

FCWID Monthly Board of Directors' Meeting

Monday, MARCH 11, 2019

9:00-10:15 a.m.

Teton Conservation District

420 W. Pearl Avenue, Jackson, WY 83001

*In attendance: Bill Wotkyns, Lance Ash, Lexey Wauters, Joe Burke, Franz Camenzind, Tom Segerstrom, Carlin Girard, & Alice Widdess*

**MINUTES OF MEETING (draft)**

- I. **Call to order.** Bill Wotkyns, President, called the meeting to order @ 9:00 a.m.
- II. **Approval of Minutes: 2/11/19 FCWID Monthly Board Meeting.** Lexey Wauters made a motion to approve the 2/11/19 FCWID Monthly Board Meeting Minutes as presented; Lance Ash seconded the motion; motion passed by a vote of 3-0.
- III. **Treasurer's Report.** (*Lance Ash*)
  - a. **Bank Statements & Reconciliation Reports.** Lance Ash stated he had reviewed the bank statements and reconciliation reports and they meet with his approval.
  - b. **P&L Budget vs. Actual (July 2018 – June 30, 2019).** (*Lance Ash stated his reporting combines Agenda items III, e & g below*).
    - i. The P&L Budget to date was summarized and explained, pointing out that it is prepared on a cash basis. Referencing the P&L Budget Line item for expense 4061, Lance stated, due to December 2018 and January 2019 ice flooding on Flat Creek, we have accumulated mitigation expenses to cover the necessity of placing emergency equipment into the creek. These expenses on our current FY 2019 budget were mistakenly based on receiving "dollar for dollar" reimbursement from the TOJ; however, Lance stated he misread the MOU with FCWID & TOJ, not recognizing the Town will only pay 50% (not dollar for dollar), which is now causing current budget deficits. The FCWID MOU with the TOJ states: "...the Town agrees to pay fifty percent (50%) of the costs for flood mitigation efforts along the Creek, as approved in annual budgets." Lance explained in January 2019, we requested over \$5,000 in reimbursements, and are requesting an additional \$3,000 today from the TOJ which represents an approximate total of \$8,000 in reimbursements. Because we will be overspending relative to what is stated in our present budget, an amendment to our FY 2019 Budget will be required for which a FCWID Budget Hearing for the Amended Budget will take place before our next monthly board meeting (April 8, 2019 @ 8:30 a.m.) with the required legal notices posted in the newspaper on March 27 and April 3.
    - ii. Lance also pointed out he met with Tom Segerstrom and Emily Hagedorn on how to address this budget situation going forward, explaining that government oversight to budgeting differs from that of the business world (e.g. using funds from the FCWID Reserve Account to cover budget deficits). The strategy decided upon to deploy for our FY 2020 budget is to earmark in both the income and expense centers within our budget a process to use funds from our Reserve Account, thus treating a portion of the Reserve Account as a source of income as well as expense (e.g. put \$20,000 from our Reserve Account into our budget even if we do not spend those funds). Wyoming State Statutes regulations do not allow us to show a negative balance, and this provides a strategy to comply.
    - iii. Joe Burke inquired as to the present amount of District assessments collected. Lance responded that 72% of the assessments have been collected to date, stating that this is relative to what has been collected over the last couple of years.
  - c. **FCWID Board Treasurer's Bond filed with Teton County Treasurer.** Lance Ash said a copy of the current Treasurer's Bond appears in the board packets.
  - d. **LGLP (Local Government Liability Pool Membership Renewal Application for FY 2020).** Lance Ash reviewed the requirement for FCWID to have liability insurance and stated this renewal form has been completed and submitted to LGLP.
  - e. **Request for Funding Letter to Larry Pardee (TOJ).** (*Included in item III, b above*)
  - f. **TCD/FCWID MOA Funding Request for TCD Board of Supervisors – Amount & descriptive paragraph detailing what funding request covers.** Lance Ash reviewed requirement that states by April 1 FCWID must present to TCD what is needed for funding allocation from them for the FY 2020 budgets.

- g. **FY 2019 Budget: AMENDMENT & April 8, 2019 BUDGET HEARING.** **ACTION ITEM:** Alice Widdess to send request for posting in JHN&G legal section on 3/27 & 4/3 newspapers. Lance Ash to provide the FCWID Budget Amendment in WORD doc to Alice for forwarding to the newspaper.
- h. **FY 2020 Budget Discussion (7/1/2019 through 6/30/2020) - Include \$100,000 bonding for FCWID check signers.** Lance Ash stated that as we prepare the FCWID FY 2020 Budget, we will roll into budget line item #6540 the new bonding amounts.

