

Flat Creek Water Improvement District (FCWID)

Board of Directors Meeting

Monday, August 3, 2015

9:00 a.m.

First Interstate Bank

802 W. Broadway

MINUTES OF MEETING (Draft)

*(In attendance: From FCWID: Bill Wotkyns, Franz Camenzind, Lance Ash, Missy Falcey, Larry Pardee, Alice Widdess;  
From Public: Joseph Burke, Mike Welch; From JH News & Guide: Mike Koshmrl, Environmental Reporter*

I. Meeting was called to order @ 9:07 a.m.

II. July 6, 2015 Meeting Minutes

- a. Motion to approve minutes made by Missy Falcey; Larry Pardee seconded the motion. Minutes approved.

III. Voucher Report

- a. FCWID Treasurer, Lance Ash, reviewed vouchers.
  - i. Modification made to Mullikin, Larson & Swift LLC to change the amount owed to \$427.50.
  - ii. All other vouchers reviewed were set for approval.
- b. Motion to approve all vouchers as reviewed made by Franz Camenzind; Larry Pardee seconded the motion; Vouchers approved.
- c. Lance Ash reported on payments for expenses vs. reimbursements procedure as stated by Wyoming Special District Handbook, and informed the board that a credit card is being obtained through First Interstate Bank to use for these expenses.
  - i. Bill Wotkyns, FCWID chairman called for a vote; Majority vote obtained to approve securing a credit card through First Interstate Bank.

IV. Budget and Bank Account Reconciliation

- a. Lance Ash stated he has reviewed the bank account and its reconciliation and it meets his approval.
- b. Discussion, headed by Lance Ash, ensued re: QuickBooks breakdown of expenses revised reports.
  - i. **ACTION ITEM:** Bill Wotkyns suggested bringing several QuickBooks report options to the next meeting for the board to decide which report would be best to use.

V. MOU (Memorandum of Understanding) AGREEMENT – TCD & FCWID with Tom Campbell's and Dave Adams' comments via email.

- a. Discussion ensued citing the redlined draft Agreement.
  - i. Bill Wotkyns pointed out the Tom Campbell's and Dave Adams' comments come from concerns of how the flooding has been dealt with in the past (i.e., use of track hoes in the creek).
  - ii. Missy Falcey questioned the language in the draft Agreement and the role of FCWID to make decisions, especially in the case of an emergency.
    1. She pointed out the need for something verifiable, like a checklist created and put into the draft Agreement, where funds will be allocated when needed.
    2. Larry Pardee pointed out we have always been a day or two behind dealing with past experiences with creek emergencies.
    3. Franz Camenzind questioned why the FCWID was formed in the first place by the TCD, and how can be effectively responding to an ice emergency?
  - iii. Discussion of "access" vs. "eminent domain" took place. Bill Wotkyns pointed out all the FCWID wants is access; however, as per the State of Wyoming, FCWID is also granted eminent domain.
    1. Larry Pardee stressed a caveat to consider regarding access – that for the future, if we need to drill more wells, we must get easement on private property; and if we are not given a permanent easement, we are challenged.

2. Franz Camenzind stated that the FCWID board does not want to go on record as desiring eminent domain – we simply want to have access for flood mitigation purposes.
- iv. Lance Ash shared his suggested re-write of Section 4 in the draft Agreement:
  1. “4. Responsibilities of the WID.
    - A. “Prior to incurring any single “Non-Emergency” expense greater than \$10,000, the WID shall notify and receive formal approval from the TCD, which approval shall not be unreasonably withheld. Non-Emergency expense shall be defined as any expense that is not associated with emergency flood prevention or control.
    - B. Prior to incurring any expense for emergency flood prevention or control, the WID shall notify and receive formal approval from the TCD, but only when the WID is requesting financial aid from TCD to fund such expense or expenditures.”
- v. Discussion continued addressing a termination date for the draft MOU Agreement.
- b. Motion was made by Franz Camenzind for the FCWID to go back to our legal counsel to resolve the following things in the draft MOU amicably with the TCD: Emergency Funding; Termination date; Concern of going into the creek with equipment; Motion seconded by Missy Falcey; Motion passed.
  - i. **ACTION ITEM:** Bill Wotkyns to confer with Matt Turner, FCWID Legal Counsel, on revisions to the MOU draft Agreement and create a formal letter to the TCD clearly stating the position of FCWID.

