

HEART MOUNTAIN IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
SEPTEMBER 11, 2018

The September 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, September 11th, 2018. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Travis Jackson and Brad Ferguson; Commissioner Scott Hecht was not in attendance. Staff attendances: Secretary/Treasurer Tyler Weckler, Assistant Secretary/Treasurer Tiara Wagar, Ditchrider Rusty McKeen, Tim Harvey, District Attorney Mary Reed and agenda guests Jesse Fowler, Mr. & Mrs. McMillan, Lynn George and John Williams. The meeting was called to order at 8:53 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on August 14, 2018. 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 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 \$-9,116.18. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,798.74; Money Market (MM) at Bank of Powell #...1233 has \$217,191.09; 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. Mr. Weckler discussed a transfer of funds into the O&M checking account to cover two payrolls and the O&M of -9K, until the next Regular Meeting of the Commissioners. Mr. Weckler also noted the Exit Interview with the Bureau of Reclamation, regarding the Reform Reclamation Act, was successful and no fines or deficiencies were discussed.

Vice President Pat Nelson made a motion to transfer \$50,000 from Money Market account 1233 into the O&M checking account. Commissioner Travis Jackson seconded the motion; motion passed.

After discussions, Commissioner Travis Jackson made a motion to except the Treasurer's report. 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 August-September commitments at \$20,972.40. Commissioners reviewed and commented on the billing details. Vice President Pat Nelson made a motion to authorize payment of unpaid bills as presented. Commissioner Travis Jackson seconded the motion; motion passed.

President Brian Duyck invited District Landowner Jesse Fowler to update the board on his NRCS (Natural Resource Conservation Service) Grant application and project details. Mr. Fowler passed out aerial photos with a cost proposal estimate scope for the 136-3 NRCS project proposal. Mr. Fowler said NRCS did not fund it for this year; some changes to the application were conducted, including Mr. Fowler as the applicant vice John Carter as originally submitted which, may change the funding amounts. Mr. Fowler discussed using tarps and other methods to block current overflow which will be remedied if the project is executed. Discussion continued and the board asked Mr. Fowler to keep them updated for possible prioritization within the FY2020 budget cycle. Mr. Fowler thanked the Board and left the meeting.

President Brian Duyck asked Deaver Irrigation Manager Jerry Dart to take the floor and speak about this falls potential Aqualastics spray application, within their facilities. Mr. Dart wanted to discuss options for respraying areas that failed last season so he can provide an update for the Deaver Irrigation District Board of Commissioners. Discussions on preparation issues and weather factors which were the most likely the cause of last year's failure. Mr. Dart said his crew is at minimum capacity and would like HMID crew to conduct the

preparation work instead of Deaver and spray the Aqualastics. Mr. Dart and his board have the understanding that these applications are a new process and the Deaver Irrigation District wants to continue this endeavor with HMID. Secretary/Treasurer Tyler Weckler presented two invoices, one for prepping their liner, a second for applying the Aqualastics material and finally a Memorandum of Understanding (MOU) for signature. The invoice amount of \$5,376.15 was agreed by Mr. Dart and HMID Commissioners as fair; MOU and invoice will be sent to Deaver Irrigation District for review & signature by the Deaver Irrigation District Board of Commissioners. District Attorney Mary Reed amended the MOU to include language that states no guarantee is expressed or provided by HMID in case of any Aqualastics product failures.

Commissioner Travis Jackson made a motion for the agreement between HMID and Deaver, to move forward on the edit within the MOU to include no warrantee is expressed. Vice President Pat Nelson seconded the motion; motion passed. Mr. Dart thanked the Board for their time and left the meeting.

President Brian Duyck asked landowner guest Lynn George to discuss overspray and waste water complaints. Mr. George said his pivot was hit by lightning creating overspray and a culvert was filled in by the county when they mowed the side of the road. Vice President Pat Nelson did receive a complaint about this overspray and she contacted that landowner directly. Mr. George was injured and is on crutches, but wanted the Board to know he is working on addressing the issues and asked if there are legal circumstances he may face with the District. The HMID Rules and Regulations were reviewed; the discretion is up to the Board of Commissioners on how to proceed with overspray and wastewater/return flow issues. Since Mr. George has come to the board to address the complaints and is actively working on resolving the issues, the Board suggested he call the county directly and see if they have objections to Mr. George cleaning the culvert and if a county permit is needed.

President Brian Duyck said he would contact Mr. Alquist directly about his complaint. Mr. George thanked the Board of Commissioner and left the building.

Commissioner Travis Jackson made a motion to go into executive session with landowners Mr. & Mrs. McMillan. Vice President Pat Nelson seconded the motion; motion passed.

Commissioner Travis Jackson made a motion to come out of executive session. Vice President Pat Nelson seconded the motion; motion passed. No actions were taken during this executive.

President Brian Duyck asked Ditchrider Rusty McKeen and Tim Harvey to brief the Board on any updates. Mr. McKeen discussed a quote from Boones for \$4,100.00 in upgrading the axles on the equipment trailer by 1000lbs; a capacity increase from 7k to 8k.

Commissioner Brad Ferguson made a motion to get the equipment trailer fixed at Boones for an 8000lb axle for \$4,100.00. Commissioner Travis Jackson seconded the motion; motion passed.

