

SEELEY LAKE SEWER DISTRICT
REGULAR BOARD MEETING
October 17, 2019

Pat Goodover	President	PRESENT	Walt Hill	Vice President	PRESENT
Mike Boltz	Director	PRESENT*	Davy Good	Director	ABSENT
Beth Hutchinson	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT

*Via Telephone

Public Attendance - Appendix A

CALL TO ORDER:

The meeting was called to order by Pat Goodover at 5:23pm at The County Satellite Office, located at 3360 Highway 83 N, Seeley Lake.

APPROVAL OF AGENDA:

Beth Hutchinson wished to add an item to the agenda that she had submitted previously, but was not on this agenda. The Board discussed adding it as a discussion item under New Business.

Walt Hill moved to approve the agenda as amended. There was no further discussion. The motion was carried.

Pat Goodover	Aye
Walt Hill	Aye
Mike Boltz	Aye
Davy Good	Absent
Beth Hutchinson	Aye

PRESIDENT'S COMMENTS:

Pat Goodover noted that there were two important items to review, the by-laws and the sewer alternatives, and hoped there would be good conversation on both.

PUBLIC COMMENTS:

None

CORRESPONDENCE:

DEQ

Pat Goodover read an abbreviated version of the DEQ letter supporting the District's project. (Appendix B)

Don Larson

Due to the detailed nature of the queries raised in the letter, Pat Goodover recommended passing the letter to the District’s attorney for comment. Discussion followed on the reason for the District being called Seeley Lake – Missoula County Sewer District.

Carleen Gonder

Carleen Gonder was unexpectedly unable to attend the meeting. Therefore, the letter would be tabled until the next meeting.

Datsopoulos, MacDonald & Lind, P.C.

This letter was regarding the Pine Street easement.

MINUTES:

September 19, 2019

The minutes for the Board meeting held on September 19, 2019 were presented to the Board.

Walt Hill moved to accept the minutes as presented. There was no discussion. The motion was carried.

Pat Goodover	Aye
Walt Hill	Aye
Mike Boltz	Aye
Davy Good	Absent
Beth Hutchinson	Aye

FINANCIAL REPORTS:

Invoices – September 2019

Felicity Derry reviewed the invoices for the Board. Beth Hutchinson expressed her was displeasure that there were still no invoices from the District’s attorney, who had promised monthly invoices. Vince Chappell clarified the well and lake testing invoice for the Board.

Walt Hill moved to accept the invoices for payment. There was no further discussion. The motion was carried.

Pat Goodover	Aye
Walt Hill	Aye
Mike Boltz	Aye
Davy Good	Absent
Beth Hutchinson	Aye

MANAGER'S REPORT:

Jean Curtiss and Amy Deitchler reviewed the connection for the elementary school and that the phase boundaries could not be changed, therefore the elementary school would remain in Phase I. Discussion followed on the school's connection. Previous annexations and changes between the phases were discussed.

Jean Curtiss updated the Board on securing the District's easements and the status of the current grant applications.

Don Larson noted that he had been unable to find records for the annexation of the Valley Market and both of the motels. Discussion followed.

Franny Trexler noted that Mike Boltz granting the easement to the District at no cost was generous; however, the sewer would be a benefit to him.

OLD BUSINESS:

A. By-Laws

The draft by-laws had been posted on the website and circulated to the Board as required. There were several minor changes to the District boundaries that had been highlighted. Discussion followed on the methodology to approve the by-laws and the difference between resolutions and ordinances.

Beth Hutchinson noted that she was distressed and offended by the weaponization of certain sections, that significant alterations had been made to the by-laws that had been produced by the committee, and she would vote against them.

Walt Hill noted that the by-laws had been reviewed, changed and voted on section by section at the last meeting to produce the draft before the Board. The by-laws were a living document that could be changed. With the exception of the editorial changes, they were what had been voted on at the last meeting, and he recommended that the Board approve them.

Nathan Bourne questioned the attorney's advice regarding the duties of the Board, and that the duties as outlined in state law should be to the people, and not to the governmental agency as indicated in the by-laws and the attorney's correspondence. Discussion on the Board's duties and processes followed.

Beth Hutchinson felt that the description of the duties was not comparable with other districts across the country. It was Beth Hutchinson's opinion that since being elected to the Board her actions had been measured and had not delayed the project; however, the by-laws and their implications were what had let Nazi Germany to bring about WWII. Pat Goodover felt that was an extreme position and it was out of order. With the concerns raised Pat Goodover recommended that approving the by-laws should be delayed until the next meeting, when Jon Beal could attend to discuss Beth Hutchinson's concerns.

