

FCWID Monthly Board of Directors' Meeting
Monday, January 14, 2019
9:00-10:15 a.m.
Teton Conservation District
420 W. Pearl Avenue, Jackson, WU 83001

MINUTES OF MEETING (Draft)

IN ATTENDANCE: BOARD: Bill Wotkyns, Sandy Buckstaff, Lance Ash, Lexey Wauters; TCD: Tom Segerstrom, Rob Sgroi; PUBLIC: Joe Burke, Franz Camenzind, Cynthia Bardman, Matt Trucco; & Alice Widdess

- I. **Call to Order** – Bill Wotkyns, President, called the meeting to order @ 9:01 a.m.
- II. **Approval of Minutes – December 17, 2018** - Lexey Wauters made a motion to approve the 12/17/18 Minutes of the FCWID Monthly Board of Directors Meeting as presented; Sandy Buckstaff seconded the motion; motion passed by a vote of 4-0.
- III. **Treasurer's Report (Lance Ash)**
 - a. **Bank Statements & Reconciliation Reports** – Lance reported he had reviewed both bank accounts (Operating Checking Acct. & Reserve Acct.) and their reconciliation reports and they meet with his approval.
 - i. Lance made mention of pending deposits that include: \$12,000 from the Town of Jackson; \$240 from the Teton County School District No. 1's assessment; and \$6,120 from general District member assessments.
 - b. **P&L Budget vs. Actual (July 2018 through June 2019)** – Lance Ash explained the P&L Budget vs. Actual in the board packets reflects today's vouchers.
 - c. **Bonding for FCWID Directors & Related Budget Revisions**
 - i. **Bonding for 3 Directors, one being Treasurer, @ \$100,000 in coverage per Director - Plus Additional \$500 for Treasurer – Estimated Cost \$1,550. Current budget is \$2,650 for Liability Insurance and Bonds. Acquiring the above bonding would create a need to increase budget from \$2,650 to estimated amount of \$4,050**
 1. Lance Ash reviewed the current bonding that is in place and the Checklist requirement presented by TCD.
 - a. Discussion took place on \$100,000 bonding for all FCWID check signers.
 - b. Since we are not presently budgeted for this Fiscal Year to pay for this bonding requirement, the Board agreed to address this in March of 2019 when we begin to work on our Fiscal Year 2020 and include this increased expense in the FY 2020 budget.
 - c. Lance pointed out that at the current time he is the only one bonded for receipt of District Member assessments – a requirement by the Teton County Treasurer.
 - d. Joe Burke asked about the bonding for the FCWID "bottom line".
 - i. Bill Wotkyns explained the TCD recommendation for increasing the amount of our bonding and reviewed the background on how this increase came about and pointed out it is a Wyoming Department of Agriculture policy based on our holdings.
 - ii. Lexey Wauters asked what present bonding budget line item covers.
 1. Lance Ash explained.
 2. Lance reviewed our current budget pointed out that the flood mitigation work being done is eating away at it.
 - a. We are waiting for more invoices from Yellow Iron & Fish Creek Excavation.
 - i. Bill Wotkyns guestimates we are getting close to an additional \$7,000-\$10,000.
 - b. Lance discussed flood mitigation expenses and going to the Town of Jackson to request to use some of the \$15,000 in reserve for reimbursement for some of these expenses. That process would involve creating an invoice of some of our aw

expenses along with a request for reimbursement from the \$12,000 reserve the TOJ is holding.

- i. Lance pointed out it would create a neutral position in our budget.
- ii. He also explained that we will have more expenses (e.g. Garaman Park Survey done by Nelson Engineering).

1. **ACTION ITEM:** Sandy Buckstaff to follow up and obtain the invoice for that survey work from Nelson Engineering.

- d. **Resolution: FCWID Statement of Investment Policy** - Lance reviewed the Resolution for an Investment Policy that we adopt each year. Lexey Wauters made a motion to accept and sign the Resolution for the FCWID Statement of Investment Policy; Sandy Buckstaff seconded the motion; the motion passed by a vote of 4-0.
- e. **WYDOA FCWID Proof of Cash Form (sent via Priority Mail on 12/19/18)** – Lance explained the requirement for completion of this form that is based on our annual revenues. He pointed out we used Linsenmann & Linsenmann accountants to complete and submit the form to the Wyoming Department of Audit.

