

## **CALL TO ORDER**

At 7:00 PM, Chairman Foster called the November 08, 2016 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board of Directors except Director Teals were present. Legal Counsel, Brian Iller and General Manager, Chris Overland was also present. The record indicates that this meeting was recorded.

## **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 nothing was brought forward.

## **APPROVAL OF THE AGENDA**

Chairman Foster called on the Board members to approve the agenda. Vice Chairman Bailey moved for the approval of the agenda. 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 10/11/16, the Bills/Checks (#15855 thru #15891) totaling \$49,978.26 and Voucher #1000182. Vice Chairman Bailey made a motion to approve the consent agenda. Director Dexter seconded the motion. 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 the following:

- Lake elevation was at 1045.78 feet as of November 08, 2016 according to the USGS website. All Moses Lake North Dam gates were fully opened on Monday, 11/07/16.
- Staff created an informational flyer with important 2016 milestones on one side and Connelly Park advertising on the other, with a picture taken from the park's security camera via a web browser from the MLIRD office showing Connelly Park. Example desktop published documents to share with the public.
- Resolutions 2016-002 and 2016-006 related to Dredge Spoils as Excess Property was briefly discussed. General Manager, Chris Overland wanted to make sure these Resolutions would be valid for moving spoils in the future. Legal Counsel, Brian Iller indicated that unless any changes to the Dredge spoils value had taken place, these Resolutions would be sufficient to proceed with. It was mentioned by Chairman Foster that there is no listed expiration date so it should still be valid. Director Dexter asked if it was just one person receiving the dredge spoils? General Manager, Chris Overland said not to just one person the spoils are available to

anyone who has a way to remove the spoils and signs a haulers agreement. Director Dexter also asked if MLIRD staff load the trucks for the hauler. General Manager, Chris Overland responding by saying haulers will use their own equipment for loading and removing the dredge spoils.

- Waiting for a final report on Aquatic Treatment and a proposal for Alum Treatment in Pelican Horn for next year. General Manager, Chris Overland said that MLIRD has enough information to help make better decisions on when to run the Parker Horn Pump next year which is when USBR flows are available. Chairman Foster asked if the flow from the Parker Horn Pump doesn't help the water in the Pelican Horn area. General Manager, Chris Overland said the flow helps immensely, however, data suggests that if the flow of Columbia River water isn't coming in from the Rocky Coulee Wasteway, perhaps we shouldn't be pumping into Pelican Horn. General Manager, Chris Overland showed a graph from information gathered from the MLIRD's water testing program illustrating how dirty the water is in different areas of Moses Lake. He thinks it is very important to invest in water testing as that's the vitality of Moses Lake. The graph showed the Alder Street Fill as the dirtiest water of the lake. General Manager, Chris Overland thought it could be related to high phosphorus load coming down from Brook Lake, but more testing was needed to confirm.

When the Rocky Coulee Wasteway is not flowing Columbia River water, Moses Lake is getting whatever is coming from the impoundments upstream, areas like Brook Lake. General Manager, Chris Overland said it's good to have the data to drive good decisions. He also added that it apparently has been routine to run the Parker Horn Pump throughout the summer in the past, but we are seeing reasons now not to. Chairman Foster asked if this was the first year to have this data. General Manager, Chris Overland said this is the first year we have developed the data to this level.

Chairman Foster shared he could remember when there was no movement of water in the Pelican Horn area and how bad the water would get in that area. General Manager, Chris Overland said if MLIRD does Alum Treatments in Pelican Horn it may be better to have the Parker Horn Pump shut off, so there is a stagnant body of water for the Alum Treatment. Vice Chairman Bailey thought it would be interesting to test the water that flows into Moses Lake at the base of Hill Street and see what the difference is between that water and water at other locations on the lake. Vice Chairman Bailey expressed that the water at the base of Hill Street is a spring-fed water source.

- Financials; expenditures continue to be about 75% of the budget.
- The State Auditor and General Manager, Chris Overland has been in contact but still, nothing solid to report. Chairman Foster expressed his recollection from the opening meeting with the State Auditor was that they were going to try and present any findings at this November 8, 2016 meeting.
- General Manager, Chris Overland reported on the three different Resolutions on the agenda were suggestions from the State Auditor. One Resolution is a Credit Card policy, another Resolution is related to the MLIRD Checking Account, and a Resolution for petty cash/imprest account.

## **ACTION ITEMS**

General Manager, Chris Overland reported that there would be no Election in 2016 as there were no challengers for Director Teals or Chairman Foster's positions on MLIRD's Board. General Manager,

Chris Overland announced both Director Teals and Chairman Foster receive at this meeting, a Certificate of Election for each, declaring both candidates once again MLIRD Directors per RCW 87.03.075.

