

## **CALL TO ORDER**

At 7:00PM, Chairman Foster called the May 12, 2015 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board Members except Director Perry were present. General Manager, Chris Overland and Legal Counsel, Brian Iller were also present. The record also indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

## **DISCUSSION OF AGENDA ITEM(S)**

Chairman Foster called on the Board of Directors 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 of Directors and the audience for discussion on any non-agenda items and four audience members asked to be added. Lloyd Peterson asked to discuss the missing boat launch at the Moses Lake North Dam. Bruce Cooley asked to briefly comment on the weed control in Moses Lake over the past few years. Dennis Rudek asked to discuss the Spillway (Moses Lake North Dam) development and Tom Bennett asked to be added under Agenda Item # 11 - Public Comments.

## **APPROVAL OF THE AGENDA**

Chairman Foster called on the Board of Directors to approve the agenda. Vice Chairman Bailey then made a motion to approve the agenda as amended. Director Teals seconded the motion. The motion was then carried unanimously.

## **APPROVAL OF THE CONSENT AGENDA**

Chairman Foster called on the Board of Directors to approve the consent agenda. The consent agenda consists of the meeting minutes from 04/14/15, the Bills/Checks (#15009 - #15062) and Vouchers (#1000125 - #1000127) totaling in \$102,310.24. Vice Chairman Bailey asked that in the 04/14/15 minutes on page 2 line 15 the word "where" be changed to "when". Changes were noted and corrected before the end of the meeting for signatures. Vice Chairman Bailey made a motion to approve the consent agenda. Director Teals seconded the motion. Vice Chairman Bailey abstained from voting on any items related to Basin Property Management, Inc. The motion was then carried unanimously.

## **PRESENTATIONS**

Department of Fish & Wildlife – Jeff Korth & Chad Jackson

Mr. Korth is the Regional Fish Program Manager for the Washington Department of Fish and Wildlife which is the oversight and coordination for all fish activities in this region. Chad Jackson is this district's Fish Biologist and was the point of contact for previous fishing derby stocking needs. Mr. Korth just wanted to come to a MLIRD board meeting so new Directors could put a face to the name and answer questions anyone may have. Some of the projects that he has worked with MLIRD on were the Pelican Horn fish barrier project, Carp control, past pen-netting fish projects, the five year effort on the Moses Lake Research Project, and the Rocky Ford Dam Project. He knows that MLIRD is interested in carp

control. Mr. Korth said that he has always felt that one of the best things you can do for carp control is to keep them out of their major spawning areas. He also believes that one reason carp may not be as bad as they could be, might be the Walleye in Moses Lake. Walleye population is at the 2<sup>nd</sup> highest head count for this year and that's after they raised the limit to 8 and dropped the minimum size to 12. Vice Chairman Bailey asked Mr. Korth to talk about the Rocky Ford Dam Project. Jeff Korth said the Rocky Ford Dam Project was put in as basically a nutrient barrier for Rocky Ford. Rocky Ford is naturally high in phosphates. Phosphates are one of the limiting factors for algae blooms. He thinks that it has worked pretty well. He isn't sure how it is working now because it has filled up and needs cleaned out. They have talked off and on about getting it cleaned out. He said he wasn't sure if MLIRD's current equipment and the dredge would be modified enough to get down and clean that area out, but he thinks it would be beneficial. He also spoke briefly on how the feed route is going to affect Rocky Ford Creek. He said his best guess right now is that it is going to double the flows and that it could be more or it could be less. So not only will Moses Lake see a lot more water, it is going to be seeing a lot more phosphorus coming down as well. These are things everyone is going to have to watch out for. The Department of Fish and Wildlife have been trying to develop a current baseline by collecting data so that when the feed route changes, they will know about it if it causes a big change in Moses Lake. They currently have 3 years of data collected for that purpose. Theoretically he said it should not cause a big change. He said that the USBR is not going to turn loose a lot of water all at one time. They will turn water loose little by little and see what changes it makes until they understand the impacts. Chairman Foster asked if Jeff Korth would be MLIRD's point of contact for Grette Associates when it comes to re-application for MLIRD's dredging operations. Mr. Korth agreed and said absolutely. He said he has worked for years on that project. Chairman Foster also asked what Mr. Korth's opinion was if what MLIRD is doing now is going well. Mr. Korth said that he thought so. He thinks it is a good thing. He has no interest in seeing that whole area become a marsh and thinks all in all, it has turned out very good. He doesn't have the time to track the day to day or even month to month of what MLIRD is doing, but if he ever has any questions he asks Eric to look into it for him. Mr. Korth said he really looks forward to getting to know the Board of Directors again and doing whatever they can to help MLIRD.