Walt Hill noted that the Board was the legislative body for the community. There were differences of opinion within the community. The fiduciary duty of the Board was to act with the best interests according to the purpose and to make it happen, and felt that the duties section tried to express that. While the Board could have personal feelings, they must not go out and say or do things contradictory

to the purpose of the Board, or to the resolved direction taken. While Walt Hill was troubled by the wording, he felt that the by-laws could be reworked, and was in favor of passing the them.

Franny Trexler suggested eliminating the word loyalty. The duties of the Board and what constituted the District were discussed in much detail. Pat Goodover recommended that Jon Beal attend the next meeting to discuss the concerns raised. The Board discussed voting on the by-laws. The definition of District was discussed further. Beth Hutchinson noted that she was the only person who was elected. Every other Board member had been appointed, as it had been done time after time. Jean Curtiss noted that whether appointed or elected both had the same power under the law. Felicity Derry clarified that previously an election had not been triggered as no one had put their name forward for the vacant positions, therefore those positions were filled by appointments.

Pat Goodover recommended that the vote be postponed until the November meeting, when Jon Beal would be able to address the concerns raised.

Pat Goodover recessed the regular meeting at 6:29pm.

SEELEY LAKE SEWER DISTRICT **PUBLIC HEARING**

The public hearing was called to order by Pat Goodover at 6:29pm at The County Satellite Office, located at 3360 Highway 83 N, Seeley Lake.

PUBLIC COMMENTS:

None

OLD BUSINESS:

Resolution #10172019 Rules & Regulations

Beth Hutchinson was concerned that the Board had not responded to the petition of 182 people expressing their displeasure with the mandated connections. Pat Goodover noted that as phone voting was currently not permitted the vote would be moved to the November meeting, although public comment would still be taken.

Jean Curtiss reviewed the amendments to the Rules & Regulations which had incorporated both Board and public comment. The connection expense language was discussed. A statement of consequence for refusal of connection was discussed.

Frank Paxton asked if contaminated wells by the airport was referenced. Jean Curtiss noted that Montana DEQ had approved the plans for the plant, therefore DEQ did not feel that was an issue.

Jean Curtiss reviewed the substituted language regarding the rates, fees and charges. Discussion followed on how usage could be charged. Vince Chappell reviewed the water usage within the Water District. Discussion followed on installing water meters in Phase III homes that were not within the Water District.

Water rights around the lake were discussed.

How the District would bill Pyramid Mountain Lumber was discussed.

Ron Richards asked how the District would charge for irrigation water. Jean Curtiss noted that the Water District could compare summer and winter usage or an irrigation meter could be installed. Vince Chappell added that many communities averaged the winter months to bill for sewer.

Defining where the collection system for each phase ended and which mains would be shared was discussed.

Carlin Rammell questioned how properties with multiple RV's would be charged. Jean Curtis noted that a lot with only a vacant or stored RV would be considered a vacant lot, and then reviewed what the property would be charged. Discussion followed on properties that were used seasonally, whether they would be permitted to connect to the sewer and how those properties would be charged.

Jean Curtiss reviewed the language for abandoning septic systems. Discussion followed on the possibility of using a septic tank as storage for grey water and how to change the language to allow for that.

Jean Curtiss reviewed the modified language for the definitions and operation, maintenance and repair.

Jean Curtiss reviewed non-compliance and reestablishment of service. Discussion followed on the different methods of collecting delinquent bills.

Pat Goodover noted that the changes were substantial and recommended making those changes to the document, to enable the Board to vote on a clean document at the November meeting. Discussion followed on converting the document to a Word format.

Discussion followed on when the rules and regulations needed to be completed. Beth Hutchinson questioned the timing of completing the rules and regulations. Beth Hutchinson thought that the Board needed to respond to the petition. The Board discussed securing a copy of the petition.

ADJOURNMENT OF PUBLIC HEARING:

Pat Goodover closed the public hearing at 7:41pm

SEELEY LAKE SEWER DISTRICT **REGULAR BOARD MEETING**

The regular meeting was reopened by Pat Goodover at 7:41pm at The County Satellite Office, located at 3360 Highway 83 N, Seeley Lake.

OLD BUSINESS:

B. Sewer/Treatment Plant Alternatives

Nathan Bourne recommended that the District consider a step system. The PER had rejected a step system as being more expensive. However, the cost of sludge hauling for the plant had not been considered. Nathan Bourne explained a step system and then reviewed some potential benefits.

Pat Goodover read responses to step systems from Jim Erven and Amy Deitchler. Discussion followed. Amy Deitchler added that it would require each home to have a pump, which was significantly more expensive, and reviewed the factors that effected the O&M cost. Shannon Therriault commented that the Health Department's concern was resolving the nitrate issue and did not have an opinion on the method used to achieve that.

