

CALL TO ORDER

At 7:00PM, Chairman Foster called the December 9, 2014 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that all Board Members excluding Vice Chairman Bailey were present. Legal Counsel, Brian Iller and General Manager, Chris Overland were 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. Harold Hochstatter asked to discuss the question "Can irrigation district water be appropriated through wells?"

REVIEWING OF THE AGENDA

Chairman Foster added Harold Hochstatter under public comments. Director Teals asked that a discussion on the minute taking procedure be added to the agenda. Director Teals had multiple changes that he wanted made before he would approve the November 11, 2014 minutes. Chairman Foster added Director Teals' discussion on the minute taking procedure to Workshop/Director Questions and/or Comments. Director Teals then made a motion to approve the agenda as modified. Director Dexter seconded the motion. The motion was then carried unanimously.

APPROVAL OF CONSENT AGENDA

A motion was made by Director Perry to approve the Bill/Checks and Vouchers. The motion was then seconded by Director Teals. The motion was then carried unanimously.

PRESENTATIONS

DAM CONSTRUCTION – RYAN CARTER WITH STRATA

Ryan Carter with Strata then gave a brief update on the progress in the past month on the North Dam Project.

Recent events:

- The completion of the temporary coffer dam has taken place.
- Ryan Walker with Grette & Associates came out to help with the removal of the fish in a humane way at the Moses Lake North Dam.
- The 24/7 de-watering of the temporary coffer dam which will be subsided when they get the permanent sheet pile in place.
- A few days ago they started on the permanent sheet pile phase. This will give the dam its structure. The sheet piles are 40 feet long.

A two week overview:

- Installation of the permanent sheet piles
- Excavation of the material to get the footprint in
- Installation of the micro piles

STAFF REPORTS – GENERAL MANAGER, CHRIS OVERLAND

General Manager, Chris Overland reported on projects and events:

Recent events/news discussed:

- The lake level was down to 1043.18
- Norm Estoos brought in a 1938-1967 hydrograph and pictures from 1928 of the North Dam to share with the MLIRD staff and the Board of Directors
- Grette and Associates saved numerous trapped fish in the fish removal exercise at the North Dam location.
- Update on the status of the applied for DOE grants was discussed.
- Laure Grammer's availability to us to assist with assessment rolls if we desire.
- Dredge related land leases expiration in December of 2014
- The finished 2015 budget

MLIRD Areas of Responsibility (for benefit of new Directors):

- Drumheller Dam
- Moses Lake North Dam
- Dredging Operations
- Connelly Park Operations
- Spraying Operations
- Harvester Operations
- Alder Street Fountain
- Parker Horn Pump Station
- Dahl Road Boat Launch
- Marina Drive Property

Areas that impact budget:

- Dredging Operations
- Connelly Park
- Spraying Operations
- Harvester Operations
- Alder Street Fountain
- Parker Horn Pump Station

General Manager, Chris Overland then went over MLIRD areas of responsibilities, upcoming expenses and potential ways to save on the 2015 budget. Among the possibilities was selling underutilized equipment as surplus to purchase needed equipment such as, a longer reach excavator was reviewed. Also discussed were requirements or procedure(s) related to selling surplus equipment/purchasing new equipment.

Past, recent, and future water levels and the relationship to the North and South Dam(s) and dredge related land leases was then discussed and the need to re-negotiate leases.

EXECUTIVE SESSION

The Board went into Executive Session at 8:00PM to discuss with legal counsel threatened litigation in the form of litigation that has been specifically threatened (whistleblower and overtime pay) as authorized by RCW 42.30.110(i)(i) and to discuss with legal counsel arrests of a proposed action or current practice as it relates to the expired leases for

the dredge operations as authorized by RCW 42.30.110(i)(iii). The expected time was 15 minutes and they were to return to Regular Session at 8:15PM. Chairman Foster indicated 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 8:15PM and extended Executive Session another 10 minutes.

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

ACTION ITEMS

Director Perry made a motion to appoint Vice Chairman Bailey and General Manager Chris Overland to review the dredge leases with the people involved to get them extended. Director Dexter seconded the motion. The motion was then carried unanimously.

Director Teals made a motion to approve the 2015 budget. Director Perry seconded the motion. The motion was then carried unanimously.

RESOLUTIONS

Discussion on Resolution 2014-055 took place. Resolution 2014-055 defines the number of Directors for MLIRD Board. Director Teals made a motion to adopt Resolution 2014-055. Director Perry seconded the motion. The motion was then carried unanimously.

PUBLIC COMMENTS

Election Inspector, Dennis Clay announced 317 ballots were casted and 2 were disqualified in tonight's 2014 MLIRD Election.

Total Ballots Casted:

Kris Dexter – 171

Tom Bennett – 144

A special meeting to count the absentee ballots will be held on Monday, December 15, 2014 at 1:00PM and the winner of the 2014 MLIRD Election will be announced.

Audience member, Harold Hochstatter discussed the topic of MLIRD appropriating water through wells. Ground water law originated in WA State in 1944 and the service water statute in 1917. Department of Ecology allowed Harold Hochstatter to apply for a claim. In order to do that, he had to go back before 1944 and find records. He fears that MLIRD's authority is going to be impaired by the Department of Ecology. Legal counsel, Brian Iller says that this is a topic that MLIRD is addressing. Iller announced that the district hired a consultant earlier this year to help with this matter. He wants to work on an affidavit with Hochstatter to demonstrate the prior use through wells. Iller says, they will work on the matter and he will get Hochstatter in touch with the consultant, Tim Reiersen, an engineer that MLIRD hired earlier this year, to work on this topic.

WORKSHOP/DIRECTOR QUESTIONS AND/OR COMMENTS

Director Teals explained that when he first came on the board in 2002, MLIRD had a secretary that took the minutes and presented the minutes to the directors. He believes that MLIRD has two capable persons in the office that would be suitable for taking the meeting minutes and that it would be a good use of MLIRD funds. Director Teals then made a motion that the minutes of MLIRD be taken by people that we have hired that are on our staff currently. Director Perry seconded the motion. The motion was then up for discussion. Chairman Foster agreed that this is the direction the District is heading towards but doesn't want the board telling

the general manager what to do with his staff. Director Teals agreed that if the result was the intent of his motion and it does go forward and happens, then he doesn't need a further motion. Director Teals then withdrew his motion. Director Teals also wants carp and the carp population added to the January agenda to be discussed. Long Lake is going through some major issues regarding carp and Moses Lake has had a substantial number of carp removed.

ADJOURNMENT

The meeting was adjourned at 9:18 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

Transcribed By: _____