



Minutes

Special Meeting of the KID Board of Directors Carl W. Petersen Board Room Thursday, October 5, 2017, 6:30 p.m.

President Huffman called the special meeting to order at 6:33 p.m. and Mr. Freeman called roll.

Directors Present:

Gene Huffman, President
Dean Dennis, Vice President
David McKenzie
Jim Holmes
Kirk Rathbun, via telephone

Staff Present:

Chuck Freeman, District Manager
Jason McShane, Engineering Manager
Ben Woodard, Assistant Engineering Manager
Alex Romero, Staff Engineer
Lori Gibson, Executive Assistant
Doris Rakowski, Executive Assistant

Other Persons Present:

Brian Iller, KID Legal Counsel

APPROVAL OF AGENDA: Vice President Dennis moved to approve the agenda. Director Holmes seconded the motion and it carried unanimously.

PRESENTATION:

Badger East Canal Project - Candy Mountain Neighborhood: Mr. Freeman said the District planned to line Badger East Canal through the Candy Mountain neighborhood this winter.

Ben Woodard spoke about KID's program to line over 50 miles of canal and the plan to line four and a half miles from Queensgate Boulevard to Kennedy Road this winter. He briefly reviewed communications about the project and removal of encroachments from the right of way.

Ben Woodard reported about meetings with several homeowners (Trinidad Garibaldi, Dianne Armstrong and Chad Sanders), who suggested burying the canal. KID specifications were provided and one meeting included a pipe supplier, surveyor and engineering.

Mr. Woodard said Mr. Garibaldi's preliminary cost estimate to bury the canal was over \$500,000. Options for owners to reimburse KID for the project, pending Board approval, were discussed.

Mr. Woodard showed a Division IV Canal lining video, and before and after pictures of lining projects. He described the lining process and the need for roads on both sides of the canal.

Mr. Freeman said the main goal of lining was public safety, to property and life. Conservation was a secondary benefit. He said the canal section must be lined or piped by water on, in view of two breaches which occurred after KID had to moved or delay other lining projects.

PUBLIC COMMENT:

Mr. Freeman confirmed the recollection of **Ann Smith** (5130 Hershey Lane) that KID would deduct the District's cost to line the canal from the cost of piping it.

Ms. Smith addressed her neighbors about benefits of a buried line instead of an open canal.

Mr. Freeman confirmed to **Dalton Stupack** (5021 Milky Way) that KID's contribution to the project would be KID's money, not federal funds.

Mr. Stupack asserted that prevailing wage would not apply. Mr. McShane explained that, as a government entity in Washington State using local public funds, prevailing wage was required. It was confirmed that this would be KID's project and the group would be paying KID back.

Mr. Stupack asked if they would receive a transferable, irrevocable permit. Mr. Freeman said KID had a master crossing agreement and issued the permits.

Mr. McShane clarified that the U.S. Bureau of Reclamation (USBR) owned the easement, and had prohibited any encroachments in all 17 western states following the Truckee Carson Irrigation Company canal breach which flooded 600 homes in Nevada. He said the KID was complying with the directive as lining was installed. Mr. Freeman said if KID received title to the project, as the District was seeking, permitting encroachments would be up to the Board.

Mr. McShane spoke about local soil type, seepage and erosion. He described the 2016 breach caused by a gopher hole and KID's concern with catastrophic canal failure. He said while piping would keep people out of the canal, it had higher likelihood of plugging and overtopping, and was not a cost effective alternative to lining over 60 miles of canals.

Mr. McShane said staff could provide information on what written guarantee could be expected regarding encroachments and permits.

Paul & Jenny Booker (4921 Milky Way Drive). Mr. Booker said a USBR representative (Chad Stuart) told him private individuals or groups could purchase USBR land. He asked KID to wait to reclaim the 50 foot easement on both sides of the canal so the neighborhood could purchase that land. He said they were not motivated to pay for pipe with no assurance the easements would not be reclaimed.

Mr. McShane said this was the worst section of canal remaining to be lined and could not wait another year. He spoke about KID's use of the easement for construction access requirements. He said engineering tried to minimize construction impact. He could not answer immediately if KID could minimize construction impact and wait to resolve other encroachments for the USBR.

Mr. Booker said Mr. Stuart asked if the encroachments impeded the flow of water, which they did not. Mr. McShane said he would talk to Mr. Stuart.

Mr. Freeman said KID would be flexible where possible. Mr. McShane said staff would address encroachments with each property owner, but the USBR wanted to clear encroachments to property lines, especially downhill from canals for structural stability.

Lining of the Westcliffe section was discussed further. Mr. Booker said there were ways to install liner with one road and trees. Mr. McShane said cost was a factor.

Mr. Booker asked to Board to move to pay for the piping project.

Mr. Freeman said KID's program was for lining not piping. Mr. Booker asked to see the cost difference and Mr. Freeman said KID was waiting for the estimate from the homeowners.

In response to Mr. Booker's request, Mr. Freeman said another meeting would be considered. He said November was near and the project could not be delayed. He said by statute the Board could not deviate from a special meeting agenda. The next regular meeting would be on October 17.

Mr. McShane confirmed to Walt Marsh (5011 Milky Way) that KID was not increasing flow at this time, but flow capacity was improved by lining.

Mr. Marsh noted that the example shown was much larger than the canal in their neighborhood.

