

## **CALL TO ORDER**

At 7:00 PM, Chairman Foster called the September 8, 2015 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board Members were present including General Manager, Chris Overland and Legal Counsel, Brian Iller. 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 of Directors and the audience for a discussion on any agenda items and Luke McKean stated that he was under agenda item 8.A. and being that he was already on the agenda; he did not need to be added again.

## **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 Norm Estoos asked to be added to Public Comments.

## **APPROVAL OF THE AGENDA**

Chairman Foster called on the Board of Directors to approve the agenda. Director Perry then made a motion to approve the agenda as amended. Director Teals seconded the motion. The motion was then carried unanimously. Later in the meeting, Director Teals made a motion to amend the agenda and move item 7 to item 11. Director Perry 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 8/11/15 and 8/27/15 minutes in the consent agenda. Director Teals then made a motion to approve the 8/11/15 and 8/27/15 minutes. Vice Chairman Bailey seconded the motion. The motion was then carried unanimously.

Chairman Foster called on the Board of Directors to approve the Bills/Checks and Vouchers in the consent agenda. The items being approved consisted of the Bills/Checks (#15216 - #15258) totaling \$150,070.02 and Vouchers (#1000137 - #1000139) totaling \$171,980.35. Vice Chairman Bailey then made a motion to approve the Bills/Checks and Vouchers in the consent agenda. Director Teals seconded the motion. For the record, Vice Chairman Bailey 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 on projects and events:

Recent events/news discussed:

- Lake elevation was at 1046.76 feet as of September 8, 2015.
- Latest data provided to MLIRD from the USBR indicates the rate of flow through the Rocky Coulee Waste-Way at 25,000 acre feet for the month of August. By comparison, there was no water flowing through the Rocky Coulee Waste-Way during the month of August

last year. USBR anticipates flowing approximately 400 cubic feet per second throughout the month of September 2015.

- The 2015 Phase 2 Aquatic Weed treatment has been completed. Approximately 110 letters was sent to the Cove West area soliciting non-ratepayer interest to petition their parcels into the District. This effort for other neighborhoods will follow. Weed treatments this year cost MLIRD approximately \$900/acre. Over 200 acres were treated.
- Light harvester work is still being performed. Staff anticipates having the harvesters out of the lake by the end of the month. Most recently, the harvesters have removed 600 cubic feet of weeds from the Cove West area and 1,500 cubic feet of weeds from the Pelican Point area.
- Port of Moses Lake has contacted the MLIRD office for a second time expressing interest in petitioning into the District and an initial meeting with them is forthcoming.
- The culvert clean-out under the I-90 Bridge was still up for discussion as to whether MLIRD is going to proceed actively with it or leave it as a lower priority for the time being. General Manager, Chris Overland said he sees the project being an approximately \$100,000 project. Vice Chairman Bailey would like a letter written to the WSDOT advising them that the culverts need to be cleaned out because he believes that since it is their property, it is their responsibility to keep them clean and maintained. If WSDOT does not move forward, the board might then proceed with going to a legislator for resolution of the issue. Legal Counsel, Brian Iller said Federal Court ordered WSDOT to maintain and improve culverts that are blocking fish passages. Their position is that they do it on the West side of the state but don't have to do it over here because the culverts over here do not block salmon. Legal Counsel, Brian Iller said he would work with General Manager, Chris Overland in creating a letter to send to the WSDOT.
- Upcoming events include the creation of the 2015 Election Roll, the 2016 Budget, and the 2016 Assessment Roll.
- Chairman Foster asked General Manager, Chris Overland for an update on the floating wetlands project. General Manager, Chris Overland explained that he has been in contact with Grette & Associates about the permitting side of it and added that if we are going to put them in, it won't happen until spring when the floating wetlands have the best chance of surviving. He does not anticipate the permitting process being difficult. Chairman Foster said that he looked forward to seeing more information on the floating wetlands.
- Director Perry asked General Manager, Chris Overland if the office has had any interest on the letter that was sent to non-ratepayers of the Cove West area. General Manager, Chris Overland said that the letter was just recently sent out and had not heard back from anyone at this time. General Manager, Chris Overland said that he would send the Board of Directors a copy of the letter that was mailed out.
- Director Dexter asked the General Manager, Chris Overland which of harvesting and chemical treatment is more economically effective. General Manager, Chris Overland believes that if MLIRD brought the chemical treatment in-house, that chemically treating the lake would be far more cost effective. But as long as MLIRD is contracting the chemical treatment of the lake out, it is hard to say that approximately \$900 an acre is cost effective as compared to harvesting operations, but there was no accurate data currently available on per-acre costs of harvesting operations.
- Director Teals wanted to comment about the weeds at Parker Horn. He said that there were no weeds, the clarity was high and that the whole area was very nice.

