

Moses Lake Irrigation and Rehabilitation District
Regular Meeting
September 9, 2014

CALL TO ORDER

At 7:00 PM, Chairman Foster called to order the September 9, 2014 Regular Meeting of the Moses Lake Irrigation and Rehabilitation District. The record shows all Board Members are present, General Manager Chris Overland and Legal Counsel Brian Iller. The meeting is being recorded for accuracy. The Pledge of Allegiance was recited.

Chairman Foster called for identification of persons wanting to discuss agenda items and non-agenda items. There were no items brought forward by the audience.

APPROVAL OF AGENDA

Director Covey moved for approval of the agenda. Director Kernan seconded the motion.

Legal Counsel suggested adding to the motion because of the pending resignation of Director Kernan. Legal Counsel Iller indicated there would be a third item added the Executive Session agenda; to discuss with Legal Counsel potential engagement of a proposed action and current risk practices as it relates to Board vacancy; authorized by RCW 42.30.110(i)(iii).

Director Covey withdrew his original motion; restated the motion to approval tonight's agenda including the statement of Legal Counsel. Director Kernan seconded the restated motion. With no further changes or discussion the motion carried.

APPROVAL OF CONSENT AGENDA/ BILLS/ CHECKS AND VOUCHERS

Chairman Foster called for a motion to approve the Minutes, Check and Vouchers from the August 12th Regular Meeting. Director Kernan made a motion to approve the Consent Agenda, Items A and B. The motion was seconded by Director Perry. No discussion and the motion carried unanimously.

PRESENTATIONS

No presentation this meeting.

PUBLIC HEARINGS

No Public Hearings at this meeting.

STAFF REPORTS

General Manager, Chris Overland apprised the Board on his current projects. The MLIRD website update is underway adding current information due to personnel changes.

The shredder tote issue encompassed 20-30 hours of work just to reorganize paperwork. Beth restructured the files and was noted for a job well done. A new mechanic has been hired, Albert Byler. Albert has dredge operation experience as well as a CDL license. Chris is looking to fill the Administrative Assistant position and been in touch with Express Personnel and he will pursue other employment venues as well.

Two people are scheduled for the CESCL (Certified Erosion and Sediment Control Lead) Training September 24-25 in Spokane.

The Connelly Park restrooms had an identified bathroom leak and will be repaired this week.

The Dredge Operation has been in slow down mode due to a key employee on leave. A meeting with Grette and Associates and Vice Chairman Bailey was very eventful. The meeting clarified dredging and permitting issues with future meetings needed to assist in the scope for our future operations, as it relates to efficiency.

One of the first items addressed when Chris was hired was the Marooka's. The tailgates were not working properly or holding. Recently one tailgate was sent to a local contractor for repair and they will be rotated in and out of service until they are all fixed.

REPORT OF MEETING WITH GRETTE & ASSOCIATES

Vice Chairman Bailey reported further on the meeting with Ryan Walker, Grette and Associates. One of the most important items that came out of the meeting was a totally different line of communication. A great deal of knowledge was obtained on the permitting process and the District now maintains a copy of all the permits on file.

Vice Chairman Bailey shared the highlights of the meeting to be (1) the island is not part of any permit and does not have to remain there; (2) currently exploring different ways of de-watering and removal of silt and sediment using large filter bags. It is Ryan Walker's observation the District has accomplished more in the past month than in previous years. Ryan also stated Mechanical Dredging is not an issue and in fact, in some areas of the lake that it would be practical and better than Hydraulic Dredging.

The District asked Grette for an estimate on permits; redoing the five year permit currently in place and extending the permit for one year. Once this is completed, then begin permits for other areas of the lake. De-watering sites and access for Mechanical Dredging also was discussed. Vice Chairman Bailey stated many items need to be addressed and it will take years of advance planning to accomplish these items. The cooperation Grette and Associates is willing to give the District is staggering.

BOARD REPORTS – North Dam Progress

Chairman Foster reported on the dam progress. The District signed the funding grant at the Regular Meeting last month. Chairman Foster stressed to Stratta their need to get things wrapped up quickly. A week ago North Central received buildable drawings from Stratta. North Central should now be able to estimate costs such as steel, rebar and concrete. Once costs are defined, the contract language can be inserted with statements such as, "not more than" or "not to exceed" with reference to the costs and timing of the project; then signatures will be obtained. NCC will finalize costs by the end of the week and forward to MLIRD for Counsel Brian Iller's review and approval.

NCC has also been in communication with Jeff Tincher, Grant County Public Works, on the bridge portion of the design. MLIRD asked the County to delay the bridge portion so MLIRD can move the hydraulic portion of the project forward. North Central's expectation is to be underway by October 1st and significant work completed before the cold weather becomes a problem.

