

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

MINUTES OF MEETING

In attendance: FCWID BOARD: Bill Wotkyns, Lance Ash, Sandy Buckstaff, and Lexey Wauters; TCD: Tom Segerstrom and Carlin Girard; PUBLIC: Joe Burke, Franz Camenzind, and Kelly Lockhart; FCWID: Alice Widdess

- I. **Call to order.** The meeting was called to order by Bill Wotkyns, FCWID Board President at 9:07 a.m.
- II. **Approval of Minutes: 12/11/17 FCWID Monthly Board of Directors' Meeting; 12/11/17 TCD-FCWID Quarterly Joint Board Meeting.**
 - a. 12/11/17 FCWID Monthly Board of Directors' Meeting Minutes: Lance Ash made a motion to accept these Minutes as presented; Sandy Buckstaff seconded the motion; motion passed by a vote of 4-0.
 - b. 12/11/17 TCD-FCWID Quarterly Joint Board Meeting Minutes: Lance Ash made a motion to accept these Minutes 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 Ash stated he had reviewed the FIB bank statements for the month, and they meet with his approval. He offered to take questions from those present.
 - i. Joe Burke inquired if there are any outstanding tax payments that exist? Lance Ash and Bill Wotkyns reported that there was one outstanding tax payment that we received, and we are where we were last year on the collection of FCWID District tax payments, as verified by the monthly reports we receive.
 - ii. Joe Burke asked if \$240 will stand for the District tax assessment, or will it be notched down as previously discussed by the board?
 1. Discussion took place on the process required to change the amount of the District tax assessment. Franz Camenzind inquired at what point would FCWID need to inform Teton County, if the assessment amount were changed?
 - a. Lance Ash reported that by July 1, 2018, we are required to report to Teton County the District assessment amount and a list of who will be taxed that amount.
 - b. **ACTION ITEM:** Sandy Buckstaff to check the JOINT TCD-FCWID Calendar for 2018, and report back to the board on the process required and deadline date.
 - c. **ACTION ITEM:** Bill Wotkyns to add this topic to FCWID Monthly Meetings Agendas in April and May for discussion.
 - b. **P&L Budget vs. Actual (July 2017 through June 2018).** Lance Ash reported we are currently on track with our budget.
 - i. Lance pointed out when we receive the invoice for Dr. Kempema's trip to Jackson, we will be running out of funds on that budget line item for consulting services.
 1. Discussion took place on how to handle this budget-wise.
 - a. **ACTION ITEM:** Bill Wotkyns to request an invoice, as soon as possible, from Dr. Kempema for his Jackson trip expenses.
 - b. Lance Ash suggested we consider allocating funds from the budget legal line item.
 - c. Lexey Wauters pointed out that Dr. Kempema had proposed an amount of \$4,600.
 - d. Franz Camenzind asked, "How many total days was Dr. Kempema here?" Bill Wotkyns responded 2 ½ days.

