

FCWID Monthly Board of Directors' Meeting

Monday, MAY 13, 2019

9:00-10:30 a.m.

Teton Conservation District

420 W. Pearl Avenue, Jackson, WY 83001

MINUTES OF MEETING (Draft)

In attendance: Sandy Buckstaff, Lance Ash, Lexey Wauters, Bill Wotkyns (for part of the meeting via conference), Bill Klyn, and Alice Widdess

- I. **Call to order.** In the absence (in person) of Board President Bill Wotkyns, Sandy Buckstaff called the meeting to order @ 9:00 a.m.
- II. **Approval of Minutes: 4/8/19 FCWID Monthly Board of Directors Meeting.** Motion to approve the 4/8/19 FCWID Monthly Board of Directors Meeting Minutes as presented was made by Lexey Wauters; Bill Wotkyns (via conference call) seconded the motion. There was no discussion. The motion passed by a vote of 4-0.
- III. **Treasurer's Report:**
 - a. **P&L Budget vs. Actual (July 2018-June 30, 2019).** Lance Ash explained he has been traveling and was unable to thoroughly review the P&L Budget vs. Actual report until this morning. He pointed out that he requested changes made after the Resolutions approved at the April board meeting are not reflected correctly in this financial report in two of the budget line items 4025 (should be \$9,528.13) and 4061 (should be \$16,350). Lance stated all other line items are allocated correctly. As for the status on district member assessments, Lance pointed out that the assessments for this tax year are tracking correctly with one more cycle before our fiscal year ends.
 - b. **Updates on 2 Requests for Funding/Reimbursement from TOJ –** Lance Ash reported the two requests for funding/reimbursement from the Town of Jackson have been received and deposited.
 - c. **Bank Statements & Reconciliation Reports.** Lance stated he had reviewed bank statements and reconciliation reports and they meet with his approval. He pointed out that we will be moving approximately \$14,000 out of our Operating Account into our Reserve Account prior to the close of this fiscal year, after we determine what assessments have been received for this tax year.
 - d. **FY 2020 Draft Budget.** Lance Ash stated he has not done any additional work on the draft FY 2020 budget. He stated he is working on the projects discussed at our last meeting and considering those in the draft FY 2020 budget.
 - i. Lexey Wauters inquired if the district has any legal mandate to have a reserve account. Lance replied there is no legal mandate and that it is self-imposed.

(District Member Bill Klyn joined the meeting @ 9:24 a.m.)

- e. **TWO Resolutions (Advertising budget account and Office Supplies budget account).** Lance Ash gave the background on the reasons for these two Resolutions – to cover incurred expenses (office supplies and advertising) which he had not anticipated, therefore necessitating moving money around from budget line items. The two Resolutions will move money out of our legal budget line item (5040) dropping it from \$2,500 down to \$2,000 which, given we are so close to the end of this fiscal year, Lance expressed he is comfortable with; the advertising budget line item (5020) will change from \$500 to \$750; and the office supplies budget line item (5050) will change from \$350 to \$600. Lexey Wauters made a motion to accept the two Resolutions as presented; Bill Wotkyns seconded the motion; there was no discussion; motion passed by a vote of 4-0.
- IV. **Secretary's Report:**
 - a. **Joint TCD & FCWID Calendar – 2019.** Sandy Buckstaff stated the current calendar has not changed.
 - b. **District Member Meeting – May 16th @ 5:30 p.m. – Teton County Ordway Auditorium.** Sandy Buckstaff mentioned the letter (announcing the meeting) was mailed and received with the opportunity for review. He asked if any board members have received any feedback or questions about the meeting. Lexey Wauters mentioned she had spoken to one person in her HOA who expressed appreciation for all the FCWID has done and stating the opinion that the \$240/year assessment is worthwhile.
 - i. **Agenda for Meeting. ACTION ITEM:** Alice Widdess to create an AGENDA and distribute to the board.
 - ii. **Lead Person for FCWID.** Bill Wotkyns said he would take the lead for the meeting.

