



## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

### Board of Directors Meeting Minutes

September 14<sup>th</sup>, 2022 at 6:00 PM

County Water District of Billings Heights 1540 Popelka Dr., Board room

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The meeting is open to any interested member of the public. Agendas are prepared for the meetings. Agendas may be requested from the General Manager Peyton Brookshire, [peyton@heightswaterdistrict.com](mailto:peyton@heightswaterdistrict.com) and are available at <https://heightswaterdistrict.com/agendas-and-minutes/>. Supplemental documents are linked in the Agenda Packet.

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**CALL MEETING TO ORDER:** President Ming Cabrera called the meeting to order at 6:00 p.m.

#### **WELCOME AND INTRODUCTIONS**

Board Members present: Ming Cabrera, David Graves, and Brandon Hurst, Laura Drager, Tom Zurbuchen

Staff Members present: Peyton Brookshire, Josh Simpson, and Jenn Burnside

Also present: Kelly Brookshire, Frank Ewalt, Pam Purinton, Pam Ellis, and Evelyn Pyburn (YCN),

#### **PRESIDENT'S REMARKS:** Read by Ming Cabrera

During the course of the meeting the Public may be heard before a vote is cast by the Board. The President will acknowledge the Public once the motion has been made and discussed by the Board for their input. The President will recognize speakers who raise their hand. Once recognized, the speaker should move to the side of the board table so comments can be heard, identify themselves by name, and limit their comments to two minutes. Each speaker will have one opportunity to speak on any agenda item.

#### **PUBLIC COMMENT on Non-Public Hearing Agenda Items:** Read by Ming Cabrera

- A. Any member of the public may be heard on any subject that is not on the agenda;
- B. The board will not take action on these items at this time, but may choose to add the item to the agenda for the next scheduled board meeting.

#### **NEW BUSINESS**

Public Comments: Pam Ellis states that she is represented by a different attorney in regards to the issues with the board. Her attorney has advised her to sit in the audience. She states she has had complaints of the district not answering the emergency phone. She has concerns of legal issues when someone is unable to be reached on the emergency phone. She goes on to say the board packet wasn't up until the last legal minute and that emails have been removed from the website aside from Laura's.

#### **Consent agenda:**

Tom states he needs to separate two items from the consent agenda. Hendrickson Law invoice, and Susan Swimley, Tom makes a motion for removal of these two items, and accept the remaining items, Laura second.

Public Comment: Pam states that by leaving her out of the minutes it is in violation of the law. She also says that it is all recorded. She says that the minutes should be more accurate. She also states the board members were paid \$100 twice for one meeting.

Consent agenda Motion: All approved

Tom stated that Hendrickson Law invoice appears to be for the complaint filled against the board for which he was involved in. He understood that suit was dropped in April or May and we are still paying. He thinks that we are being charged for work that has already been done. Also, the lawsuit has been dropped and Tom questions why we are stilling paying them. Both Ming and Peyton have tried to contact the lawyers regarding this matter with no response. Tom recuses himself for that item. Tom says on the issue of Susan Swimley, she did work before he was hired and any comments done on this subject cannot be done in an open meeting. He asked to be recused from that item as well.

David makes a motion to table paying the bills until we receive an answer back from those offices. Ming Seconds.

Public Comment: Pam says that everyone had signed off on the settlement agreement except Tom. Pam also wants to know how Tom had the invoices from Hendrickson Law and Susan Swimley because they were not included in the board packet. Peyton says the invoice wasn't received until Monday or Tuesday of the week of the board meeting.

Consent agenda motion: All approved for consent agenda and to tabling paying bills.

Clarifying the snowbird rate: Peyton says he is wanting to clarify the wording for the rate for the snowbirds because at this time the snowbirds are not being charged while they are gone. He would like to make it so that all snowbirds have a minimum monthly rate. He also says that Black Mountain kicks out the meter number for all snowbirds and that if they do not inform CWD when they return, then when we catch it, they have a large bill. Laura states if we do enact this, we should match what the city's minimum is.

Motion to table until rate study: Laura makes the motion, David second. All approved.

SRF reimbursement statement. We have to give our information and financials. Peyton states that when/if the district spends money out of reserves for the project, we would be able to reimburse ourselves with SRF funds.

Laura makes a motion passing SRF reimbursement, Tom Second. All approved

Chlorination project will be up and operational by the end of the week. There were a few minor snags getting it connected on the computers but those have been fixed. We will have training shortly for all of the guys. This will help with the flows, chlorine levels, and it will help to maintain pressures. Tom asks how much chlorine are we going to be storing at oxbow. Peyton says we have 2/250-gallon containers up there. By chlorinating the tanks, it will help to regulate the chlorine levels within the district.

Treasurer's report: Laura says the meter count has gone up to 6027 meters this month. She goes on to discuss bank balances. Ming asks about the ARPA grant if it has come in yet. Peyton says we are still waiting.

Public Comment: Pam states that ARPA does not disperse any of the funds until the project is complete. She also says she has some issues with Laura operating independently when instructing the staff to invest in a 5-year CD at Yellowstone Bank. She says that Laura has no authority to make that decision as a single board member. She also comments about the interest rates and that our money is not secure in First Interstate bank.

Ming states that he was completely aware of what Laura was doing with the investment so she was not acting alone.

Next board meeting will be October 19<sup>th</sup> 2022

Meeting Adjourned 6:38pm

No Executive Session.

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Recording Secretary, Jennifer Burnside

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Board President, Ming Cabrera