



## COUNTY WATER DISTRICT OF BILLINGS HEIGHTS

### Board of Directors Meeting Minutes

January 18<sup>th</sup>, 2023 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, Brandon Hurst, Laura Drager, Tom Zurbuchen

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

Also present: Doug Kary, Mike Mackie, Butch Bailey, Frank Ewalt, 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 hands. 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.

#### **PUBLIC COMMENT**

Pam, the board is compensating themselves fifty dollars more than the state max. The board replied that a resolution was passed in 2006 saying that they could get an extra fifty dollars for supplies, and gas. She then states you cannot do this without receipts.

#### **TREASURE'S REPORT**

O & M account has been closed. Service charges for the month of December are \$622.50. Total in First Interstate \$531,825.68. The Stifel statement was unavailable due to issues with login. Total investment \$6,251,517.37.

## **CONSENT AGENDA**

David makes a motion to pass the consent agenda.

Tom says the previous month's minutes are incomplete and need to reflect the conversation about the Stifel statement and Susan Swimley. Number 8 billings status isn't in the packet. Again, he asks to separate Susan Swimley from the Consent agenda because he believes she was not legally hired.

Ming mentions that Tom has recused himself from the Susan Swimley issue in previous meetings.

Peyton says that there has never been a requirement that the board vote to hire an attorney.

Tom makes a motion to separate items 1 and 8 from the consent agenda. Brandon seconds

Pam says that Peyton and the board president doesn't have the authority to hire an attorney. The board can remedy this by having a board meeting to hire the attorney. Also, you don't have to vote on removing an item from the agenda. (Approved by Brandon, Tom, and Laura. Ming and David against.)

David makes a motion to pass 2-7 on the consent agenda, Ming Second. David, Ming, Brandon, and Laura approve. Tom against.

Consent agenda #1 minutes from the December board meeting.

Tom says the discussion regarding Susan Swimley should be added to the minutes.

Laura makes a motion to approve the minutes from December with adding the discussion on Susan Swimley and the missing Stifel statement and to bring them back to next month's meeting for approval. Tom Seconds. All Approved

Frank says the proper way to do the minutes is to separate them and amend them. Then bring the back next month to approve them.

#8 Billing stats for December. This is how many meters were set in the month.

Tom makes a motion to remove #8, David Seconds. All Approved.

## **NEW BUSINESS**

The City Contract discussion needs approval. David makes a motion that we appoint a committee to discuss rates with the city which would consist of Peyton, Josh, Laura, and David. Tom Seconds. All Approved

Tom would like to add an amendment to the motion to send 6 dates for approval. Ming Seconds. All Approved

Butch asks if anyone from the public is allowed at the meeting. Ming says this will be just the beginning of the discussions at this time.

Laura says it's her understanding that this first meeting will be an initial discussion.

Local government center training, Ming would like to have new training for any new members of the board.

Tom makes a motion to table this conversation until the May meeting. Laura Seconds. All Approved

Ming says the cost is \$500 Pam says it's \$500 plus expenses, and she recommends inviting the smaller district to come to the training.

The audit from Summers Mcnea. Tom moves to pass a resolution adopting the audit as our official audit. David Seconds.

David compliments the staff for doing a good job. Tom compliments Summers Mcnea for getting the audit done on time instead of months late.

Ordinance 1-23 for filing 6 annexations. They have to be filed with the secretary of state Peyton prefers to do these annually and would like to get them off the books. David makes a motion to pass the ordinance of the annexations on a first reading. Ming Second. All Approved

David makes a motion to appoint Ming, Brandon, and Tom to evaluate Peyton before the next board meeting on February 15<sup>th</sup>.

Tom makes a motion for an executive session for evaluation Tuesday the 24<sup>th</sup> @ 2:00 pm using for title leadership evaluation form. Laura Seconds All Approved

David asks if Peyton would prefer if Peyton would like to do an executive session. Peyton says he would prefer an executive session.

David with draws his motion.

David makes a motion to evaluate Jenn Burnside in regard to her secretary duties on the 24<sup>th</sup> after Peyton's meeting. Tom Seconds. David withdraws his motion

Ming says that Jenn has only been at this maybe 6 months which doesn't give us a lot to discuss and if she can't make it due to a scheduling conflict, then Suzie does the work in her place.

David withdraws his motion.

Juneteenth is a national holiday. Ming makes a motion to recognize Juneteenth as a floating holiday for the water district. Tom Second. Ming withdraws his motions. Ming makes a motion to table the Juneteenth discussion until we have more information. Tom Seconds. All Approved.

## **MANAGER'S REPORT**

Two leaks on Main Street one by Wendy's, and one between Crow and Sioux, both have been repaired. However, we will have to go back in the spring because we couldn't get the flowable fill and we will have to do the actual paving on it. We did the final punch list items for the chlorination project. That walkthrough went well. That project should be closed out shortly. Rebecca at interstate is putting all of the paperwork together and will be submitting that to the state to receive the compensation for the ARPA grant. The northwest transmission main engineering is getting underway. Also, as for the audit Summer Mcnea is willing to come in and discuss any questions the board may have. Z- Creative will no longer be hosting emails anymore through the original website of @heightswaterdistrict.com email. These emails are used by Peyton, Josh, Suzie, and Jenn. Peyton requested a quote from Morrison and Maierly systems and has not received that back yet but the cost should be minimal.

Tom asks how much chlorine we have used this winter at oxbow.

Peyton says we've used 265 gal initially and now we use 5 gal every two weeks.

Tom asks about the leak on Cheryl

Josh says because of the weather condition the repairs made on Cheryl are temporary and will be fixed in the spring.

Pam says she hasn't seen any bills for western municipal

By-law will be moved to the February meeting for the second reading.

Next month: capital improvement plan that the board can adopt.

David motions to adjourn, and Brandon seconds. All Approved

The meeting Adjourned at 7:20 PM

Next Meeting is February 15<sup>th</sup> 6:00 pm

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Recording Secretary, Jennifer Burnside

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Board President, Ming Cabrera