- Vice Chairman Bailey asked about the rebuild of the Parker Horn pump. General Manager, Chris Overland said that MLIRD staff has been watching the trend chart on the pump and have weekly readings on it. He has no reason to think there is an issue, but it would cost approximately \$30,000 to get the pump and motor rebuilt when that time comes. Vice Chairman Bailey said that he thought all the silt could have a dramatic effect on the pump. General Manager, Chris Overland said that the MLIRD staff has seen a few hot spots in temperature readings that are why he was concerned but needs more data to make a determination. He just wanted to bring attention to the matter to avoid any surprises.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 7:25 PM to discuss with Legal Counsel risks of a current practice or proposed action as authorized by RCW 42.30.110(1)(i)(iii). The expected time was 10 minutes, and they were to return to Regular Session at 7:35 PM. Chairman Foster indicated that there may or may not be further action taken as a result of the discussion in Executive Session. Chairman Foster entered back into the room at 7:35 PM to extend Executive Session. Legal Counsel, Brian Iller informed the audience that they will also be reviewing with Legal Counsel the performance of a public employee as authorized by RCW 42.30.110(1)(g) and the expected time was 20 minutes and they were to return to Regular Session at 7:55 PM. The board entered back into regular session at 7:55 PM.

Chairman Foster announced that in executive session the board discussed with Legal Counsel risks of a current practice or proposed action as authorized by RCW 42.30.110(1)(i)(iii) which are covered under future goals. Vice Chairman Bailey said that based on previous discussion and pending performance review, he moved to give the General Manager, Chris Overland a \$5,000.00 a year raise effective the first of October. Director Perry seconded the motion. The motion was then carried unanimously.

A discussion was then held on future goals of MLIRD. Chairman Foster asked General Manager, Chris Overland to give his input on what he thought the future goals for MLIRD should be. Vice Chairman Bailey said that as Directors discussed during the last special board meeting, it seems that MLIRD does not have a defined plan of action. He believes it would only be fair to the ratepayers, to the employees, to the Board of Directors, and to the community, for MLIRD to put together a priority list of things that MLIRD needs to accomplish as an organization. He expects by the next Regular Board Meeting, the Board will be able to sit down with staff and come up with what MLIRD needs to do and what MLIRD needs to concentrate on. Vice Chairman Bailey said it is pretty hard to judge the performance of anyone unless they know what they are supposed to be doing. He also thinks that the community judges the Board by electing them or not, and then it is the responsibility of the Board of Directors to oversee the management of this business.

Director Perry asked General Manager, Chris Overland what his particular goals that he thinks should be followed, or some that have been neglected. General Manager, Chris Overland said that trying to broaden the MLIRD ratepayer base, effective weed control, dredging operations, protecting the assets of MLIRD and protecting MLIRD water rights are all very important. Chairman Foster said that he would like General Manager, Chris Overland to spend some time with Legal Counsel, Brian Iller to see what can be shared in regular session and what needs to be discussed in executive session in regards to the dredging operations. Director Teals then spoke on what his interests and goals are for MLIRD. He said his most important goals would be to continue a strong aggressive dredging process, noxious weed control with herbicides, and the weed harvesting operations. MLIRD

has two weed harvesters, and he would like to see MLIRD look into purchasing a barge for unloading the weeds. He also mentioned Connelly Park being a big asset to the Moses Lake community and the importance of keeping it in good order is imperative. Another goal of his is broadening the ratepayer base. A long term goal he would like to see happen is for MLIRD to have its own building and move its entire operations to Connelly Park. Chairman Foster said that the first two things Director Teals said, he would put under the category of "Maintain and improve the quality of Moses Lake". Chairman Foster does not want to box staff or management into telling them they have to use the harvesters or have to use chemicals. Chairman Foster also brought up, that he believes that the goal on Connelly Park falls under the category of "Enhancing the recreational opportunities in Moses Lake".

Director Perry said something that hadn't been mentioned was the General Manager being fiscally responsible in his hiring practices and sticking to the budget. Director Dexter mentioned that one of his goals was to make sure that MLIRD follows all RCW's to have clean State audits. Chairman Foster said that he wanted the Board of Directors to formalize all these and make them smart goals.

