

CALL TO ORDER

At 7:00 PM, Chairman Foster called the April 12, 2016 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board of Directors except Director Teals were present. General Manager, Chris Overland and Legal Counsel, Brian Iller was also present. 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 then called on the board members to approve the agenda. Director Dexter made a motion to approve the agenda. Director Perry 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 03/08/16, the Bills/Checks (#15499 - #15540) and Vouchers (#1000159 - #1000161) totaling in \$87,205.80. Director Perry made a motion to approve the consent agenda. Vice Chairman Bailey seconded the motion and abstained from voting on any items related to Basin Property Management, Inc. The motion was then carried unanimously.

MLIRD STAFF REPORTS

General Manager, Chris Overland reported the following:

- Lake elevation was at 1046.74 feet as of 9:00 AM on April 12, 2016 which is a little above the summer level.
- There are currently four gates closed and two gates open on the Moses Lake North Dam as of April 12, 2016.
- Lakeshore Cleanup was considered a success and approximately three tons of garbage cleaned up off the lakeshore with over 200 volunteers.
- The I-90 culvert project has successfully been completed with all four culverts completely cleaned out. The project started February 23, 2016 and was completed on March 17, 2016.
- Connelly Park opens for the season tomorrow, April 13, 2016.
- The dredge re-permitting process is still moving forward. There is a planning commission meeting with the City of Moses Lake on Thursday, April 14, 2016 and General Manager, Chris Overland and Ryan Walker with Grette Associates will be attending. Once the dredge permit is approved, it will go to DOE for 30 days and then back to the City of Moses Lake for a notice of final decision.
- General Manager, Chris Overland has recently looked at ways to improve MLIRD's ratepayer base. In doing so, he examined a recent

Assessment Roll build and noted that the number of parcels had not changed much over a twelve month period of time. With land developing where acreage is being developed into smaller individual parcels, one might expect the number of parcels to increase, but that doesn't appear to be the case.

- The 2016 budget is currently showing ~\$70,000 favorable for the months January-March. However, there are financial commitments that make up that \$70,000 such as the dredge pump rebuilds, as well as the barge motors.
- The Lakeland Restoration 2016 Weed Treatment Survey is scheduled for the week of May 16, 2016. Without any Board motion or resolution to extend any contract with Lakeland Restoration for treatments, General Manager, Chris Overland's intention was to get the survey results and use the survey findings to define and go out for bid with the 2016 Weed Treatment.
- There are a number of people that have shown interest in the dredge spoils if they are free of charge. In general, everyone interested in any of the dredge spoils will need to sign a "Dirt Hauler Agreement" that protects MLIRD from any liability. General Manager, Chris Overland wants to get back to two or three of the interested parties and try to accommodate them to the extent that MLIRD can. He also believes MLIRD can lower its liability with fewer parties hauling dirt from the dredge spoils pile. Vice Chairman Bailey announced that when this does happen, that MLIRD should consider a time limit on the removal of spoils material. General Manager, Chris Overland said that his intent was for all parties to have the spoils removed by July 1, 2016 before the dredging operations begin. Chairman Foster suggested even having the removal limited to June 1, 2016 or even June 10, 2016. Director Dexter asked the question if MLIRD should have staff on-site to make sure that everything goes okay. General Manager, Chris Overland said MLIRD's intent was never to oversee the loading process, just to have the hauler sign the "Dirt Hauler Agreement" which places all responsibility on them. Within that, it also releases the liability for the landowners in the event that someone gets injured on their property.
- Resolution 2016-005 and 2016-006 need to be reviewed and discussed, along with the proposed shop lease.

MLIRD RESOLUTION 2016-005

Vice Chairman Bailey made a motion to approve MLIRD Resolution 2016-005 – Approving Small Purchase Roster Process for Purchases of Materials, Supplies, or Equipment Not Exceeding \$50,000.00. Director Dexter seconded the motion. Vice Chairman Bailey mentioned that he thought the motors that needed to be purchased were \$55,000.00. General Manager, Chris Overland said that the motors were around \$53,000.00 initially but through negotiating, was able to get the cost down to about \$37,000.00. The motion was then carried unanimously.

