

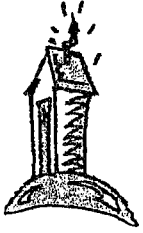
**Seeley Lake Sewer District**  
**REGULAR BOARD MEETING AGENDA**

DATE: Thursday September 17, 2020  
PLACE: Virtual Meeting via Zoom  
Computer: <https://us02web.zoom.us/j/8563339071?pwd=Z0NhbmRoWitlUFpyME8vTWJ0QlZ0Zz09>  
Telephone: 1 669 900 6833  
Meeting ID: 856 333 9071  
Password: 123528  
TIME: 6:00 p.m.

**ROLL CALL**

Tom Morris, President	O	05/2024
Beth Hutchinson, Vice President	O	05/2022
Pat Goodover, Director	O	05/2022
Walt Hill, Director	O	05/2022
Jason Gilpin, Director	O	05/2024
Felicity Derry, Secretary	O	

1. OPENING: Scheduled for 6:00 PM Via Zoom
2. APPROVAL OF AGENDA:
3. PRESIDENT'S COMMENTS:
4. PUBLIC COMMENT: On Items not on the Agenda of the Meeting and within the Jurisdiction of the Sewer District [MCA 2-3-103 (1)a]
5. CORRESPONDENCE:
  - a} Blaise Devins
  - b} MACo Proposed Assignment of Rights & Claims
  - c} Jon Beal
6. MINUTES: June 22, July 8, July 25, & August 20, 2020 - *Action*
7. FINANCIAL REPORTS:
  - a} Invoices - *Action*
  - b} July 2020
8. MANAGER'S REPORT: Status Report
9. WELL & LAKE TESTING REPORT:
10. UNFINISHED BUSINESS:
  - a} Discussion on Call for Bond Elections with Dan Semmens, Bond Counsel
  - b} Ordinance# 09172020 to Enforce the Rules & Regulations of the SLSD as they relate to the mandate that all properties in the SLSD Connect to the Community Sewer System, and to Provide Enforcement Abilities  
- *Discussion/Action*
  - c} General Counsel Response - *Discussion/Action*
  - d} Review Attorney Fees to Date - *Discussion/Action*
11. NEW BUSINESS:
  - a} Draft Policy on Setting the Agenda - *Discussion/Action*
  - b} Status of Insurance Regarding Lawsuit Legal Bills - *Discussion*
  - c} Board Member/Board Accountability - *Discussion*
  - d} Board/Employee - Staff Relations - *Discussion*
  - e} Audit - *Discussion/Action*
12. NEXT SCHEDULED MEETING: October 15, 2020
13. AGENDA ITEMS FOR NEXT SCHEDULED MEETING
14. ADJOURNMENT:



# SEELEY LAKE SEWER

PO Box 403  
Seeley Lake, MT 59868

September 17, 2020

Blaise Devins  
P.O. Box 140  
Seeley Lake, MT 59868

Dear Mr. Devins,

The Seeley Lake Sewer District Board received your email expressing your concerns regarding your property that is adjacent to the District. This letter is to confirm the District's intentions regarding annexation.

The Seeley Lake Sewer District does not intend to initiate annexation of your property. As you stated, your property is not currently within the boundaries of the Seeley Lake Sewer District. You are investing in a septic system that will meet the requirements of the Special Management Area established by the Missoula City County Board of Health and the Health Codes for Wastewater. This system will protect the aquifer and is a substantial investment for your family. The location of your property, adjacent to two properties that will not be developed, the U.S. Forest Service and the common area of your subdivision that protects Morrell Creek, adds a buffer to your septic system. Even if the other properties within your subdivision, along the east side of Tamarack Drive, petition into the District in the future, your property is isolated at the end of the subdivision and would not have to be annexed.

The District's first responsibility is to provide service to properties within the District and maintain the capacity to serve undeveloped properties within those boundaries. However, you or a future owner of your parcel may petition to be annexed into the District in the future if your system fails. The Sewer Board would consider that petition at that time but it would be initiated by the landowner.

Sincerely,

Tom Morris, Board President

## ASSIGNMENT OF RIGHTS AND CLAIMS

This Agreement is entered into by and between Montana Association of Counties Joint Powers Insurance Authority Property and Casualty Trust (MACo PCT) and Seeley Lake Water and Sewer District.