## **MLIRD STAFF REPORTS**

General Manager, Chris Overland reported on projects and events:

Recent events/news discussed:

- MLIRD had recently received some information from local citizens about the lake level not having come up as fast as they thought it should have so on Friday the 17<sup>th</sup>, MLIRD worked with USBR and closed 3 gates on the Moses Lake North Dam which helped a great deal. Chairman Foster asked if there was any communications with USBR before this happened and General Manager, Chris Overland said they were contacted.
- In the last month, MLIRD received two phone calls related to removal of dead deer in the lake. Along with a huge tree slab out in Cascade Marina that was probably 3-4 feet in diameter.
- The Connelly compound was broke into and more lights were knocked out by vandals at the Park.
- MLIRD received a call from a representative of a local home owners association asking to use our permit for spraying operations. We advised that without legal agreements in place to protect the District, we couldn't support that. The HOA

representative is going to take it up with their Board to get their own permits in place.

- The Parker Horn Pump Station and Alder Street Fountain will be online and operational this week.
- Harvesters are near ready to go and one will be in active use and the other will be kept in reserve here at the office.
- The D6T Dozer is now gone and the new CX250D-LR Excavator that we traded for and ordered at the end of March should be here in July.
- General Manager, Chris Overland has spent some time talking with Gene Welch. Gene Welch would like to do some water testing/analysis around the lake. General Manager, Chris Overland believes that there are things that Mr. Welch and his team could tell and teach MLIRD how to do, such as training MLIRD personnel and perhaps helping oversee work around the lake as it relates to water quality and overall health of the lake.
- General Manager, Chris Overland has also been in contact with Chris Grue from the University of Washington. He is having a teleconference with him tomorrow at 3:30 to discuss the carp problem in Moses Lake. Chairman Foster asked Jeff Korth with the Department of Fish and Wildlife if MLIRD is the “lead fixer” of the carp problem in Moses Lake or if MLIRD is cooperative partners with WDWF? Jeff Korth answered with more along the lines of partners and that WDWF have the understanding of what is going on with carp, but they do not have the resources to deal with the carp. General Manager, Chris Overland said that this is baby steps in just trying to find out what others have to offer and not making any huge commitments until we know more about the situation. Vice Chairman Bailey asked if MLIRD still puts the gate in place down at the railroad bridge. General Manager, Chris Overland said that it is not operational. MLIRD Staff Member, Chris Wilson said that he spoke with Mark Peterson two years ago and he said that the gate was damaged and the previous MLIRD General Manager did not want to repair it, so Mark Peterson said to take it out.
- The Governance Policy is ready for a final review, but with Director Perry absent it was decided to wait until next month’s meeting to finalize it.
- A tentative plan for the 2015 Lakeland spray operations for weeds has been set. MLIRD is planning on around 100 acres to be treated.
- Tentative days for the MLIRD audit closing dates are May 18<sup>th</sup> or May 19<sup>th</sup>, but MLIRD has not heard anything else back from the auditor. Chairman Foster asked General Manager, Chris Overland to get a few dates and times so a specific date could be chosen for a Special Meeting to be held.
- The State Year End Financial Statement is almost ready to be wrapped up.
- Yesterday, General Manager, Chris Overland downloaded the GeoData Files from the County, ran another assessment roll and the numbers hadn’t changed that much. Legal Counsel, Brian Iller has exchanged voicemails with the Deputy Prosecutor, but a meeting has still not been set to figure out why exemptions are happening and why values keep changing.
- Other items that are still awaiting information on are the Janet McCaslin request and the Port of Moses Lake request.

