

Flat Creek Water Improvement District (FCWID)
Monthly Board of Directors' Meeting
Monday, October 8, 2018
9:00-10:30 a.m.
Teton Conservation District
420 W. Pearl Avenue, Jackson, WY 83001

MINUTES OF MEETING (Draft)

In attendance: Bill Wotkyns, Sandy Buckstaff, Lance Ash, Franz Camenzind, Joe Burke, Johnny Ziem, & Alice Widdess

- I. **Call to order.** Bill Wotkyns called the meeting to order @ 9:04 a.m. stating that a quorum was present.
- II. **Approval of Minutes: 9/10/18 FCWID Monthly Board Meeting & 9/10/18 TCD & FCWID Joint Quarterly Board Meeting.**
 - a. Lance Ash made a motion to approve the 9/10/18 FCWID Monthly Board Meeting Minutes as presented; Sandy Buckstaff seconded the motion; motion passed with a 3-0 vote.
 - b. Lance Ash made a motion to approve the 9/10/18 TCD & FCWID Joint Quarterly Meeting Minutes as presented; Sandy Buckstaff seconded the motion; motion passed with a 3-0 vote.
- III. **Treasurer's Report (Lance Ash)**
 - a. **Bank Statements & Reconciliation Reports.** Lance Ash stated he had reviewed the statements and reconciliation reports and they meet with his approval.
 - b. **P&L Budget vs. Actual (July 2018 through June 2019).**
 - i. Lance Ash pointed out the report reflected transactions through the end of September 2018; however, the vouchers being reviewed today are not included in the report.
 - ii. Lance stated the Alder Environmental (Brian Remlinger) consulting work is for the oversight of projects and it will be accounted for under the "Private Property Mitigation" line item. He stated that FCWID will be covering the rental of any equipment needed.
 - iii. Lance asked if FCWID has received a check from the Town of Jackson yet. Alice Widdess answered we have not received that check yet; however, an invoice has been submitted.
 - c. **Wyoming Dept. of Audit Proof of Cash Report.** Lance Ash reviewed the purpose of the report and stated Alice Widdess has provided copies of all bank statements to Valerie Linsenmann (Linsenmann & Linsenmann) who will complete the report.
 - d. **ACTION ITEM: Updates on IRS Status for FCWID.** Lance Ash reported no headway has been made yet. He stated he will reach out to Matt Turner, FCWID Legal Counsel.
 - e. **Local Government Liability Pool Memorandum - "Nominations for LGLP Board Vacancies".** Bill Wotkyns stated he is not familiar and does not know any of the nominees in order to complete the nomination form.
 - f. **2018 Joint TCD & FCWID Calendar.** It was pointed out that there will be no election this fall.
- IV. **Approval of Vouchers.**
 - a. Bill Wotkyns questioned why the payment to Toran Accounting was more than usual.
 - i. Lance Ash pointed out Toran Accounting was charging extra for entering the FY 2019 budget into QuickBooks.
 - b. Sandy Buckstaff made a motion to approve the vouchers as presented; Lance Ash seconded the motion; motion passed by a vote of 3-0.
- V. **Introductions and comments from the public.**
 - a. Joe Burke discussed the work completed by Pathways near Garaman Park and asked if any work was accomplished on the nipple that exists in the creek?
 - i. Joe Burke inquired if the pathway work would cause more flooding in Creekside Meadows Condo development area, as he was expecting an elevated pathway and notices the culvert underneath and hopes that water in that pipe doesn't freeze.
 1. Bill Wotkyns reviewed the work, its purpose, and stated that Pathways paid for the work with grant funds, hiring Evans Construction to do the work.
 - ii. Bill Wotkyns pointed out that removal of the nipple will take place next year and that will help prevent flooding.

iii. The corrugated fence project on the south side of the highway that Pathways installed was discussed.

b. Franz Camenzind mentioned the “Trout Friendly Lawns Program” (re: how to treat lawns located next to streams) coordinated by Trout Unlimited and the JH Clean Water Coalition. He suggested the FCWID get linked to their website.

i. **ACTION ITEM:** Alice Widdess to contact the point person for JH Clean Water Coalition to make this happen.

c. Joe Burke discussed the work to be done along Kelly Lockhart’s stretch of Flat Creek that will be done by Wyoming Game & Fish.

d. Bill Wotkyns asked Joe Burke to represent FCWID at tonight’s Candidate Water Forum. Joe agreed.

VI. **Larry Pardee’s Letter of Resignation & Bylaws Procedure for “Vacancy”.**

a. Bill Wotkyns reported the FCWID Board of Directors has received Larry Pardee’s letter of resignation.

i. Lance Ash made a motion to accept the letter of resignation; Sandy Buckstaff seconded the motion; motion passed by a vote of 3-0.

b. Discussion took place on how to replace the vacancy on the FCWID Board.

i. Bill Wotkyns stated we will follow WY State Statute on the replacement.

1. Bill Wotkyns reported he consulted with Matt Turner, legal counsel, to confirm procedure for replacing Larry Pardee, TOJ representative, on the FCWID board. Bill reports that if he hears anything contrary to this procedure, he will report on it.

