IACRM
Institute of Applied Conflict Resolution and Mediation

PROPOSAL FOR FACILITATED RESOLUTION

A Future Focused Path to Agreement

The Victor and Driggs Wastewater Agreement

PREPARED FOR	PREPARED BY	DATE
Mayor Sue Muncaster, City of Victor Mayor August Christensen, City of Driggs	Carol Barkes, Mediator Institute of Applied Conflict Resolution and Mediation	October 1, 2026

Dear Mayor Muncaster and Mayor Christensen,

Thank you for considering me as your councils and you choose an outside facilitator. It was a pleasure to meet you both at the community event in Driggs in September. I have followed the work Victor and Driggs have put into this summer's joint sessions, and I want to say at the outset how much I respect both councils for continuing to come back to the table after years of difficult history. I also understand what is at stake in the details, including the eight areas of the 2011 agreement your staffs read differently, from consent for new connections and review of capital projects to rates, the shared audit, and capacity. You are not short on information, effort, or good intentions. What you need now is a process designed to turn all of that into decisions, and this proposal describes exactly how I would do it, what it would cost, and why I believe it is the most efficient path available to your communities.

A Different Approach: Future Focused and Interest Based

Both cities have tried the legal route, and both have tried working through their differences in mediation with legal professionals and with city leaders at the table. Each of those efforts brought capable, committed people together, and each one stalled short of an agreement. It is time for something different: a brain based, modern approach to negotiation designed to save both time and money.

Traditional mediation often narrows quickly to legal options, such as what the agreement requires, what a court might decide, and which city carries the risk. My approach is grounded in neuroscience and centered on possibilities rather than legal options alone, which gives everyone at the table far more freedom to be creative. As a collaborative, facilitative mediator, I also build the process around how people actually think under pressure. Each team will have time on its own to process ideas and weigh options privately, as well as time together to make sure each city truly hears the other's perspective. That rhythm of reflection and exchange is often what finally allows a long-standing dispute to move.

At the September 16 session, the councils were encouraged to sort their disagreements into “historic, current, and future” time periods and to build an action plan for each one. I respect the thinking behind that framework, and I would take a different path. Both councils already know the history and the

present circumstances in detail. They have lived them for years, reviewed them in staff reports, and argued them in court. Asking each side to revisit the past invites each city to defend its account of what went wrong, and that is precisely the ground where these conversations have stalled. My process keeps both teams focused on the future and on the agreement the two cities need to operate well together from here.

The second difference is how each city comes to the table. Most stalled negotiations are a contest of positions, which are the specific demands each side has staked out, such as a particular billing method or a right of approval over capital projects. Positions tend to collide. Underneath every position is an interest, which is the actual need the position is meant to protect, such as predictable costs, protection from overflow risk, confidence future growth can be served, or a fair voice in decisions affecting each city's ratepayers. Interests usually leave far more room for agreement than positions do, because there is almost always more than one way to meet a need. For that reason, I will ask each team to arrive at the joint session with several options to consider rather than a single proposal to defend.

> *The work is to understand what the brain is doing during conflict, not just what people are saying.*

This is the foundation of the Barkes NeuroMediation Method™. When people are under sustained stress, the brain narrows its focus to threat and self protection, which is why capable, well intentioned leaders can sit across from one another for hours and still not hear each other. My preparation sessions give each team practical tools to recognize that response in themselves and in others and to keep the conversation productive when it becomes difficult.

The Process

01

Preparation with each city

About 4 hours with each team, recommended

Each city meets with me separately to clarify its interests, build several workable options, and learn practical tools for negotiating and communicating when the stakes are high.

02

Joint session

One day, with a second day reserved

Both teams come together with their options in hand. The conversation stays on what each city needs going forward and which solutions meet those needs.

03

Agreement and follow through

As needed

I prepare a written summary of the agreements reached for each city's attorney, and additional sessions are available for any issues still open.

I recommend about four hours with each city for the preparatory session, though it can be shorter if schedules or interest do not permit. In these sessions, each city will have a space of its own to clarify its priorities, separate the issues requiring a decision from those requiring only a shared definition, and develop the options it will bring to the joint session. Each city will choose who participates on its team, which typically includes the mayor, council members, key staff such as the city administrator and public works director, and legal counsel where helpful. Engineering and legal advisors are also welcome at the joint session, so the cities' own technical expertise is available at the moment decisions are made.

I recommend the cities reserve two consecutive days for the joint session. My expectation is one day will be sufficient, but holding a second day removes the pressure of an artificial deadline and lets the group finish its work if the conversation needs more time. Additional sessions can be scheduled as needed, whether to resolve remaining issues or to support implementation.