- iii. **Visuals/Handouts to Prepare (FCWID District Map; FCWID Emergency Wintertime and Spring Runoff Action Plan, etc.).** Visuals and handouts were discussed. Lance Ash suggested that we ask Alder Environmental to enlarge some of the maps in their recent report and invoice FCWID so we can expense it under "Mitigation".
 - iv. **Carlin Girard's Short PowerPoint.** Alice Widdess shared that Carlin is preparing a short PowerPoint presentation.
- V. **Approval of Vouchers.** Bill Wotkyns made a motion to approve the Vouchers as presented; Lance Ash seconded the motion; there was no discussion; motion passed by a vote of 4-0. Discussion took place on whether there may be additional expenses for this fiscal year from Alder Environmental that could result in a savings of \$3,000. Bill Klyn asked about the remote cameras that were installed and who paid for them? Lance Ash replied FCWID paid for them and they are FCWID's property that gets stored in the Teton Conservation District offices.
- VI. **Introductions from the Public.** Sandy Buckstaff welcoming Bill Klyn to the meeting. Bill Klyn, District member, introduced himself and shared he supports having a public meeting.
- a. Bill Klyn presented his property landscaping project with the one estimate of \$3,716.46 from Village Gardener.
 - i. He stated an issue was created when the track hoes came through his property to access the creek for mitigation purposes this last winter and caused damage to some willows and the creek banks. He also stated that a large rock on his property was moved by the excavators, as well.
 - ii. He pointed out he had only contacted one landscaping contractor – Village Gardener – and is certainly open to receiving other bids. Bill asked Bill Wotkyns if FCWID has used other landscaping contractors in the past.
 - 1. Bill Wotkyns answered that FCWID has never retained landscaping services for district properties, stating that Sandy Buckstaff obtained a quote from one landscaping service to get estimates for a possible phone box removal on Kaz Hashimoto's property in the past.
 - iii. Lance Ash inquired what Bill Klyn is asking from FCWID?
 - 1. Bill Klyn stated in the past when access was needed by track hoes to the creek, they would go through Kaz Hashimoto's property; however, this time they came through Bill's Klyn's property three times for mitigation purposes. He pointed out it did a great deal of damage to his property.
 - 2. Lance Ash asked if, in future years, FCWID needs to bring equipment to access the creek in that area of the creek in order to help mitigate flooding, how can the district work with Bill Klyn to obtain the necessary access?
 - a. Bill Klyn replied in previous years access took place using side yards which were not on his property.
 - b. Discussion took place on this winter's emergency at Bill Klyn's property and the access used for mitigation.
 - i. Bill Wotkyns explained in order for the equipment to get close enough to the creek without causing unsafe conditions to stop the flooding to Bill Klyn's property, it was necessary to access through Bill Klyn's property.
 - c. Lance Ash asked Bill Klyn if he was asking FCWID to pay the full cost to fix the damage done on his property or is this a discussion of a cost-sharing proposal.
 - i. Bill Klyn replied that there was so much damage done, that he is asking for FCWID to repair.
 - iv. Discussion took place on how to proceed.
 - 1. Bill Klyn suggested more quotes for the repair are needed – at least three – and stated he is willing to obtain those and be present when they are obtained. Bill Klyn suggested these quotes cover using sod or seed or neither.
 - 2. Sandy Buckstaff asked, from a long-term aspect, what can be done so that we can prevent this from happening again in future winters?
 - a. Bill Klyn answered: 1) we could have reacted sooner; 2) have Kaz Hashimoto's set-up resolved for mitigation and creek access; 3) Bill Klyn will go back into the creek to break up the frazil ice himself, as he has done for 35 years.
 - b. Bill Wotkyns pointed out Bill Klyn's property is in a bad location being so close to the creek and in a location vulnerable to flooding with the creek configuration and being in such a low area. He pointed out it was the only property in the District this last winter where flooding occurred. Bill Wotkyns asked how can we "barrier" Bill

Klyn's home better to protect his property? He clarified that according to State Statute FCWID cannot spend any money for a specific individual property – we can only invest funds if it is for the good of the district and property owners up and down the stream. Bill Wotkyns asked – how can FCWID help Bill Klyn with mitigation efforts on his property (e.g. berms installed, flood gates, other tools) that would help keep his home from flooding risk?

