

Moses Lake Irrigation and Rehabilitation District
Regular Meeting
October 14, 2014

CALL TO ORDER

At 7:00 PM, Chairman Foster called the Regular Meeting of October 14, 2014 of the Moses Lake Irrigation and Rehabilitation District to order. The record shows all current sitting Board Directors, General Manager, Chris Overland are present and Legal Counsel Brian Iller attending via telephone. The meeting is being recorded.

Chairman Foster called for identification of persons wanting to discuss agenda items and non-agenda items. No persons were identified from the audience.

APPROVAL OF AGENDA

Director Perry motioned for approval of the agenda. Director Covey seconded the motion. Motion carries.

APPROVAL OF CONSENT AGENDA/ BILLS/ CHECKS AND VOUCHERS

Chairman Foster called for a motion to approve the minutes from the September 9, 2014 meeting. With noted changes from Director Foster being made, Vice Chairman Bailey moved to approve the minutes from the September 9, 2014 meeting as amended and seconded by Director Perry. Motion carries. Gail Powell will make the noted corrections before the end of the meeting for signature.

Director Covey moved to accept the consent agenda as presented. Vice Chairman Bailey seconded the motion. Vice Chairman Bailey abstained from voting on any item relating to Basin Property Management. Motion carries.

PRESENTATIONS

Rex Robbins, Irrigators Inc., presented on an overview on the Adams/Hendrix property that currently does not have water rights in Cascade Valley. The amount of main line needed from the lake to the property is approximately 2000 feet total. The property in question is the two center pivots on the property. Mr. Robbins has been told the property is within the MLIRD jurisdiction; however this has not been verified.

Rex stated his presence is fact finding to (1) to see if pumping water to the property is feasible or (2) suggestion how it can be done. The plan is to place a private pump station on public property and approach the county to request a franchise agreement. Mr. Robbins wants to find out how MLIRD feels about the request; cautions, suggestions or concerns.

Vice Chairman Bailey shared that MLIRD has a year left on the lease. It is county property and the negotiation should be solely with the county rather than MLIRD.

The Interlocal agreement between MLIRD and the County was reviewed by Chris Overland and Chairman Foster. A copy of the agreement was shared with Mr. Robbins. MLIRD has no ability to give permission to do anything on the property without the County's written permission. MLIRD has not discussed the future needs of the property.

Chairman Bailey made a motion that the minutes reflect that Moses Lake Irrigation and Rehabilitation District does not oppose the Adams/Hendrix families installing a pump station at the Dahl Road county lot. The motion was seconded by Director Covey. Motion carries. Nathan Pack spoke on the Parker Horn Dock. The dock in the downtown area is in need of rehabilitation so boaters can come into the downtown area.

Nathan asked MLIRD for support in the rehabilitation and/or restructure of the dock. General Manager, Chris Overland mentioned the dock is actually a pumping station with utilities underneath and is back flushed once a week; it's not currently a pleasure dock. Vice Chairman Bailey said if the dock needs to be repaired it should be done. A suggestion was made about using the Solar Cup Committee funding to upgrade the dock.

Director Covey connected with Julie Smith, former Administrative Assistant for the Moses Lake Irrigation and Rehabilitation District, regarding The Solar Cup Committee. Director Covey made contact with SGL and they have requested the money be returned; a check was written to return the funds to SGL. Chairman Foster assured Mr. Pack the District would look into the rehabilitation of the dock.

Dam Construction Report

Paxton Anderson, the Area Manager with Strata, introduced Ryan Carter as being the project field person for the dam project and Mr. Comstock who has led the design. Mr. Comstock updated the Board Members on the project. Permitting, status, design status and the construction was discussed. Permitting with Grant County, Public Works, Army Corp of Engineers, Washington Fish and Wildlife and Washington State of Ecology have been secured. The Transfer of Coverage will be given to North Central Construction which gives constructive control of the site to them. This requires that NCC must prevent any discharge. The permit requires weekly monitoring and water quality sampling. Paxton explained the three project phases in detail along with Value Engineering. North Central Construction does not see any time delays in getting from the efficiency standpoint. A timeframe of the demolition and construction was presented. The anticipated completion is the end of March 2015.