Mr. McKeen continued with discussion on the trees that need to be removed on Alkali Creek. Mr. McKeen has spoken with John Carter about utilizing his employee labor to take care of the tree removal so the district can save on O&M costs. District Attorney Mary Reed noted an agreement should be written up to limit the districts liability and confirm Mr. Carter's employee insurance. The Board of Commissioners general concurred with this cost savings strategy and asked Mr. McKeen to have Mr. Carter come to the next Regular Meeting of the Commissioners to discuss further details.

Mr. McKeen also noted a landowner mentioned a new template the Planning and Zoning office is using, but didn't have specifics at this time; District Attorney Mary Reed took note and will follow up.

Mr. Harvey wanted the Board of Commissioner to be aware of a tour request form Farm Credit Services and that he was going to provide a canal escort. Commissioner Travis Jackson asked Mr. Harvey to call Garret from the local Farm Bureau office to discuss further details.

Mr. Harvey noted the moss issue on R4S and when running 40', two spots had waster coming over the bank. Mr. Harvey will continue to keep an eye on this for prioritization of fall maintenance. Mr. Harvey and Mr. McKeen thanked the Board and left the meeting.

Canal turn off date was discussed and a decision will be made either via e-mail or at the next regular meeting.

The contract amendment letter received by the Bureau of Reclamation was discussed. The District Attorney provided her analysis; the Bureau documented in a letter that stated the district is in compliance with their contract. Amendments for the enlargement were also noted in the letter as not being required. The M&I billing strategy was not seen as a critical priority at this moment due to contract compliance. The landowner fee of \$150.00 included within assessments and/or the O&M rates were discussed as options for future rate adjustments rather than changing the land class billing structure to a two tier billing system of M&I, at this time.

President Brian Duyck asked Mr. Weckler to continue the District Report. Mr. Weckler presented a water delivery and return flow/wastewater plan for the Wright Family Trust. This simple subdivision was approved by the county in February of 2018. Mr. Weckler has been working with Tabatha from GDA/T-O Engineers, Ditchrider Mr. McKeen and Mr. Webber from the State Engineers office. After coordination, it was noted by Mr. Webber that he sees no imitate issues as long as the Commissioners uphold the sprinkler only and do not grant an exemption from this regulatory prevision. Mr. Weckler recommended putting this language directly into the Water Association By-Laws for the Wright SS. Attorney Mary Reed noted to also include a statement within the By-Laws that this provision cannot be amended as the By-Law language does allow for amendments. Mr. Weckler said he would change the language in the By-Laws to address sprinkler only without the ability to amend this provision.

Commissioner Travis Jackson made a motion to not grant an exemption from sprinkler only to the Wrights Simple Subdivision and the sprinkler only requirement be documented in their By-Laws, without the ability for the subdivision landowners to amend this provision. Vice President Pat Nelson seconded this motion; motion passed.

Mr. Weckler continued his report by discussing an e-mail from Bill Brewer, from the Wyoming Water Development Office (WWDO/C). The letter addresses the potential re-turn of grant appropriations for two of three approved WWDC projects. If two of the projects are to be slated, then there could be a potential return of grants funding for the third completed project, H41, in the amount of \$37,754.00. It was noted that the most critical of the three projects were completed and the original issues that warranted the other two projects have been addressed, the board ask Mr. Weckler to follow up with Mr. Brewer but after providing full project details to the HMID Commissioners for comment.

Mr. Weckler noted the 276 Belfry Hwy tenant, Brenda Johnson, requested bugs be exterminated from the house. An \$80.00 quote for this service was provided by the tenant. After discussion, it was agreed and an \$80.00 reduction within the monthly rental invoice was authorized. Vice President Pat Nelson said it should be documented that this is a one-time approval only.

President Brian Duyck asked for any further reporting. District Attorney Mary Reed discussed the second Hearing Notice, sent to all assessed HMID landowners, due to public attendance at the Closed Hearing regarding Public Debt. Since the public attended, the court can't proceed with the order and the judge set a new hearing date. Mrs. Reed said there is language in the order that if someone has objections they have to file, in writing, within 3 days of the newly scheduled hearing; Mrs. Reed will be attending this second hearing to represent the District.

Vice President Pat Nelson provided an update from her conversations with Carlie Ronca from the Bureau of Reclamation. Ms. Ronca is requesting confirmation that the Park County Commissioners discussed access to Bureau of Land Management Lands. Vice President Pat Nelson called County Commissioner Lee Livingston who said he would like to see it on the next Park County meeting agenda. Vice President Pat Nelson noted a new county commissioner who may be able to provide some cost analysis for a bridge at this public land crossing, to

facilitate the public comment. HMID office will be monitoring Park County Commissioner agendas for this topic discussion.

Vice President Pat Nelson made a motion to go into Executive Session to discuss legal matters. Commissioner Travis Jackson Seconded the motion; motion passed.

Commissioner Brad Ferguson made a motion to come out of Executive Session. Vice President Pat Nelson seconded this motion; motion passed. No actions were taken during this executive.

Hearing no further business to come before the Board, President Brian Duyck adjourned the September 11, 2018 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:25 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tyler Weckler, Secretary/Treasurer