

MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
JUNE 13, 2017

The June regular meeting of the Heart Mountain Irrigation District's (HMID) Board of Commissioners was held at the Heart Mountain Irrigation District office located at 1206 Road 18, Powell, Wyoming on Tuesday, June 13, 2017. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Brad Ferguson and Travis Jackson; Commissioner Scott Hecht was absent. Staff attendances included District Manager Randy Watts, Secretary/Treasurer Tyler Weckler, assistant Sec/Treas. Toni Perrine and GIS technician Laura Shipley. Additional guests include landowner Ed Higbie Jr. and district attorney Mary Reed. The meeting was called to order at 8:57 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on May 09, 2017. Vice President Pat Nelson made a motion to approve the minutes. Commissioner Brad Ferguson seconded the motion; motion passed.

President Brian Duyck called for the Treasurers report presented by Secretary/Treasurer Tyler Weckler. After the payment of the bills presented, the O&M checking account will have a balance of \$35,837.81. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,711.35; Money Market (MM) at Bank of Powell #...1233 has \$60,323.33; MM Bank of Powell #...2383 holds \$122,434.61; Certificate of Deposit (CD) at Big Horn Federal #...1489 stands at \$113,060.38; CD at First Bank of Wyoming #... \$390,396.82. Bank of Powell Enlargement fund #...2382 holds \$327,197.80. Commissioner Travis Jackson made a motion to accept the treasurer's. Vice President Pat Nelson seconded the motion; motion passed.

President Brian Duyck called for the review of unpaid bills. Secretary/Treasurer Tyler Weckler presented the unpaid bill detail identifying May-June commitments at \$55,314.95. After review, Commissioner Brad Ferguson made a motion to authorize payment of unpaid bills as presented. Vice President Pat Nelson seconded the motion; motion passed.

President Brian Duyck asked District Manager Randy Watts to present his managers' report as outlined on the agenda. Mr. Watts began by asking the board to hear Mr. Ed Higbie Jr., who performed work at his home site without a signed special use permit needed when crossing, intersecting or influencing district assets. Mr. Watts provided a letter of denial, returned the check and provided no signature authorization on the permit submitted by Higbie Jr. Board reviewed the permit scope, asking the district manager to draft a new permit, removing "...an 8' culvert" from the original permit scope.

Commissioner Travis Jackson made a motion to allow Randy to sign the rewritten permit and renewed process for Ed Higbie's Water line. Vice President Pat Nelson seconded the motion. No discussions thereafter, motion passed.

Mr. Watts acknowledged district employee Laura Shipley who asked to be on the agenda. Ms. Shipley presented a handout listing dates management used district equipment for personal use and mentioned the decision by Mr. Watts to deny her the personal use of the districts weed spray truck. President Brian Duyck thanked Ms. Shipley and would take the information provided under consideration. Ms. Shipley was not authorized use of the truck for personal use by the district manager and this decision was upheld by the Board of Commissioners.

Mr. Watts was asked to continue his report. Randy asked the board for authorization to transfer funding into the O&M checking account for cash spent on the enlargement and also re-plenish the money market account where funds were transferred into O&M checking to sustain enlargement efforts until petition billing. District accounts were assessed by the board.

Vice President Pat Nelson made a motion to transfer \$170,000 from the Bank of Powell Enlargement account (ending 2382) into Bank of Powell Money Market (ending 2439); furthermore, transfer an additional \$80,000 from the Enlargement account (ending 2382) into First Bank O&M checking account (ending 8701). Discussions were had. Commissioner Brad Ferguson seconded the motion; motion passed.

Mr. Watts continued with a briefing on accounts receivable for the Final Enlargement petition letters. A list showing delinquent accounts & totals was handed out by Toni Perrine. Board of Commissioners requested a list organized by commissioner district, for the July regular meeting of the commissioners.

Continuing the Enlargement discussion, district manager inquired on water right transfer fees for landowners who have never been assessed by the district (non-members). Current processes were discussed; new landowners pay a transfer fee when acquiring land holding water rights as well as a member fee assessed annually of \$150 per landowner. Discussions were had on how to introduce/transfer new landowners derived from the petition effort into the assessment program and what fees should be administered.

Commissioner Brad Ferguson made a motion to charge non-members with no water rights and currently receiving Heart Mountain Irrigation water, the same fee as all current members which is set at \$150.00 per landowner. Vice President Pat Nelson seconded the motion; motion passed.

