

MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
MAY 8, 2018

The May 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, May 08, 2018. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Scott Hecht and Travis Jackson; Commissioner Brad Ferguson was not in attendance. Staff attendances: District Manager Randy Watts and Secretary/Treasurer Tyler Weckler with guest attendance by Attorney Mary Reed and Engineering Associates (EA) representative Zane Flowers. The meeting was called to order at 8:50 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on April 10, 2018. After review Vice President Pat Nelson made a motion to approve the minutes as amended. Commissioner Travis Jackson 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 \$157,561.84. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,791.97; Money Market (MM) at Bank of Powell #...1233 has \$230,759.36; MM Bank of Powell #...2383 holds \$123,229.91. The MM at Pinnacle Bank #...5232 stands at \$301,870.07. Pinnacle bank MM #...5231 has \$204,790.66. Vice President Pat Nelson made a motion to accept the treasurer's Report. Commissioner Scott Hecht 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 April-May commitments at \$65,049.34. The Board reminded Mr. Weckler to apply the \$50 late fee penalty and 18% interest to any ½ payment assessment balances received after 5-10-18. Commissioner Scott Hecht made a motion to authorize payment of unpaid bills as presented. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck noted the expense report and the board reviewed the Budget V.S. Actuals.

President Brian Duyck called on District Manager Randy Watts to provide his managers' report. Mr. Watts began by asking Zane Flowers from EA to discuss the Mylar plat changes for the Harder Subdivision. The requested waste ditch and Easement has been completed. Commissioner Scott Hecht mentioned Landis Webber from the State Engineer Office (SEO) would be willing to take a cursory look at this and other subdivision plats in the future, since state reviews of water plans do not include all subdivision types. Commissioner Hecht would like to institute a long term policy that includes this review. Mr. Watts has reviewed the plat and recommends the Harder Subdivision to be approved.

Commissioner Travis Jackson made a motion to continue with the Harder water plan without sprinkler irrigation at this time. Vice President Pat Nelson seconded the motion. Discussions were had on the exemption procedure moving forward. Commissioner Scott Hecht so moved to amend the motion to include approvals contingent upon SEO approval of water distribution plan. Vice President Pat Nelson seconded the amendment; all commissioners were in favor. President Brian Duyck called for favor of the amended motion; motion passed unanimously.

Vice President Pat Nelson discussed Park County Planning and Zoning Commissioners inquiring on the legality of mandating a sprinkler only requirement which was approved by HMID Board of Commissioners. Attorney Mary Reed said it is legal to institute this requirement with the ability lying in the distinction of the type of entity. Furthermore, the District's Board of Commissioners has specific requirements set forth by the state legislature which gives them the authority over their set of mandated responsibilities.

Mr. Watts continued his report with an Enlargement update. EA missed sheet 4 in their second review and will be reviewing it next. Mr. Watts will enquire on an ETA from Lynn Stutzman, PE when all the maps have been provided to her, from EA.

The District Manager noted the unemployment claims this fiscal year are estimated around 30k. Mr. Watts recommended paying into the state unemployment insurance pool. Discussions were had on opting in this state pool and the ability to opt out in the future. Mary Reed advised on consulting the accountant on this matter to find out an appropriate course of action.

The tenant leasing the Ditchrider house in Zone 1 has moved out. The District Manager has done a walk through and documented prior tenant damage to the structure including odors, doors and windows. Mr. Watts recommended changing the monthly lease amount from \$600 to \$800 plus the same amount for a deposit. He also had a renovation company review the damage and provide a quote of \$4800. General discussions were had on parameters for future tenants including increased monthly rent, restricting indoor pets and periodic site walkthroughs.

Commissioner Travis Jackson made a motion to authorize spending up to \$4800 on the Ditchrider house maintenance. Vice President Pat Nelson seconded the motion; motion carried.

Earlier in the week the District Manager forwarded the Water Smart Grant Application for the Rattlesnake Liner. Vice President Pat Nelson had reviewed the document and discussed edits; after the meeting she will provide her notes to the District Manager. General discussions on the point system and what types of work influence this scale was had.

Mr. Watts continued with his update on the canal easement closures and his coordination with Carlie Ronca with the Bureau of Reclamation (BOR). To facilitate the letter by the BOR acknowledging closure of the canal road, a resolution from the board was requested, for addressing a possible access point to public lands. Mr. Watts proposed a crossing at Lateral 79.