Legal Counsel Brian Iller has not fully reviewed the contract and cannot recommend to the Board the approval of the contract language until early next week.

PUBLIC HEARINGS

No Public Hearings at this meeting.

STAFF REPORTS

General Manager, Chris Overland, reported on staff projects. The water levels today are 1046.75. The Bureau will begin emptying canals into the lake starting October 22, 2014 and continue dropping until mid-December. The Parker Horn pump station will be shut down for the season next week. The pull of the dredge will begin early November to beat the drop of the water level. Connelly Park will close November 1, 2014. The County assessment roll is expected 10/15/14. The FY 2015 budget is close to completion and nearly ready for review. Chris discussed getting out of an equipment lease and selling unused equipment to assist in the purchase of a long reach track hoe.

EXECUTIVE SESSION

The Board went into Executive Session at 8:14 PM. Items to be discussed are:

1. Discuss with legal counsel threatened litigation regarding injunction lawsuit as authorized by RCW 42.30.110(1)(i) and
2. To discuss with legal counsel threatened litigation in the form of discussing the legal risks of a proposed action or current practice regarding entry into the dam construction contract as authorized by RCW 42.30.110(i)(iii);
3. Authorize Brian Iller to accept service for MLIRD and/or Directors
* Attorney may attend either by telephone conference or in person.

Chairman Foster anticipated the return of the Executive Session to be 8:30 PM. At 8:20 PM, Chairman Foster extended the Executive Session to 8:45 PM.

The Board reconvened into Public Session at 8:45 PM by Chairman Foster.

ACTION ITEMS

1. Consideration and action on dam construction contract with North Central Construction

Vice Chairman Bailey moved to authorize Chairman Foster to execute a contract with North Central Construction not to exceed \$2,523,500 dollars for the construction of the dam with the provision that the language and terms of the agreement be approved by Counsel Brian Iller and Mr. Foster. Director Perry seconded the motion. No further discussion and motion carries.

2. Possible discussion or other action related to the threatened lawsuit.

Vice Chairman Bailey motioned to authorize Counsel Brian Iller to accept notice of lawsuit on behalf of the District. Motion was seconded by Director Perry. Motion carries unanimously.

WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS

Director Perry stated more positive public input is needed about what the District is doing. Bill Ecret, from the local radio station, would be willing to give public information on the air with no charge. General Manger, Chris Overland has been instrumental in updating the MLIRD website and part of the upgrade is FAQ's.

Director Covey prepared and read a letter of resignation from the Moses Lake Irrigation and Rehabilitation District, effective October 15, 2014. Copies of the letter were distributed. Chairman Foster thanked Director Covey for his service. Brian Iller shared sadness for his resignation and thanked Director Covey for all his efforts on behalf of the District during his tenure with the District.

With the pending mediation next week, Brian Iller stated a motion is necessary to insert Vice Chairman Bailey and delete Director Covey. Brian Iller said typically the parties, attorneys and insurance adjusters are present in the mediation. At the time of the mediation, Director Covey will no longer be a representative of the District.

Director Covey moved to ask Vice Chairman Bailey to serve on the mediation committee (October 22, 2014) on behalf of MLIRD in lieu of Ron Covey. The motion was seconded by Director Perry. Motion carries.

PUBLIC COMMENTS

A question was raised by Norm Estoos on the replacement of a vacant board position.

Brian Iller read the statute. At the next annual election occurring thirty (30) days or more after the date of the appointment, the successor shall be elected and take office on the first Tuesday in January following and serve for the remainder of the expiring term.

Vice Chairman Bailey will notify the County of the resignation of Director Covey tomorrow.

ADJOURNMENT

With no further action to be taken, the meeting was adjourned at 9:07 PM by Chairman Foster.

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Ronald Covey, Director

Mary Perry, Director

Respectively Submitted

By: _____
Secretary to the Board of Directors

Transcribed By: _____
Gail M. Powell