

### **CALL TO ORDER**

At 7:00 PM, Chairman Foster called the July 11, 2017, Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Directors were present except, Vice Chairman Bailey. Legal Counsel, Brian Iller and General Manager, Chris Overland 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 Brad Wright and others, representing a Panorama area HOA, asked to be added to the agenda.

### **APPROVAL OF THE AGENDA**

Chairman Foster then called on the board members to approve the agenda with the addition of the Panorama HOA speaking under item 9, Public Comments; along with moving agenda item 9, Public Comments under agenda item 5, Public Hearings. Director Perry moved to approve the agenda as amended. Director Teals seconded the motion. The motion was then carried unanimously.

### **APPROVAL OF CONSENT AGENDA**

Chairman Foster called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from 06/13/17, the Bills/Checks #16192-#16245 and Voucher #1000190 totaling \$351,482.30. Director Dexter made a motion to approve the consent agenda. Director Perry seconded the motion. The motion was then carried unanimously.

### **PUBLIC COMMENTS**

Brad Wright introduced himself and said that he and the people with him all live in the Panorama area. Starting in May, they noticed the algae getting worse in their area. They expressed that they haven't seen the algae as bad as it is now in a long time. Mr. Wright first contacted the Mayor's office and spoke with Todd Voth who sent him to MLIRD. After some discussion, General Manager, Chris Overland suggested petitioning their parcels into MLIRD. Mr. Wright took the information and talked with several of the homeowners in the Panorama area who then came back with "Why would we join MLIRD if we aren't seeing any improvement in the lake in our area?" Mr. Wright went back to General Manager, Chris Overland with the Panorama HOA's concerns and a proposal. General Manager, Chris Overland advised them to come and present their ideas and concerns to the Board of Directors at the next Board Meeting in July. The homeowners in Panorama asked how they can join MLIRD as a Home Owners Association under one paid assessment instead of as "individual" ratepayers each paying assessments to MLIRD.

Kent Boyle, President of the HOA in the Panorama area, spoke and said they look at the lake daily and expressed how there are thousands of boats on the lake every year and nobody pays to launch a boat into Moses Lake. He believes that the governing agencies should find a way to be able to charge people for launching boats and take that money and utilize those funds for cleaning up the lake.

Jeff Powell also expressed that he pays upward of \$7,000 a year in property taxes for his home on the lake. He said there is a gentleman on the other side of the lake that runs cattle every year that wade in the lake which can't be good for it. He has complained to agencies about it, and nothing happens. Mr. Boyle hopes that the HOA can put pressure on the right agencies to see what can be done with this issue.

Chairman Foster deferred their questions about membership into MLIRD to Legal Counsel, Brian Iller. Legal Counsel, Brian Iller said the way irrigation and rehabilitation districts are set up is it is not a membership organization. MLIRD is based on ownership of land and within boundaries in which assessments are applied to the lands that are within the boundaries. There are a number of different ways that you can establish assessments. He mentioned that as far as joining the district, the process would be to petition for inclusions in the boundaries. Legal Counsel, Brian Iller said the typical process to petition properties into MLIRD is to have, he thinks, 50% of a certain portion of the landowners within a certain area sign a petition, and then the petition is put in a publication, and essentially an election will be held among those landowners. He also mentioned there may be a petition that includes all the lands and then all those properties would be subject to the normal assessment process of the District.

Mr. Boyle asked how MLIRD determines if one house is a ratepayer and one isn't and if MLIRD rehabilitates the lake only in certain areas? Chairman Foster said that MLIRD cannot spot improve the lake so MLIRD does the best we can within the budget based on where the experts tell us the hot spots are in the lake. Mr. Boyle had mentioned in reviewing some of the minutes there were comments made by someone about doing exactly that though. Mr. Boyle understands MLIRD is limited with resources, and he gets that, which is why the Panorama HOA is here to try to help as much as they possibly can. Chairman Foster said the best thing they could do is help MLIRD continue to get the message out there that the more ratepayers MLIRD has contributing, the better job MLIRD can do in improving the quality of the water.

Mr. Powell asked what the fee to petition into MLIRD was. General Manager, Chris Overland said the fee was recently dropped to \$300. However, he expressed that the \$300 is strictly used to cover costs of the full petition process. Mr. Powell mentioned that after paying the \$300 fee to petition his property into MLIRD, his property is then taxed at \$1.00 per thousand every year. He said that would raise his property taxes almost \$500 per year for something that unless a whole bunch of other property owners get involved, does him no good.