Discussion took place in regards to buoys on Moses Lake. Legal Counsel, Brian Iller said the MLIRD Board has the discretion to adopt rules regarding boating on the lake which would include the placement of buoys. The MLIRD Board has chosen not to exercise that discretion at this point. Legal Counsel, Brian Iller expressed it is appropriate in open public meeting to explain the risks and the advantages of adopting regulations or deciding not to adopt regulations. General Manager, Chris Overland said his concern was that management and enforcement of regulations would be problematic for the staff size and limited equipment the District currently has. He felt that MLIRD doesn't have the manpower or appropriate equipment. Vice Chairman Bailey thought that Grant County Sheriff takes the responsibility of the law enforcement on Moses Lake also Grant County Sheriff's Department has the equipment and the manpower. Legal Counsel, Brian Iller added on a general legal principle that if someone installs safety equipment or barriers, then they have a duty to exercise reasonable care in the placement of that safety equipment, they have a duty of reasonable care and maintenance of those items; there is a reasonable risk anytime anyone takes affirmative actions. Claims could be made that there was negligence in how any equipment was installed or that was not properly maintained or properly replaced, there are significant legal risks on taking any action.

Director Perry added that over the last year or so, a buoy had washed up on her neighbor's shoreline and it did say Grant County Sheriff on it. A Grant County, Sheriff's Deputy, did come and retrieve the buoy and shared with Director Perry that the buoys are very prone to blowing around the lake. Director Perry has had conversations with people that live on the shorelines of Moses Lake and are concerned about possible damage to their shorelines due to watercraft asking if they could put buoys in the lake and Director Perry wasn't sure where to direct them with these concerns. Vice Chairman Bailey added that there are Grant County regulations that control how far away watercrafts are to stay away from shorelines, by so many feet, etc. After further discussion, it was decided that Director Perry could refer shoreline property owners to the Grant County Sheriff's Office for information on those regulations. It was decided that MLIRD's Board would not take any action on this matter and refer community members with questions to the Grant County Sheriff's Office.

Chairman Foster referred to Action item 8.c. on the agenda; agree on union contract COLA for 2016 asking what General Manager, Chris Overland meant by 'agree'. General Manager, Chris Overland said he had been approached by the Union Representative and the Representative was under the assumption that it is a 2 percent increase and the information General Manager, Chris Overland had researched is 2.3 percent. He would like to go forward with the 2.3 percent rate with the support from the Board, so there is no retro issue in the future based on agreeing to the 2.0%. Chairman Foster offered if General Manager would like a second opinion on double checking the percent amounts he would be happy to do so. Vice Chairman Bailey added as he remembered the contract as a minimum of 2 percent. General Manager, Chris Overland added with the contract being ratified that's the last piece of unfinished business that needs to be completed.

General Manager, Chris Overland shared that MLIRD staff sent out letters to the Panorama area residents reminding them to help take care of our lake and not to dump, or otherwise dispose of leaves, grass clippings, and any other yard materials into Moses Lake. This came after a citizen reported having witnessed a resident doing this claiming this has taken place many times. General Manager, Chris Overland invited MLIRD Board members to visit the MLIRD website often to reference updates such as the recent notice advising people that it's not appropriate to dump materials into Moses Lake.

## **RESOLUTIONS**

- a. MLIRD Resolution 2016-008, Credit Card Agreement/Policy; General Manager, Chris Overland spoke in regards to the Credit Card Agree/Policy a recommendation from the State Auditor that MLIRD shows ample control related to credit card purchases also added that there is a \$5,000.00 limit. Vice Chairman Bailey made a motion to approve MLIRD Resolution 2016-008, Credit Card Agreement/Policy; Director Perry seconded the motion. Legal Counsel, Brian Iller said he had reviewed the Resolution. The motion was then carried unanimously.
- b. MLIRD Resolution 2016-009, Checking Account(s); Legal Counsel, Brian Iller said this Resolution would show that the MLIRD Board has adopted a Resolution exercising their statutory authority to have a checking account. MLIRD has had a checking account for years; staff was unable to locate a previous Resolution so for this purpose, Resolution 2016-009 will confirm what this MLIRD Board and previous MLIRD Boards have been doing for many years. Director Dexter made a motion to approve MLIRD Resolution 2016-009 Checking Account(s); Vice Chairman Bailey seconded the motion. Legal Counsel, Brian Iller said he had reviewed the Resolution. The motion was then carried unanimously.
- c. MLIRD Resolution 2016-010, Petty Cash Funds; General Manager, Chris Overland spoke in regards to the only petty cash that the MLIRD office handles are monies received from the beverage vending machine at Connelly Park and Connelly Park Reservations. Chairman Foster asked if the office takes cash or checks and if there are any returned checks. General Manager, Chris Overland answered, both cash and checks are received, and there have not been any returned checks to his knowledge. Vice Chairman Bailey made a motion to approve MLIRD Resolution 2016-010 to establish a petty cash/imprest fund not to exceed \$500.00. Director Perry seconded the motion. Legal Counsel, Brian Iller said he had reviewed the Resolution. The motion was then carried unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 7:48 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 to the Board of Directors

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