

CALL TO ORDER

At 7:00 PM, Chairman Foster called the October 10, 2017, Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Directors except Vice Chairman Bailey and Director Teals were present. 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 Legal Counsel, Brian Iller asked to strike "Final Approval of" from the beginning of Item 5a.

DISCUSSION OF NON-AGENDA ITEM(S)

Chairman Foster called on the board members and the audience for discussion on any non-agenda items, and nothing was brought forward.

APPROVAL OF THE AGENDA

Chairman Foster then called on the board members to approve the agenda as amended. Director Perry made a motion to approve the agenda as amended. Director Dexter 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 09/12/17, the Bills/Checks #16342-#16384 and Voucher #1000193 totaling \$71,013.67. Director Dexter made a motion to approve the consent agenda. Director Perry seconded the motion. The motion was then carried unanimously.

PUBLIC HEARINGS

Legal Counsel, Brian Iller stated the statutory process for adding lands to the District requires that once the petition is received, advertisements are to be run to give notice of the hearing at which anyone who is opposed to adding said lands to the District can protest. General Manager, Chris Overland said the advertisements for Dale & Karen Wesselius Land Petition hearing notice were run on 9/14/17, 9/21/17, and 9/26/17. Legal Counsel, Brian Iller stated since no protests have been made and no one is here to make a protest now, it would be appropriate for the Board to close the hearing. Chairman Foster then closed the Public Hearing of Dale & Karen Wesselius petition into the District.

MLIRD STAFF REPORTS

General Manager, Chris Overland reported the following:

- Lake elevation was 1046.69 as of October 10th, 2017.
- Harvester equipment has been removed from the lake.
- The Parker Horn Pump Station was shut down for the season on September 18th.
- The Fountain will be removed from the lake on October 12th.

- Connelly Park will be closed for the season on November 1st.
- The dredge will be removed from the lake on November 1st.
- The Moses Lake North Dam gates will be fully opened on Monday, November 6th.
- The DRS Audit closed on September 20th. Preliminary results are available, but given the audit is still under final review, MLIRD does not have the final outcome in detail yet.
- The 2016 SAO Audit begins on October 16th, 2017.
- Notice of Election for the Director position will be posted Friday, October 20th.
- RFP documents for dredging on the Fountain side of the fill are ready to go out for advertising. The contract is still being drawn up.
- The Assessment Roll book for equalization purposes is available for review. The advertisements are scheduled to run on 10/13, 10/20, and 10/27 for the Equalization Meeting held the same night as the November Regular Board Meeting. Discussion on what time the Equalization Meeting should be held was then had. It was decided by the Board to schedule the Board of Equalization Meeting for 6:45 PM on November 14th.
- The actual expenditures are at less than 80% of the budget.
- The last data collected shows the assessment roll total is approximately \$1.922 million.
- Director Perry asked about the trailers parked at the Moses Lake North Dam on MLIRD property. She said she drove out to look at them last weekend and said they look pretty bad. Legal Counsel, Brian Iller stated that MLIRD could report trespassing to the Sheriff's Office and have a Sheriff go in and let them know they do not have permission to be there. General Manager, Chris Overland asked if signage was needed to enforce that. Chairman Foster said property owners are not required to have signage. WDFW had told MLIRD staff there had been some arrests made at that location. WDFW was asking what MLIRD has in mind for trespassers. Chairman Foster stated that MLIRD does not need signage to enforce trespassing and said for General Manager, Chris Overland to get with Legal Counsel, Brian Iller, and the Grant County Sheriff's Office and get the trailers removed. Legal Counsel, Brian Iller said it would be appropriate for the Board to make a motion that no one has permission to leave trailers on MLIRD's property and then General Manager, Chris Overland can report that to the Sheriff's Office, and it will be an official action of the Board. Director Perry made a motion to designate MLIRD's property at the Moses Lake North Dam be "Day Use Only." Legal Counsel, Brian Iller stated that if it was a temporary breakdown that would be one thing, but if it doesn't have a tow vehicle and has been there for more than a week then it's proper for the Board to take action. He also mentioned it is good that the Board has this motion and recommends that the Board adopt the motion and give General Manager, Chris Overland the Board's authority to report to the Sheriff's Office the trespassers and the Sheriffs can go and take appropriate action to get the trespassers off MLIRD property. Legal Counsel, Brian Iller also mentioned as far as preventing access, MLIRD does not have to fence or post "No trespassing" signs and that if it is a big enough problem, a series of ecology blocks to block it off would probably be the least expensive way. General Manager, Chris Overland said there is a good possibility the Grant County Sheriff's office will treat that area like they do Connelly Park which is touch and go on how often they will patrol the area since both are private property. Chairman Foster stated that he doesn't think it's up to the Sheriff's Department to patrol it, but the Sheriff's Department is going to help MLIRD trespass them off the property. Director Dexter seconded the motion. The motion was then carried unanimously. Chairman Foster didn't want any confusion with no

night time fishing or somebody going down there duck hunting and putting in a boat at 3:30 AM which happens often, that “Day Use Only” is considered it can only be in the daylight. Legal Counsel, Brian Iller said that made sense and stated the Board could pass the motion now, and General Manager, Chris Overland and himself can work up an actual policy for the next regular board meeting to be approved. The motion was then carried unanimously.

ACTION ITEMS

Director Dexter made a motion to appoint Dennis Clay as the inspector and Debbie Doran-Martinez, Dave Helms, and Linda Wrynn as the three judges for the potential upcoming director election. Director Perry seconded the motion. The motion was then carried unanimously.

RESOLUTIONS

Director Dexter made a motion to approve Resolution 2017-003, Dale G. Wesselius, et al. petition into the District. Director Perry seconded the motion. The motion was then carried unanimously.

Legal Counsel, Brian Iller stated Resolution 2017-004, Fountain area dredging project, formalizes what the Board direction was at the last Regular Board Meeting to seek proposals for the dredging project. Based on the statutory language, it means to actually be a bid contract. Assuming the Board wants to proceed to see what kind of bids will be submitted, it needs to pass the resolution so General Manager, Chris Overland can advertise. General Manager, Chris Overland said he has advertised locally but will possibly place an advertisement in the Chicago area as well, since that has been a place that’s been advertised in the past. Legal Counsel, Brian Iller said this resolution is just more formally doing what the Board asked for last month. Director Perry made a motion to accept Resolution 2017-004. Director Dexter seconded the motion. The motion was then carried unanimously.

EXECUTIVE SESSION

The Board went into Executive Session at 7:30 PM to discuss with Legal Counsel potential litigation in the form of the legal risks of a current practice or proposed action regarding liability risks as authorized by RCW 42.30.110 (1)(i)(iii) also to discuss pending litigation as authorized by RCW 42.30.110(1)(i). The expected time was 30 minutes, and the Board was to return at 8:00 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 8:00 PM.

The record indicates that Vice Chairman Bailey joined the meeting during Executive Session.

ADJOURNMENT

The meeting was adjourned at 8:02 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