- e. Lance stated the Dr. Kempema's hotel reimbursement to Bill Wotkyns is not reflected in this month's P&L and will appear in the next meeting's P&L.
- c. **Statement of Investment Policy for 2018.** Lance Ash explained that the FCWID board must approve their Investment Policy every year. The 2018 Statement of Investment Policy (same as 2017 Statement of Investment Policy, only with year changed) was presented by Lance Ash. Sandy Buckstaff made a motion to approve and accept; Lance Ash seconded the motion; motion passed by a vote of 4-0.
- d. **Joint TCD & FCWID Calendar – 2018**
- IV. **Approval of Vouchers.** Lexey Wauters made a motion to accept and pay the vouchers as presented; Sandy Buckstaff seconded the motion; motion passed by a vote of 4-0.
- V. **Introductions and Comments from the Public.**
 - a. Joe Burke asked if there is any chance the District Tax Assessment amount could increase?
 - i. Bill Wotkyns answered that there is a good chance the amount could come down, unless there is some unforeseen disaster that occurs.
 - b. Franz Camenzind made two inquiries:
 - i. Has FCWID heard any more information on the Flat Creek Overlay projects?
 - 1. Lexey Wauters pointed out it will be discussed later in the meeting when she gives updates on the meetings that have taken place on the stormwater collection and conveyance system.
 - ii. Would FCWID be interested in involvement in the Karns Meadow/pathways development discussion which is coming up at a Teton County – Jackson Parks & Recreation Department Advisory Board Meeting taking place this coming Thursday, January 11th @ 5:00 p.m.?
 - 1. Bill Wotkyns stated he felt this would be of interest to the FCWID, as some of the rock weirs were designed to push water into Karns Meadow, and they could impact the weirs and the pathways with flooding in certain areas as well as berms that restrict the creek flow.
 - 2. Franz reported that he will be attending this meeting, and he offered to report back to the board on details.
 - 3. **ACTION ITEM:** Franz Camenzind to send the Agenda for this meeting to Alice Widdess who will forward it to all FCWID board members.
 - c. Kelly Lockhart thanked the board for continuing to send him agendas of the FCWID monthly meetings which he reviews. He expressed that he has had the intent to attend more meetings, as he feels it is important that we continue to talk and have good relations.
 - i. High School Road Thaw Well: Kelly acknowledged that he was contacted in the fall by FCWID re: monitoring that thaw well; however, he has been out of town.
 - 1. Bill Wotkyns mentioned that FCWID went ahead with a decision about that monitoring request.
 - ii. Kelly asked if FCWID is receiving income in addition to the District Tax Assessments?
 - 1. Bill Wotkyns addressed the question, answering that we have two addition income sources: The Town of Jackson (\$12,000/year) and the TCD, which funds support for studies that are taking place on Flat Creek (Alder Environmental, LLC & Dr.'s Kempema and Ettema's studies).
 - a. Tom Segerstrom added that this winter the TCD supported FCWID with \$31,000 for studies, while the FCWID builds its reserve funds to eventually cover its own expenses related to this.
 - 2. Kelly expressed great interest in these studies and potential mitigation efforts along with the storm water collection and conveyance system improvements, since storm water continues to flow in Flat Creek. As a neighbor of the District, Kelly has interests and concerns in all efforts because it affects upstream and downstream reaches. He mentioned he continues to work with Game & Fish on issues for his property.
 - iii. Kelly Lockhart inquired who is in charge of flipping switches on the thaw wells, asking if it was the Town of Jackson or FCWID?

1. Bill Wotkyns answered it is both entities that determine; however, the Town of Jackson has the ultimate authority to turn the thaw wells on or off. Bill elaborated on the process.
- iv. Kelly Lockhart stated Flat Creek has run high all winter this year. He inquired if there is a pathway plan for the flooding that has been occurring.
 1. Bill Wotkyns gave updates, stating there are two projects underway: 1) location is above the headway at Lockhart's property where pathways will elevate the pathway. The project went out for bid, but the bids came in too high. Bill explained that it would go out for bid again this spring where they hope to get a bid that aligns with their present budget; 2) location is by the tunnel under Highway 89 where this spring they are installing permanent flood fencing to keep water in the wetlands and away from flowing into the tunnel.
- v. **ACTION ITEM:** Bill Wotkyns suggested Sandy Buckstaff set a meeting date with Kelly Lockhart with two of the FCWID directors in order to review and update where our mitigation efforts are at.

VI. Mitigation Projects

a. Dr. Kempema's visit to observe Flat Creek last week & existing creek conditions.

- i. Bill Wotkyns summarized what occurred and was observed by Dr. Kempema on the creek during Dr. Kempema's visit from Monday to Wednesday.
 1. On Monday @ 4:00 p.m. there was very little anchor ice and ice dams.
 2. 40 hours later there were 38 ice dams occurring.
 3. Put track hoe in the creek.
 4. Creekside Condos flooding occurred to within 9' of foundations.
- ii. Sandy Buckstaff inquired what the Yellow Iron Invoice will be, since last year it was \$700.
 1. Bill Wotkyns replied it thinks it will be around \$1,000.
- iii. Joe Burke expressed his concern with the rock weirs and where the dams appear. He asked if that drop by Creekside Condos becomes a choke point?
 1. Bill Wotkyns commented on the increased water flow occurring this year (almost 50% more than in a "typical" year) that causes higher dams. He expressed that Dr. Kempema will respond with details in his study from this recent trip.
 2. Franz Camenzind reported that there are willows that have fallen into the creek and are lying on the water (not in the water), where in the past an ice shelf has formed. This year, perhaps due to the velocity with increased water flow, there was no ice dam. He inquired if we removed some of the rocks in the weirs, if it would help to maintain the velocity of the creek and result in less ice damming?
- iv. Discussion took place on other mitigation efforts (e.g., installing berms, working more closely with HOAs, etc.).
 1. Bill Wotkyns encouraged the FCWID Directors to pick their location to observe (perhaps identifying 5 locations) and then present their observations and possible solutions for those locations to find a workable one.
 2. Carlin Girard pointed out the advantages of having a third party (e.g., Dr. Kempema) making these site visits and addressing the mitigation solutions that are needed. He also suggested pointing out these 5 locations to Dr. Kempema for his next visit to find out specific solutions for those areas.

b. SPET Funds for Master Plan Downtown Storm Water Collection & Conveyance System Improvements (Lexey Wauters) **ACTION ITEM from 12/11/17**

i. Updates on meeting set up by Lexey Wauters with various concerned entities.