2. Bill Wotkyns shared his interpretation of how the Statute reads:

a. FCWID board nominates the replacement;

b. That nominee, if elected by the board, would assume the rest of the term of the Director that resigned and caused the vacancy;

ii. Nomination of individual replacements took place:

1. Sandy Buckstaff nominated Johnny Ziem; Lance Ash seconded the nomination; the nomination passed by a vote of 3-0.

iii. Sandy Buckstaff made a motion to entertain the election of Johnny Ziem to the FCWID Board of Directors at the next regularly scheduled FCWID Monthly Board meeting subject to prior approval by the Teton Conservation District Board of Supervisors and the Town of Jackson; Lance Ash seconded the motion; motion passed by a vote of 3-0.

iv. **ACTION ITEM:** Alice Widdess to write letters to the Teton Conservation District Board of Supervisors and the Town of Jackson (Larry Pardee, copying Roxanne Robinson) to inform of the nomination of Johnny Ziem and asking for their approval so that FCWID Board can move forward with an election of Johnny at our next regularly scheduled FCWID Monthly Board meeting.

VII. **Mitigation Projects:**

a. **Alder Environmental LLC –**

i. **Town of Jackson Gravel Bar Dredging/Bank Stabilization work near Berger Lane (\$1,365).**

1. Bill Wotkyns and Johnny Ziem reported that the permits are in hand and the work will begin the first week of November. Alder Environmental will be consulting on the project providing oversight.

ii. **Scope of Services – Flat Creek Winter 2018/2019 Monitoring.**

1. **ACTION ITEM: Bill Wotkyns and Lance Ash to have discussion with Brian Remlinger to go over the Scope of Services voted upon at the 9/10/18 FCWID Monthly Board Meeting.**

a. Bill Wotkyns requested we carry over this action item to the next FCWID Monthly Board Meeting, as he and Lance have not had a chance to have a discussion with Brian Remlinger yet.

b. Lance Ash inquired if we have a signed contract with Alder Environmental on their Scope of Services?

i. Bill Wotkyns replied he has not received anything yet; however, we approved the proposal but have no contact.

- ii. **ACTION ITEM:** Lance Ash and Bill Wotkyns to obtain a signed contract with Alder Environmental LLC.

b. **Wort Ditch Diversion Work –**

i. **Nelson Engineering executed proposal.**

- 1. Sandy Buckstaff made a motion to authorize Bill Wotkyns to sign the agreement with Nelson Engineering whose proposal has been approved; Lance Ash seconded the motion; motion passed by a vote of 3-0.
- 2. Bill Wotkyns reported that Nelson Engineering has provided a rough sketch of the project which has been forwarded to Kelly Lockhart who is busy until November. We will wait until November to move forward with a full-blown engineering design when we have received Kelly's input and approval.
- 3. Sandy Buckstaff reported that he has met with Bob Norton, Nelson Engineering - things are in motion to work on a beginning design and Sandy is providing oversight.
- 4. Franz Camenzind asked when the construction phase would take place and was informed it will happen during the fall of 2019.

ii. **ACTION ITEM: FCWID & Dave Adams to contact Rob Sgroi, Teton Conservation District, on the project to determine if the Wyoming State Engineer's Office could have it within their purview.**

- 1. Bill Wotkyns reported that he has had several conversations with Rob Sgroi on grants for the project, and it would be a "reimbursed grant" with funding being received only after work is completed on the ground.

VIII. **Old Business**

- a. *(Bill Wotkyns)* Contact Kelly Lockhart to review project & contact our FCWID lawyer re: possibility of the FCWID Board voting electronically.
- b. *(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. **Done and remove.**
- c. *(Alice Widdess)* Obtain letter of resignation from FCWID Board from Larry Pardee. **Done and remove.**

IX. **New Business**

- a. Sandy Buckstaff discussed the surface water and stormwater drainage master plan that he worked on years ago. It was prepared in 2001 and had never been scanned – only a hard copy is available.
 - i. He reported that it has now been scanned by TCD and it is posted online.
 - ii. Sandy stated he intends to make the new TOJ Public Works Director aware of the link.
- b. Franz Camenzind asked about the Karns Meadow Environmental Assessment and inquired if FCWID is in contact with the DEQ or Jackson Hole Land Trust on the progress?
 - i. Bill Wotkyns shared that we submitted a list of questions to address in the DEQ Scope of Work.
 - ii. Lance Ash stated we also informed them of the sources FCWID has for mitigating flooding.
 - iii. Franz asked Johnny Ziem about the TOJ cleaning out the settling pond asking where they put the material cleaned out and if it was going to be analyzed.
 - 1. Johnny Ziem reported it is sitting below the shelf on the property and he was not sure what they were going to do with it.
- c. Joe Burke inquired of Johnny Ziem if the bollards on Snow King allow a street sweeper access between the bollards and the curb, as he is concerned about gravel going into Flat Creek.
 - i. **ACTION ITEM:** Johnny Ziem to check with Brian Schilling, Pathways.

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

XI. **Adjournment.** Sandy Buckstaff moved to adjourn the meeting; Lance Ash seconded the motion; the meeting adjourned @ 9:46 a.m.

Respectfully submitted:

Alice Widdess
Alice Widdess, FCWID Administrative Manager

The Minutes have been approved:

<u><i>Bill Wotkyns</i></u>	<u><i>11/12/18</i></u>
Chairman	Date
<u><i>Lance Ash</i></u>	<u><i>11/12/18</i></u>
Treasurer	Date