WHEREAS, Seeley Lake Sewer District is a defendant in an action in the Montana Fourth Judicial District Court, Missoula County, entitled “**Donald Larson, et. al. v. Seeley Lake Sewer District, Missoula County, et. al.**”, Cause No. DV-18-913; and

WHEREAS, MACo PCT has provided a defense to Seeley Lake Sewer District under full and express reservation of rights, including the right to recover its defense fees and costs; and

WHEREAS, the Indemnity Agreement between MACo PCT and Seeley Lake Sewer District expired July 1, 2018 and the First Notice to MACo PCT of the suit was August 8, 2018 which was beyond the policy term and the extended reporting period; and

WHEREAS, Seeley Lake Sewer District became an insured of Cincinnati Insurance Company under Policy No. EMN 049 47 24 issued by the Cincinnati Insurance Company on July 1, 2018; and

WHEREAS, Cincinnati Insurance Company has declined to undertake the defense of or indemnify the Seeley Lake Sewer District based upon a policy requirement which presents an impossibility because the Cincinnati Policy improperly and in violation of Montana law required Seeley Lake Sewer District to do an impossible thing: Report a claim within a certain period including at the time of the filing of a Complaint. Under Montana law, a Complaint may be filed but not served for three years and the defendant,

or insured, including the Seeley Lake Sewer District in this instance, would have no actual knowledge or notice of the filing of a Complaint that has not been served; and

WHEREAS, Seeley Lake Sewer District represents that it had no knowledge of the filing of the lawsuit on June 26, 2018 until August 8, 2018; and

WHEREAS, Seeley Lake Sewer District, for and in consideration of the agreements below, wishes to assign its rights under the Cincinnati Policy or Policies to MACo PCT;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Seeley Lake Sewer District hereby assigns to MACo PCT all of its rights and interests in and to the Cincinnati Policy of Insurance described above and any extension or renewal thereof and all of its rights and protections afforded under Montana law.

2. Seeley Lake Sewer District agrees to cooperate with MACo PCT with respect to MACo PCT pursuit of recovery of defense fees from Cincinnati Insurance Company including providing access to its files and records, including but not limited to access to its files and records concerning the above referenced litigation, its solicitation and purchase of the Cincinnati Policy, its communications and records relating to its purchase of the policy through its agent and including its communications with its agent, as well as access to the files and records of its defense counsel to the extent necessary for pursuit of the claim against Cincinnati Insurance Company. Seeley Lake Sewer District, its officers and board members also agree to cooperate with respect to discovery, including depositions and hearings, regarding the claim against Cincinnati Insurance Company.

3. In consideration of the above Assignment and the terms contained herein, MACo PCT agrees and covenants that it will not pursue recovery of its defense fees and costs from Seeley Lake Sewer District or any of its assets.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

SEELEY LAKE SEWER DISTRICT

By: \_\_\_\_\_  
Its: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

MACo PCT

By: \_\_\_\_\_  
Its: \_\_\_\_\_

# BEAL LAW FIRM, PLLC



Jon G. Beal

Kristine J. Beal

Jacob Anderson

Ian Gillespie

Paralegal/Property Manager - Shaelynn Neel

Katelyn Riordan - Paralegal/HR Manager

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September 2, 2020

**Via Email Only:**

Pat Goodover  
Director  
Seeley Lake Sewer District  
[sbp@centric.net](mailto:sbp@centric.net)

**Via Email Only:**

Beth Hutchinson  
Vice President  
Seeley Lake Sewer District  
[bethyhutchinson@hotmail.com](mailto:bethyhutchinson@hotmail.com)

**Via Email Only:**

Walt Hill  
Director  
Seeley Lake Sewer District  
[walt.hill@mso.umt.edu](mailto:walt.hill@mso.umt.edu)

**Via Email Only:**

Jean Curtiss  
District Manager  
Seeley Lake Sewer District  
[jcurtiss53@gmail.com](mailto:jcurtiss53@gmail.com)

**Re: Response to August 26, 2020 Correspondence Re; Board Refusal to Pay Firm Invoices  
Seeley Lake Sewer District (General Business - CLOSED) - SLS 17-00  
Seeley Lake Sewer District (Declaratory Judgment Action - CLOSED) - SLS 20-01**

Dear Ladies and Gentlemen:

Thank you for your August 26, 2020 correspondence (attached), regarding the Board's actions taken with respect to our firm's June 2020 and July 2020 invoices in SLS 17-00 and SLS 20-01. These invoices were submitted for payment on June 29, 2020 and July 31, 2020, and were outstanding for 57 days and 26 days respectively before you responded stating you do not want to pay some or all of the invoices. My firm worked tirelessly, including over nights and weekends to complete work for the Board as authorized by past-Board President Pat Goodover, and I am disappointed and flummoxed by your continued refusal to pay now that adverse directors have taken over as Board majority and President. As you know, Mr. Goodover was designated by the Board to be our contact for these matters, and fully authorized this work, **including** work performed on the declaratory judgment action that you now dispute (attached). I have enclosed the fully executed Retainer Agreements for both files. Relevant portions of the May 21, 2020 closed Board meeting and action authorizing us to perform work on the declaratory judgment action are included in the SLS 20-01 Retainer Agreement. Mr. Goodover informed Ms. Hutchinson on July 28, 2020 that there were no "issues" with these invoices and that the charges were authorized (attached), and informed me on August 25, 2020 that the invoices had been approved by the Board (attached). **It is not clear to me what charges you do not want to pay and what you are apparently reserving your right not to pay pending further "review".**