## VI. FCWID Election of Officers, November 3, 2015 – Updates

- a. Bill Wotkyns reported on updates discussed at the TCD-FCWID Quarterly Joint Board Meeting held July 24, 2015.
  - i. The TCD will be responsible for the election of the two (2) FCWID directors who will each serve a 3-year term (currently the FCWID Secretary and Treasurer serve only a one-year term, and these directors’ terms end this year).
  - ii. TCD published a proclamation in the *JH News & Guide* on July 22, 2015.
  - iii. FCWID is to request a ‘qualified elector list’ from the Teton County Clerk by 10/4/2015, so that the TCD can move forward with mailing of ballots.
  - iv. Alice Widdess and Emily Hagedorn are to meet to discuss election responsibilities and forward these discussions electronically to TCD staff and FCWID.
  - v. The FCWID will take charge of finding the candidates by August 25, 2015, as well as filing the candidates with the Teton County Clerk.
    1. Larry Pardee made a motion for Missy Falcey and Alice Widdess to work on placing an 1/8 page ad in the *JH News & Guide Weekly* to appear 8/12 & 8/19, and, in addition, create a postcard mailing to district members recruiting and communicating the FCWID is looking for director positions each with the term of three years. Motion was seconded by Franz Camenzind. Motion passed.
    2. **ACTION ITEM:** Missy Falcey and Alice to place ad, approved by FCWID & TCD legal counsels, in *JH News & Guide Weekly* – 8/12 & 8/19; and prepare postcard mailing to FCWID district members.

## VII. Outreach for Creek Mitigation – Updates

- a. Dr. Ettema & Dr. Ed Kempema, Tetra Tech, outreach.
  - i. Bill Wotkyns and Missy Falcey reported on their conversations with these two professors from University of Wyoming.
    1. The professors expressed a need to come to gather data during a flooding event and referred to Flat Creek situation as a “We are in a frontier of ignorance”. They discussed three ways to mitigate: 1) Limit the amount of water that comes into the system (reservoir?); 2) stream morphology – change the dynamics of the stream; 3) hot water; 4) track hoes; 5) booms that crack the ice.
      - a. Franz Camenzind suggests they come in January to observe.

- b. Bill Wotkyns suggest the FCWID send photos, and encouraged all board members to individually build a log of photos noting dates on photos for data building.
    - c. It was agreed that the FCWID should not pay for the professor's visit, and that it should be their own investment.
  - b. Tom Wesche outreach.
    - i. Bill Wotkyns reported that he spoke with Tom Wesche who has hydrology models of the creek. **ACTION ITEM:** Bill Wotkyns will contact Tom Wesche in mid-September to follow up obtaining his expertise for creek mitigation.
  - c. Bob Norton outreach.
    - i. It was reported that Carlin Girard was to speak with Bob Norton. **ACTION ITEM:** Bill Wotkyns will follow up with Carlin Girard, TCD, on outreach to Bob Norton.
  - d. **ACTION ITEM:** Franz Camenzind and Larry Pardee were tasked to write an outline of strategy for what needs to take place in an emergency situation along the creek.
    - i. **Property Owner Agreements:** Discussion ensued regarding review of Shawn O'Malley identifying entry points, and that FCWID needs to get property owner agreements in place.
      - 1. **ACTION ITEM:** Bill Wotkyns to work with Matt Turner, Legal Counsel, on formatting an agreement. (Larry Pardee points out that Audrey Cohen-Davis has a basic agreement that might be a springboard for one Bill Wotkyns and Matt Turner develop).
      - 2. Lance Ash pointed out the importance of recognizing property owners across from these access points along the creek, and obtaining their permission, as well.
      - 3. Larry Pardee emphasized the importance of remaining pro-active with property owners.
      - 4. Joe Burke asked if there was ice removal at an upstream owner's location on the creek, if he, as a property owner, would be liable for any damage that occurred down stream, that caused damage.
  - e. **ACTION ITEM:** Larry Pardee was asked to share any data collected on creek mitigation by Town of Jackson Engineering department.

#### VIII. Teton County Funding – Updates.

- a. Larry Pardee reported on conversations he has had re: earmarking of emergency reserve funds for the FCWID.
  - i. He reported meeting with Alyssa Watkins, Teton County Administrator for Board of County Commissioners. She states the TC position: If emergency flooding occurs, the FCWID should come to Teton County for funding.