## **ACTION ITEMS**

Chairman Foster announced that Vice Chairman Bill Bailey would like to schedule a study session to review the Governance Policy. The Board of Directors decided to wait and see what day and time the Audit Closing is and possibly add the finalization of the Governance Policy to that Special Meeting.

## **PUBLIC COMMENTS**

- Lloyd Peterson wanted to bring to MLIRD's attention that since the Columbia Basin's Project had been created, there has been a primitive water access area on the downstream side of the Dam. With the new construction, the road bed and guard rails filled in that area and it is no longer there anymore. He would like to know what MLIRD's position is at this time to get a water access re-established there. He feels that it is a necessary thing to re-establish and that it won't be that expensive to do. Chairman Foster said that it was not in the original Dam re-construction plans. The Department of Ecology and every agency that had to buy off on that, there was nothing in the plans that was addressed to build in any boat launch. The property West of the Dam and North of the channel is owned by MLIRD. USBR owns the property South of the channel and the reason it wasn't constructed was because it wasn't in the plans. Chairman Foster said that DOE and all the governing jurisdictions were very specific on that you will not exceed 10% of the existing footprint in anything you are doing. So it was very clear that there wasn't going to be anything extra done. Vice Chairman Bailey said that he wouldn't mind seeing MLIRD partner with WDFW and/or USBR for a planned facility to be constructed. But for MLIRD does not have any potentially required permits or authority to go in there and do a make shift deal. That being said, Vice Chairman Bailey does not see us taking action just because there has been something there in the past and if there is going to be something there in the future that MLIRD is a part of, MLIRD needs to have it planned and make sure that all other jurisdictions are buying into it happening. He said not against it, but if MLIRD is going to do it they're going to do it right. Lloyd Peterson feels that it is MLIRD's responsibility to do it, to initiate it and take a lead on it. Jeff Korth with the WDFW said that he agrees with Mr. Peterson that the boat launch was very heavily used and that it was just one of those things that people just pushed through the sand and then it developed into a boat launch. It stayed that way because people continued to use it. He said it did have value and that if there was something WDFW could help with, they would do what they can. Chairman Foster asked Jeff Korth to get contacts of who the General Manager should contact. Jeff Korth said the people to contact at WDFW would be Chad and Eric. Director Teals added that back in those days, people didn't have the regulations and rules from different agencies that are out there now that we have to abide by. But the direction of the Board is that we will definitely look at it and see what can be done, but it is going to take a while for anything like that to happen. Lloyd Peterson also wanted to know about habitat boxes to re-introduce crappie and other small fish back into Moses Lake. Chairman Foster said that the Board was approached by a club last year that wanted MLIRD's involvement with placing some habitat cages under water. He knows that some of the Boards concern was the liability in taking the lead and if they were going to be

deep enough, so the Board decided to not take action on it last year. Director Teals moved that the Board to direct General Manager, Chris Overland to look into the issue regarding some sort of a boat ramp facility in the North Dam area. Director Dexter seconded the motion. Discussion about the motion then took place. Chairman Foster said he liked the idea of how vague the motion was and to just have him come back to the board at some future meeting with what he discovered. Legal Counsel, Brian Iller said that he would have real hesitancy about the issue and that it is something that he is going to have to look at very carefully as a liability risk to the District. The motion was then carried unanimously.

