

FCWID BOARD OF DIRECTORS MEETINGS

June 12, 2017

8:30 - 10:00 a.m.

Teton Conservation District Offices  
420 W. Pearl Avenue, Jackson WY 83001

MINUTES OF MEETINGS (Draft)

- I. **Public Hearing Special Meeting on FCWID FY 2018 Proposed Budget.** *In attendance:* Larry Pardee (Board Vice-President), Lance Ash (Board Treasurer), Sandy Buckstaff (Board Secretary), Alice Widdess (FCWID Administrative Manager); *From the Public:* Franz Camenzind and Joe Burke
- a. At 8:40 AM Larry Pardee, FCWID Board Vice-President, in the absence of Bill Wotkyns, FCWID President, called the Public Hearing to order.
- II. **FCWID Board of Directors Meeting.** *In attendance:* Larry Pardee, Lance Ash, Sandy Buckstaff, Alice Widdess; *Tom Segerstrom (TCD); From the Public:* Franz Camenzind, Joe Burke and Mike Welch
- a. **Call to Order:** At 9:00 AM the FCWID Board of Director's Meeting was called to order by Larry Pardee, FCWID Board Vice-President (Bill Wotkyns, Board President was not in attendance).
- b. **FY 2018 Proposed Budget:** A motion was made by Sandy Buckstaff to approve the FY 2018 Proposed Budget as presented; Lance Ash seconded the motion; there was no discussion; motion passed by a vote of 3-0.
1. Alice Widdess reported that the FY 2018 Proposed Budget has been sent to WY Dept. of Audit (WYDOE), Teton County Commissioners, Teton County Assessor, and Teton County Clerk & Teton Conservation District.
  2. She also reported that the Public Hearing Date (6/12/17 @ 8:30 AM) was published in JHN&G – 5/31/17 & 6/7/17 Weekly Issues; and when the acknowledgement of publication is received from the newspaper, it will be forwarded, as required to the WYDOE.
- c. **Approval of Minutes (5/8/2017)**
- i. A motion was made by Lance Ash to approve the Minutes of the 5/8/17 FCWID Board of Director's Meeting as presented; Larry Pardee seconded the motion; motion passed by a vote of 3-0.
- d. **Treasurer's Report (Lance Ash)**
- i. **Bank Accounts Reconciliations, FIB Bank Statements & Financial Report (Budget)**
    1. Lance Ash stated he had reviewed the bank account statements and reconciliation reports and they met with his approval.
    2. In regards to the FCWID cash position, Lance Ash requested that \$15,000 be transferred from the FCWID Operating Account into the FCWID Reserve Account.
      - a. Sandy Buckstaff made the motion to transfer the funds; Larry Pardee seconded the motion; motion passed by a vote of 3-0.
      - b. **ACTION ITEM:** Alice Widdess to prepare a check for the \$15,000 transfer of funds and obtain Larry Pardee's signature, then Lance Ash's signature. Lance Ash to deposit into Reserve Account at First Interstate Bank.
    3. Financial Report (FY 2017 Budget): Lance Ash reported on the additional District Assessments received that have been deposited into the Operating Account (\$9,161.96), which is represented as last revenue for FY 2017. He has reached out to Toran Accounting to determine if we need to report our assessment revenues on an accrual basis of accounting and track accounts receivable in that manner. The FCWID reporting received from Toran Accounting will remain to be reported on a cash basis.
      - a. **ACTION ITEM:** Lance Ash to contact the Teton County Treasurer to follow up on reporting of District Assessments so we can properly account for any outstanding assessments (i.e., \$213.44 not received for FY 2017).
  - ii. **Joint TCD & Flat Creek Water Improvement District Calendar – 2017**
    1. Next meeting is scheduled for July 19<sup>th</sup> @ 9:00 a.m.
    2. Lance Ash clarified assessments, pointing out that the Teton County School District No. 1 does own property within the district; however, they are not assessed, but sent an invoice instead.  
**ACTION ITEM:** Lance reported that we would need to add to our joint TCD/FCWID Calendar of Events in September to send the invoice to TCSD.
    3. **ACTION ITEM:** Lance Ash and Alice Widdess to update other items on the TCD/FCWID Calendar of events for 2017 and 2018.
- e. **Approval of Vouchers**
- i. Lance Ash reported that vouchers meet with his approval.