Why I Am the Right Fit

Your councils have asked whether this matter calls for a conflict resolution specialist, a technical expert, or both. The cities already have capable engineers, attorneys, and staff who know this system better than any outside facilitator ever will. What has been missing is a process allowing that expertise to be heard and turned into decisions. I believe exceptional mediation isn't defined by pedigree; it's shaped by understanding human behavior and applying a process grounded in science.

I have mediated more than 14,000 cases, ranging from evictions to global peace efforts, with a resolution rate of more than 95 percent, and I have helped cities, counties, and state and federal agencies resolve disputes, including matters already in litigation. With that experience behind me, I am highly confident we can get Victor and Driggs over the finish line. My CV is attached for your review.

Why This Is the Most Cost Effective Choice

As your councils compare proposals, I would encourage them to look beyond the hourly rate to the total cost of reaching an agreement. Every month without an agreement means more litigation, more staff time, and more delay, and ratepayers in both cities fund all of it. A facilitator with a lower rate who needs many more sessions to get there will cost the cities far more than one whose process is built to get there quickly.

My process is designed for efficiency. Because each team arrives prepared, with its interests clarified and its options in hand, the joint session is spent building agreement rather than restating history or sorting out what each side wants. Without that preparation, joint meetings tend to spend their early hours on work my preparatory sessions complete in a single session with each city. The estimate below shows the professional fees and travel time for the engagement I am proposing, assuming a single joint

day. A second joint day, if needed, would add $2,800 plus one night of lodging and M&IE, and any additional time beyond this estimate will continue to accrue at the rates stated in Fees and Terms.

ESTIMATED ENGAGEMENT	CONSECUTIVE DAYS	SEPARATE DAYS
Preparatory sessions, up to 4 hours with each city (8 hours at $400)	$3,200	$3,200
Joint session, one day (7 hours at $400)	$2,800	$2,800
Preparation before sessions, based on the cities' needs (up to 4 hours)	$1,600	$1,600
Written summary of agreements (up to 2 hours)	$800	$800
Travel time, about 10.5 hours per round trip at $150	$1,575	$3,150
Estimated total, before mileage, lodging, and M&IE	**$9,975**	**$11,550**
Each city's share	**$4,988**	**$5,775**

Mileage, lodging, and meals and incidental expenses (M&IE) are reimbursed at actual cost and are not included above. Consecutive days assumes the preparatory sessions and joint session are held on back to back days with one round trip; separate days assumes the joint session is held on a later date, requiring a second round trip. Emails, phone calls, document review, and research are billed as used and are not included above.

Fees and Terms

My fee is $400 per hour for preparatory sessions, joint sessions, and any additional sessions, as well as for preparation time before sessions and report writing afterward, including the written summary of agreements. Document review, research, emails, and phone calls are billed at the same rate. If the process requires more time than estimated, time will continue to accrue at these rates. Travel time is billed at $150 per hour, and mileage is reimbursed at the 2026 IRS standard rate of 72.5 cents per mile. Lodging and M&IE are reimbursed at actual cost. All time, including emails and phone calls, is billed in six minute increments, and payment is due within 21 days of each invoice. Sessions cancelled within seven days of the scheduled date are billed at half the scheduled session time, plus any nonrefundable travel costs already incurred.

I propose the two cities share all fees and expenses equally. A shared investment reinforces shared ownership of the outcome and ensures neither city is seen as the facilitator's client, which matters a great deal for the credibility of the process in both communities.

Scheduling and Availability

The preparatory sessions can be held back-to-back on a single day, with one city in the morning and the other in the afternoon, or on two consecutive days with one city each day. I will work directly with the

two of you on location, dates, times, and all of the details of each session. My available dates for the remainder of 2026 are below, and I can also accommodate weekend dates if those work better for council members and staff.

October	Thursday, October 22 · Friday, October 23 · Friday, October 30
November	Tuesday, November 17 · Wednesday, November 18 · Monday, November 30
December	Tuesday, December 1 · Thursday, December 3 (to be confirmed) · Monday, December 7 · Tuesday, December 8

I recommend holding the preparatory sessions in late October or mid-November and the joint session on two consecutive days a few weeks later, such as November 30 and December 1 or December 7 and 8. That interval gives each team time to refine its options before the cities meet together. If the councils prefer the most economical schedule, the preparatory sessions and the joint session can be held on back-to-back days, such as October 22 and 23, with Saturday, October 24, held in reserve as a second joint day.

Next Steps

Once the councils select a facilitator and a schedule, I will provide a services agreement reflecting these terms. I have appreciated our conversations so far, and I am glad to speak with either council or answer any questions should that be of value to the process. Thank you again for the opportunity. I would be honored to help Victor and Driggs find their way forward together.

Warmly,

Carol Barkes

Mediator and Founder, Institute of Applied Conflict Resolution and Mediation