

## **CALL TO ORDER**

At 7:04 PM, Chairman Bailey called the December 10, 2019 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows that Chairman Bailey, Vice-Chairman Dexter, Director Teals and Director Selmann 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 Bailey 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 Bailey 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 to discuss a possible road easement.

## **APPROVAL OF CONSENT AGENDA**

Chairman Bailey called on the Board of Directors to approve the consent agenda. The consent agenda consisted of the meeting minutes from 11/12/19 Special Meeting and 11/12/19 Regular Meeting, the Bills/Checks (#17380-#17418), and Voucher #1000219 totaling in \$1,446,899.30. Director Teals had a spelling correction on page two of the 11/12/19 Regular Meeting that would be fixed. Director Selmann made a motion to approve the consent agenda, excluding the \$1,328,764.24 check to Kayden Industries from Voucher #1000219 until a motion to allow a one-time exception to exceed Resolution 2018-001 is approved. Director Teals seconded the motion. Chairman Bailey abstained from voting on anything related to Basin Property Management, Inc. The motion carried unanimously.

## **PRESENTATIONS/SCHEDULED GUESTS**

Don Beckley appreciates MLIRD's Board and Management efforts. He recently read a book called "letter to a young farmer" and wants to gift it to the Board. The book discusses efforts that may be useful for the water quality of Moses Lake. Mr. Beckley shared a few stories from his time volunteering with the Clean Lakes Project. Mr. Beckley stated he believes part of the water quality problem is he thinks you can't take agricultural and lay it over the top of a recreational lake. He stated the soil is so "hot" north of Moses Lake; farmers have to purchase Canadian Gypsum and mix it with the fertilizer to improve the soil structure and increase crop yields. He stated a lot of this is discussed in the book "letter to a young farmer." Mr. Beckley said he appreciates everything the District has done and the awareness of the education of the lake that has brought this Board to the forefront. Chairman Bailey thanked Mr. Beckley for the gift and his many years of service for the District.

## MLIRD STAFF REPORTS

General Manager Chris Overland reported the following:

- Lake elevation was at 1041.35 as of December 10, 2019.
- 2019 MLIRD Election for Position #4 was taking place at 934 E Wheeler Road, Moses Lake, WA and the polls would close at 8:00 PM, December 10, 2019. Candidates for this position were Jeff Foster and Ron Sawyer.
- At one of the Moses Lake Watershed Council meetings, General Manager, Chris Overland spoke with Peter Burgoon, Ph.D., PE in water quality engineering. He has done some work for MLIRD back in 2006 and is familiar with Moses Lake. General Manager, Chris Overland would like to request his assistance on a consulting part-time basis to examine dilution water options, specifically the W-20 project and perhaps insight on the Alum options as well. Chairman Bailey said he is in favor of hiring Peter Burgoon part-time and thinks MLIRD should also contact Harvey Harper, a specialist in Alum injection systems, and Gene Welch as well, and do this before the time a study session is scheduled so there is something in front of the Board to discuss. Chairman Bailey would like to get specialists with qualifications on behalf of the District to take a look at the options and be able to discuss them. Chairman Bailey wants to be serious about finding a solution and include a dollar amount that will cover what the Board wants to be done in the motion. Director Selmann made a motion to have General Manager Chris Overland spend up to \$20,000 in the initial consulting phase on both the W-20 dilution study and the Alum injection study, which will include Gene Welch, Peter Burgoon, and Harvey Harper initially. Director Teals seconded the motion. The motion carried unanimously. Chairman Bailey restated that General Manager Chris Overland is to contact the three individuals and ask them to take a look at the W-20 Dilution Project and the Alum Injection Study and let them know MLIRD is looking for recommendations and what it would cost for an engineering study if it needs to go further. Chairman Bailey also said the Board would like to have that information by the first week or two of January.
- A conversation was had with Grant County on using the warrant process to pay the Kayden Industries invoice, and they advised to stick to the process MLIRD normally uses. General Manager, Chris Overland stated that it meant a motion is needed to exceed the authorized checking account balance, which is \$150,000 for a one-time exception. Resolution 2018-001 shows the existing funds MLIRD operates with to not exceed \$150,000. Director Selmann made a motion to allow a one-time exception to the limits stated in Resolution 2018-001 to pay the Kayden Industries invoice in the amount of \$1,328,764.24. Director Teals seconded the motion. The motion carried unanimously.
- Resolution 2019-004a includes the dredge discharge line floats. The Board approved Resolution 2019-004, which was declaring the dredge and dredge line as excess personal property; however, it did not include the floats. Chairman Bailey stated Resolution 2019-004a also includes the serial number of the engine on the dredge and any other available identification numbers. Otherwise, the wording is similar to Resolution 2019-004. Vice-Chairman Dexter made a motion to adopt Resolution 2019-004a declaring as excess personal property, an Ellicott 370 Dragoon Dredge, 10" Discharge Line(s), and floats. Director Selmann seconded the motion. The motion carried unanimously.
- Assessment income YTD is at 101.3% of budget and expense YTD is at 37.3% of the budget. After the Kayden Industries payment, expense YTD will be about 85.8% of the budget.