**IV. Secretary's Report.** *(Sandy Buckstaff). In the absence of Sandy Buckstaff from this meeting, Bill Wotkyns reviewed the following:*

- a. **Joint TCD & FCWID Calendar – 2019.** No new updates to discuss.
- b. **FCWID Annual Report to TCD Board of Supervisors.** Bill Wotkyns stated this has been sent.
- c. **Apr. 1 – Annual report due to TOJ providing a complete overview on all measurers employed for wintertime care, wintertime maintenance, and costs associated with emergency wintertime actions.** **ACTION ITEM:** Alice Widdess to assist Sandy Buckstaff, however needed, to get this annual report submitted.
- d. **FCWID Wintertime & Spring Runoff Action Plan – updates.** Alice Widdess pointed out that this is updated annually with simply a change of date, and that she sends it to Rich Ochs, Teton County Emergency Management. No changes were submitted. **ACTION ITEM:** Alice Widdess to update with date change, post on website, and send to Rich Ochs.

**V. Approval of Vouchers.** Lexey Wauters made a motion to approve the Vouchers as submitted; Lance Ash seconded; motion passed by a vote of 3-0.

**VI. Introductions from the public.**

- a. Joe Burke:
  - i. Inquired about the east end of Gros Ventre Butte which appears to be rolling down toward the creek, even though this area of the creek is not in our current District.
    - 1. Bill Wotkyns stated there have been two avalanches/slides that occurred, stating there no concerns currently; however, spring runoff may bring more occurrences.
  - ii. Joe Burke asked about the status on any proposed work on the Wort Ditch diversion.
    - 1. Bill Wotkyns stated there has not been any agreement with Kelly Lockhart on any proposed work.
  - iii. Joe Burke asked if there will be any removal of structures that are currently in the choke points?
    - 1. Lexey Wauters pointed out this discussion will come up under individual property mitigation that was assigned at the last board meeting with each board member taking on research and discussion.
  - iv. Joe pointed out that at last monthly board meeting, Johnny Ziem mentioned the high volume developing into the sewer system from sump pumps, etc. – Joe found out that both Bill Klyn and Kaz Hashimoto discharge water from their crawl space into their yards. Discussion took place on Rafter J properties that use sump pumps.
- b. Franz Camenzind:
  - i. Franz mentioned that FCWID seems to be at a junction of concentration on the collection of data into a phase of assisting in mitigation for individual property owners. He suggests the need for a public District meeting with District members updating them on where we have been, where we are going, and how property owners in district have a responsibility to help, presenting them with helpful ideas such as landscaping berms, planting of willows, etc. Franz suggests scheduling and conducting this meeting sooner rather than later even though we may only get a dozen to show up.
    - 1. Discussion took place on moving forward: Lexey Wauters emphasized that communications with the public needs to take place. She suggests we need to get communications out in a couple of different ways –
      - a. Communications to District members containing an executive summary of what has taken place over the last couple of years, how the FCWID board is prioritizing mitigation projects, etc.
        - i. Mailed letter and shorter version sent via email to email addresses we have.



- ii. **ACTION ITEM:** Alice and Lexey to work together to draft a letter inviting District members and outlining a summary of what the FCWID has accomplished, etc.
- b. Posting of letter on the FCWID website.
- c. Public meeting held at the Teton County Library in May. **ACTION ITEM:** Alice Widdess to reserve date in May.
- d. Article in newspaper.