Mr. Boyle brought the conversation back to some of the neighbors in the Panorama area allowing their horses in that part of the lake all the while they are defecating and urinating. Director Teals mentioned that has been an issue for a long time. Same with the dairy's on Crab Creek and dead deer washing down through Crab Creek into the lake and causing problems. Director Teals does believe there are some rules and regulations by DOE that can be applied to that particular situation of animals anywhere in Moses Lake. Director Teals said that Moses Lake has never been a pristine lake and it is never going to be. Historically speaking, the Cove West area in the days of the Indians was called Stinky Water. He said Moses Lake is better now than it was and at different times of the

year will bring different problems. Director Teals mentioned that MLIRD has been looking at the Rocky Ford inlet into the lake which has some big issues that have been growing. Director Teals asked if General Manager, Chris Overland had the slide that shows the phosphorus coming into the lake in that area and General Manager, Chris Overland said yes, he does. Director Teals said that a lot of the water problems that are affecting the Panorama property owners are coming in through Rocky Ford Creek and the phosphorus overload in that area is something that MLIRD is looking at. However, he also mentioned that there are other parts of the lake that MLIRD has been testing and examining weed and algae control and making good progress he believes. Director Teals wanted the Panorama property owners to understand that MLIRD is interested in all areas of the lake and MLIRD would love to have them in the district. Director Teals said that MLIRD is stewards of the lake and have been working diligently for a number of years to make Moses Lake a better lake.

Mr. Boyle asked if there is someone they can contact about the issues that have been discussed and that he strongly believes any boaters that put their boat in Moses Lake should be charged a fee that would go towards rehabilitating the lake every year. Jennifer Powell asked that if MLIRD had more money, what would MLIRD do differently? She stated that four years ago, the water from the beginning of the season through August, was great. Chairman Foster said that everyone needs to keep in mind the seasonality and the Mother Nature factor that MLIRD cannot control. He stated that 2017 is going to be one of the worst for the condition of Moses Lake when it comes to things like algae and weeds because of what took place this past winter and what happened with Moses Lake not being able to spill into O'Sullivan to lower Moses Lake. Another huge factor is the Bureau of Reclamation not flowing water through Moses Lake this year, and that affects the temperature which then affects the growth of everything in the lake. Chairman Foster mentioned that anytime a property owner sees cattle or horses wading in the lake he advises them to call the Department of Ecology or put in a complaint on their website. Chairman Foster appreciated the comments and questions the Panorama HOA brought to the Board meeting and added that MLIRD would love to have them join the District. Legal Counsel, Brian Iller said he would take a look at the situation with General Manager, Chris Overland and someone would get back to them.

## **MLIRD STAFF REPORTS**

General Manager, Chris Overland reported the following:

- Lake elevation was 1046.72 as of July 11<sup>th</sup>, 2017.
- Phase 1 Aquatic Treatments have been completed, and Phase 2 work is underway. Out of the \$285,000 set aside in the budget this year for aquatic treatments, \$225,000 is committed.
- Things are going well at Connelly Park, and reservations are strong.
- Pending halfway through the year, the budget shows a lot of favorability.
- Dredging upper Parker Horn started on July 3<sup>rd</sup>, 2017. There have also been a lot of dredge spoils interest with soil material that has and is going to be hauled out. The new location for temporary storage of the dredge spoils seems to be helping.
- The Parker Horn Pump Station lease is still pending, and the pump has been shut off since the end of May when the USBR flows ended through Moses Lake. MLIRD is watching the water quality in that area and will turn the pump back on once the USBR flows start back up in the fall. Chairman Foster asked if there was no value or benefit in circulating the pump with or without USBR flows? General Manager, Chris Overland said MLIRD has an inverter that staff might be able to adjust down to circulate the water at a much slower rate. He added that last year he showed a power point slide

that showed the Specific Conductance in Parker Horn and how Pelican and Parker Horn were trending together but after the pump was shut off, Parker Horn continued to get worse, but the Pelican Horn side showed improvement. This was key information in trying to identify that there are water quality issues when there is no Columbia River flows coming into the lake and keeping some of that water from being moved to the other side. During the Clean Lake Project, the reason the Parker Horn Pump Station was put in, was to pump fresh Columbia River water flowing through Moses Lake into Pelican Horn.

- A field service representative from Ellicott Dredges, LLC has completed a thorough inspection on the MLIRD dredge and offered his suggestions. His opinion was that the MLIRD dredge should be suitable for another year or two and then he recommended a replacement. He felt moving to a smaller and newer dredge and/or doing some contract dredging is something MLIRD should look at. Chairman Foster said the good news is that General Manager, Chris Overland has some time to put together a plan for 2019 and on.

### **EXECUTIVE SESSION**

The Board went into Executive Session at 7:50 PM to discuss with Legal Counsel potential litigation in the form of legal risks of a proposed action or current practice regarding the Hansen vs. Carpenter litigation, financial policies of the District, the Parker Horn Pump Station and potentially the dredge as authorized by RCW 42.30.110 (1)(i)(iii). The expected time was 15 minutes, and the Board was to return at 8:05 PM. Legal Counsel, Brian Iller indicated that there may or may not be further action taken as a result of the discussion in Executive Session.

The Board entered back into Regular Session at 8:05 PM.

### **ADJOURNMENT**

The meeting was adjourned at 8:08 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: \_\_\_\_\_