- 2020 Budget models were looked at again, and it was said that one would be approved at the January Regular Board Meeting.

## **EXECUTIVE SESSION**

The Board went into Executive Session at 7:30 PM to discuss with legal counsel pending litigation regarding the Hansen v. MLIRD case as authorized by RCW 42.30.110 (1)(i) and potential litigation in the form of the legal risks of a proposed action or current practice regarding a possible road easement as authorized by RCW 42.30.110 (1)(i)(iii). The expected time was 20 minutes, and the Board was to return approximately at 7:50 PM.

Chairman Bailey entered back into the boardroom at 7:50 PM to extend Executive Session 10 minutes. The Board was to return to Regular Session at approximately 8:00 PM.

The Board entered back into Regular Session at 8:00 PM.

## **PUBLIC COMMENTS**

Abel Sabedra asked the Board to consider allowing him to construct a road that runs along MLIRD's Connelly Park upper parcel property line. He pleaded that he would pay for everything involved and would allow anyone to use the road for public use to stay under the provisions of it being maintained as a public park and for public recreational purposes. Abel Sabedra stated it would be similar to the road leading into Connelly Park; anyone would be able to use it for public use. It was stated that the road leading into Connelly Park benefits the public with the use of the Park and Boat launch for recreational purposes, and the road leading to his house would not be for recreational purposes. Legal Counsel, Brian Iller stated that if the County were to come in and say they were going to put in a road along the parcel for County purposes and it just happens to benefit Abel Sabedra, then circumstances would be different. Legal Counsel, Brian Iller also stated that if the Board took any action to give Abel Sabedra any type of property interest, the Board is at risk for losing the entire Park based on the conditions under which they took it.

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

Chairman Bailey asked what was happening with the mapping company Beitz & Daigh Geographics MLIRD hired, and General Manager, Chris Overland stated the project is in process. Chairman Bailey would like General Manager, Chris Overland to contact them and see what the status is on it and be able to talk about it at the January Regular Board Meeting. General Manager, Chris Overland stated MLIRD staff uses the website now to find properties in the District.

Chairman Bailey would also like General Manager Chris Overland, to get in contact with Grette Associates and see what permits might be needed for Alum injections and how long will it take to get them, so everything is known before the study session.

Director Teals asked if MLIRD was going to be able to dredge behind Walmart this year. General Manager Chris Overland said his understanding was that it wasn't going to be able to happen this year. Chairman Bailey stated he told General Manager Chris Overland that he didn't think MLIRD had time this year with only a month left to dredge behind Walmart, and it appeared there was some logistics that hadn't been fully addressed. He stated that General Manager Chris Overland and himself needed to sit down and schedule how it's going to be done, so they don't go in and only do a halfway job. Director Teals mentioned that Rick Penhallurick is adding a lot of fill dirt to the land behind Walmart. He

thinks it seems like the dredge spoils mechanically dredged from the lake behind Walmart would be perfect fill for Rick Penhallurick to use, and MLIRD wouldn't have to haul the spoils away. Chairman Bailey believes it would be good to have a plan before any decisions are made. Director Teals would like to know what Rick Penhallurick thinks about keeping the spoils for fill dirt on his property. General Manager Chris Overland stated that he has spoken with Rick Penhallurick about staging the dirt on his property; however, not about him keeping it. Chairman Bailey asked General Manager Chris Overland to ask Rick Penhallurick if he would like to keep the spoils mechanically dredged from the lake behind Walmart. The window of opportunity is right now, so Chairman Bailey asked for General Manager Chris Overland to speak to him as soon as possible, and then the Board will see where to go from there. Legal Counsel, Brian Iller stated if action needs to be taken, a special meeting could be scheduled. Vice-Chairman Dexter asked if MLIRD could dredge and just give the dirt away easily. Legal Counsel, Brian Iller said MLIRD went through that when the spoils were put out to bid for sale and nobody bid.

### **ADJOURNMENT**

The meeting was adjourned at 8:13 PM.

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Bill Bailey, Chairman

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Kris Dexter, Vice-Chairman

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Richard Teals, Director

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Kaj Selmann, Director

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