**VII. Mitigation Projects.**

**a. FCWID long-term goals & strategy reports on plans of action:**

- i. **Thaw Wells.** *Sandy Buckstaff*
  - 1. **Sandy Buckstaff's Report on additional thaw wells.** Bill Wotkyns suggested we postpone this subject until Sandy Buckstaff is present to discuss.
- ii. **Pathways.** *Lexey Wauters.*
  - 1. Lexey stated she has opened conversation with Brian Schilling concerning the elevation of pathways in pathway flooding areas and what plans Pathways may have scheduled. She has not heard back from Brian.
  - 2. Lexey explained she has been working on ways to execute the FCWID mission together with any kind of mention of using the pathway as a means to mitigate flooding – using it as a levy or berm to protect private property.
  - 3. Lexey also brought up a discussion of flooding that occurred on pathway in Garaman Park pointing out it has flooded a few times. She asked if we had plans to work with the TOJ on elevating pathways as berms and if these would be efficient.
    - a. Bill Wotkyns explained how berms tend to hold water pressure; however, when spring arrives with meltdowns, water held in these berms can cause problems downstream. He suggests elevating some parts of the pathway and letting water run under it.
    - b. Discussion took place on various other areas on existing pathway along Flat Creek where elevating the pathways would be helpful.
- iii. Franz Camenzind stated he personally would like to see efforts by FCWID made to deal with all these individual mitigations for site modifications first to determine if thaw wells are necessary. He expressed that additional thaw well installations for mitigation should be the last resort to use due to their expense. He also suggested that the removal of rock weirs should take precedence over installing more thaw wells.
- iv. Joe Burke suggested the idea of drilling bore holes in intervals along the creek bottom that will bring up warm water.
- v. **Individual Property Owner Mitigation.** *Lance Ash.* Lance emphasized that individual property owners along Flat Creek have challenges, and the FCWID agenda should be to help property owners solve these challenges, giving them ideas for ways to mitigate flooding and suggesting what they can implement on their own properties.
- vi. **Access Agreements.** *Bill Wotkyns.* Bill gave updates on the Epstein lawsuit: The TOJ has filed; Epstein has counter filed; at this point it will result in a summary judgement where each side gives its evidence to the Judge, and the Judge makes a decision. Until that happens, regarding the access, Bill thinks Epstein will continue to give us access; however, he never signed the access agreement we presented to him.
- vii. **Stormwater Treatment.** *Lexey Wauters.* Lexey inquired if there is to be a SPET election this November, will there be any SPET initiative for stormwater treatment? She pointed out that FCWID should play an active role in this initiative like taking on lobbying efforts. Bill Wotkyns asked if the Snake River Fund would be involved. Franz Camenzind suggested a strategy between the Snake River Fund and FCWID should be developed and suggested they work together on letters to the editor to get awareness as well as a letter to the electeds pointing out we are working with TCD on stormwater treatment measures. Joe Burke pointed out the various additional areas around town besides the Rodeo grounds, where snow is being piled up and dumped.
  - 1. **ACTION ITEM:** Alice Widdess to get details on deadlines for submission of SPET initiative and report back to Lexey Wauters.

VIII. **New Business.** There was no new business.

IX. **Old Business.**

a. **Conservation District Special District Training – Watershed Improvement Districts Summary.** Sandy Buckstaff and Alice Widdess attended, and Alice stated she will include the PowerPoint re: WIDS will be in next board packet.

b. **ACTION ITEMS:**

i. **Annual Report to TCD & FCWID Checklist– due March 1, 2019 to TCD:** Alice Widdess to provide Sandy Buckstaff with last year’s submission to use as template. **Done**

ii. **TCD/FCWID MOA Funding Request for TCD Board of Supervisors – Amount & descriptive paragraph detailing what funding request covers.** Bill Wotkyns stated he has talked with Tom Segerstrom and FCWID hopes to request about the same amount of funds (\$25K) as previous year; however, no funds will go toward any more studies. Instead funding will go towards data collection and real time monitoring of Flat Creek. Alder Environmental will carry on this data collection for \$10-\$15K. Bill pointed out the advantages using collected data along with the real time monitoring (e.g. when we have four continuous days of minus 10 degrees, the thaw wells get turned on). The balance of the \$25K will go towards on the ground projects (e.g. removing rocks/rock weirs, Kaz Hashimoto’s property restoration from track hoe access damage).

iii. **Phoebe’s Blog-1/25/19 “Freezing & Flooding on Flat Creek” posted on FCWID website** **Done**

X. **Executive Session.** None was needed.

XI. **Adjournment.** Lexey Wauters made a motion to adjourn; Lance Ash seconded the motion; meeting adjourned @ 9:47 a.m.

Respectfully submitted:

Alice Widdess, FCWID Administrative Manager

Alice Widdess

*The Minutes have been approved:* 4/8/19  
Chairman Lance Ash Date  
Treasurer \_\_\_\_\_ Date