Mr. Watts conclude the enlargement discussion by asking for input on a letter to all landowners who decline participation in the 5th Enlargement and, who may be illegally irrigating these areas. It was agreed to have a draft letter at the next regular meeting in July, worked with district attorney.

Vice President Pat Nelson inquired on the spring letter she had drafted, for inclusion to the HMID website. Tyler noted the new domain was being changed and coordination was being worked between the districts website lesion & districts IT support contractor. Once completed new passwords will be administered and Tyler will upload the letter to HMID website.

Lateral 79 access issue was discussed in length. Litigation concerns and mitigation strategy, in the event litigation arises, was reviewed in detail with the Attorney present. Vice president Pat Nelson noted Mr. Riolo has moved his portion of fencing near the Lateral. Vice President asked Mr. Watts if Mr. Hamann replaces his fences for gates, would districts O&M equipment access be sustained; Mr. Watts noted this would be the case. Vice president asked if the ditchriders responsible for this area was restricted within his scope of work; not currently restricted. Mr. Watts pointed out the prior year complaint from Mr. Hammond over weed spray application procedures and burning practices, was primarily due to restricted access on the easement road. Vice President Pat Nelson noted if a failure on Lateral 79 was to occur, the district could invoke the canal act removing the fencing as needed and fix the lateral immediately at that time. Mr. Watts pointed out the increasing pressure of encroachment on HMID easements and the rate of this issue could increase as future development and subdivisions are carried out making the case for addressing this issue before it escalades. It was also noted 3 other drops have failed within 3 consecutive years.

Mr. Watts continued his report regarding employee accrued hourly sick time benefits paid upon employee termination or quitting. Attorney noted current language in the employee manual which referenced 'accrual' of sick time, meaning due to an employee and/or upon leaving the district. To decrease the amount paid in the event of an employee's departure, the attorney noted changing the language in the Employee manual and or, reducing the amount of accrual allowed. Further discussion and evaluation of the employee handbook will be conducted.

Vice President Pat Nelson made a motion to go into executive session, regarding employee issues. Commissioner Brad Ferguson seconded the motion; motion passed.

Vice President Pat Nelson made a motion to come out of executive session. Commissioner Brad Ferguson seconded the motion at 11:55 a.m.; motion passed. No actions were taken in the executive.

District manager briefed the board on his meeting with the State of Wyoming Workman's Compensation (WC) compliance officer Dan Smith. Certification requirements, equipment repairs and process improvements in various district programs were identified by Mr. Smith with completion deadline dates of 30-60 days. Identification of a compliance officer in implementing a full safety program was discussed. After briefing, Mr. Watts noted the preliminary work effort in completing the safety deficiencies identified by Mr. Smith had begun.

Mr. Watts updated the board on new permanent staff member, Jim Wetzel, who will be the new O&M operator.

Board was informed by the manager that he attended the Planning and Zoning meeting for the Lipps subdivision, where he spoke with the county about residential building within the districts main emergency spill, Cotton Wood Creek. A practice spill was discussed by the board and agreed that eventually this spill may be needed in case of an emergency, as intended. A practice spill should be conducted as some point in time. If conducted, calls and advertisement or article, with the date and time, should be posted. Commissioner Brad Ferguson mentioned video documentation of the spill would be an important aspect of the procedure.

Continuing the managers' report, the leak on the river siphon has been reduced. Mr. Watts spoke with the Bureau of Recreation for authorization to pour a concrete pad near siphon, providing a safe foundation for working on the siphon glans; they are evaluating this request. Manager took a contractor to review the area where a pad may be proposed. Commissioners asked for a cost estimate on the river siphon foundation.

District manager passed out a letter from the Wyoming Association on Conservation regarding the formation of a Special District Association and requesting Heart Mountain Irrigation Districts support and potential commissioner participation.

Commissioner Brad Ferguson made a motion to look further into becoming a member of the Wyoming Association on Conservations request to form a Special District Association.

The district manager was asked to follow up with Landowner Jim Heath.

In closing, an open meeting will be conducted to review Engineering Associates '2.5' rattlesnake liner draft study. The date has not been set and is to be determined.

Hearing no further business to come before the Board, President Brian Duyck adjourned the June 13th, 2017 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:50 p.m.

RESPECTFULLY SUBMITTED,

Brian Duyck, Board President

ATTEST:

Tyler Weckler, Secretary/Treasurer