

Flat Creek Water Improvement District (FCWID)
Monthly Board of Directors' Meeting
Monday, September 10, 2018
9:00-10:00 a.m.

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

In attendance: Bill Wotkyns, Sandy Buckstaff, Lance Ash, Lexey Wauters, Carlin Girard, Tom Segerstrom, Johnny Ziem, Joe Burke, Franz Camenzind, and Alice Widdess

MINUTES OF MEETING (Draft)

- I. **Call to order.** In the absence of Bill Wotkyns, Board Chairman, Sandy Buckstaff, Board Secretary, called meeting to order @ 9:02 a.m. stating a quorum was present.
- II. **Approval of August 13, 2018 FCWID Monthly Board Meeting Minutes.** Lexey Wauters made a motion to approve the August 13, 2018 FCWID Monthly Board Meeting Minutes as presented; Lance Ash seconded the motion; the 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 these reports and they meet with his approval.
 - b. **P&L Budget vs. Actual (July 2018 through June 2019).** Lance Ash stated we are trending in favorable territory with our budget and he sees nothing that would be disruptive to it. He stated District Member Assessments will begin to be deposited into our bank account.
 - c. **FCWID F-32 Survey of Local Government Finances Form Report**
 - i. **Submitted to WY Dept. of Audit.** Lance Ash reported this report is due by the end of September; however, he stated it has already been submitted to the Wyoming Department of Audit.
 - d. **IRS Letter (8/20/18) and how to proceed (obtaining Government Entity Status).** Lance Ash reported that we continue to receive communications from the IRS stating that we are not qualified as a tax-exempt status. He stated Alice Widdess has a large file of communications she has had with the IRS to correct our status to a local government entity. In order to correct this with the IRS, Lance recommended turning the matter over to our attorney to write a letter to the IRS citing Wyoming Statutes which govern the FCWID as a government entity.
 - i. Discussion took place. Lexey Wauters made a motion that Lance Ash contact Matt Turner, our legal counsel, and have him contact the IRS to correct our legal tax-exempt status; Sandy Buckstaff seconded the motion; the motion passed by a vote of 3-0.

Bill Wotkyns joined the meeting @ 9:08 a.m. and took over conducting the meeting.

- e. **2018 Joint TCD & FCWID Calendar.** Sandy Buckstaff mentioned there are no additions or changes.
- IV. **Approval of Vouchers.** Lexey Wauters made a motion to approve the vouchers as presented; Lance Ash seconded he motion; motion passed by a vote of 4-0.
- V. **Introductions and Comments from the Public.**
 - a. Carlin Girard pointed out there will be a Town & County Candidate Water Forum on October 8th at Snow King Resort. He asked the board if FCWID want to be a sponsor again, as they were in 2016, pointing out FCWID would have a representative present on the panel to ask questions (that are prepared ahead of time) of the candidates. Lexey Wauters inquired if there would be a "white paper"? Carlin responded that a "white paper" is being developed.
 - i. Tom Segerstrom explained how the event took place in 2016.
 - ii. All FCWID board members agreed that FCWID would be a sponsor and participate in the event.
- VI. **Mitigation Projects:**
 - a. **Alder Environmental LLC:**
 - i. **Town of Jackson Gravel Bar Dredging/Bank Stabilization work near Berger Lane (\$1,365).**
 1. Bill Wotkyns reported that WYDOT secured the bank with rip rap and the TOJ, along with Brian Remlinger (Alder Environmental LLC), has looked at the sand bar to determine how to remove it and with what equipment.
 - a. The TOJ is missing one piece of equipment – a long arm track hoe – that needs to be rented at a cost of \$1,700/day – and they may not need that equipment for an entire day.

- b. Bill reported the TOJ will provide everything else (labor and other equipment needed).
- c. Bill pointed out there will also be a fee for Brian Remlinger’s oversight totaling \$1,365.
- d. The total amount for these expenditures will be \$3,065. Bill Wotkyns requested a motion to approve these expenditures.

Johnny Ziem, TOJ, joined the meeting.