**Beal Law Firm, PLLC**

Pat Goodover, Walt Hill, Beth Hutchinson and Jean Curtiss

September 2, 2020

Page 2

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Enclosed are our firm's invoices for June 2020 through August 2020. **I respectfully request that you immediately pay all undisputed amounts in these invoices and set forth the basis each and every amount that you dispute in writing.** After we have received payment for all undisputed amounts, and an explanation related to the amounts that are disputed (if any), I will be in a position to discuss this matter with you. As an example of the charges you dispute, you state that attorney Neilson only listed 0.30 hours for our phone call on July 13, 2020, but as you know from my billing entry on that date, the 0.80 hours I charged encompassed more than the phone call and included work I performed drafting a memorandum and letter.

Thank you and stay healthy.

Kindest Personal Regards,  
Beal Law Firm, PLLC

/s/ Jon G. Beal

Jon G. Beal

[jonbeal@beallawfirm.com](mailto:jonbeal@beallawfirm.com)

JGB/sn

Encl.

cc: Felicity Derry (via Email Only)

**Attachments**

1. 2017-10-09 Retainer Agreement (SLSD)(Fully Executed)
2. 2020-06-10 Letter from Beal to Goodover (Addition of New Matter Agreement)(Fully Executed)
3. 2020-06-12 Email from Goodover to Neel (Authorization to File Complaint)
4. 2020-06-30 SLS 17-00 Invoice 12214
5. 2020-06-30 SLS 20-01 Invoice 12215
6. 2020-07-31 SLS 17-00 Invoice 12248
7. 2020-07-31 SLS 20-01 Invoice 12249
8. 2020-08-25 Emails Goodover and Beal (Past Due Invoices; Approval)
9. 2020-08-26 Email from Curtiss to Beal (Firm Invoices)
10. 2020-08-28 Email from Goodover to Neel (2020-07-28 Email to Hutchinson)
11. 2020-08-31 SLS 17-00 Invoice 12278
12. 2020-08-31 SLS 20-01 Invoice 12277

**SEELEY LAKE SEWER DISTRICT**  
**SPECIAL BOARD MEETING**  
**June 22, 2020**

Tom Morris	President	PRESENT	Walt Hill	Director	PRESENT
Beth Hutchinson	Vice President	PRESENT	Jason Gilpin	Director	PRESENT
Pat Goodover	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT

Public Attendance - Appendix A

**CALL TO ORDER:**

The meeting was called to order by Tom Morris at 6:01pm. The meeting was held remotely via Zoom, due to the ongoing COVID-19 situation.

**APPROVAL OF AGENDA:**

Beth Hutchinson moved to approve the agenda as presented. The Board discussed the listing of one resolution on the agenda while there were three possible resolutions. Also, what information had been made available for the public to review and the possibility of a special meeting. The correct way to pass a resolution and an ordinance was discussed. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

**PUBLIC COMMENT:**

Nathan Bourne asked when the meeting had occurred that had moved the lawsuit forward against Tom Morris and Jason Gilpin. Also, how the Board members had voted on that topic. Pat Goodover requested that be covered during the legal update.

Tom Morris had technical difficulties and left the meeting.

**OLD BUSINESS:**

None.



**NEW BUSINESS:**

**Review of Matters Leading to the Calling of This Special Meeting**

Beth Hutchinson chaired the meeting in the President's absence. Beth Hutchinson gave some background for this item and what had led to this special meeting being called.

Tom Morris rejoined the meeting; however, had some audio issues. Tom Morris left the meeting and rejoined once more.

With regard to Nathan Bourne's question, Pat Goodover noted that a closed meeting had been held on May 21, 2020 prior to the regular meeting. Attorney client privilege and releasing information from a closed meeting were discussed. The discussion turned to taking action in closed meetings and the filing of the declaratory judgement.

Nathan Bourne commented that the Board should not make decisions in closed meetings and questioned who had authorized the lawsuit.

Tom Morris yielded the Chair to the Vice President, Beth Hutchinson.

**Legal Counsel Resolution# 06222020 to Address Legal Counsel Resignation**

Beth Hutchinson noted that Jon Beal had sent a letter of resignation as the District's business counsel to herself, Pat Goodover and Walt Hill.