Chairman Foster stated an Interlocal Agreement with the County will have to be signed once the cost estimates are completed and the bridge costs are identified.

EXECUTIVE SESSION

The Board went into Executive Session at 7:29 PM.

Items to be discussed are potential litigation that has been specifically threatened as authorized by RCW 42.30.110(i)(i); and for potential litigation in the form of discussing the legal risks of a

proposed actions and/or current practices regarding Interlocal Agreements with County and Ecology Grant Agreement as authorized by RCW 42.30.110(i)(iii); litigation in discussing legal risks of proposed actions and/or current practices preparing for Board vacancies as authorized by RCW 42.30.100(i)(iii). The estimated time of Executive Session will be 15 minutes; to return at 7:45 PM.

Legal Counsel Brian Iller declared that possible action would be on the subject matter of legal risks of which were discussed in Executive Session. The Board may want to discuss the pending resignation of Director Kernan and take action on.

Chairman Foster returned at 7:45 PM to extend the Executive Session to 7:55 PM. The Board returned from Executive Session and returned to Regular Session at 7:55 PM, as stated.

Director Kernan made the announcement of his resignation from the Board of Directors of the Moses Lake Irrigation and Rehabilitation District, effective October 13, 2014. Chairman Foster thanked Director Kernan for his service from the Counsel and his direction given to the Board.

RESOLUTIONS

At the last meeting resolution 2014-054, to appoint the General Manager as the Secretary to the Board, was approved; however signatures were not secured. It is noted in the minutes of August 12, 2014 the resolution was approved; therefore a new motion is not required, but signatures should reflect August 12, 2014.

Two original copies of the IOA should be signed for the assessment and foreclosure process from the County; one original document for MLIRD and one original document for the County.

WORKSHOPS/DIRECTOR QUESTIONS

Discussion of the request of the Walleye Club was up for further discussion. Legal Counsel related his concerns with the Board as it relates to being the lead agency. As the lead agency MLIRD would be in charge of the regulatory process, but it can be a burden. Given the transition in the District, with a new General Manager, it's not a good time to add additional responsibilities to his plate. Vice Chairman Bailey moved that MLIRD contact the Walleye Club and inform them that MLIRD is not ready to become the lead agency for the Habitat Structure as proposed. Chairman Foster asked that Director Kernan be the lead in notifying the Walleye Club of the District's decision. The motion was seconded by Director Perry. The motion passed unanimously.

Richard Teals verbal request to lease/use land at the Park was discussed. There is not a written request from Richard at this time. Legal Counsel stated he will review the property documents and advise the Board what is allowed. The Board agrees to have Legal Counsel Iller research the deed to see what can be done with the property.

Director Covey asked Chris Overland about the presentation by Lakeland Restoration on herbicide treatment. Chris indicated the spraying has been completed. A survey that will start this month will help determine what the target areas should be next spring.

Director Covey asked Legal Counsel about former advice in not contacting the former Administration Assistant. Director Covey was involved with funding for the boat races at Connelly Park over the past years. It was determined the District could not be a part of that event so the Solar Cup Committee was established. That committee consisted of Curt Carpenter, Director Covey, Julie Smith and Bill Ecret. The accounting was left up the Julie Smith. Julie and Curt are no longer with the District and the money in the fund needs to be secured. Director Covey, the only MLIRD member still affiliated with the committee, would like to obtain the checkbook from Julie Smith. Based on information given at this meeting, Legal Counsel Iller stated contacting Julie Smith, related to this committee, is advised and take whatever action is necessary.

Chairman Foster discovered when new signature cards were completed, adding Chris Overland and removing Julie Smith; he found there is a MLIRD Scholarship Account at Washington Trust Bank with several thousand dollars in it. This fund started when the Water Quality Institute donations were used for students from the School District so learn about water quality. The Water Quality Institute Program was eliminated by former Chairman Hansen. Legal Counsel Brian Iller will advise the Board how to proceed after reviewing the matter. The signature cards have been changed, so authority is in place when a determination is made on what to do with the money.

Chris Overland mentioned a complaint was brought forward about a personal irrigation pump damaged from one of MLIRD's weed harvester's. There is no way to determine if it was damaged from impact by MLIRD equipment. MLIRD employees did not report any accident of this nature. Legal Counsel stated MLIRD isn't required to maintain public equipment in the lake.

PUBLIC COMMENTS

No public comments for this meeting.

ADJOURNMENT

With no further action to be taken, the meeting was adjourned at 8:26 PM by Chairman Foster.

Jeffrey B. Foster, Chairman

Bill Bailey, Vice Chairman

Ken Kernan, Director

Ronald Covey, Director

Mary Perry, Director

Respectively Submitted

By: _____
Secretary to the Board of Directors

Transcribed By: _____
Gail M. Powell