

## **CALL TO ORDER**

At 7:00 PM, Chairman Foster called the August 08, 2017, Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Directors 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 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 Abel Sabedra 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 Abel Sabedra speaking under agenda item 4, Presentations/Scheduled Guests. Vice Chairman Bailey moved to approve the agenda as amended. Director Perry 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 07/11/17, the Bills/Checks #16246-#16288 and Voucher #1000191 totaling \$70,571.75. Director Teals made a motion to approve the meeting minutes from 07/11/2017. Director Teals then withdrew his previous motion and made a motion to approve the consent agenda. Vice Chairman Bailey seconded the motion and abstained from voting on any items related to Basin Property Management, Inc. The motion was then carried unanimously.

## **PRESENTATIONS/SCHEDULED GUESTS**

Abel Sabedra presented to the Board on behalf of himself and his wife that they are looking to purchase Parcel #161745002, which is reportedly land-locked and would be difficult to try and construct a road from McConihe Road to access the parcel. If they purchase this property, they are asking if there is a possibility that MLIRD will grant them easement along Parcel #171028001, owned by MLIRD. Mr. Sabedra stated that if he were not able to reach an easement agreement, they would have to seek legal action to possibly get an easement of necessity. Vice Chairman Bailey asked if they had spoken with Grant County Planning Department on if they would even grant a building permit based on the location. Mr. Sabedra said they had not asked that question yet. Director Teals said it would be nice to do but wanted the Board to speak with Legal Counsel, Brian Iller first to hear the legal issues that may come with granting an easement. Legal Counsel, Brian Iller stated that for Mr. Sabedra's information, MILRD is a public entity, and Parcel #171028001 is public property, and the general rule is that a public entity cannot gift public property to anyone. Legal Counsel,

Brian Iller stated there would probably have to be a fair market value type of transaction which will come with a whole series of procedures that the District will have to go through in order to access that land and then a bid process may be required for it. Chairman Foster explained that the Board was not going to be able to give Mr. Sabedra an answer tonight. No further discussion took place.

## **PUBLIC HEARINGS**

Legal Counsel, Brian Iller stated that there had been amendments to the Public Records Act, one of which is related to the coverable costs for fulfilling record requests. He said the new provisions authorize charging for electronically produced records and also allows actual cost for certain activities. Director Teals made a motion to accept MLIRD Resolution 2017-002. Vice Chairman Bailey seconded the motion. The motion was then carried unanimously.

## **MLIRD STAFF REPORTS**

General Manager, Chris Overland reported the following:

- Dredge spoils are being removed from the new location at a considerable rate. A craigslist ad has recently been placed to draw more interest. MLIRD staff recently started bringing over some of the stockpiled spoils from the old location to the new location and MLIRD staff is also in the process of renewing the grading permit at Connelly Park which allows spoils to be relocated to the Park. General Manager, Chris Overland then showed the dredging tracks for 2017. Vice Chairman Bailey asked how many cubic yards have been dredged this year. General Manager, Chris Overland said an approximate guess would be 5,000 cubic yards in the July month of dredging. MLIRD Staff Chris Wilson said when they went farther down into the southwest area, they started running into lots of garbage, rocks and treated wood. Vice Chairman Bailey asked if the dredging process was working any differently than in the past. MLIRD Staff Chris Wilson said that it really wasn't, just running into different material.
- Lake elevation was 1046.76 as of August 8<sup>th</sup>, 2017.
- The year to date budget continues to be in good shape with assessments at 98% of budgeted projections. Actual spend is at 81% of the budget.
- All of the Clean Lake Project books have been scanned and added to the MLIRD website under the Projects tab. Recently, General Manager, Chris Overland was looking at the Drumheller detention pond for phosphorus information and found a page that had phosphorus data back to 1969. In 1969, phosphorus levels at Station 7 [reference GPS coordinates: 47.110697, -119.315728], were at 135 µg/l and Station 9 [reference GPS coordinates: 47.086686, -119.327466], was at 135 µg/l. In 1977, at Station 7 was at 78 µg/l and Station 9 was at 91 µg/l. MLIRD tested the phosphorus levels in those same areas in 2017 and found the levels to be at 28 µg/l for location 7 and 20 µg/l for location 9. More historical data on these locations can be found in the Moses Lake Clean Lake Project – Final Stage 3 Report. The phosphorus levels in the lake are outstanding compared to back then. General Manager, Chris Overland said another potential water quality risk might be if the USBR builds the canals up for the Odessa Aquifer Replenishment and Columbia River irrigation flows by-pass Moses Lake. Chairman Foster asked if the USBR has given any indication that one of the USBR's goals is to bypass Moses Lake with the Columbia River flows. General Manager, Chris Overland says he has to think that the USBR will bypass for the Odessa Aquifer Replenishment because it would not make sense to run those flows

through the lake and then into the Aquifer. General Manager, Chris Overland said during the Clean Lake Project there was strong resistance towards the South Irrigation District taking Moses Lake water. The USBR already flows smaller volumes of water through canals and around Moses Lake, and hopefully, that won't change once bigger siphons are installed.