IV. **Secretary's Report** (*Sandy Buckstaff*)

- a. **TCD/FCWID Calendar of Events 2019 updated for year** – Lance Ash suggested two items be added the March 2019 calendar: For March – add follow up on bonding increase of \$100,000 for FCWID check signers for FY 2020 Budget planning and check with Tegeler Insurance that the amount is the same as we were quoted in December 2018; For July – add “implement bonding increase of \$100,000 for FCWID check signers”. **ACTION ITEM:** Alice Widdess to add to TCD/FCWID Calendar of Events for 2019 and send to Sandy Buckstaff for his review.

V. **Approval of Vouchers** – Lexey Wauters made a motion to approve all vouchers as presented; Sandy Buckstaff seconded the motion; motion passed by a vote of 4-0.

VI. **Introductions for the public**

- a. Matt Trucco introduced himself as a neighbor of Joe Burke and expressed his interested in what’s forming outside his property on the creek. He stated he wants to hear the plan and process that is occurring. He also expressed that, on a broader scale, he has become active in the water quality issues discussed by FCWID – specifically about waterways in the valley and the work taking place with various agencies in the know (e.g. are there resources that would help?) Matt gave a brief background about himself – he grew up down Green Lane where his folk’s property backs up to the Snake River. He noticed algae forming and it peaked his interest. He’s interested to knowing what best practices can be taken and gaining education on these.
 - i. Bill Wotkyns thanked Matt for his interest and asked people seated at the table to introduce themselves.
 1. Joe Burke introduced himself.
 2. Franz Camenzind introduced himself as a visitor, thanked Bill Wotkyns for the work and efforts he’s been putting in recently; and wanted to thank the TOJ (Johnny Ziem) for helping provide sand bags to protect properties. He suggests it would be helpful for FCWID to re-evaluate what we are doing and establish a long-term goal – asking are we approaching it? If not, do we need to make adjustments? He requested to discuss this more later on in the meeting.
 3. Lexey Wauters explained she lives in the Flat Creek Condos and thanked Matt Trucco for reinvigorating the topic of the quality of water as it is part of the FCWID mission. She thanked Franz for voicing the need for long-term goals and stated just having Bill Wotkyns out there on the creek during these floods doesn’t make us sustainable.
 4. Lance Ash introduced himself as Treasurer of FCWID who tries to keep our financial affairs in line.
 5. Bill Wotkyns introduced himself as the Chairman. Bill encouraged Matt to work with Lexey on water quality implementation. He suggested that Matt visit our website (www.fcwid.org) to learn more about us and learn our history and asked Matt for his interest and help.

- b. Cyndie Bardman introduced herself as an environmental consultant who works with APEX. She was a resident of Jackson for a year and recently moved to Bondurant, WY. She expressed a desire learn more about what we do, the issues we encounter, and how she can use her knowledge to help, explaining she has worked with over 800 scientists. She was involved with looking at the Flat Creek project south of town on the Lockhart Ranch; however, her company decided not to bid on it.
- c. Rob Sgroi, TCD Land Resource Specialist introduced himself. He expressed his main interest is gauging where FCWID is at with their current and future projects and determining how TCD can support FCWID needs through programs – (e.g., the Small Water Project Program; Teton County Emergency Management plan and its revision).
- d. Tom Segerstrom introduced himself as Executive Director of TCD and explained the FCWID is set up under the TCD. He explained the TCD deals more with water quality than FCWID does and explained some of the projects TCD has done in regard to water quality. Tom pointed out the TCD goal is to work on the flooding with the goal of rising above impairment of Flat Creek within the next 5 years.
- e. Sandy Buckstaff introduced himself as FCWID Secretary and former TOJ Engineer. He addressed the first project the TCD undertook on water quality was the street runoff occurring from stockpiled snow on the rodeo grounds where a filtration unit was installed to keep silt and debris from running offsite into the creek.

