

**STATE BOARD OF EXAMINING
WATER WELL DRILLING CONTRACTORS AND
WATER WELL PUMP INSTALLATION CONTRACTORS**

September 7, 2016

10:00 a.m.

State Engineer's Office
125 W 25th Street
Cheyenne, Wyoming

M I N U T E S

PARTICIPATING BOARD MEMBERS:

John Midkiff, Chairman, Domestic Well Driller/ Board Member

Steve Barbour, Pump Installation Contractor/ Board Member

Lisa Lindemann, State Engineer's Office (SEO)/ Board Member

Jim O'Connor, Wyoming Department of Environmental Quality/ Board Member

Nick Bebout, Well Drilling Contractor/ Board Member

PARTICIPATING PROFESSIONAL STAFF

Chris Brown, Assistant Attorney General (Brown)

Lynn Ritter, Executive Director (Ritter)

ABSENT:

Van David, Public Member/ Board Member

Jerry Hunt, Well Drilling & Pump Installation Contractor/ Board Member

GUESTS:

Gary Smith, Public Member

Cody Smith, Public Member

Kyle Rehme, Public Member

QUORUM:

Chairman Midkiff determined a quorum was present.

LEGAL NOTICE:

Legal Notice for the meeting was published on the Board Website at <http://wwcb.state.wy.us> and emailed to the list of Public Media Sources.

CALL TO ORDER:

The meeting was called to order at 10:13 a.m. in room 1699 at the State Engineer's Office, Cheyenne, Wyoming, by Chairman Midkiff.

REVIEW AND APPROVAL OF PROPOSED AGENDA/ADDITIONS TO AGENDA:

Motion by Barbour to accept the Agenda with adding discussion on a Statute Change to the Organization of the Board W.S. 33-42-105 and the Executive Director's performance evaluation, Second by O'Connor, motion passed unanimously.

REVIEW AND APPROVE MINUTES:

Motion by Barbour to accept and approve the minutes from the April 14, 2016, meeting, Second by Bebout, motion passed unanimously.

OLD BUSINESS:

Ritter reviewed the revised draft of changes to W.S. 33-42-111 to impose fines, add a probationary period and add immunity from personal liability that she and Assistant Attorney General Boudewyns completed. Motion by Barbour to pursue the statute changes for this coming general session, second by O'Connor, motion passed unanimously.

NEW BUSINESS:

Ritter reviewed W.S. 33-42-105(a) the Organization of the Board statute and the confusion by licensees and the public with the Board being under the umbrella of the State Engineer's Office. After discussion by the Board, O'Connor made a motion to form a committee to research other Board's and State's organizational processes consisting of two Board Members, a member from the State Engineer's Office, the Board's Administrative Attorney Boudewyns and Executive Director Ritter, second by Barbour, motion passed unanimously.

Lindemann made motion to move into executive session to discuss employment issues, second by Barbour, motion passed unanimously.

Chairman Midkiff called a break prior to moving into executive session at 11:10am.

Chairman Midkiff called meeting back to order at 11:27am.

Board moved into executive session at 11:27am.

Open meeting reconvened at 12:15pm.

Ritter reviewed the new bi-annual budget in the absence of the new fiscal manager Cricket Hoskins.

Ritter updated the Board with a count of licenses, 110 pump installers, 102 well drillers, and 103 with both well and pump licenses.

Board reviewed and discussed the new policies for record retention, conflict of interest, and inspector protocol that Ritter and AG Boudewyns drafted.

Barbour made motion to accept the Record Retention Policy with Ritter making minor changes to the footer, second by O'Connor, motion passed unanimously.

O'Connor made motion to table the conflict of interest policy and the inspector protocol policy until the next meeting, second by Bebout, motion passes unanimously. Public Member Cody Smith discussed his frustration with licensed contractors not following the minimum construction standards with wells still existing and contractors

falsely filling out the required paperwork. Smith asked the Board to consider possibly requiring a bond or finding some way to address the issues being seen on the job sites.

Public Member Rehme discussed bonds and how some states require bonds to fix issues created by licensed contractors. Brown advised the Board that requiring a bond from licensed contractors would require a statute change.

O'Connor asked if Rehme would be willing to research the bonding requirement and bring the information to the Board at the next meeting in January.

Chairman Midkiff called a break at 2:10pm.

Chairman Midkiff called meeting back to order at 2:15pm.

Public Members Cody & Gary Smith left meeting at 2:15pm.

Board moved up approval of completed docketed complaints.

Barbour made motion to clear docket #13-004 for completion of the requirements in the signed settlement agreement, second by O'Connor, motion passed, Bebout abstained from voting.

Barbour made motion to accept the signed Settlement Agreement for dockets #11-003, #11-009 and #11-010, second by Lindemann, motion passed, O'Connor abstained from voting.

O'Connor made a motion to move to executive session to review the dismissal of docket #16-003, second by Bebout, motion passed unanimously.

Public Member Rehme left meeting at 2:20pm.

Board moved into executive session at 2:22pm.

Open meeting reconvened at 2:26pm.

O'Connor made a motion to accept dismissal of docket #16-003 with an advisory letter, second by Bebout, motion passes, Barbour abstained from voting.

Lindemann left the meeting at 2:27pm.

Ritter discussed the notification to accept applications for a new contract inspector with notification being put in the Newsletter and emailed to licensed contractors with emails and to the Wyoming Water Well Association with only one application being received by Carmine Loguidice.

Board reviewed Loguidice's application. O'Connor made a motion to accept Loguidice's application and hire him, second by Barbour, motion passed unanimously.

Ritter discussed new complaints coming into the office from public members with construction issues and wells not meeting minimum construction standards in the U.W. 6 Statement of Completion and no notification being given to the Board from the State Engineer's Office. Board asked Ritter to discuss with the State Engineer's Office the Board receiving notification when wells to meet the minimum construction standards.

Ritter discussed the notice of intent requirement and that a number of contractors are not submitting notice.

Chairman Midkiff called a break at 2:55pm.

Chairman Midkiff called meeting back to order at 3:15pm.

Barbour made motion to have Ritter send advisor letters to licensed contractors who are not sending in the required notice of intent, second by O'Connor, motion passed unanimously.

Ritter asked the Board to review the Annual Performance Report she comprised for the State Engineer.

Board reviewed all the current Board Policies and Brown suggested that the policy to review the policies annually be revised to reference W.S. 33-42-107(a)(i).

Barbour made motion to accept all the current policies with the changes noted by Brown, second by Bebout, motion passed unanimously.

Board reviewed the list of new licenses issued since the last meeting. O'Connor made motion to accept the new licenses, second by Bebout, motion passed unanimously.

President of the Wyoming Water Well Association Travis Hueller was not in attendance to give his association update.

NEXT MEETING:

Next meeting scheduled for January 18, 2017 in Casper.

ADJOURNMENT:

Chairman Midkiff called meeting adjourned at 4:50pm.

Respectfully submitted,

Lynn Ritter
Executive Director