- Bruce Cooley wanted to applaud MLIRD for the active weed control program these past years. He said that over the last 3 or 4 years in the Montlake area, it has had a tremendous effect on the lake. Before Montlake was treated, the lake area was horrible. He wants to encourage weed treatments every year. He heard that MLIRD is only spending 90k this year towards the weed control program and said that normally we spend around 190k. Chairman Foster explained to him that at our previous meeting, our General Manager, Chris Overland reported on the fact that MLIRD was turned down for the weed and algae grants this year due to perceptions by DOE that weeds had been over-treated. At last month's regular Board meeting it was decided to continue the weed control program on a smaller scale depending on what the budget allows. Bruce also had an unrelated comment about the gate under the railroad bridge. He said that a large amount of carp breed right in front of his house. He has seen thousands and at one point he said it looked like the water was boiling. Director Teals said that he is happy that Mr. Cooley has seen progress because all of them have seen progress. Director Teals informed Mr. Cooley that MLIRD will be able to continue with the weed and algae program, it just will not always be funded by grants.
- Dennis Rudek had two topics he wanted to discuss. One being the habitats that were proposed by the Walleye Club. He said they have found a lead agency and are continuing with the permitting process. The other topic being the new spillway development which was the main reason why he came to the meeting. He drove out there today and you can't use the boat launch that used to be there. He believes that someone is going to try backing down there and it may disturb our embankment. He also asked about the permitting not being more than 10% of the original footprint. He said it looked to him like it's over 10%. He also asked with the permitting, was there any kind of an impact statement as to what it would eliminate? He said because you have eliminated his use of launching there. He said between there and the power-lines, there is a considerable amount of walleye that are being harvested and he would have liked to have gone there today. He also said that when everything is frozen, that's the only running water there is and it is important to people. He moved here years ago when he retired because this is where he wants to be and that boat launch was a part of it. He says that no one is asking MLIRD to build anything, just to replace what was screwed up. Chairman Foster informed Mr. Rudek that the motion that they just passed gives the General Manager, Chris Overland the go ahead to pursue the idea of the boat launch, but that it is probably going to be many pages on a calendar before he sees any action. Dennis Rudek said that he bets that before December there will be somebody backing down in there. Chairman Foster stated that MLIRD is

not giving anybody permission to do that and if the county chooses to extend the guardrail further north to keep people from doing that, then that is on the county because that is a road issue. Chairman Foster said that we will continue to look into it.

- Chairman Foster stated that Tom Bennett had left and MLIRD Staff Member, Chris Wilson said that he had answered Tom Bennett's questions.

## **WORKSHOP/DIRECTOR QUESTIONS AND/OR COMMENTS**

- Director Dexter said that he had a question on the gate that needed repaired for around \$800 with whether anybody is interested in fixing it. Vice Chairman Bailey said that he thinks they were going to do it. Director Dexter said that he assumed that the Board needed a motion and to pass it. Chairman Foster said that it is staff's rights whether they want to fix it or not. Vice Chairman Bailey said that the idea of the gate is that it keeps the carp out of that area of upper Pelican Point (behind the Amphitheatre). Chairman Foster asked Jeff Korth when the best time for that gate to go in and Mr. Korth said the best time is before the water level starts to rise.
- Vice Chairman Bailey brought up Ryan Walker's dissertation. He wants to make sure that we are, and that Ryan is aware that MLIRD does want to pursue the next renewal of the dredging permit and as he understood from the conversation and in the minutes, we are waiting to get a better handle on when the City of Moses Lake changes the shoreline regulations because that may have a huge impact on us but with not knowing how long it may take the City, he thinks we need to go ahead and start the process. General Manager, Chris Overland said that he will contact Ryan Walker and get an answer. Director Dexter brought up one thing that Ryan Walker had said that was interesting to him. He said Ryan Walker had indicated that from a permitting perspective, having machinery in the lake digging is considered more impacting. As far as Director Dexter understands, Ryan was talking about environmentally impacting and that in his many talks with Vice Chairman Bailey, Director Dexter knows that mechanical dredging is so much more efficient. He said that if they go over the whole scheme of things, with the diesel it takes, the money it takes and not looking at hydraulic dredging being more gentle than mechanical, he would personally like to raise that issue that we have to consider that and if they are worried about environmental impact, we need to consider how it impacts the environment using resources to get that silt out. Chairman Foster says that he thinks we came to the conclusion with moving forward with the renewal of the hydraulic and analyzing the mechanical at the same time but not putting them together on one permit. Vice Chairman Bailey said that was exactly right because the opinion was that if we throw mechanical dredging into this permit, there was a chance we may not get anything. Vice Chairman Bailey believes that at this point in time, we need to identify areas that can be done more effectively in the dry and then move forward for those on a separate permit.
- Director Dexter also asked that they discuss the scholarship issue that was on last month's agenda. He said we approved the one scholarship after a request was made but stated that he is in favor of honoring both scholarships and not just one. It was discussed that just one request had been made for scholarship and while the scholarship fund from donors will only fully support a single payout, that doesn't mean we shouldn't honor the other if that request comes in. He said we don't know the other family's situation and the reason they haven't called. He thinks that if MLIRD offered to award the scholarship then we should write him a letter and