Commissioner Scott Hecht so moved to permit a full use bridge across the Heart Mountain Irrigation District at Lane 17, Lateral 79, contingent upon funding by others and obtaining all necessary approvals and in accordance with HMID Rules and Regulations. Vice President Pat Nelson seconded the motion; motion passed unanimously.

Vice President Pat Nelson and District Attorney Mary Reed updated the Commissioners and District Manager on their meeting with landowner Tom Hamann and his attorney Joey Derrah, located on Hamann's property. Mr. Hamann had in a prior year placed equipment to block district access and now currently has fencing which is blocking access to HMID drops that need maintenance. Mr. Watts advised of specific maintenance tasks needed by putting rocks along the leading edges in preventing a blow out as occurred in two prior seasons with other drops. Mrs. Reed will coordinate with Mr. Hamann and his attorney for the required removal of hardline fences and clean-up the access area. Commissioners advised Mr. Watts to proceed with maintenance after advising Mr. Hamann of the scheduled time. It should be noted by the Commissioners that notification for maintenance of the canal is not a requirement of the district and is a courtesy for its membership.

Mr. Hamann had also contacted the District in a prior year about the weed spraying applications and Mrs. Reed noted that he has agreed to manage the weed operations on his property side of the canal.

There is also a bowl on Mr. Hamann's property that his neighbor, Mr. Riolo needs to access for delivery. Commissioners advised the District Manager to shoot the elevation for a new location of the bowl, placing it off Mr. Hamann's property onto Mr. Riolo's. The district attorney will discuss with the parties a cost sharing agreement between landowners to pay for the Districts effort in re-locating the bowl.

Mr. Watts also advised of the water righted ground not being irrigated because a buried lateral. Mrs. Reed noted in her research that this was buried by a previous landowner before Riolo's became Hamann's neighbors. Upon

Vice President Pat Nelson's site review, she noted that Riolo's could get water to these grounds but Riolo's have not put efforts into delivering water to this area.

Mr. Watts continued his manager's report and presented pictures from lateral 89, showing cows in the lateral and damage to the banks and near the drops. Mr. Watts will be sending a crew to do repairs and will be invoicing the customer. Commissioners concurred with the Manager for the invoicing of the repairs.

Jerry Dart with Deaver Franny met with Mr. Watts on the Aqualastics delamination. After this meeting and sending pictures to the Aqualastics manufacturer, it was concluded that the preparation of the concrete was the cause of the failure. Next fall Mr. Watts will let the Deaver district use HMID industrial sandblaster, larger than the one used at Deaver, and re-spray using left over Aqualastics stock.

The District Manager showed the Board a Park County Pump Permit application for signature. Mr. Watts inquired on any District fees associated with this two year cycle application. The Board asked the staff to see if the District has invoiced Park County in the past.

Mr. Watts showed the project agreement provided by the Wyoming Water Development Office (WWDO), for signature, requested by July 4th. In his meeting with Bill Brewer, Mr. Brewer said the District is not bound to the 4% loan terms if the agreement is signed. Attorney Mary Reed will take a look at the document and file with the court at the same time as the budget. Discussion on the Hydro Electric project identified in the Water Smart Program (WSP) was discussed with funding for that project coming from the potential WSP grant.

The draft fiscal year 2019 HMID budget was reviewed. Discussions on line items and budget estimates continued. Vice President Pat Nelson made a motion to accept the Budget as written and leave assessments as they are. Travis Jackson seconded the motion. Discussions continued regarding assessment increases. Commissioner Scott Hecht said an assessment increase of \$1.00 per acre would help prepare for the Rattlesnake liner. Having no further discussions two commissioners were in favor of the 2019 HMID budget and current rate schedule with one Commissioner opposing. Budget and rate schedule passed with a majority.

General discussion and comments on rates, debt and agricultural commodities prices continued. Attorney Mary Reed passed along a landowner comment critiquing the late canal turn on date. Commissioner Scott Hecht also commented on the District as being the last ones to release water to their landowners.

Vice President Pat Nelson noted an update to the Watermaster Appointment and By-Laws for Water Associations was needed.

Vice President Pat Nelson Made a motion to go into Executive Session to discuss employee issues. Commissioner Travis Jackson seconded the motion; motion passed.

Vice President Pat Nelson motioned to come out of Executive Session. Commissioner Scott Hecht seconded this motion; motion passed.

Hearing no further business to come before the Board, President Brian Duyck adjourned the May 8th, 2018 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 1:10 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tyler Weckler, Secretary/Treasurer