

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

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 11, 2018. Commissioners present: President Brian Duyck, Vice President Pat Nelson, Brad Ferguson, Scott Hecht and Travis Jackson. Staff attendances: District Manager Tyler Weckler, Secretary/Treasurer Tiara Wagar, Field Operations Supervisor Rusty McKeen, District Attorney Mary Reed and agenda guest Tim French. The meeting was called to order at 8:58 a.m. by President Brian Duyck.

President Brian Duyck called for the reading of minutes from the Regular Meeting of Commissioners held on November 13, 2018. After reviews, Commissioner Brad Ferguson 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 District Manager Tyler Weckler. After the payment of the bills presented, the O&M checking account will have a balance of \$209,707.14. The New Equipment Money Market at Bank of Powell #...2439 has a balance of \$6,815.59; Money Market (MM) at Bank of Powell #...1233 has \$167,891.83; MM Bank of Powell #...2383 holds \$124,399.04. The MM at Pinnacle Bank #...5232 stands at \$301,870.07. Pinnacle bank MM #...5231 has \$204,790.66.

After discussions, Commissioner Travis Jackson made a motion to accept the Treasurer's Report. Vice President Pat Nelson seconded the motion; motion passed.

President Brian Duyck called for the review of unpaid bills. District Manager Tyler Weckler presented the unpaid bill detail identifying November-December commitments at \$77,333.92. Commissioner Scott Hecht made a motion to authorize payment of unpaid bills as presented. Commissioner Brad Ferguson seconded the motion; motion passed.

President Brian Duyck asked District Manager Tyler Weckler to give the Managers Report. Mr. Weckler reported that the CD at Pinnacle Bank matured December 10, 2018. The District was offered a 2% interest rate; the District needs to inform the bank within ten business days if we are going to renew at that rate. After discussion, the board agreed to go ahead with renewing at 2% interest.

President Brian Duyck introduced the first agenda guest, Tim French. Mr. French is interested in purchasing two 35-acre parcels from 2 Visions, LLC (Bryan Shumard and Brett Whitlock), in order to protect the access to his land, and solve the current weed infestation issues from lack of care. Mr. French is requesting an exemption from the board that would allow him to flood irrigate those acres, if he decides to go continue going forward with the purchase. He informed the board that he will only grow barley, hay, or grass-no beans. He would eventually like to put a pivot on the ground, but due to the high cost, he cannot give a time-frame of when that would be. Attorney Mary Reed brought to everyone's attention that the land was the Elmon B. Toler Amendment lands. The contract with that does state sprinkler only. Mr. French is frustrated because he has already made commitments purchasing the land, based on what he has been told in the past. He has had to delay all agreements with 2 Visions, LLC until it is clear if he can or can not flood irrigate. The Board of Commissioners discussed that it would have to be sprinkler only if it ever sells. The waste water plan has to be in place, at the cost of the landowner. The District will be in charge on contracting.

Vice President Pat Nelson made a motion to allow Tim French Family Trust and Beneficiaries to flood irrigate the land being purchased from 2 Visions, LLC with a Memorandum of Understanding to be worked out to the District

concerning waste water return flow, and limiting silt issues. If the French Family Trust or Beneficiaries sells the land, it returns back to sprinkler only. Commissioner Travis Jackson seconded the motion; motion passed.

Next agenda guest, Carlie Ronca, Bureau of Reclamation (BOR) via teleconference about Lane 17 crossing. District Manager Tyler Weckler informed Ms. Ronca that the request letter has been written. Ms. Ronca stated that the District is in compliance. The canal has always been closed and is not a public road. If the District approves the Lane 17 crossing letter that was received from the Park County Commissioners, Ms. Ronca would like the District to forward her the letter. She does not need an additional letter from the District, the one she received in October will be sufficient enough. The letter from the the Park County Commissioners stated that they support access to public lands, but will not have part of funding at this time. The BOR's Special Agent is working on verbiage for the signs that will go up for the closure. The BOR is willing to meet about an Educational Plan that includes how to handle situations when the public is on the District roads. Ms. Ronca stated that she does not believe that the Bureau of Land Management (BLM) will assisting in putting in a bridge. The BOR would write the District a Support letter if/when needed. Tim French, Park County Commissioner, stated that there are grants available such as; Wyoming Federal Land Access Program (F.L.A.P). Park County is currently working on a project approved through F.L.A.P. Mr. French said that it is a timely process; their current project will take five years. He spoke with the ATV club who have taken interest in the bridge; they also have no interested in helping fund.