VII. Mitigation Projects (*Bill Wotkyns*)

a. Current Conditions on Flat Creek and Flooding Status

- i. Bill Wotkyns reported on current conditions on Flat Creek: There have been 4 structures in play at this point with track hoes having to dig and break up ice to prevent flooding – Bill Klyn’s property on Dogwood; Peggy Douglas’s property on Stacy Lane; Creekside Village Condominiums; Decker’s Automotive. Bill noted that the pathways are a mess; however, because there are no structures involved, it is not an immediate concern. He expressed concerns about area down by Smith’s where the water in the creek has become almost level with the bike path. Three excavation companies have been hired: Mountain X Excavation, Fish Creek Excavation, and Yellow Iron Excavating. Bill estimates their invoices will collectively total close to \$10,000.
 - ii. Bill expressed a desire to provide as much flood mitigation as possible in order to protect properties, mentioning this requires total monitoring of the creek and when necessary we call in the equipment.
 - iii. Bill stated in addressing Franz’s comment about establishing long-term goals, “This isn’t it”. He expressed his frustration, stating there is no sustainability and expressed the concern that the District may fold in about 12 months unless we get people to step up and participate.
 - iv. Joe Burke suggested FCWID do more outreach to get more stakeholders on board in the designated four choke points. He pointed out his observation of big chunks forming that could cause damage and asked, “At what point should we get aggressive when these big chunks begin to form and go into the creek to remove them?”
 - v. Bill Wotkyns stated to the board members that if they don’t have the time to participate to help Bill with these emergency mitigation efforts, they should find a stakeholder to step up and help.
- b. Lexey Wauters pointed out that as she looks at the FCWID budget, the FCWID has spent a great deal of money on research and we should expect that those expenditures will decrease if not go away. She feels we need take a look at how to set up an ongoing monitoring and response system.
- i. Bill Wotkyns pointed out the liability problem with using non-board member stakeholders to call in excavators.
 - ii. Lexey expressed the need to set up a chain of events that fits in with the liability issue where the FCWID board members are the only “activists” and create more sustainability.
 - 1. Bill Wotkyns agreed the current actions are not creating a sustainable District; however, he stated, “we signed up for it”. He pointed out the need to obtain more partners and more funding to use to “fix” things (e.g. working with Pathways to build a dike and the possible installation of more thaw wells). He stressed the need to think more strategically vs. in a reactive mode.

2. Matt Trucco inquired if we have expertise from the TOJ & Teton County. Bill Wotkyns pointed out that we've been working with the expertise and funding from TCD and TOJ and we are aware of where and what the problems are.
- c. Franz Camenzind pointed out he sees the FCWID work broken into two parts:
- i. One is the reactionary part we've been doing for four years;
 - ii. The other one goes back to our mission statement - prevent the flooding from happening in the first place and mitigate damage to District properties along the creek.
 1. He suggested identifying where flooding occurs and taking mitigating action, putting some responsibility on the District landowners (individually and through their HOAs) – working with them to advise on remedies (e.g. berms, landscaping), helping them get permitting (if required), etc. To accomplish this, and instead of spending more money on research, he suggested FCWID take that money (e.g. \$30,000/year) and hire a part-time person who is point on getting things accomplished with landowners (e.g. talking with them/and their HOA on remedies that can take place on properties and coordinating to get action taken). Franz stated that research has pointed out where the problems are, but now we need to invest funds into doing something about it.
 - a. Discussion took place:
 - i. What has research uncovered? It has helped to point out where the problems are; and now there's a need to focus on where we can get funding for pragmatic mitigation.
 - ii. Matt Trucco inquired about the history of the creek over the last 40 years and what has changed, if anything.
 - iii. Sandy Buckstaff pointed out that people built structures in the flood plain.
 - iv. Franz again pointed out that if the property owners are being threatened by flooding, then the property owners should be involved in solving the problem by working with FCWID on mitigation. Landowners need to be educated on mitigation solutions that they invest in to protect their own property. Franz expressed FCWID needs better communication with its District members telling them who we are and what our limits are.
 - v. Joe Burke suggested we need a more aggressive approach earlier in the season, beginning downstream and working our way upstream.
 - vi. Cyndie Bardman inquired how the Army Corp feels about the flooding problems on Flat Creek. She cited grants available for emergency funding.
 1. Rob Sgroi replied explaining the state grants that are available to assist in preventing emergencies.
 2. Lexey Wauters responded with the research and communications she had with James Bauchert, EWP Program Manager in Casper, WY, about obtaining assistance for FCWID. She stated this might provide some solutions to the funding concern. **ACTION ITEM:** Alice Widdess to find email thread and forward to Lexey.
 3. Cyndie inquired if there are grant writers in the TCD that could assist. Tom Segerstrom responded on limitations the TCD has in providing grant writers for the FCWID.
 - vii. Sandy Buckstaff stated that what he is hearing from this discussion is to move from research to the monitoring and response. He agreed that it would involve a part-time employee for FCWID – either using someone from FCWID or someone from the TOJ. He sees that with an advance to mitigation objectives, these three things come to mind to explore: 1)

installation of additional thaw wells; 2) installation of additional berms; 3) removal of impediments, specifically the rock weirs and the diversion project.

