

**BIG SKY COUNTY WATER & SEWER DISTRICT**  
**Regular Meeting Minutes - In Person & Virtual Zoom Meeting - December 15, 2022**

Audio file available at:

[http://www.bigskywatersewer.com/meetings/2022-12-15.Board\\_Meeting\\_Audio.mp3](http://www.bigskywatersewer.com/meetings/2022-12-15.Board_Meeting_Audio.mp3)

Board members present:

Mike Ducuennois (R), Dick Fast, Al Malinowski, Peter Manka, Bill Shropshire, Brian Wheeler & Mike Wilczynski

WSD Staff present:

Peter Bedell (R), Ron Edwards, Marlene Kennedy, Jim Muscat, Vince Palafox, Jake Porter (R) & Terry Smith

(A) Absent (R) Remote participation

Others present in person

Clay Lorinsky, Emma Lawler, Suzan Scott, Scott Jungwirth & Max Penbach?

Others present via Zoom

Scott Buecker, Matt Cope, Kenny Holtz (kenny), Kristin Gardner, Susan Swimley

|  | Time               | Duration<br>HH:MM:SS |
|--|--------------------|----------------------|
| <b>I. Regular Board Meeting Public Forum</b>   | <b>03:00:00 PM</b> | <b>[ 00:00:46 ]</b>  |
| A. Call Regular Meeting to Order   | 03:00:06 PM        | ( 00:00:06 )         |
| B. Public Comment on Non-agenda Items  | 03:00:08 PM        | ( 00:00:15 )         |
| C. Conflict of Interest Declarations   | 03:00:23 PM        | ( 00:00:23 )         |
| <b>II. Consent Agenda**</b>  | <b>03:00:46 PM</b> | <b>[ 00:00:51 ]</b>  |
| A. Minutes: November 15, 2022 Regular Meeting**  |                    |                      |
| B. Financial Reports: November**   |                    |                      |
| C. Sewer & Water Operator's Reports**  |                    |                      |
| <i>Motion made by Dick Fast seconded by Al Malinowski. To approve the consent agenda which include the financial report and operator reports. Unanimous approval</i> | 03:01:09 PM        | ( 00:53:24 )         |
| <i>Motion made by Dick Fast seconded by Al Malinowski. To move the BSOA Pond Project up on the agenda to accommodate BSOA representatives. Unanimous approval</i>    | 03:01:17 PM        | ( 00:53:25 )         |
| <b>IV. Old Business</b>  | <b>03:01:37 PM</b> | <b>[ 00:52:56 ]</b>  |
| A. BSOA Pond Project (Suzan Scott, BSOA)   | 03:01:37 PM        | ( 00:00:00 )         |
| > Suzan Scott, Executive Director, BSOA comments   | 03:06:01 PM        | ( 00:04:24 )         |
| > Board discussion. Requested a summary of costs   | 03:07:35 PM        | ( 00:01:34 )         |
| > Mike Cusick, CMR law firm comments regarding 7.15 acre feet conveyance & e   | 03:21:10 PM        | ( 00:13:35 )         |

*Motion made by Dick Fast seconded by Al Malinowski. The BSCWSD agrees to transfer, contingent on completion of the Little Coyote Pond project, 7.15 acre feet from its existing water rights to BSOA for the Little Coyote Pond project. As compensation, if BSCWSD is able to reach agreement with NWE to obtain the property in Sweet Grass Hills identified as \_\_\_\_\_ for a future water tank, BSOA agrees to transfer or grant an easement in the existing easement road (or in an easement closely aligned to that road) through BSOA open space for utilities to include power, water lines and vehicle access and agree to a boundary realignment of acreage around the existing site if necessary for construction of the tank. If agreement on transfer of that site between BSCWSD and NWE cannot be agreed upon within 1 year of December 15, 2022, then BSOA will pay BSCWSD \$15,000 as compensation for the water rights transfer. In addition, BSOA will grant an easement to BCWSD for a freshwater irrigation inlet at the Little Coyote Pond. Unanimous approval.*

03:36:30 PM ( 00:15:20 )

**III. Business Action Items** 03:54:33 PM [ 00:03:43 ]

- A. FY 2021-22 Audit Acceptance (Mathew Cope, Holmes & Turner) 03:54:42 PM ( 00:00:09 )
- Motion made by Dick Fast seconded by Al Malinowski. To accept the audit report. Unanimous approval* 03:57:22 PM ( 00:02:40 )

**IV. Old Business** 03:58:16 PM [ 00:28:12 ]

- A. BSOA Pond Project (*moved up on the agenda*)
- B. Capital Improvements Plan Projects 03:58:28 PM ( 00:00:12 )
1. WRRF Project Update (Scott Jungwirth, AE2S) 03:58:28 PM ( 00:00:00 )
- C. ARPA Funding Update 04:08:37 PM ( 00:10:09 )
- D. Developments and Subdivisions 04:10:04 PM ( 00:01:27 )
- Spanish Peaks Phase 10 discussion. Schedule a Spanish Peaks committee to look at current status of permits and sewer flows.* 04:10:04 PM ( 00:00:00 )
1. Flat Iron 04:20:10 PM ( 00:10:06 )
- E. Employee Succession Planning 04:23:06 PM ( 00:02:56 )
- F. Legal District Board Appointments 04:23:34 PM ( 00:00:28 )
- G. Board Appointments 04:24:08 PM ( 00:00:34 )
- H. District Ordinances 22-1001- Fats, Oils & Grease & 22-1002- Phosphorus 04:24:55 PM ( 00:00:47 )

**V. New Business** 04:26:28 PM [ 00:09:06 ]

- A. New Developments & Subdivisions (Nothing to report) 04:26:31 PM ( 00:00:03 )
- B. Sewer & Water Connection Permits 04:31:35 PM ( 00:05:04 )
- C. General Correspondence 04:34:42 PM ( 00:03:07 )

**VI. Next Meeting Date** 04:35:34 PM [ 00:14:00 ]

- A. Regular Meeting, Tuesday, January 17, 2022 (Tentative) 04:38:34 PM ( 00:03:00 )
- Motion made by Al Malinowski seconded by Mike Wilczynski. To adjourn the regular meeting and move into closed session. Unanimous approval*

**VII. Any Other Business Which May Properly Come Before the Board**

**VIII. Discussion of Cottownwood Law Center et al vs. BSWSD (closed session)** 04:35:34 PM [ 00:14:40 ]

*Discussed scheduling a special board meeting in the next couple of weeks for personnel matters.* 04:49:34 PM ( 00:00:40 )

**IX. Adjournment**

**04:50:14 PM [ 00:00:05 ]**

*Motion made by Mike Wilczynski seconded by Al Malinowski. To adjourn the meeting. Unanimous approval*

End meeting at: **04:50:19 PM**



Dick Fast, Secretary

12-15-2022.min