- Aquatic Treatments are still financially in good shape and within the allotted budget, with about \$60,000 gross remaining. Phase 2 scope has been identified, and aquatic treatments will begin the week of August 21 for parts of Wildgoose, the south side of the I-90 bridge on the east side of Pelican Horn, all the way down through Pelican Point, and possibly some work in Cascade Valley.

Vice Chairman Bailey asked if Purple Loosestrife was still a noxious weed in Grant County. General Manager, Chris Overland said he believed it was. Vice Chairman Bailey stated that back in the 80's, the Grant County Noxious Weed Board had a program with the State, the Department of Fish and Wildlife and DNR where they worked on getting the Purple Loosestrife out of the waterways. He wonders if MLIRD could get some help financially with treatments. General Manager, Chris Overland said the Grant County Noxious Weed Board last year seemingly referred everyone to call MLIRD on lakeshore matters.

Director Dexter asked what chemical MLIRD's aquatic contractor was using for the Phragmites. General Manager, Chris Overland said he is using Glyphosate. Director Dexter said that the prior aquatic contractor used something different and that CHS carries the same version of it called Polaris, and he personally found it was way more effective the Glyphosate. Chairman Foster mentioned as long as General Manager, Chris Overland is using the approved, productive and affordable products he has no concerns.

Director Teals agreed with Vice Chairman Bailey and said the Yellow Flag Iris is also an invasive species and was approached by the Grant County Noxious Weed Board. He agrees that MLIRD should continue to put it on the Grant County Noxious Weed Board and let them know that Purple Loosestrife and Phragmites are noxious weeds and they need to take care of them. Director Teals mentioned the Grant County Noxious Weed Board collects assessments from property owners just like MLIRD does and thinks it is worth a call to them. General Manager, Chris Overland said he would make contact with the Grant County Noxious Weed Board. Chairman Foster said that he knows the Department of Fish & Wildlife has been a huge advocate of getting rid of Purple Loosestrife. He mentioned that MLIRD might get more assistance in money, grants, or even manpower. He also said MLIRD might have to show proof that Moses Lake is having issues with the noxious weeds before any department will help. Director Teals said Director Perry's husband was involved in the Purple Loosestrife project when he was working with the department and he may be a good person to get contact information from.

- MLIRD Staff has been running the Parker Horn Pump Station temporarily while ADA sidewalk modification work was underway downtown near the Parker Horn Pump Station. This was to help ensure no leaks or damage to the pipeline occurred without quickly being identified during the project work.

MLIRD is still watching the water quality in Pelican Horn and staff will run the Parker Horn Pump Station if water quality warrants it or when the USBR Columbia River flows return.

The last word from DNR was that they would like MLIRD to replace pump station dock and pilings, but they will leave it to other appropriate agencies to decide on screen replacements as part of the pump station lease renewal.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 7:55 PM to discuss with Legal Counsel potential litigation in the form of legal risks of a current practice or proposed action regarding the procedure to add lands to the District, voting issues, and dredging spoils all authorized by RCW 42.30.110 (1)(i)(iii). The expected time was 20 minutes, and the Board was to return at 8:15 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.

Chairman Foster entered back into the board room at 8:15 PM to extend Executive Session another 5 minutes. They were to return to Regular Session at 8:20 PM.

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The Board entered back into Regular Session at 8:25 PM.

## **WORKSHOP/DIRECTOR QUESTIONS AND/OR COMMENTS**

Director Dexter asked if MLIRD had noticed any changes to the Pelican Horn area after it was treated with Alum. General Manager, Chris Overland said it was too early to know anything for sure yet. MLIRD didn't have recent pre-alum treatment phosphorus water testing to compare to.

The 2017 water sample test sites and its data were then discussed. The springs and the creeks are bringing in the highest levels of nutrients into the lake and more than anywhere else. Vice Chairman Bailey said MLIRD should contact a couple of property owners and take samples of the springs themselves. Chairman Foster said MLIRD might be able to price the cost of a few hours of drone operations to get pictures/video of the area. Vice Chairman Bailey mentioned even one of the companies that fly an Agricultural plane.

Director Teals had mentioned he had been down at the south end of the lake at the end of July and it looked really good. He also has noticed in the Parker Horn area towards the submerged 'island,' there is a floating pile of scum, and later on, in the day it disappears. General Manager, Chris Overland asked how the Board would feel for MLIRD to sample what Director Teals is talking about. Director Teals thinks it should be looked at. Chairman Foster asked if there was any consistency of the fountain being on or off and Director Teals thinks it may have been when the fountain was off.

Chairman Foster noted that Director Elections are coming up and Director Perry is up for election.

**ADJOURNMENT**

The meeting was adjourned at 8:15 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