- i. Johnny Ziem stated Brian Remlinger is working on some of the required permitting – Army Corp of Engineers, Department of Environmental Quality, etc. Johnny will be completing the other required permitting.
 - ii. Bill Wotkyns asked Johnny Ziem how the TOJ want to handle the payment for the \$1,700 rental equipment?
 - 1. Johnny Ziem stated that the TOJ will schedule the equipment rental and Johnny will arrange to have FCWID invoiced for that rental.
 - iii. Bill Wotkyns asked if we need the approval of the Teton Conservation District Supervisors?
 - 1. Lance Ash stated he thought we only need approval from the TCD Supervisors if the amount exceeds \$10,000.
 - 2. Alice Widdess looked up the MOU on her computer and stated the section that applied:
Section 4, B – “Prior to incurring any single, non-emergency expense greater than ten thousand dollars (\$10,000.00), the WID shall notify and receive formal approval from the TCD, which approval shall not be unreasonably withheld. A non-emergency expense is defined as any expense that is not associated with emergency flood prevention or control.”
 - iv. Franz Camenzind asked if WYDOT could chip in to this expense. Bill Wotkyns responded that he did ask, but WYDOT is emphatic that if the area is not in their right of way, they will not contribute to the expense.
 - v. Joe Burke inquired about the island with the tree on it and if this project included removal of that?
 - 1. Johnny Ziem answered that it will be another project down the road, as it exists on private property (Eagle Village Professional Building HOA).
 - vi. Sandy Buckstaff moved to approve the \$3,065 expenditures for the project; Lexey Wauters seconded the motion.
 - 1. Discussion: Lance Ash commented that from a budget line item standpoint, the \$3,065 will come from the PRIVATE PROPERTY MITIGATION/RESTORATION line item which presently has \$5,000 set aside for that purpose.
 - 2. The motion passed by a vote of 4-0.
- ii. Proposed Scope of Services – Flat Creek Winter 2018/2019 Monitoring (submitted 8/7/18).**
- 1. Bill Wotkyns pointed out that a portion of this proposed Scope of Services needs to be approved so that Alder Environmental can move forward with some current projects.
 - 2. Discussion of the overall 8/7/18 Proposed Scope of Services presented.
 - a. Bill Wotkyns expressed he feels it needs more detail.
 - b. Lexey Wauters stated it seems the “Task A - Plan Development” seems redundant and that there should be some kind of plan outlined after three years of observing and working on the creek. She stated it is disappointing that no plan has been developed, and it is important to keep our eye towards the future when reviewing and approving these contracts.
 - 3. Joe Burke stated it seems to be repeating what’s already been done, and with the variety of conditions occurring and being monitored each winter, what exactly are we paying Alder Environmental to do that meets our needs?

4. Bill Wotkyns expressed he would like to work with Alder Environmental this winter on a more immediate response time regarding the thaw wells being turned on and off.
 - a. Lance Ash commented we need a road map of things re: turning thaw wells on and off and what happened providing more detailed parameters for managing the thaw wells – especially thaw well #2.
5. Bill Wotkyns reminded the board that the entire purpose of this study was to mitigate flooding in an effort to eliminate and reduce putting track hoes into the creek every year. He pointed out that this year we answered some of those questions on where we need to do on-the-ground work (e.g. Wort Diversion). He also stated we now know the choke areas, and he feels Alder Environmental if helping us manage the creek with more fluidity and help us mitigate sooner.
6. Franz Camenzind stated that it would be prudent to have a plan to see what Alder Environmental’s end objective is? Is it an open-ended objective? How much more monitoring is needed? Franz also asked where the Wort Diversion project stands? Will that be included in Alder’s monitoring?
 - a. Bill Wotkyns and Sandy Buckstaff pointed out we are only doing design work this year since we cannot afford to do construction on the project.
7. Johnny Ziem expressed that he agrees with Franz Camenzind and asked, “What is the end goal for management of the Flat Creek system? He stated that hopefully we aren’t looking at hiring Alder Environmental every year. He pointed out that when we are provided with monitoring that we can do ourselves and mitigation recommendations, then how do we go forward? Who has the responsibility – is it the TOJ? Is it FCWID? Is it volunteers? Who oversees?”
8. Sandy Buckstaff stated that ultimately, we would like to have all the parameters analyzed so that we can determine other actions. Some person needs to be able to read the data collected/monitored in real time and it should be attached or connected electronically to a work station of some sort.
9. Bill Wotkyns stated that what we need Alder Environmental to do this year is set up a system that places us electronically to easily monitor the stream.
10. Johnny Ziem asked for more details on the FCWID loggers and cameras that are in existence on the creek:
 - a. Carlin Girard replied we have about 13 high quality temperature loggers (very sensitive with long battery life), pressure gauges, and 6 cameras that operate on a fixed-time interval. He pointed out none of these serve to provide real time data.
 - b. Lexey Wauters inquired if we could replace our existing loggers with real time ones.
11. Carlin expressed that in terms of monitoring the only thing we have real control over are the thaw wells. He feels they need some kind of “play book” with a formed formula that provides us with an action plan. He asks if this Alder Environmental Proposal contain this?
12. Johnny Ziem suggested the board respond to the Alder Environmental Proposal by adding in an outcome for this winter’s Scope of Work – e.g. A Play Book for using the thaw wells with short term and long-range goals.
13. Bill Wotkyns stated that our main goal should be to get our projects moving forward so that we won’t need Alder Environmental full-time going forward.
14. Lexey Wauters moved to approve the 9/7/2018 Alder Environmental Proposed Scope of Work with the following additions: 1) that Alder Environmental will develop some kind of formula based on monitoring data and provide a “Play Book/ Action Plan” for using the thaw wells; 2) the Scope of Services shall not exceed \$30,000. Sandy Buckstaff seconded the motion. The motion passed by a vote of 4-0.
 - a. **ACTION ITEM:** Bill Wotkyns and Lance Ash to have discussion with Brian Remlinger, Alder Environmental LLC, in the next couple of days to go over the Scope of Services voted upon in the 9/10/18 FCWID board meeting.