Mr. McShane spoke about the evolution of KID's system from rotated, shared, agricultural usage to on-demand urban deliveries. He said Badger East Canal was almost fully urbanized and confirmed that it already had capacity to supply water to the new vineyard on the hill.

Mr. McShane confirmed to an unidentified guest that the Candy Mountain Phase 2 developer chose to use City of West Richland water, not KID water.

Mr. McShane said the easement was 100 feet and Mr. Marsh said he saw plans showing 50 feet. Mr. Woodard had plat maps were available for review after the meeting.

Ann Smith asked when estimates and legal documents about encroachments would be ready.

Trini Garibaldi (5310 Hershey Lane) said KID worked with him on the specifications. He said the estimate increased from about \$175,000 to \$350,000 because it was a public works project.

Mr. McShane spoke about challenges to completing work by April 1st, including advertizing, bidding, acquiring materials and the SEPA process. Bidding and the contracting market were discussed. Mr. McShane said a detailed estimate and commitments from homeowners were needed right away.

Mr. Garibaldi confirmed to Ms. Smith that his estimate did not include KID's contribution.

Mr. McShane clarified that homeowners would have to sign their willingness to be charged for their project while the cost was still an estimate. Mr. Iller said KID would retain the option to reject piping bids that were too high and go back to lining the canal.

Mr. Freeman said pay back terms would be subject to Board approval. He said other projects had 10 to 25 year paybacks, and spoke about the surcharge policy.

Variables impacting lining costs were discussed. Mr. Freeman said KID engineering would provide an estimate of lining costs and Mr. McShane said a firm estimate was needed from the homeowner group.

Mr. Booker said Mr. Stuart thought the WaterSMART grant could be used for piping. Mr. McShane said it was for lining 6.5 miles of Badger East Canal and 2 miles of the Main Canal.

Mr. Booker suggested engineering be contracted and Mr. McShane said in-house engineering was less expensive.

Mr. Iller said the whole District's financial health must be considered and KID could not afford to pipe the whole system, were every neighborhood to demand their neighborhood be piped. He

said the group was asking the Board to spend two to four times more than necessary on their neighborhood and all other KID neighbors to pay for improvements for just for them. He said the District would provide estimates as soon as possible and reported he was working on the agreement. Mr. Iller added that he would consult a lawyer if his title insurance company missed 25 feet of an easement in his yard.

Mr. Freeman confirmed to Mr. Booker that two positions were up for election December 12th.

Mr. McShane confirmed to **Scott Raab** (4800 Starburst Court), that the piping proposal was from Candy Mountain Drive up to Phase 2 and over to Kennedy Road.

Dianne Armstrong (5001 Milky Way) asked, if in the section piped, would KID not give the homeowners the easement or let them have grass and things up to the canal road.

Mr. Freeman restated that KID needed the easement for construction and subsequently for maintenance and repair access. He said the USBR owned the easement and wanted the full 100 feet, but staff would not enforce it for the USBR unless directed by the Board. He said Congressman Newhouse was being asked to draft title transfer legislation for this year and the easement would belong to the District when KID assumed title of transferred works.

Mr. Iller confirmed to Ms. Armstrong that KID was not trying to get an extra 25'. He explained that title transfer would allow the Board to determine what was reasonable to provide the needed access for maintenance and replacement.

Ms. Armstrong indicated the size of the easement was a surprise. Regarding KID maintenance, she said weeds in their neighborhood were seven or eight feet tall, which was not workable for them. She added that they were told grass was not allowed, but the website contradicted that.

Mr. McShane explained why he disagreed with USBR's prohibition of grass on downhill sides of embankments. He said sprinklers were also disallowed. Mr. McShane said it was best to talk to each owner individually, as every situation was a bit different.

Mr. McShane said KID's goal was to minimize impacts, but the USBR had different perspectives. He said he would talk to Mr. Stuart tomorrow and that the USBR's direction on encroachments came from three levels of USBR hierarchy above Mr. Stuart.

Mr. Woodard said the neighborhood had been staked and a professional land surveyor reviewed KID's information for accuracy. He said door hangers with staff's on location schedule next week would be delivered. If homeowners were not present on when staff visited, an additional door hanger would indicate what must be removed.

Ms. Armstrong disputed stake locations on her property. Mr. McShane suggested she hire a project surveyor to check KID's work and reference to KID's consultant, John Shay at JUB Engineering. He spoke about KID's survey equipment's accuracy.

Easement enforcement was discussed further. Mr. Freeman said future enforcement would be subject to KID needs, the law and direction from the Board. Mr. McShane said that title transfer literally required an act of Congress. Mr. Freeman said letters about title transfer could be sent to Congressman Newhouse and Senator Cantwell.

Mr. McShane said a recent elevated water level was due to an Endothall treatment. He said water level was not raised for the new vineyard, which was taking water during off hours. Vegetation control was discussed.

President Huffman said all cost figures were needed for next Board meeting on October 17th. Schedule for completion of the estimates was discussed. Mr. Freeman said estimates needed to be ready by October 13th to be in the packet for the October 17th Board Meeting.

Vice President Dennis moved to adjourn the meeting at 7:53 p.m. Director McKenzie seconded the motion and it carried unanimously.

Attest:

Witness:


Gene Huffman, Board President
Approved November 7, 2017


Chuck Freeman, District Manager

Prepared by Doris Rakowski