

MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
DECEMBER 12, 2017

The December 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, December 12th, 2017. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Brad Ferguson Scott Hecht and Travis Jackson. Staff attendances: District Manager Randy Watts and Secretary/Treasurer Tyler Weckler, Tim Harvey and Rusty Mckeen. Guests in attendance included attorney Mary Reed and landowner Bryan & Tina Riolo. The meeting was called to order at 9:00 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Special Meeting of Commissioners held on November 20th, 2017. After review, Vice President Pat Nelson made a motion to approve the minutes. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on November 6th, 2017. After review and edits, Vice President Pat Nelson made a motion to approve the minutes as amended. Commissioner Scott Hecht seconded the motion; motion passed.

President Brian Duyck called for the Treasurers report presented by Secretary/Treasurer Tyler Weckler. Mr. Weckler swiped the HMID credit card on a personal Wal-Mart expenditure on accident. He provided an invoice for re-payment, recording personal check reimbursement within the accounting software's general ledger. After the payment of the bills presented, the O&M checking account will have a balance of \$140,644.24. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,785.20; Money Market (MM) at Bank of Powell #...1233 has \$230,071.04; MM Bank of Powell #...2383 holds \$122,862.43. The MM at Pinnacle Bank #...5232 stands at \$300,000.00. Pinnacle bank MM #...5231 has \$203,838.02. Commissioner Travis Jackson made a motion to accept the treasurer's. Commissioner Brad Ferguson 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 November-December commitments at \$84,477.62. Vice President Pat Nelson made a motion to authorize payment of unpaid bills as presented. Commissioner Brad Ferguson seconded the motion; motion passed. Vice President Pat Nelson noted the Willwood Secretary/Treasurer will now be coordinating the Joint Powers Board farm ownership numbers and HMID financial obligations.

President Brian Duyck called on District Manager Randy Watts to provide his managers' report. Mr. Watts began by noting a new office assistant will be starting in the following week and the prior assistant was let go.

Mr. Watts continued on the river Siphon progress, advising of the concrete pad pour (under the siphon gland) in coming days. Commissioner Scott Hecht asked if HMID will be packing the siphon gland in-house; Mr. Watts noted the district could, time permitting.

The district manager also commented on the abatement punch list from the Bureau of Reclamation (BOR); it was on track for completion.

Vandalism near the weed screen was brought to the District Manger attention by a landowner who brought a cut lock in to the office. Mr. Watts briefed the Board of Commissioners on other locks cut near the rattlesnake BOR outlet as well as stolen batteries from a BOR facility. The manager would like to put a camera near the 4 Bay river siphon in the future due to continued vandalism and trespassing issues.

HG41 bidding process and public opening was discussed; processes for Bid package opening was evaluated for changes needed in future openings. Some complaints about components within the bid package, provided by Sage Engineering, were voiced by some vendors (not present at this meeting). Mr. Watts passed out the Bid Tabulation from SAGE. Commissioner Scott Hecht said he has never seen the plans for HG41 and in the future, the board would need to see these for their evaluation and comment. Mr. Watts noted the publishing for the bid packets was scheduled by SAGE on a holiday. The district manager met attorney Mary Reed on the districts observed holiday, opening the bids at the front gate of the district facility. Only 2 of 5 bids were completed. Ferguson requested to be withdrawn because of an error. Mr. Anderson from Wyoming Water Development Office (WWDO) recommended Big Horn Truck and Equipment. The board and Manager were generally unhappy about the scheduling conflict as well as communication issues with the Engineering Firm responsible for the HG41 bid letting.

Commissioner Travis Jackson so moved to accept the bid from Big Horn Truck and Equipment at \$33,938.23 and would also like to return the bid bond to Ferguson Enterprises, Inc. Vice President Pat Nelson seconded the motion. Discussion was had; Commissioner Scott Hecht had concerns with the way H41 process was orchestrated. Commissioner Scott Hecht abstained. A majority vote passed this motion.

Landowner guests John and Morgen Grover attended briefly to ask about the status of the Enlargement Petition, due to an application they submitted to the Natural Resource Conservation Service (NRCS). The application requires the land they are applying for to have an adjudicated water right; this particular area is currently undergoing state evaluation included within the 5th and final enlargement petition. They were briefed on the petition status; the land in question will not have an adjudicated water right prior to the landowners NRCS application deadline. The guests thanked the board and left the meeting.