describe what they need to do to obtain the scholarship and if there is an expiration date. He feels we should do the same for both and let them decide if they are going to take the scholarship or not. He thinks that just because somebody's mother doesn't call, that we should make the effort to let them know the scholarship is available. Vice Chairman Bailey said that he was approached twice by one recipient's grandfather and he advised him to write a letter to us. Vice Chairman Bailey said that it was Jalen Garza's grandfather. General Manager, Chris Overland said that the Garza's have already been contacted. Chairman Foster said that they don't even know if this other student is going to go onto college. Director Dexter agreed, but said that he feels we could just send him a letter saying that he received a scholarship in 2011 and ask if he is still interested. Chairman Foster brought up the concern with the fund that was set up for the scholarships not having enough money to award both scholarships. Legal Counsel, Brian Iller agreed and said that was part of the issue. He said that he didn't think there is anything that would prohibit the District from adding its own money to fund the scholarship. The issue was because that money was raised through donors for a specific purpose and that money has to be used for that specific purpose. Legal Counsel, Brian Iller has to double check but believes that the District can engage in charitable activities and believes that would qualify under that subject. Director Dexter made a motion to send a letter to Isaac Law (one of the two 2011 Water Quality Institute scholarship winners) and describe what he needs to do to obtain the scholarship. Vice Chairman Bailey seconded the motion. Legal Counsel Brian Iller suggests that they condition the motion on his verification that the Board has authority to spend its own money for that purpose and the Board agreed. Chairman Foster restated the motion to read that MLIRD contact the apparent recipient (Isaac Law) and let him know of the scholarship that was awarded to him subject to Legal Counsel determining whether or not we have the authority to use District funds since there was not enough in the fund to pay for both scholarships that we award the scholarship should it be requested. The motion was then carried unanimously.

- Vice Chairman Bailey stated that it was the 12<sup>th</sup> of May and that we have a month and 3/4 until the 1<sup>st</sup> of July which he assumes we plan to have the dredge in the water and everything ready to go. General Manger, Chris Overland and MLIRD Staff Member, Chris Wilson stated that it's ready to go and that was the plan.
- Chairman Foster stated that the Moses Lake North Dam is complete but he does not have the final bookkeeping in from North Central or Strata yet. They stated that there would be invoices coming in through May. Chairman Foster hopes to have a final recap on those numbers when he returns at the July meeting. An audience member asked if there was a warranty on the Dam and Chairman Foster said there was either a 3 or 5 year warranty.
- Chairman Foster asked if we needed any further action or discussion on Director Dexter request from last month's meeting. Director Dexter stated that he has decided to withdraw his request.

## **ADJOURNMENT**

The meeting was adjourned at 8:21PM.

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Jeffrey B. Foster, Chairman

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Bill Bailey, Vice Chairman

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Mary Perry, Director

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Kris Dexter, Director

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Richard Teals, Director

By: \_\_\_\_\_  
Secretary to the Board of Directors

Transcribed By: \_\_\_\_\_