- c. Bill Klyn mentioned that Carlin Girard, TCD, recommended he speak with a TCD staff person who may have ideas for protecting his property.
- d. Bill Wotkyns suggested FCWID can bring in resources to help Bill Klyn with mitigation efforts (e.g. help in any permitting process required).
- e. Lexey Wauters stated appreciation to Bill Klyn for taking past action of entering the creek to break up the ice (which he stopped doing while we were collecting data for studies), and suggested that the FCWID board needs to discuss how we can help to make his property “whole again” after this last winter's damage from the excavators that is in accordance with State Statute.

(Lance Ash thanked Bill Klyn for coming to the meeting and clarifying his property situation, suggesting the board go into an Executive Session to discuss how FCWID will proceed. Bill Klyn left the meeting.)

VII. Mitigation Projects:

a. Automation of Thaw Well #2 - \$21,000 (\$7,000 each from TOJ, TCD & FCWID).

- i. Background was provided by Bill Wotkyns.
 1. Brian Remlinger submitted a quote (with Delcon) for the automation of Thaw Well #2. Bill expressed the thought behind this FCWID mitigation project is to possibly push automation up a year with the purpose of having an automated system in place to have eyes on the creek, using the \$13,000 already-approved funding by TCD and increasing that amount to \$21,000 to cover the \$7,000 FCWID portion of funding for the automation project. He stated if we moved forward this year with the automation project of Thaw Well #2, it would save us the Alder Environmental labor costs for next year.
 2. Bill explained his proposal for the Town of Jackson (TOJ), Teton Conservation District (TCD) and FCWID to invest \$7,000 each for this project. He pointed out he wrote a letter to the Teton Conservation District Supervisors introducing this opportunity and requesting they consider increasing the FCWID funding to \$21,000 (versus the \$13,000 already approved). Bill stated the Supervisors have not made a decision yet. They would need to reconfigure their budget if they funded us more than the \$13,000 already decided upon. As for the TOJ, Bill stated they need to spend their funding before the end of their fiscal year (this June 30, 2019).
 3. Bill explained that Delcon would want a deposit to move forward with the project, and he suggested that the TOJ could cover this deposit cost if all three partners (FCWID, TCD & TOJ) were in agreement to help fund this project.
- ii. Sandy Buckstaff emphasized that this automation will give us valuable data to make informed further decisions.
- iii. **ACTION ITEM:** Lance Ash to include this \$7,000 expenditure in the FY 2020 FCWID Budget that will be finalized at our next FCWID Monthly Board Meeting (June 10).
 1. Lance Ash asked if FCWID can spend this money on an asset that we do not own?
 - a. Bill Wotkyns replied that it is a flood mitigation project that FCWID is partnering with and it should be a valid expenditure.
 - b. Lance asked if we need an additional MOU with the TOJ, due to TOJ's ownership of the thaw well? Lance suggested we may need some kind of agreement with the TOJ regarding who gets to decide under certain conditions what a “recipe” looks like to take any action and who will be paying for that action.
 - c. Bill Wotkyns mentioned that currently Brian Remlinger has a key to that thaw well and has the ability to turn that well on or off. Bill expressed his support in having some sort of agreement with the TOJ as we move forward with this project.

VIII. Executive Session Executive Session. *(Alice Widdess left the meeting while an Executive Session took place.)*

- a. Lance Ash made a motion to retire into an Executive Session to discuss action to be taken by FCWID Board on Bill Klyn's property damage; Lexey Wauters seconded the motion; motion passed by a vote of 4-0.
- b. *(Alice Widdess returned to the meeting after Executive Session ended and returned to the public meeting session.)*
 - i. Lance Ash made a motion to end the Executive Session and return to the public session of the meeting; Lexey Wauters seconded the motion; motion passed by a vote of 4-0.
- c. Executive Session Action:
 - i. Lance Ash made a motion to present the following proposal to Mr. Bill Klyn:
 - 1. The FCWID Board agrees to provide financial assistance towards the landscaping repair work for Mr. Bill Klyn's property (located at 560 Dogwood Drive, Jackson, WY) from damages that occurred from creek flooding mitigation during the winter of 2018-2019 subject to the following conditions:
 - a. Mr. Bill Klyn provide to the FCWID Board at least three cost estimates;
 - b. FCWID will fund the greater of 50% or \$2,000 of the lowest of the three cost estimates;
 - c. Mr. Bill Klyn agrees to sign and execute a "FCWID Right of Entry – Hold Harmless Access Agreement".
 - ii. Lexey Wauters seconded the motion.
 - iii. There was no further discussion.
 - iv. Motion passed by a vote of 4-0.

