

Moses Lake Irrigation and Rehabilitation District  
Regular Board Meeting  
July 11, 2023

### **CALL TO ORDER**

At 7:00 PM, President Bailey called the July 11, 2023 Regular Board Meeting of the Moses Lake Irrigation and Rehabilitation District to order. The record shows President Bailey, Vice President Teals, Director Foster, Director Perry, Director Dexter, and Legal Counsel Brian Iller were present. The record indicates that this meeting was recorded. The Pledge of Allegiance was then recited.

### **DISCUSSION OF AGENDA ITEM(S)**

President Bailey called for discussion on any agenda items, and nothing was brought forward.

### **DISCUSSION OF NON-AGENDA ITEM(S)**

President Bailey called for discussion on any non-agenda items, and nothing was brought forward.

### **APPROVAL OF THE AGENDA**

President Bailey called on the board members to approve the agenda with the change of moving Executive Session after the approval of the consent agenda. Director Foster made a motion to approve the agenda as amended. Vice President Teals seconded the motion. The motion carried unanimously.

### **APPROVAL OF CONSENT AGENDA**

President Bailey called on the board members to approve the consent agenda. The consent agenda consisted of the meeting minutes from the 06/13/23 Regular Meeting, the Bills/Checks (#18827-#18856), and Voucher #1000262, totaling \$67,661.00. Director Foster made a motion to approve the consent agenda. Director Perry seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION**

The Board went into Executive Session at 7:05 PM to discuss with Legal Counsel the legal risks of a proposed action or current practice as it relates to the Board's consultant and assessment methodology practices as authorized by RCW 42.30.110 (1)(i)(iii). The expected time was 45 minutes, and the Board was to return approximately at 7:50 PM. Legal Counsel Brian Iller indicated that further action may or may not be taken after as a result of the discussion in Executive Session.

President Bailey entered back into the boardroom at 7:50 PM to extend Executive Session by 20 minutes. They were to return to Regular Session at approximately 8:10 PM.

President Bailey entered back into the boardroom at 8:10 PM to extend Executive Session by 15 minutes. They were to return to Regular Session at approximately 8:25 PM.

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

## **MLIRD STAFF REPORTS**

President Bailey reported the following:

- President Bailey stated the Directors received an email today from Legal Counsel Brian Iller sharing MLIRD's consultant's report.
- Before the August Regular Board Meeting, President Bailey would like feedback from the Directors on if they feel the Board should hire an appraiser or a local realtor who has experience with real estate development on and off of the lake. Legal Counsel Brian Iller stated he thinks MLIRD's consultant, Neal Welbourne with Welbourne Geographical Services should write-up a report on the comparison of different Moses Lake waterfront parcels and other parcels in Grant County as soon as possible and the report can be looked at before the August Regular Board Meeting. Legal Counsel Brian Iller also said Director Foster has the knowledge and can make a record of his thoughts on comparing waterfront parcels and parcels not on the lake. Legal Counsel Brian Iller stated it is an absurdity to take a fair market value and hypophysis what the value would be without the right to use MLIRD's water right. Director Foster stated he would go on record of saying he does not believe there is a qualified person that can make a statement that parcel #12345 is worth "\$X amount" today, and would be worth "\$X minus" if it did not have the right to utilize MLIRD's water right. Director Foster stated in his opinion, he does not believe there is anyone qualified that would stand up in the court of law and say there is extra benefits. He said he would agree that parcels that can irrigate from the lake via from a HOA pump or a direct pump in the lake, are in the City of Moses Lake, and have the opportunity to use city water to irrigate, have a cost benefit. Director Foster suggested not hiring an appraiser or realtor to come up with a statement that says the value of a parcel is "\$X" with the use of MLIRD's water right versus without the use of MLIRD's water right. Legal Counsel Brian Iller said Neal Welbourne's report could be helpful in regards to comparing what a half-acre lot with a house in the District would be as opposed to one in Ephrata, WA or Warden, WA. Director Foster stated having done appraising in his career, there is never going to be a layer of having a water right versus not having a water right. The layers will be in reference to City, access to the internet, fire protection, streets, school district, library district, etc. Legal Counsel Brian Iller said that is the problem; those are the special assessment cases that the court will want to try to apply to the irrigation water benefit and it doesn't fit. He stated MLIRD needs to make a really strong record as to why it doesn't fit. Having an appraiser or a qualified realtor with experience in land valuations and real estate development to say that in a report.
- President Bailey stated MLIRD and the City of Moses Lake is waiting to hear back from the Department of Ecology regarding the letter that was sent to them from MLIRD and the City of Moses Lake as a follow up to the request for technical assistance in interpretation of Moses Lake Irrigation and Rehabilitation District's water right authority.
- The MLIRD office has not received any resumes or phone calls regarding the open General Manager position. Currently, the position is advertised on the MLIRD website and in two irrigation magazines across the West coast. President Bailey asked if MLIRD should look into finding a hiring firm that will advertise for the General Manager position. Director Dexter asked that an advertisement be ran in the Columbia Basin Herald.

