

HEART MOUNTAIN IRRIGATION DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE COMMISSIONERS OF THE
HEART MOUNTAIN IRRIGATION DISTRICT
JANUARY 8, 2019

The January Regular Meeting of the Heart Mountain Irrigation District's (HMID) Board of Commissioners was held at the Heart Mountain Irrigation District office at 1206 Road 18, Powell, Wyoming on Tuesday, January 8, 2019. 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, District Attorney Mary Reed and Agenda Guests Brian Deeter (J-U-B Engineering) and Bret Reed (Engineering Associates). 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 Regular Meeting of Commissioners held on December 11, 2018. After grammatical corrections, Commissioner Scott Hecht 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 Tiara Wagar. After the payment of the bills presented, the O&M checking account will have a balance of \$210,402.04. 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 #...5531 stands at \$304,283.22. Pinnacle bank MM #...5232 has \$206,017.87.

After discussions, Commissioner Travis Jackson made a motion to accept the Treasurer's Report. Commissioner Brad Ferguson 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 December-January commitments at \$59,506.95. Commissioner Scott Hecht made a motion to authorize payment of the unpaid bills as presented. Commissioner Brad Ferguson seconded the motion; motion passed.

President Brian Duyck introduced the first agenda guest, Brian Deeter with J-U-B Engineering along with Bret Reed from Engineering Associates (EA). After prior concern from the Board of Commissions, Mr. Deeter and Mr. Reed reported that they had discussed partnering with one another in order for the District to have local oversight and representation during the project. Mr. Reed stated that EA would conduct the surveying and materials testing.

Mr. Deeter also reported that the Bureau of Reclamation (BOR) will first be choosing Watersmart applicants who have their engineering selection in place. Due to BOR being backed up, the District will not have grant funds until the summer months. Mr. Deeter recommended the District use Automated Standard Application for Payments (ASAP) to directly pay Accounts Payable items, then use WWDC for the remaining funds. If the BOR isn't able to grant the funds before construction on the Heart Mountain Canal Liner Project, in the fall, the District will be financially responsible. With that, the BOR will reimburse those expenditures to the District.

After discussion, the Board of Commissioners unanimously agreed to front the cost of the Heart Mountain Canal Liner construction if the funding isn't in place at the scheduled date to break ground on the project.

Attorney Mary Reed discussed the options given by the Wyoming Water Development Office (WWDO) that ensures compliance and follows the Professional Services Procurement Act in retaining engineering services for planning and construction projects. The first option, a notice be provided through newspapers with statewide

circulation at least once each week for four consecutive weeks. The second option, send a letter to the Governor explaining the Districts plan. The irrigation district commissioners shall decide whether it is necessary to conduct interviews after the proposal process. The board shall evaluate and consider overall qualifications, residency, fee proposal, past performance and level of services in the final decisions.

Commissioner Scott Hecht made a motion for the District to write a letter to the Governor requesting approval selecting an engineering firm for Heart Mountain Canal Liner project. Commissioner Travis Jackson seconded the motion; motion passed.

After discussion, it was unanimously agreed upon to have a special meeting, Monday, January 14 at 7:45 am to select an engineering firm.

Bret Reed, Engineering Associates, gave an update on the Enlargement. 1.5-page tables didn't match the tabulations. The maps, aside from 3-4 parcels are complete. Jay with the State Engineers Office (SEO) has yet to review. Mr. Reed stated that it is possible that it will be complete by July. But that the District may have to send out Water Service Contracts for one more year. Mr. Reed is trying to adjust his schedule so it would allow him to present an Enlargement report at the annual meeting, February 12.

President Brian Duyck presented the next agenda item, the annual meeting. President Brian Duyck suggested to contact Dave Gilliatt, Farm Bureau Financial Services in Powell, and Waterworks Irrigation for sponsorship. Attorney Mary Reed offered to sponsor the dessert. District Manager Tyler Weckler presented a bid from Dunn Been Smoked BBQ to cater lunch. The bid included a menu which offered two types of meat; pulled pork and ribs. After discussion, the Board of Commissioners agreed for Dunn Been Smoked BBQ to cater, but to remove ribs from the menu. Notices of the annual meeting will be mailed to all landowners in the District 20 days before the meeting.