District Manager Tyler Weckler presented the next agenda item, Request for Proposal and Public Announcement. Mr. Weckler presented the board with a draft letter for the local newspapers for Request for Qualifications from Engineering services for the Heart Mountain Canal Liner project. The notice will be in the Powell Tribune, and Cody Enterprise for a two-week period. The notice will be placed in the Legal Notice section, that way the District will be provided a certificate of the notice. The notice states that HMID will make a selection from the bidders by June 3rd, 2019. The board agreed to review the bids at the next Board of Commissioners meeting, January 8, 2019, not June 3, 2019.

Vice President Pat Nelson made a motion to approve the Request for Qualifications with modified dates and procurement policy with date modifications as noted. Commissioner Brad Ferguson seconded the motion; motion passed.

District Manager Tyler Weckler presented the next agenda item, Professional Services agreement, Ed Vidmar, Franson Civil Engineers of Utah. Following Mr. Vidmar's presence at the November 13, 2018 Board of Commissioners meeting, Mr. Vidmar sent Mr. Weckler a Professional Services agreement for signature that would allow Franson Civil Engineers of Utah to assist with oversight and design on the Heart Mountain Canal Liner project. Attorney Mary Reed agreed to look the agreement over and address it at the next meeting.

District Manager Tyler Weckler received an email from the State Engineers Office (SEO) in regards to the Enlargement petition. The email stated that it is 75% complete. The SEO is unsure if it will make the Board of Control meeting in February, which would mean it would have to be presented at their May meeting. Once the permit is issued, the adjudicated ground has to be inspected by Landis Webber, SEO.

President Brian Duyck gave an update on the meeting he is setting up with the local Realtors and Title Companies to go over the District Policies and Procedures. Mr. Duyck has set the meeting date for February 20, 2019. The time and place of the meeting are still unknown. He noted an addition to the questions that will be gone over during that meeting. He would like to add that the new landowner will have to have their own pipe and ditch.

District Manager Tyler Weckler asked the board about the policy of landowners borrowing District owned tools. It has happened in the past; Mr. Weckler wanted clarification going forward if it will be allowed or not. The Board of Commissioners said no, it will no longer continue. Landowner Lynn George recently borrowed concrete forms from the District. Once Mr. George returns the forms, there will not be any more borrowing of District owned equipment/tools. The board has requested for a disclosure to be put on the website of the policy.

District Manager Tyler Weckler gave an update on two pending subdivisions, Shumard and French. Regarding the French SS-2554, Mr. Weckler noted that he is in open communication with Mr. French who is splitting off a piece of his land for his daughter. For the Shumard subdivision, Mr. Weckler also informed the board that he reached out to Mr. Shumard's Engineer, as well as the County. Mr. Shumard's engineer is currently working on a water plan and informed Mr. Weckler that he will reach out when the time is necessary.

A final count for the District Christmas party is due by the end of the day. It was confirmed a total of 22 would be in attendance. It was also discussed that unlike last year, the District would no longer pay the alcohol tab for the party.

District Manager Tyler Weckler asked for an update on the Board of Commissions approval on the Employee Handbook. Commissioner Scott Hecht requested a hard copy of the Employee Handbook for review at the January 8, 2019 meeting.

President Brian Duyck asked the board if anyone was interested in going to the annual Family Farm Alliance (FFA) conference in Reno, NV. As of now, no one has committed to going this year.

District Manger Tyler Weckler asked the Board of Commissioners about employee bonuses. The Board of Commissioners agreed to give each employee a \$500.00 Christmas Bonus check. It was also agreed that the District would pay the taxes, therefore the checks will be a flat \$500.00.

District Manager Tyler Weckler reported that January 2, 2019 the District will advertise for the open Operator position. He also informed the board that he is conducting interviews for the Weed Spray position, Thursday, December 13. Mr. Weckler also stated that he and Supervisor of Field Operations Rusty McKeen have been working on a solution to the moss issue. It was brought up that Jerry Bales with Cody Canal used chemical successfully and to get in touch with him.

Supervisor of Field Operations Rusty McKeen reported that he and the crew are currently working on the abatement work. They are actively pouring concrete at Buck Creek. Eagles Nest Spill is also on the list; it is too saturated to work on. They are going slow before fixing the issue to ensure they property fix the water issue first. Lastly, Deaver-Frannie Irrigation is on hold to spray Aqualastics due to the low temperatures. They will try in the Spring if it doesn't affect the Ditch Riders timeline before their irrigation season begins.

Hearing no further business to come before the Board, President Brian Duyck adjourned the December 11, 2018 Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:15 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tiara Wagar, Secretary/Treasurer