Interim Manager Beth Yonko reported the following:

- The lake level on July 11, 2023 was 1046.70.
- Connelly Park has been running smoothly this last month.

- The harvester was launched at Blue Heron Park and moved to Marina Drive on Monday, July 10.
- The 2023 weed treatments were completed on July 6<sup>th</sup> and 7<sup>th</sup> by MLIRD's weed contractor, Aquatechnex and the MLIRD office had no complaints made.
- Water testing is still on-going for the 2023 season. MLIRD has tried another lab called Superior Analytics concurrent with IEH Laboratories, the lab MLIRD has used for seven years. The goal is to have another lab with data that is in comparison with data received from IEH Laboratories as a back-up lab. The bottles used with Superior Analytics were found to be contaminated for the first three test dates. The office has received clean bottles from Superior Analytics and will take concurrent tests again with both labs next week to compare data.

**ACTION ITEMS**

The two letters to the MLIRD property owners and lakefront property owners not in the Moses Lake Irrigation and Rehabilitation District were then discussed. Director Perry and Director Foster stated they both had a few corrections they would like made on the letters. The Directors will go over the letters again and send any of the corrections they have to Legal Counsel Brian Iller and the MLIRD office before they are mailed out.

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

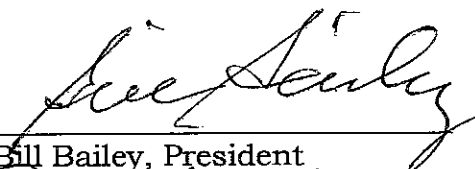

Director Dexter asked how much Columbia River water was still flowing. President Bailey stated that Columbia River water has not been flowing for a little over a month now. The timeframe for Crab Creek to be flowing non-stop is possibly mid-2024. The Bureau has stated they will cooperate as much as they can with moving water through Moses Lake. However, if they don't need the water, they can't just feed water through Moses Lake. President Bailey stated communication is always open and that the Bureau is also involved with the Moses Lake Watershed Council.


Vice President Teals stated the Moses Lake Trails Planning Committee is involved with the biking and walking trails in Moses Lake. One of the projects happening right now is mapping out water access points for kayaks, paddle boards, etc. The property that MLIRD owns on Marina Drive would be very conducive as a water access point for those types of water sports and would not require any work or maintenance from MLIRD. Vice President Teals would like the Board to discuss letting the Moses Lake Trails Planning Committee add the Marina Drive property as an access point on the map the committee is currently creating. Legal Counsel Brian Iller stated the Board would want to discuss the legal risks in Executive Session regarding the topic. President Bailey stated the discussion will be added to the August 8, 2023 Regular Board Meeting agenda.

The 2024 FY Newhouse grant was reduced from \$5 million to \$500,000.

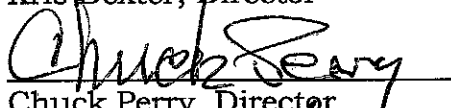
**ADJOURNMENT**

The meeting was adjourned at 9:00 PM.


  
 Bill Bailey, President  
  
 Richard Teals, Vice President

  
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Kris Dexter, Director

  
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Chuck Perry, Director

  
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Jeff Foster, Director

By:

  
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Secretary to the Board of Directors