#### IX. Private Property Protection along Flat Creek – Updates

- a. Franz Camenzind gave update on temporary solutions to Flat Creek properties endangered by flooding.
  - i. He spoke with Shawn O'Malley on re: ditches, etc.; however there is no data collected to date.
  - ii. He reached out to Rich Ochs, and reported on the 2010 Emergency Plan which does not address flooding/ice issues. Teton County is presently working on updates to the plan, and Franz will proceed to stress the importance of including the flooding/ice issues in the current plan.
  - iii. **ACTION ITEM:** Franz will attend current meetings on the current Emergency Plan and will report updates to the FCWID board; Franz will also invite Rich Ochs to one of our FCWID monthly board meetings.
    - 1. Bill Wotkyns expressed the importance of developing the Teton County Emergency Plan as it relates to FEMA, and stressed the importance of the Nixle emergency reporting.

#### X. Independent Contractor Agreement for Alice Widdess, FCWID Administrative Manager

- a. Alice Widdess presented a draft of her Independent Contractor Agreement to the board, explaining the requirement of the Wyoming Special District Handbook.
- b. **ACTION ITEM:** Alice Widdess to send electronically to Matt Turner, FCWID Legal Counsel, for his peruse and edits, copying Bill Wotkyns, and then present to the board at their next monthly meeting for approval.

**XI. FCWID Website Updates**

- a. Bill Wotkyns reports that two bids for FCWID website and maintenance have been received:
  - i. Jason Lewis’s bid included an intern who would assist and came in at \$195 initial set up charge plus \$10/month maintenance and training.
  - ii. Lisa Delaney’s bid included an online software – Word Press – and came in at \$50/month – no set up charge.
    - 1. Missy Falcey moved that FCWID enter into a contractual agreement with Lisa Delaney for 12 months of service; Larry Pardee seconded the motion; Motion approved.

**XII. Record Keeping Requirements (Wyoming Special District Handbook (WSDH) – note pages 1-6)**

- a. Alice Widdess reported she has been working with FCWID Treasurer, Lance Ash, and Emily Hagedorn, TCD, on the requirements stipulated in the WSDH; also that she is working with Emily Hagedorn to produce a draft policy and checklist for FCWID record keeping.

**XIII. New Business**

- a. Joe Burke reported to the board on the amount of water that has existed in the creek this summer, and the effect it is having on the willows located close to the creek near Willow Park Townhomes.
  - i. With the higher water level, it is cutting around the willows and the bottom of the creek has risen, as well.
  - ii. Joe Burke asks what steps can be taken to protect private property, like his?
    - 1. Should the holes that are being created be filled in behind the trees?
  - iii. Bill Wotkyns suggests Joe Burke’s HOA wait until next year to address this situation; and in the meantime, action must be taken by individuals.
  - iv. Larry Pardee reminded the board and Joe Burke that Shawn O’Malley, TOJ Engineer, must be notified on anything that affects the flood plain.
- b. Bill Wotkyns announced that he wants to work with the Town Council to lobby and get approved structures removed from the creek.
  - i. It was pointed out that one of the greatest successes with putting equipment in the creek has been in the area of Karns Meadow, where it has been transformed and the effects have been improved trout habitat and riparian through the meadow.
  - ii. Franz Camenzind made a motion for Bill Wotkyns to work with the Town of Jackson to explore all possibilities prior to the removal of the structures throughout Karns Meadow.; motion was seconded by Missy Falcey; motion passed.
- c. Garaman Pathway project was brought up by Mike Welch.
  - i. Bill Wotkyns reported that he has reached out to Scott Pierson on the raising of the pathway in that area, due to ice and flooding.
  - ii. **ACTION ITEM:** Bill Wotkyns is gathering more information and will report at the next FCWID meeting. Joe Burke and Bill Wotkyns will look into obtaining grant money from Teton County, and will meet with Randy Williams, Brian Schilling and Shawn O’Malley.

**XIV. September 2015 meeting will take place on Monday, September 14, since the first Monday in September happens to be a holiday – Labor Day**

This will be considered a “Special Meeting”, since it will occur on the second Monday in September, and appropriate notice will be put on the *JH News & Guide* calendar.

Respectfully submitted:

Alice Widdess, Administrative Manager  
FCWID

Alice Widdess

**The Minutes has been approved:**

[Signature] 9/14/2015  
Chairman ~~Lee~~ Chair – Date

[Signature] 9/14/15  
Treasurer Date