- ii. Sandy Buckstaff moved to approve the payment of all vouchers as presented; Larry Pardee seconded the motion; motion passed by a vote of 3-0.
- f. Introductions and Comments from the Public**
- i. Joe Burke brought up a discussion of liability for FCWID property owners – ones whose property lines extend into the creek and some even to the other side of the creek – for creek floaters and others who get injured on the creek where property lines extend into the creek.
    - 1. Franz Camenzind reported discussion with his insurance agent, who advised the best thing he could do would be to put up NO TRESPASSING signs, which would create an adequate buffer for a property owner to avoid being liable. Franz expressed his aversion to putting up signs; however, he wants to take appropriate steps to not get sued.
    - 2. Joe Burke mentioned signs that were put up years ago by Willow Park Townhome HOA stating, “This is not a public landing. Please respect...” Joe stated it has reduced the number of floaters entering and exiting the creek.
    - 3. Larry Pardee shared that these injury and other events that may occur on Flat Creek are like a landslide event – you are never prepared; however, when it occurs you look at your regulations to be better prepared for such events. He also stated he agrees that if there are proactive measures we could take, it might be to our advantage. He stated his aversion to signs. Within the Town of Jackson there already exist 2,250 signs that represent over \$1.5 Million in public funds in those assets, and all these signs require reporting oversight. However, property owners must consider protecting themselves in some way. He also pointed out, along with Sandy Buckstaff, that floaters on the creek do not know whether or not they are on private property while on the creek or even when they step off, if that property is private or public.
    - 4. Joe Burke voiced there exist signs at various entrances to the creek and recommended that they be more conspicuous with emphasis put on respecting private property (i.e. noise).
    - 5. **ACTION ITEM:** Larry Pardee to talk to Town Attorney Audrey Cohen-Davis to find out her recommendation and position on this issue.
    - 6. Franz Camenzind pointed out the large number of willows that have fallen into the creek and have become a hazard to floaters by flipping and dumping them into the creek. He observes many floaters who are using improper equipment and not wearing life jackets.
- g. Mitigation Projects**
- i. **Draft Report from Dr.’s Kempema & Ettema** (*Bill Wotkyns*) – There was no draft report to distribute to the board. Tom Segerstrom (TCD) emphasized that timing for receipt of this draft is important, as Drs. Kempema & Ettema are under contract.
    - 1. **ACTION ITEM:** Larry Pardee to contact Bill Wotkyns for status with respect to obtaining the draft report. He will then forward it to Alice Widdess who will distribute to all Board of Directors.
- h. Old Business**
- i. **Willow Park Townhouses assessment for second common area**
    - 1. Sandy Buckstaff summarized: There are two common area lots that exist in the Willow Park Townhouse development. One lot has a tiny location on the creek. The other lot consists of a slice of land situated in the front of the property development on Snow King Avenue, which was sold to Willow Park in 1990. There exists a wedge of that property near the 810 West development that extends to the creek. The HOA has no intention of developing that property. This lot was assessed \$240. Willow Park Townhouse HOA wants to consolidate both common areas so that they are only assessed as one common area property.
    - 2. Lance Ash, Sandy Buckstaff, and Larry Pardee advised Joe Burke to take these steps: 1) Begin with the Town of Jackson Planning Department to obtain the correct, acceptable public process for the HOA; 2) obtain a survey from a qualified surveyor to combine the two existing lots into one lot; 3) once the process has been completed, the one property being assessed will show up on the Teton County Records for FCWID assessing as one common property.
  - ii. **ACTION ITEMS from 5/8/17 FCWID Board of Directors Meeting:**
    - 1. **Expansion of District Boundaries:**
      - a. **Legal Counsel and required process** (*Larry Pardee*) - Larry Pardee reported that he has not heard back, nor has Bill Wotkyns, from Matt Turner. It is important to obtain this legal counsel because WY State Statute governs the process and FCWID needs a clear interpretation by Mr. Turner. **ACTION ITEM TO BE CONTINUED.**
      - b. **Mapping and spreadsheets of owners north of current boundary (Staples)** (*Alice Widdess*)