(Bill Wotkyns left the meeting he was attending via conference call.)

IX. Mitigation Projects (Continued from VII above):

- a. **Thaw Wells Report Update** *(Sandy Buckstaff)*
 - i. Sandy Buckstaff inquired if all board members present have had a chance to read the report. Board members present responded that they need more time to review the report.
 - ii. Sandy Buckstaff stated that the conclusion basically states the effectiveness of thaw wells and that FCWID needs to further explore the idea of installing several more in Flat Creek and use them in a carefully coordinated program that relies on things like real-time monitoring. He stated he likes the idea of automating Thaw Well #2 in order to "test the waters" and gather more important data.
 - iii. Discussion took place on how to reduce the amount of water required to run thaw wells.
- b. **Alder Environmental – Final Report & Data Deliverables**
 - i. **ACTION ITEM:** Alice Widdess to ask Alder Environmental if this report can be put on flash drives for Board Member review.
- c. **FCWID Reports on Plans of Action for Mitigation Efforts**
 - i. **Thaw Wells** *(Sandy Buckstaff)*. See IX, a above.
 - ii. **Pathways** *(Lexey Wauters)*. Lexey Wauters reported she has spoken with Brian Schilling, and Pathways have no current plans to elevate the pathways. She stated Brian did ask what FCWID has in mind for elevating pathways to avoid/divert flooding.
 - 1. Discussion took place on various spots along the creek within the district that would need improving (e.g. by Decker's).
 - iii. **Individual Property Owner Mitigation** *(Lance Ash)*.
 - 1. Lance reported that he has had conversations with Hidden Creek Townhome neighbors who live on creek. They are considering using bladders on their properties since there is no equipment access to get to the creek on any of their properties.
 - 2. Lance also emphasized the importance of FCWID resonating their messaging at the upcoming District Member Meeting – making it clear that FCWID is not the financial provider, but exists to support district property owners with ideas for flood mitigation, any required permitting, etc.
 - 3. Creekside Village Condominium's placement of sand bags was discussed as an effective example of action that property owners can take.
 - a. **ACTION ITEM:** Alice Widdess to obtain photos of those sand bags to use in the PowerPoint being prepared for the meeting.
 - iv. **Access Agreements** *(Bill Wotkyns)*. *(Since Bill had left the meeting, this item was not addressed.)*

- v. **Stormwater Treatment** (*Lexey Wauters.*) Lexey reported that the TOJ is getting more focused on stormwater treatment.

X. **Old Business: ACTION ITEMS --**

- a. (*Lance Ash*) Contact Toran Accounting to shift budget line items to conform with amended FY 2019 Budget. **DONE/REMOVE**
- b. (*Johnny Ziem*) Follow up with TOJ on FCWID Requests for Funding **DONE/REMOVE**
- c. (*Bill Wotkyns & Lance Ash*) Specify projects breaking out into line items for FY 2020 draft Budget before May 13, 2019 FCWID Monthly Board of Directors Meeting **REMOVE**
- d. (*Alice Widdess*) Develop current list of FCWID District Members and send to board members to review and identify possible board director candidates **DONE/REMOVE**
- e. (*Alice Widdess*) Scan Sandy Buckstaff's revised Thaw Well report and send to all board members and Alder Environmental **DONE/REMOVE**

- XI. **Adjournment.** Lexey Wauters made a motion to adjourn the meeting; Lance Ash seconded the motion; meeting adjourned at 11:00 a.m.

Respectfully submitted:

Alice Widdess, FCWID Administrative Manager

Alice Widdess

The Minutes have been approved:

W H Wotky *6/10/19*
Chairman Date

Lance Ash *6/10/19*
Treasurer Date