Discussion on pump failure and odor problems followed. Cluster systems were discussed and if the alternative systems would be cheaper than the current plan. The Board discussed having GWE estimate the cost of a step system.

Discussion on the additional cost of designing a different system, whereby eradicating any cost savings and switching the design this late in the project followed.

Nathan Bourne reviewed a cluster system and the associated cost. The Health Department's position on their support of the District was discussed. Discussion followed on the land required for the cluster system's drainfields.

Pat Goodover noted that Jim Erven had agreed that the SBR was the best system to reduce the nitrate level. The 2012 PER had found that the two cluster systems reviewed did not provide significant nitrate removal. Also, each cluster would be required to obtain a groundwater discharge permit, as well as the land to build the drainfield, which was a potential issue on the smaller lots in town.

Amy Deitchler noted that the SepticNET system did work for small systems, but it had not received DEQ approval for cluster systems until 2015, so it had not been considered. Pat Goodover hypothesized that if the District switched to SepticNET, which could take four years to design the new system, and then the District switched to a newer system after that, no progress would ever be made. Discussion of the cluster system and groundwater testing followed. The feasibility of the required drainfields in the downtown area was discussed.

Discussion followed on utilizing SepticNET systems for future phases where the lots were larger.

The Norweco system and how technology had changed was discussed. Shannon Therriault noted the Health Department had not been involved in determining which system would be best for Seeley Lake. However, they applauded the District's choice of a centralized sewer to solve the nitrate problem. Starting down a different path would increase the cost and delay the eventual solution.

Discussion followed on a hypothetical perpetual cycle of designing a system and then choosing new and conceivably better and cheaper technology that had not previously been available. Discussion moved to the cost effectiveness of considering an alternative system and the new DEQ rules that could impact onsite systems.

The cost of an alternative system versus the current project and the Health Department's support for the project was discussed. The possible affect the sewer project would have on rent was discussed.

Walt Hill noted that reengineering the project and losing \$10,000,000 would be lethal, and that the District should move ahead. In his research he had not found a system better than the current project.

Pat Goodover welcomed the discussion of alternative systems, which had allowed GWE to hear the concerns and the possibility to look at those alternatives. The Health Department, among others, had said that the current system was the most efficient way to do it, although it was expensive. If the expenses could be reduced by other ventures to as close to zero as possible, the Board needed to look at those options. It was questionable if the funding agencies would allow the District's current funds to be used for a different project. A different project would need to be engineered. The District was still moving towards going to bid in January, while concurrently reviewing whether there was an alternative system that was financially viable. The Board should take input from the community; however ultimately it was the decision of the Board which way to go. Sewer alternatives would be added to the November agenda.

NEW BUSINESS:

A. Well & Lake Testing

Vince Chappell reviewed the well and lake testing for the Board. The location of a replacement well for the collapsed well#2 was discussed.

E. Test Well#1 for Formaldehyde

Beth Hutchinson requested that that well#1 be tested for formaldehyde to show that the RV dump was not influencing the test well. Discussion followed on the test results and researching the cost of the test.

Ron Richards questioned why the test wells were not in areas of higher population density. Vince Chappell clarified that the test wells were placed to catch the groundwater flow from the densely populated areas.

C. Calendar for District Agenda

Kim Myre noted that extra time had been added to the process to allow more time for public comment if needed. Discussion followed on the budget and the public hearings.

B. Fee Assessment Methodology

Tabled until next month.

D. Test Well#2 Replacement

Previously discussed.

F. False/Misleading Information presented on Behalf/By the Board to the State/Court, Etc.

Beth Hutchinson was concerned with the Board's accuracy of information and the possible over zealotness of the attorney, which had led to Franny Trexler being falsely accused, and who consequently had become erroneously embroiled in the law suit. Also, that the Board and Jean Curtiss had not presented totally accurate information to DEQ. Beth Hutchinson felt that Franny Trexler should receive a written apology from the Board and the attorney; and then asked what the Board's response was.

Jean Curtiss and Beth Hutchinson discussed which letter Beth Hutchinson had referenced. Pat Goodover and Beth Hutchinson discussed the accuracy of the form to DEQ regarding the exploration of the alternatives that Beth Hutchinson had referenced. Pat Goodover discussed Beth Hutchinson's request for letters of apology to Franny Trexler. Walt Hill had no response.

NEXT REGULARLY SCHEDULED MEETING: November 21, 2019

ADJOURNMENT OF MONTHLY BOARD MEETING:

Pat Goodover adjourned the meeting at 9:19pm

Attest:

Pat Goodover, President

Felicity Derry, Secretary