Mr. Watts provided an e-mail from Jay Smith from the State Engineers office (SEO) stating he has received Enlargement Engineer Lynn Stutzman's corrected tabulations. Mr. Watts and the board had a lengthy evaluation for options in for moving forward with the revisions to the petition mapping. Mr. Watts was asked to contact the GIS analyst who worked on the ArcMap data to see if she was available for completing the work. In the meantime, the district manager will reach out to the local engineering firms to get a fixed fee quote on completing the punch list from the state engineer's office, and present this information to the board of commissioners at the next regular meeting. Commissioners agreed that it would be a good idea to have a second engineer involved with the petition.

The board was briefed on the upcoming commissioner election proxy notice going out in the coming week. It was noted that the election proxies will go to the members of the district in which the election is concerned. The district newsletter and annual meeting notice was also discussed. Referencing preliminary work on the rattlesnake liner will be held until the annual meeting so the district will have a better idea on funding approval status, which will be decided during the February State Legislature session. At this time preliminary work can be re-evaluated and begin prepping conditions for the liner replacement.

Vice President Pat Nelson mentioned a topic for discussion at the annual meeting should be defining new requirements for being an elected district commissioner; HMID Bi-Laws Article IV, subsection F (i). The commissioners discussed tentative requirements; it was generally agreed that anyone running for a district commissioner seat would need to own at least 30 acres of irrigated land and a minimum of 10 thousand gross agricultural income. District attorney noted the discussion should be made public by nature of this topic being referenced on a regular meeting agenda and a commissioner vote during said regular meeting.

The district manager invited Ditchriders Rusty McKeen and Tim Harvey for comments on annual leave as it is defined in the current employee handbook. General discussion on 50% extra vacation leave for ditchriders, sick payment disbursements and crew absences during winter months was discussed. It was agreed to shelf this discussion and have a special meeting to address the employee handbook on Monday, January 8th, at 8 am. Mr. McKeen and Mr. Harvey thanked the board for their time and left the meeting.

Mr. Watts continued his report noting Carlie Ronca with the Bureau of Reclamation was evaluating land class status, utility rates and this separate structure for subdivisions.

President Brian Duyck asked the district manager if he planned on attending the Family Farm Alliance conference in 2018. Mr. Watts will not be attending this year due to other meetings he will be attending on behalf of the district.

President asked the district manager to continue his report. Mr. Watts took attorney Mrs. Mendez to evaluate the district canal easement her client is using as public access road. The district has extended a 30 day extension to December 31st 2017 in allowing her client to temporarily use the HMID canal easement. At this time, her client will need to petition the court and get an easement through neighboring properties, by this date.

Landowners Bryan and Tina Riolo were asked to speak about a letter they received by the Darrah Law office, representing their neighbor Mr. Hamman. This letter identifies the district as requesting Riolo's to move a bowl located on Mr. Hamman's property. This was never requested by the district and the letter has made a false claim. Access to drops in Mr. Hamman's, Riolo and neighboring properties has been blocked by one landowner who refuses to let HMID access their easement within said landowner's boundaries. Legal recourse was evaluated by the board of commissioners and the district attorney. Commissioner Scott Hecht was concerned about landowners challenging the district's ability to access HMID easements and noted if this was not addressed then it could become an issue throughout the district.

Commissioner Scott Hecht so moved to authorize Heart Mountain Irrigation District of spend up to 20 thousand in legal fees to address the issue with Tom Hamman. President Brian Duyck called for a second. Motion died for lack of second.

Mr. Watts is in coordination with Mr. & Mrs. Riolo in fixing a drop on lateral 79 that is washing out. Mr. Watts asked the Riolos' to complete work on their end prior to breaking ground. They agreed, thanked the board and left the meeting.

Mr. Watts completed his managers' report by passing out an expense report showing expenditures by zone.

Hearing no further business to come before the Board, President Brian Duyck adjourned the December 12th, 2017 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:40 p.m.

RESPECTFULLY SUBMITTED,

Brian Duyck, Board President

ATTEST:

Tyler Weckler, Secretary/Treasurer