1. Bill Wotkyns disagreed about the removal of the rock weirs, pointing out that the only places where we have shelf ice are where the current rock weirs are located.
 2. Sandy Buckstaff expressed perhaps we need a combination of rock weirs and berms in some areas.
- d. **ACTION ITEM (stated by Bill Wotkyns):** The FCWID Board will re-evaluate its goals and at the February 11th Monthly Meeting and each board member will take a “lofty” role with high expectations on how to accomplish these goals.
- e. **Alder Environmental LLC** - Bill Wotkyns informed the Board that on Saturday, January 12th, he hired Adler Environmental LLC to monitor the track hoe by Smith’s because he could not find another board member who was available. Bill pointed out we will be receiving an invoice from Alder for this oversight work.
- f. **Diversion Project** - Bill Wotkyns stated he has called and left messages for Kelly Lockhart and has not heard back. Bill summarized that Kelly wants a bank to bank diversion which is too expensive for FCWID and would involve acquiring more easements from the opposite side of the creek landowners.
- i. Discussion took place re: Pathway @ Garaman Park – suggesting elevating the pathway to let water run underneath. Sandy mentions that if the pathway is elevated through Garaman Park, consideration should be given to re-route it to the South East through National Forest Land. Franz Camenzind mentioned other option of simply elevating the existing pathway and let water flow under it and freeze. The elevation project involves pressuring the Parks and Recreation Department along with Pathways to get the project completed.

VIII. New Business

- a. **Jordon Epstein Agreement – Hidden Ranch - EMERGENCY ACCESS AGREEMENT SPECIFIC TO ONE PROPERTY OWNER**
- i. Bill Wotkyns summarized the Agreement that has been documented with Jordon Epstein, property owner on Hidden Spur Lane (a common driveway) located in Hidden Ranch that is a pathway entrance. Mr. Epstein claims that it is not subject to a valid easement, and he has hired an attorney with intentions to taking the matter to court. Bill worked with the FCWID attorney, Matt Turner, to get an Agreement written that is now in Mr. Epstein’s hands.
 - ii. Lance Ash responded with changes suggested. **ACTION ITEM:** Lance to make changes to the document that defines “license”.
 - iii. Bill asked the Board for a vote to give him permission to sign on behalf of the FCWID.
 1. Lexey Wauters made a motion to accept the Agreement with the noted amendments as identified by Lance Ash and authorize Bill Wotkyns to sign on behalf of FCWID; Sandy Buckstaff seconded the motion; motion passed by a vote of 4-0.
- b. **Kaz Hashimoto property damage due to track hoe access**
- i. Bill Wotkyns explained track marks that are causing water to get into his crawl space. Kaz is looking for FCWID to pay for damage done.
 - ii. Sandy Buckstaff replied that we do not want to remove the telephone box, as the telephone company wants \$10,000 to accomplish. Sandy suggested we can do a simple thing like setting cement blocks. Would we need permit? Discussion took place by the Board. Bill Wotkyns suggests we look at this project and need to proceed to get something done.
 1. **ACTION ITEM:** FCWID needs to look further into this project.
- c. **Sandy Buckstaff inquired if it benefits the District for him to grant an access easement to the creek over his property.**
- d. **Tom Segerstrom reported on the Stormwater Bill currently before the state legislature that allows the TOJ to assess businesses.**

IX. Old Business

- a. **ACTION ITEM:** (Bill Wotkyns & Lance Ash) See “III, d” above. *Done and remove.*

- b. **ACTION ITEM:** (Alice Widdess) Obtain bonding costs clarification from Pam Davidson, Tegeler Insurance (See "III, c" above) *Done and remove.*
- c. **ACTION ITEM:** (Johnny Ziem) To talk to Parks and Rec and Pathways about providing proper signage for flooding areas on pathways *Carry forward to next meeting.*

X. **Executive Session** – None was required.

XI. **Adjournment** – Lexey Wauters made a motion to adjourn; Sandy Buckstaff seconded the motion; meeting adjourned @ 10:14 a.m.

Respectfully submitted:

Alice Widdess, FCWID Administrative Manager

Alice Widdess

The Minutes have been approved:

W. H. W. H. T. H. Y.
Chairman Date

Lynn A. L. 2/11/19
Treasurer Date