



COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

Board of Directors Meeting Minutes

October 19th, 2022 at 6:00 PM

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

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 and are available at <https://heightswaterdistrict.com/agendas-and-minutes/>. Supplemental documents are linked in the Agenda Packet.

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 Ellis, Wesley Dunn, Mike Macki, Butch Bailey, Michael Marino (YCN) 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 Comment: Pam Ellis mentions a water main break about a year ago on Bitterroot, and there was a disagreement on whether or not the district handled it correctly. There was another break this weekend in the Lake Elmo area. It was an active break so mud got into the lines. She reads a post from Sarah Johnson about a Heights Water worker knocking on her door and running her hose to remove the mud from the line in her residence. Pam sent this post to two engineers in water, they both said AWWA guidelines require not only sanitizing but also testing the water. She says knocking on someone's door and running the mud out does not provide the testing necessary. She has concerns of the District providing safety to our water supply.

Peyton responded with the only water break he was aware of was CEC going through a hydrant leg with their boring. He has not heard from any service man that has knocked on a door and ran mud through lines. No one has called him saying this had happened. He only knew about the one from a year ago that Pam had mentioned. He says that we do everything according to standard and that no one is going to risk their license for that. Josh said as far as the recent break it was isolated from the main so the main was still active. Pam asks how mud gets into the pipe? Ming said Josh didn't have to answer that. Peyton and Josh said neither of them received a call regarding mud in the pipes. Ming stated as far as we know it was on a fire hydrant line and it wasn't on the main. Josh said it comes off the main but it was isolated from the main. Ming asked if anyone was contacted about that break? Peyton said yes, and the on-call guy went over and shut off the isolation valve. Then CEC had to dig it up and we made the repair. Ming asked if there was any mud that went into anyone's lines? Peyton said no there was no depressurization. Ming said as long as there is high pressure on the main line there is no way for anything to get in there. Peyton says that we have never had a testing fail.

CONSENT ADGENDA:

Tom states he would like to separate the Susan Swimley invoice from the agenda. Ming would like items 1-3 to be separated which are the minutes, September payables and September prepaid bills for approval.

David makes motion to approve items 4-11

Brandon Seconds: All approved

Consent agenda item 1. meeting minutes from September. Tom makes a motion to fix the minutes from September because they are incomplete. Toward the end of the meeting Ming made a statement that there is no law preventing the board from hiring an attorney and the executive session did not happen that was listed in the board packet.

Brandon Seconds.

Public Comment: Pam said that the minutes must reflect what actually happened in the meeting and you can't add stuff that didn't happen. She brought up at the last meeting that there were two \$100 checks one from August and one from September. The minutes state they did not receive two checks for one board meeting however it was not spoken. Pam pointed out that Laura had given a direction to the board to invest money in a 5-year CD. The minutes reflect that Ming responded that he was aware of the goings on. She said that no two board members have the authority to direct the staff to act.

Peyton said the only reason the Executive session was in the board packet was because it was on a previously used agenda templet and was not removed.

All approved motion to fix errors in minutes.

Tom makes a motion to move the Susan Swimley invoice to old business with the other legal invoices and discuss them all at once. Ming seconds

All Approved

Tom moves to except item 2 and the remainder of number 3. Ming Second: All Approved

New business: Committees of the board

Tom states that last year we set up committees. The safety committee had Jeff Ingle, David Graves, Peyton Brookshire, and Clay McCaffree but the finance committee only had Pam Ellis, Laura Drager and Brandon Hurst. No staff was named, the finance committee can not operate without staff. There have never been minutes posted for any of these committee meeting. Our by-laws state that all meeting minutes must be posted whether they are regular, special or committee meetings. Should the committees that have not been meeting still be a committee?

David says we have a legal committee. Pam was a member as well as Laura and David. We do not need a safety committee, but we could have Clay come in quarterly and make his report. However, the governing and by-laws was needed because things had not been changed since 1956.

Pam says the by-laws committee never met without notice. The finance committee Laura always just did her own thing. But the by-laws committee always followed the rules.

Ming makes motion that Clay McCaffree come once a quarter to make his report.

David seconds: All approved

David makes a motion to add Jenn, Peyton, and Brandon to the finance committee, and to post a 48-hour notice on the website of any and all committee meetings so that those who would like to attend may do so.

Ming says that we need to adjust the by-laws to allow more board members at the committee meeting so that they can hear the information first hand and ask questions.

Tom says that three people is not a quorum because it is supposed to be a board of seven people a quorum would be four people. David said we tabled that issue.

Public comment: Pam said that all meetings should be noticed even if there is not a quorum. If you notice the meeting then everyone can come. All you have to do is give 48 hours' notice.

Tom seconds.

Pam also says the board meetings are predictable and the committee meetings are not so if we put something on the front of the website that says there is a finance committee meeting on such and such date and time, it would be more responsible.

All approved

Tom states in the by-laws we are supposed to be a seven-member board.

David said we tabled it until the legislature votes on it.

