial accounting and reporting level where he is comfortable enough to say the District doesn't need the whole \$1.00. Vice Chairman Bailey would still like to see MLIRD getting more property into the District.

ADJOURNMENT

The meeting was adjourned at 8:47 PM.

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Mary Perry, Director

Kris Dexter, Director

Richard Teals, Director

By: _____
Secretary to the Board of Directors

Transcribed By: _____