Dave Adams joined the meeting.

b. Wort Ditch Diversion Work.

- i. Sandy Buckstaff and Bill Wotkyns gave updates: Original estimate by Nelson Engineering for planning and on-sight work was \$8,200. This was prior to knowing the exact costs for construction. The newest project cost given by Nelson Engineering is \$19,300.
 - 1. Dave Adams questioned what this project involves, and Bill Wotkyns summarized for Dave.
- ii. Bill Wotkyns emphasized the need for a design plan in order to move forward with this project, stating the construction part of the project would take place after July 1, 2019, and be part of the FCWID FY 2020 Budget.
- iii. Dave Adams suggested that the design outlay could get reimbursed by state grants (WWDC) where TCD would be a sponsor and Kelly Lockhart could kick in some money.
 - 1. It would need to be submitted via this grant by 12/31/2018 and would need the design drawings completed.
 - 2. Sandy Buckstaff stated that Nelson Engineering could get the design underway and then would need to perform a survey of the area and the creek after Pathways completes its project.
 - 3. Dave Adams pointed out that most of the cost will be in the survey work.
 - 4. Dave stated that the FCWID would need to work with Rob Sgroi, TCD, on the project and suggested we check with Rob Sgroi to see if the Engineer State of Wyoming could have it within their purview first before we go down this road.
 - 5. Lance Ash recommended taking the 9/13/18 Nelson Engineering Proposal/Letter Agreement for Professional Engineering and Surveying Services for the Wort Ditch Diversion and striking everything except the design services of \$6,500 and adding “not to exceed \$6,500” for those services.
 - a. **ACTION ITEM:** FCWID & Dave Adams to contact Rob Sgroi on the timing for this project being funded by the state.
- iv. Lance Ash made a motion to accept the 9/13/18 Nelson Engineering Proposal/Letter Agreement for Professional Engineering and Surveying Services for the Wort Ditch Diversion and performing the “Design Phase Services” outlined (striking the “Construction Phase Services” outlined) at an amount not to exceed \$6,500 and the design will not move forward without Kelly Lockhart’s approval; Lexey Wauters seconded the motion; motion passed by a vote of 4-0.

VII. Old Business:

a. ACTION ITEMS:

- i. *(Alice Widdess)* Repost Board Packets for 8/13/18 FCWID Monthly Board Meeting. *Done and remove.*
- ii. *(Alice Widdess)* Post Drs. Kempema & Ettema Final Report on website and process payment for Dr. Kempema invoice. *Done and remove.*
- iii. *(Bill Wotkyns)* Contact Kelly Lockhart to review project & contact our FCWID lawyer re: possibility of the FCWID Board voting electronically. *Move to Next month’s Board Meeting Agenda.*
- iv. *(Sandy Buckstaff)* Contact Nelson Engineering to obtain construction bid – scan and email to Bill W. & Lance A. *Done and remove.*
- v. *(Alice Widdess)* Find Pathways work design specs for the pathway elevation and send to Sandy Buckstaff to share with Nelson Engineering. *Done and remove.*
- vi. *(Bill Wotkyns)* Meet with Elk Run and Creekside Village Condo HOAs to suggest installation of some temporary flood fencing/bladders/sand bags for this coming winter to prevent property flooding. *Move to Next month’s Board Meeting Agenda.*

VIII. New Business. There was no new business to discuss.

IX. Executive Session. No Executive Session was required.

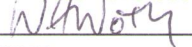

X. Adjournment. Sandy Buckstaff moved to adjourn the meeting; Lexey Wauters seconded the motion; the meeting adjourned @ 9:59 a.m.

Respectfully submitted:



 Alice Widdess, FCWID Administrative Manager

The Minutes have been approved:


 _____ Date
 Chairman

 _____ Date
 Treasurer