Ming says we have opted to wait for the State legislature to meet and vote on the bill that would decide the roles of the County and City appointees before we fill those seats. Many of these small town are not able get seven members on their board. This is Tabled until the State Legislature.

MANAGERS REPORT:

We are getting close to the 5-year mark for the last time our tanks were cleaned and inspected. Peyton has contacted Liquid Engineering because there is a long waiting list. The quote was \$15,585 to be done next fall, no exact date yet. Raftelis update, we met with them and went over more numbers. Andrew is predicting to give a date next week to present the findings.

Ming asks Peyton to explain what the Raftelis report is about.

Peyton says the report is a rate study done in conjunction with the new CIP (The Capital improvements plan). They evaluate all projects needed in conjunction with what our rates need to be to get what we need done, but it will also be reassessed in 5 years. Once he has his final recommendations, he will present that, and have three options. Then the board can decide as well as figuring out what the city will do with their rates.

Peyton says as a part of the CIP the number one priority is the northwest transmission main going across Alexander Rd down Gleneagles and tying in. We need that because we are so necked down in the Lake Hills area with 6in lines that St. Andrews is having to run, to supplement what the tanks are bringing down even though the pressure is sufficient. When people start watering it brings down the tank. There are concerns of it inhibiting the fire flow should something happen. At best, we would get started in spring of 2024.

Ming asks how many houses we are planning for on Alexander Rd development?

Peyton says we do not plan that. It will be a main feeder line. This will alleviate out flows.

Butch: When they sanitize the tanks, do we drain all the water out of the tank?

Peyton says no they want it full and they send a diver who is decontaminated into the tank. They go down and do a dye test, they document everything on video and see if there are any cracks. Then they us a vac.

Wesley: Are we still only on one main line coming from the water plant. Have you figured out what you will do if that one main line breaks where it is leaking down by Colton Park.

Peyton said the city can back feed us temporarily for a limited time. Long enough to make the repair.

Wesley reiterated his question: what happens when the pipe burst because right now its leaking?

Peyton says the city will have to fix because we have a limited supply of water.

Ming says we have a max of 3 days.

Tom asked how long until the CIP is complete.

Peyton said the CIP portion will be presented in November.

Derek Weis will be sent to Bozeman next week. He will have two and a half days of test prep then he will test on the last day.

Clarification on Engineering: Peyton does not sit there and sign things, on the day-to-day operations yes, he signs those, any projects the district is going to do, is going to come with a task order just like the CIP. These task order will always be presented to the board.

Peyton: We would like to get rid of the Service Deposit. Our bad debit is very low due to our low rates. It is a bookkeeping nightmare. We would like to refund everyone their deposits and wash the slate clean. The deposits were started in the 70's but has changed in price since then. Deposit is not necessary in this day and age. We do not have much of an issue with collecting final bill payments.

David asks how we collect if someone does not pay their final bill.

This is done through a collection's agency.

David asks to put the deposit discussion on the agenda for next month.

Pam says one advantage is not sending as many checks out and risking fraud on that account. Also, the bank charges us for every check that we write. She thinks it is a waste of Jenn's time.

Lastly Peyton received bills from the city for street opening permits for work being done on the water line that went through the streets.

Tom asked if we paid it. Peyton said no.

Ming said we do not have to because we are a governmental entity.

Pam said we have paid it in the past and we should pay it now.

Peyton said we paid it because it was part of the settlement. Because we are a governmental entity, we are not required to pay for a right of way permit. He also suggests contacting the attorney general and getting his opinion.

Pam says you cannot ask the attorney general to act on this matter without some background.

TREASURE'S REPORT:

Laura was gone so the treasure's report was presented by Peyton.

Three of our investments came due so Peyton had asked her to hold off on reinvesting those until we received the last big bill from the city for the season. Now that we have taken care of that he feels that it is just fine to reinvest those.

Ming makes a motion to reinvest the one for November.

David Seconds. Ming removed his motion David Second All approved

Ming makes a new motion to reinvest all three.

Tom Seconds.

All approved to reinvest all three

BCBS will be going up 5% and Guardian (Dental and Vision) will not change. The only thing that changed was the amounts for age. This is the same plan as before.

Tom says the rate are less than inflation increase, so how can you argue.

Old business:

Legal invoices: Tom says there is a failure to communicate. Hendrickson law continued to work. There is lack of communication. Susan Swimley has not been hired by the board.

Ming states that she was hired before. The county attorney calls three days before the board meeting and told him that Pam needs to be on the board. They then said they would not talk to him and that he needed to hire an attorney. He mentioned that we need to change our by-laws.

Ming states that in the past it was part of the General Managers job to hire attorney.

Frank said that he does not see anything that would be that big of rush.

Brandon says that Susan did work for us so she needs to be paid for her services. He says that maybe we need to adjust some things from here and move forward.

David says to put this on the agenda for next month.

David Motion to adjourn, Brandon Second:

Approved by Ming, David, and Brandon. Opposed by Tom

Meeting adjourned @ 7:25pm

Recording Secretary, Jennifer Burnside

Board President, Ming Cabrera