- i. Alice Widdess thanked Mike Welch for his help and expressed there exist at least seven various Townhome/Condo developments with HOAs of varying sizes from the present north District border to the TOJ limits, along with the Karl M. Johnson Trailer Park, and all property owners are listed on the spreadsheets. She pointed out the challenge of selecting those property owners within these developments for district membership.
  - ii. Mike Welch stated he has spoken with many commercial property owners north of the current boundary whose property touches the creek, and he can share feedback he has received from them about being a part of the FCWID (e.g., Karl M. Johnson, Dornans, Bickner, Copps, Christy Walton, Asbells, Martin, Obring, etc.).
  - iii. Alice Widdess questioned why Mike’s map included Deer Creek Townhomes, and discussion took place on why it should be included. Larry Pardee pointed out that Dick and Linda Martin (Pete Karn’s sister) have some “say” in that HOA.
  - iv. Lance Ash stated we presently need a response from our legal counsel, Matt Turner.
  - v. Larry Pardee stated, ideally, it would be great to expand the district to the TOJ limits; however, currently, we are being asked to extend only to the Town Creek Condos. He also reported that the TOJ has reached out to the Karl M Johnson Foundation; however, they have not gotten back to them, so Larry has asked Bob McLaurin to reach out.
  - vi. Joe Burke questioned how we handle any gaps in proposed district expansion between present northern FCWID boundary and Town Creek.
  - vii. Lance Ash pointed out any extension of the district boundary should include all properties that exist along the creek and, in any event, any expansion of the District must result in contiguous properties throughout.
  - viii. Sandy Buckstaff pointed out it would require an election of all property owners that exist within the proposed new boundary, and that a certain percentage could veto and the election would not take place.
    - 1. Discussion took place on the importance of winning the hearts and minds of property owners and the challenges we would face.
  - ix. Larry Pardee stated that in the Town Creek development two buildings have been affected by the creek within the last two years. He pointed out that the removal of rocks may have caused flooding, altering that section of the creek.
  - x. Franz Camenzind expressed any expansion of the district boundary should be contiguous and set up to the existing TOJ limits, pointing out that all property owners should “put some skin in the game”. He advised FCWID develop a plan B to fall back on that covers district expansion to perhaps only Town Creek.
  - xi. Larry Pardee points out the process involved where all owners, especially commercial property owners, must be approached and spoken with. He respects that they are business people and are concerned about profits and money.
  - xii. Sandy Buckstaff expressed that they may want to see a financial benefit. He also suggested that it might take another generation to pass before we are able to work with them.
  - xiii. Mike Welch mentions that he and Len Carlman have reached out to most of these people. He offered to help the FCWID reach out and help Larry Pardee, who represents local government.
2. **Lance Ash & Bill Wotkyns to work with Mary Lockrem (Mtn. Property Management) to attend a Town Creek HOA Board Meeting to address the property owners re: expansion of the District** (*Lance Ash & Bill Wotkyns*). Lance Ash reported that he and Bill Wotkyns have made the offer to attend, but have not been invited yet to attend an HOA Board Meeting.
  3. **Larry Pardee to have conversation with the Karl Johnson Foundation re: expansion of FCWID district boundaries** (*Larry Pardee*). Larry Pardee reported he reached out and has asked Bob McLaurin for help to get a response.

4. **Pathways & Flood Mitigation possibilities:** Bill Wotkyns to call Brian Schilling and get Larry Pardee, Brian Remlinger, and himself together to discuss mitigation possibilities and available funds to use (Bill Wotkyns). **ACTION ITEM TO BE CONTINUED TO NEXT MEETING.** Larry Pardee reported that Brian Schilling is working on pathway mitigation possibilities. Tom Segerstrom cautioned to be careful that any “tinkering” honor the existing property setbacks. Larry Pardee said Pathways is working with Kurt Stout, Teton County Flood Plain Administrator, and that Teton County has allocated \$100,000 for improvements that will be received July 1, 2017. This will be ample funding for Pathways to make improvements.
  - a. Discussion took place on various structural ideas for improvements to the pathways that would assist in flooding mitigations in both the spring and winter months.
5. **Funding of WID projects/funding through EWP Program/State Statutes: See Lexey Wauters emails in board packet (Lexey Wauters).** Larry Pardee pointed out that FCWID qualifies as an entity that can request funds and FCWID has eminent domain. Discussion took place the importance of having everything ready, should FCWID have an emergency and need funding. Sandy Buckstaff pointed out that Lexey Wauters’ email notes clarify that FCWID does not require the Town of Jackson be a sponsor. **ACTION ITEM TO BE CONTINUED TO NEXT MEETING.**

i. **New Business**

i. **Flat Creek Conditions as of 5/31/17.**

1. Discussion took place on the increase in water and currents in the creek in the last month.
  - a. Tom Segerstrom pointed out the importance of keeping the “sponges” in Flat Creek.
  - b. Sandy Buckstaff discussed the berm that was build in Garaman Park and where the water is flowing, compared to the flow back before that berm in 1996/97.
  - c. Joe Burke reports it is the highest water level he has seen in Willow Park area of the creek. His HOA is considering the placement of sandbags.
  - d. Franz Camenzind reports it is the highest water level he has ever seen on Flat Creek and it has stayed high over the last few days. He stated it would be interesting to observe what occurs when the Lockhardts turn their water off and begin their field flooding and haying.
  - e. Carlin Girard has observed that snowmelt in Cache Creek is a major contributor for increased water in Flat Creek this year. He obtained samples about three weeks ago to test turbidity. He wonders if the high water in Cache Creek was from the Gros Ventre River.
  - f. Tom Segerstrom questioned – whether we have accumulated more water or are there fewer places for it to go?
  - g. Lance Ash reported on the potential flooding by his property on the creek that required a call to Kelly Lockhardt.

ii. **Formation of a Wyoming Special District Association**

1. **ACTION ITEM:** To be discussed at the July 10<sup>th</sup> Joint TCD/FCWID Quarterly Board Meeting.

j. **Executive Session (if needed).** There was no need for an Executive Session.

k. **Adjournment of Meeting.** Sandy Buckstaff made a motion to adjourn the meeting; Larry Pardee seconded the motion; the meeting was adjourned @ 10:00 a.m.

**Respectfully submitted:**

Alice Widdess, Administrative Manager

*Alice Widdess*

**The Minutes have been approved:**

*W Wotkyns -*  
 Chairman Date

*Lance Ash* *7/10/17*  
 Treasurer Date