Chairman Foster also announced that one thing he wanted to give staff the assurances that MLIRD is unlike most any other public organization. He believes it is unreasonable for anybody that comes into the office with a request that office staff has to fill their request as soon as possible. He said that MLIRD staff has the backing of the Board of Directors to do what is right within MLIRD's policies and goals and what is legally required. MLIRD staff member, Beth Yonko said she would like to see the processing fee to petition parcels into the District lowered without having the expensive fee. Legal Counsel, Brian Iller said there are statues that require a fee. Chairman Foster said that from what he heard in past was that if MLIRD staff can determine that the costs are less than the \$500 processing fee now, then that may be able to be evaluated. General Manager, Chris Overland said that MLIRD had a McConihe Flats resident that was extremely interested until they were told about the \$500 processing fee.

Vice Chairman Bailey wanted to know if the Board was going to call a Special Meeting to discuss the future goals or if they were just going to address them at the next Regular Board Meeting. Chairman Foster said that he would like the General Manager, Chris Overland to put notes together on his smart goals along with the Board of Directors. Chairman Foster stated that these were not something that will be agreed upon one day and then never changed. These goals may change with litigation, economy and with findings from entities such as Grette and Associates. Director Dexter asked for clarification on how the General Manager could spend the funds in the budget. The example Director Dexter gave was in regards to weed control and that if there was \$300,000 given to weed control to spend, could the General Manager decide on where that \$300,000 goes, or does the Board say they want such amount to go towards harvesting and such amount to go towards chemical treatment. Chairman Foster said the way he sees it is the General Manager will make the call on how much goes where as long as he can keep a balanced budget that protects the reserves or even increases the reserves. Vice Chairman Bailey sees it as if another harvester is being considered, then come budget time the General Manager will say that he thinks MLIRD needs another harvester and will give the Board of Directors the justification and reasoning behind why he thinks it would be good for MLIRD.

Director Teals brought up an example such as cleaning out the culverts under the I-90 Bridge. He believes that if the General Manager looks at the budget and says we have this much money and that it looks like we can

do it, then the Board will look at the cost analysis and make a decision. The Board of Directors felt it was not needed to have a Special Board Meeting to finish evaluating the MLIRD goals. Vice Chairman Bailey said that he wanted to add “broaden the ratepayer base” to the list of goals that they had started. Chairman Foster asked that “broaden recreational opportunities” be added to the list as well. Vice Chairman Bailey mentioned that number three on the list does talk about recreational opportunities and that maybe the language needed to be different. General Manager, Chris Overland said that they will have to look at that goal more carefully before it is set in concrete. The General Manager believes that in the interest of overall risk management and managing MLIRD insurance rates and things of that nature, MLIRD should keep a watchful eye on everything we do. More ideas of recreational opportunities and goals were then discussed.

Chairman Foster asked that the General Manager looks at the RCW’s that establishes the MLIRD organization to ensure the District goals cover what MLIRD is bound by where RCW’s are concerned. It was then decided that they would set aside some time at the next Regular Board Meeting to discuss more on goals.

**ACTION ITEMS**

General Manager and Secretary of the Board of Directors, Chris Overland announced that Luke McKean had recently stopped by the office and had asked to petition his parcel into the Moses Lake Irrigation and Rehabilitation District. Director Teals asked Luke where his property was located. Luke replied and said it is located on Stonecrest Road. Legal Counsel, Brian Iller said the next step in the process is for the Secretary of the Board to cause a notice of filing for said petition to be published in the same manner and for the same time that notice of special elections for the issue of bonds are required by this chapter to be given. Legal Counsel, Brian Iller said he would work with General Manager, Chris Overland to get the notice in the proper form and get it published. Chairman Foster asked if there needed to be action took tonight and Legal Counsel, Brian Iller informed him that you have to give notice and then the hearing will be held.

**PUBLIC COMMENTS**

Norm Estoos wanted to know if there was a shut-off switch still installed on the Parker Horn pump. General Manager, Chris Overland said he was not sure and that he would look into it. Norm had said that if the screen is plugged up it may cause issues. General Manager, Chris Overland informed the Board of Directors that MLIRD staff and Lad Irrigation inspect the Parker Horn pump station weekly.

**ADJOURNMENT**

The meeting was adjourned at 8:37 PM.

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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 of the Board of Directors

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