District Manager Tyler Weckler gave an update on the Water Distribution Plans. Dale and Roxanne Herman; it's a family exemption. They meet all the District requirements. Tim and Becky French; Mr. Weckler informed the board that he will consult Landis Webber, SEO. Brian Shumard; Mr. Weckler met with Mr. Shumard's engineer, everything is still in process. Ed Higbie; it is a family exemption, it is ongoing. Mr. Weckler asked the board of commissioners if he has permission to approve the Water Distribution Plans if they go through the proper channels first (Mr. Webber, engineer firm, etc.), vs presenting them at the board meetings. After discussion, the board agreed that they would like to continue reviewing all water distribution plans.

Next agenda topic, Memorandum of Understanding for Tim French Family Trust and Beneficiaries. Attorney Mary Reed wrote the MOU, she wrote it to extend the offer to the family, not the trust. The letter had also stated that Tim French has a three-month period where the MOU can be terminated if there are any issues. After discussion, Mrs. Reed will be revising the MOU to state upon the sale or transfer of the land, the MOU will continue with the names of the beneficiaries of Tim French Family Trust and Beneficiaries, not just the trust account. Mrs. Reed will also change the three-month grace period to state no sooner than the end of an in-process irrigation season.

Upon request, District Manager Tyler Weckler provided a hardcopy of the Employee Handbook. After discussion, the Board of Commissioners will take it home for review before finalizing.

District Manager Tyler Weckler noted that Britt DeBoer with Swenson's Auctions gave him information of the Annual Spring Thaw Auction March 9. Mr. Weckler informed the board of commissioners that the crew is compiling a list of equipment to potentially consign at the auction. The list will be presented at the next board meeting.

District Manager Tyler Weckler also informed the Board of Commissioners that Brian Peters, The Nature Conservancy, inquired about grazing leases coming up for bid. He requested that longer leases be considered. Mr. Peters suggested there be an option for a ten-year lease, that way it will be feasible to install fencing.

District Manager Tyler Weckler reported that an ad for the Weed Sprayer/Applicator position and the Field Operations Technician position were both posted. They will be conducting interviews shortly.

Letters will be sent to all landowners that have a broken flow meter. It was discussed to charge a CFS if the meter were not repaired. After discussion, the board decided that charging a CFS would not give the landowners incentive to fix the meters, therefore not give them that option. If the landowners do not repair their meters, the District will fix them, at the landowner's expense.

District Manager Tyler Weckler informed the board that he was invited to a Park County Planning and Zoning meeting, Tuesday, January 15, in regards to the Shumard subdivision that Watermaster Dave Wadman has brought to the board's attention at prior Board of Commissioner meetings. Mr. Weckler will be in attendance to reinforce the District's subdivision requirements.

Attorney Mary Reed gave an update on the Professional Services Agreement from Ed Vidmar, Franson Civil Engineers that the board asks her review. Mrs. Reed stated that she added notes to the Agreement that apply to State of Wyoming and Park County law. The agreement commits the District to the work order terms in the agreement. She recommends detaching the work order from the agreement, therefore the District will not be committed to anything upon signature.

Commissioner Brad Ferguson made a motion to go into executive session with the District Attorney to discuss the Ringler/McMillan hearing. Commissioner Scott Hecht seconded the motion; motion passed.

Commissioner Scott Hecht made a motion to come out of executive session. Travis Jackson seconded the motion; motion passed.

Hearing no further business to come before the Board, President Brian Duyck adjourned January 8, 2019, Regular Meeting of the Heart Mountain Irrigation District's Board of Commissioners at 12:00 pm.

RESPECTFULLY SUBMITTED,

ATTEST:

Brian Duyck, Board President

Tiara Wagar, Secretary/Treasurer