

## **CALL TO ORDER**

At 7:00 PM, Chairman Foster called the April 10, 2018 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board of 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 nothing was brought forward.

## **APPROVAL OF THE AGENDA**

Chairman Foster then called on the board members to approve the agenda. Director Teals made a motion to approve the agenda. Director Selmann seconded the motion. The motion was then carried unanimously.

## **APPROVAL OF CONSENT AGENDA**

Chairman Foster called on the Board of Directors to approve the consent agenda. The consent agenda consisted of the meeting minutes from 03/13/18 Regular Meeting, 03/13/18 Special Meeting, and the 03/26/18 Special Meeting, the Bills/Checks (#16574-#16612) and Voucher #1000199 totaling in \$73,892.87. Vice Chairman Bailey made a motion to approve the consent agenda. Director Dexter seconded the motion. Vice Chairman Bailey abstained from voting on the 03/13/18 Special Meeting as he was not in attendance at that meeting and also on anything 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 1046.65 feet as of April 10, 2018 at the Hallmark Gauge Station.
- Rocky Coulee Wasteway is running a little over 1,000 CFS and they expect it might get as high as 1,800 CFS towards the end of May.
- The first water tests of the year were completed on March 26<sup>th</sup>, 2018 and the results show the importance of the dilution of the water from the USBR Columbia River flows.
- Connelly Park opens tomorrow, April 11<sup>th</sup>, 2018. General Manager, Chris Overland brought up with possible assessment income issues, it may make sense to suspend Connelly Park reservations for 2018. After the discussion, it was decided to continue doing reservations as MLIRD has in the past for now.
- Financials are 56% of Budget.
- Lakeshore Cleanup was successful with approximately 150 volunteers and two ton of debris was collected.
- Parker Horn Pump Station lease is still underway.

- Discussion was then had on the possible side-dump trailer lease or rental.
- Discussion then took place on if the District would be interested in purchasing the Dahl Road parcel that is currently owned by Grant County. Director Teals stated that the District is not into real estate, so he isn't interested in the District acquiring it. Chairman Foster asked the Board if there was any interest and the Board agreed that there was no interest in acquiring the Dahl Road parcel.
- An agreement has not yet been made with the Grant County Treasurers Office.
- Director Selmann asked if the Parker Horn Pump Station had been turned on and General Manager, Chris Overland informed him it had been.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 7:30 PM to discuss with Legal Counsel pending litigation as authorized by RCW 42.30.110 (1)(i) as it relates to the Hansen vs. MLIRD, Carpenter vs. Hansen, and MLIRD vs. Pheasant regarding the mandamus action also to discuss with Legal Counsel the legal risks of a proposed action or current practice as it relates to the DNR Lease of the Parker Horn Pump Station as authorized by RCW 42.30.110 (1)(i)(iii). 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 after as a result of the discussion in Executive Session.

Chairman Foster entered back into the boardroom at 8:00 PM to extend Executive Session another 15 minutes. They were to return to Regular Session at 8:15 PM.

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

The Board entered back into Regular Session at 8:20 PM.

## **ACTION ITEMS**

Legal Counsel, Brian Iller explained that the Board isn't happy with some of the new verbiage in the DNR Lease for the Parker Horn Pump Station. However, he feels the lease under today's standards is appropriate, although thinks it would be better for the Board to request a 20-year lease term as opposed to the 12-year lease term that DNR is currently proposing. This will provide future Boards the time to save money that will be needed to replace or remove the structures by the end of the lease term. It is particularly appropriate given the current litigation that is pending over the District's assessments. Vice Chairman Bailey made a motion to authorize Legal Counsel, Brian Iller and General Manager, Chris Overland to extend the Board's offer to accept the DNR lease with the exception of making it a 20-year lease. Director Teals seconded the motion. Director Dexter commented that he is in agreement with making it a 20-year lease, however, would like it if the lease could be even longer. He added that the dock from what he has read could go to 100 years and the creosote issue is not scientific from what he has read. The motion was then carried unanimously.

## **WORKSHOP/DIRECTOR QUESTIONS and/or COMMENTS**

Director Dexter brought up a discussion on the value or in value of the recordings of the Board Meetings. He believes it causes more effort and most public official meetings do not have recordings and he is not sure of the value of continuing to record meetings versus just having someone

taking notes at the Board Meetings. Director Teals said it seems to him that it is there to aid the secretary's staff and if it helps them with the minute taking, he thinks the Board should keep it. Chairman Foster asked of the risks of having the Board Meetings recorded. Legal Counsel, Brian Iller said if the Board wanted to talk about the legal risk then they would need to go back into Executive Session. A discussion was then had on ceasing the recordings of the Board Meetings. Director Teals made a motion to table the motion to cease the recordings of the Board Meetings. Vice Chairman Bailey seconded Director Teals motion. All board members voted for the motion except Director Dexter who voted against the motion. The motion carried. Vice Chairman Bailey made a motion that Director Teals motion be removed from the table at the January Regular Board Meeting in 2019. The motion died due to lack of a second.

**ADJOURNMENT**

The meeting was adjourned at 8:38 PM.

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Jeffrey B. Foster, Chairman

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Bill Bailey, Vice Chairman

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Kris Dexter, Director

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Richard Teals, Director

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Kaj Selmann, Director

By: \_\_\_\_\_  
Secretary to the Board of Directors