1. Lexey Wauters summarized the two meetings that have taken place (since the last FCWID Monthly Board Meeting) with various stakeholders - In December: Len Carlman (Snake River Fund), Carlin Girard (TCD), Tom Segerstrom (TCD), Max Ludington & Hal Hutchinson (Legacy Works), Larry Pardee (TOJ) and Lexey Wauters (FCWID) met; In

January (this morning before the FCWID Monthly Meeting) the group met again discussing:

- a. The need to issue an RFP (Request For Proposal) that addresses the planning and process for the Historic Cache Creek Flow Path and a specific area in the Town of Jackson.
 - b. Looking at other towns (e.g., Durango, CO) to find out how they addressed the storm drainage project (the process and the stakeholders involved) was addressed.
2. Lexey reported that at this morning's meeting research was shared, and they are moving forward with developing an RFP that is, basically, modeled after the format used in Durango, CO to save on legal fees.
 3. She pointed out the 2010 SPET tax language contains specifics for expenditures, and those govern the development of a mitigation plan along with the building of the RFP, so that it addresses a broader issue, dovetails into the creations of revised LDRs, and creates an actionable plan going forward.
 4. Sandy Buckstaff pointed out when he left his position as TOJ Town Engineer, there was a \$1M grant from the State of Wyoming in hand to go towards storm water infrastructure improvements, as well as ample funds in the Town's Sewer and Water Utility Fund, which could have taken care of the 2000-2001 Gregory Lane sewer and water situation.
 5. Bill Wotkyns pointed out that Larry Pardee may be our next Town Manager and it may be announced at tonight's Town Council Meeting. Bill points out this will affect the FCWID board, since Larry is currently a Director.
 - a. **ACTION ITEM:** Lance Ash to look into what changes will be needed to the FCWID board, looking at State Statutes for that Director position replacement.
 6. Tom Segerstrom pointed out the following two next steps from the stakeholder group:
 - a. Obtaining names and contact information of experts that were consulted for the Durango, CO RFP;
 - b. Obtain a timeline from the TOJ for the action plan to move forward on the use of these SPET funds for the RFP and the investments of funds in the project.
 7. Lexey Wauters explained the group is also working on creating an educational event where a panel of experts on storm water mitigation will be created to communicate the needs to engineers, electeds and the general public.
 8. Joe Burke asked for the definition of an RFP. Sandy Buckstaff answered explaining it is not a bid, but gives a qualification base for selecting the most qualified for the project. Sandy pointed out the Brooks Act that governs RFP selection, and that each state has a Little Brooks Act that it must adhere to for RFPs.

VII. Old Business

a. FCWID Officer term appointments for 2018.

- i. Discussion took place on whether to draw straws or simply find out which directors specifically want a term of TWO years or FOUR YEARS.
 1. Bill Wotkyns and Lance Ash expressed they want a TWO-YEAR TERM.
 2. Sandy Buckstaff and Lexey Wauters expressed they are comfortable with a FOUR-YEAR TERM.
 3. Larry Pardee, representing the Town of Jackson, was absent to express his desired term; however, discussion took place since Larry Pardee was just elected in November 2017, and the Town of Jackson will need to figure out how to move forward according to State Statute.
- ii. Sandy Buckstaff made a motion that Bill Wotkyns and Lance Ash will continue for a TWO-YEAR TERM, and Sandy Buckstaff, Lexey Wauters and Larry Pardee will continue for a FOUR-TERM TERM; Lexey Wauters seconded the motion; motion passed by a vote of 4-0.

VIII. New Business *(there was no New Business)*

IX. Executive Session *(there was none needed)*

X. **Adjournment.** Sandy Buckstaff made a motion to adjourn; Lexey Wauters seconded the motion; motion passed by a vote of 4-0. Meeting adjourned @ 10:15 a.m.

Respectfully submitted:

Alice Widdess, FCWID Administrative Manager

The Minutes have been approved:

WtWotn- 2/12/18
Chairman Date

Lynn Al 2/12/18
Treasurer Date