MLIRD RESOLUTION 2016-006

Vice Chairman Baily made a motion to approve MLIRD Resolution 2016-006 – Declaration of Dredge Spoils as Excess Property. Director Dexter seconded the motion. Legal Counsel, Brian Iller thinks that he and General Manager, Chris Overland put together a good resolution that protects the District and requires the authorization of the disposal of dredge material. Also, the "Dirt Hauler Agreement" they put together has minimized risk from this activity. The motion was then carried unanimously. Vice Chairman Bailey said there still needs to be a time established for all of the dirt to be removed and if it is not all removed by that time, then it needs to be evaluated if the pile is in a state that MLIRD can continue to add to it and use it for the next dredging season. Vice Chairman Bailey is against MLIRD overseeing the haulers load the spoils.

He believes that MLIRD will accept more responsibility if MLIRD staff is overseeing the loading. Vice Chairman Bailey made a motion to authorize General Manager, Chris Overland to make an agreement with any interested parties that appear to have the best opportunity to remove the spoils under the conditions of MLIRD Resolution 2016-006 and to have the agreement end by June 15, 2016. Director Perry seconded the motion. General Manager, Chris Overland said the only thing that may not have been considered in the "Dirt Hauler Agreement" was the option for MLIRD to rescind the agreement. Chairman Foster is concerned that if the Board gives General Manager, Chris Overland such specific instructions, something may come up that he can't deal with until the next meeting. He believes the Board should give General Manager, Chris Overland some direction, however not in the form of a motion. Vice Chairman Bailey withdrew his motion, and Director Perry withdrew her second to the motion. Director Dexter asked if in the "Dirt Hauler Agreement," MLIRD was going to have the option to rescind the agreement at any time if the contractor doesn't perform. Legal Counsel, Brian Iller said they can add a revision that says the District may terminate the permission of operating time with or without cause. Chairman Foster asked if Legal Counsel, Brian Iller would work with General Manager, Chris Overland on the issue and Legal Counsel, Brian Iller agreed and said he should be able to get the revised edition to General Manager, Chris Overland the following day.

EXECUTIVE SESSION

The Board went into Executive Session at 7:30 PM to discuss with legal counsel the position that the District will take in collective bargaining negotiations as authorized by RCW 42.30.140(4)(b) and to discuss potential litigations in the form of legal risks of a proposed action as it relates to the shop lease and the legal risks of positions to take in the negotiation of the shop lease as authorized by RCW 42.30.110(i)(iii). The expected time was 20 minutes, and they were to return to Regular Session at 7:50 PM.

Chairman Foster entered back into the room at 7:50 PM to extend Executive Session another 10 minutes. They were to return to Regular Session at 8:00 PM.

Chairman Foster entered back into the room at 8:00 PM to extend Executive Session another 10 minutes. They were to return to Regular Session at 8:10 PM.

Chairman Foster entered back into the room at 8:10 PM to extend Executive Session another 20 minutes. They were to return to Regular Session at 8:30 PM.

Chairman Foster entered back into the room at 8:30 PM to extend Executive Session another 10 minutes. They were to return to Regular Session at 8:40 PM.

The Board entered back into Regular Session at 8:40 PM.

Vice Chairman Bailey made a motion to approve the proposed shop lease with Blue Sky Revocable Trust for 1740 W. Pheasant Street, Moses Lake, WA 98837 with the terms as written, conditional upon section 13 – maintenance and repair revised to the satisfaction and approval of the MLIRD Legal Counsel. Director Perry seconded the motion. The motion was then carried unanimously.

WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS

Chairman Foster asked why the fountain is not out on the lake for the season yet. General Manager, Chris Overland stated that the fountain is

not normally placed on the lake this early in the year. Chairman Foster said the weather is beautiful and why not have it up earlier in the year. Chairman Foster said it might be worth taking a look at and seeing if it's possible to get it on the lake earlier than usual. Chairman Foster also said that MLIRD staff is not ready to start the dredging operations yet and if they have some extra time to get the fountain on the lake early. General Manager, Chris Overland said there have been projects happening at Connelly Park getting ready to open for the season but said he would look into it.

ADJOURNMENT

The meeting was adjourned at 8:42 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: _____