Beth Hutchinson proposed the following resolution: That whereas, Board members Goodover, Hill and Hutchinson were emailed a letter from Jon Beal, on June 17<sup>th</sup>, 2020 notifying them that the Beal Law Firm had resigned as the Seeley Lake Sewer District's business counsel. Beth Hutchinson moved, therefore, be it resolved, that the Seeley Lake Sewer Board acknowledges the resignation of the Beal Law Firm as the Seeley Lake Sewer District's business counsel as of June 17, 2020. Beth Hutchinson moved that the Board follow through with the resolution.

The Board discussed the language of the resolution and whether to clarify that Jon Beal would complete the unfinished business of the lawsuit as the Board's litigating attorney.

Pat Goodover proposed adding, whereas Jon Beal is still willing to continue as the litigation attorney. Discussion continued regarding including language pertaining to Jon Beal continuing as the litigation attorney or to simply acknowledge the letter of resignation. Beth Hutchinson, Pat Goodover and Walt Hill agreed that Jon Beal should continue with the litigation of the lawsuit. There was further discussion of the language of resolution.

**Resolution# 06222020 to Address Legal Counsel Resignation**

Whereas Board members Goodover, Hill and Hutchinson were emailed a letter from Jon Beal on June 17<sup>th</sup>, 2020 notifying them that the Beal Law Firm had resigned as the Seeley Lake Sewer District business counsel.

Therefore, be resolved that the Seeley Lake Sewer Board of Directors acknowledge Jon Beal's resignation as general business counsel per his letter of June 17<sup>th</sup>, 2020, effective immediately.

The Board voted as follows on Resolution# 06222020 to Address Legal Counsel Resignation:

Tom Morris	Recused
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Recused

Beth Hutchinson relinquished the Chair to Tom Morris.

### Execution of Contracts

Jean Curtiss reviewed the status of the TSEP and WRDA grants, and noted that due to the resignation of the District's business counsel an attorney needed to be engaged to review the grant documents. This would allow the agreements to be executed, enabling the grant funds to be utilized. The Board discussed the possibility of Dan Semmens reviewing the documents and having Jean Curtiss research engaging an attorney to review the contracts and then setting a special meeting to hire an attorney.

Pat Goodover moved to authorize Jean Curtiss and Beth Hutchinson, in consultation with the President, Tom Morris, to hire an attorney to sign the TSEP and WRDA documents. Walt Hill seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

Tom Morris yielded the Chair to Beth Hutchinson.

### Review of Matters Leading to the Calling of This Special Meeting - Continued

The Board discussed the declaratory judgement against Tom Morris and Jason Gilpin and the request for Jon Beal to withdraw the judgement. The discussion turned to the possibility of removing Tom Morris and Jason Gilpin from the declaratory judgement and using it to request guidance from the court. The Board discussed passing a resolution to instruct Jon Beal to withdraw the declaratory judgement and that it was not listed on the agenda.

Beth Hutchinson moved to send a letter to Jon Beal and say that Walt Hill, Pat Goodover and Beth Hutchinson wish him to remove the declaratory judgement action that was filed. Doing this in an open board meeting, acknowledging the fact that there was never any formal action by the Board to

file the judgment. The Board discussed who should sign the letter and agreed to add to the motion that Walt Hill should sign the letter. The motion was carried.

Tom Morris	Recused
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Recused

**NEXT REGULARLY SCHEDULED MEETING: July 16, 2020**

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Tom Morris adjourned the meeting at 7:05pm

Attest:

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Tom Morris, President

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Felicity Derry, Secretary



**SEELEY LAKE SEWER DISTRICT**  
**SPECIAL BOARD MEETING**  
July 8, 2020

Tom Morris	President	PRESENT	Walt Hill	Director	PRESENT
Beth Hutchinson	Vice President	PRESENT	Jason Gilpin	Director	PRESENT
Pat Goodover	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT
Public Attendance - Appendix A					

**CALL TO ORDER:**

The meeting was called to order by Tom Morris at 6:01pm. The meeting was held remotely via Zoom, due to the ongoing COVID-19 situation.

**APPROVAL OF AGENDA:**

Pat Goodover moved to approve the agenda as presented. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

**PUBLIC COMMENT:**

None.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Review/Respond to Recent Correspondence from Litigating Attorney**

Tom Morris yielded the chair to Vice President, Beth Hutchinson. Beth Hutchinson summarized what had led to scheduling the special meeting to address Jon Beal's request for action from the Board. There was discussion on how to handle any potential confidentiality.

A timeline of events was reviewed by the Board. For this item the Board consisted of Beth Hutchinson, Pat Goodover and Walt Hill. The Board discussed the referral of Mr. Boltz's concerns of election influencing to the Missoula County Elections Office and whether it could be pertinent to the current litigation. Discussion followed on the language of the Board's response to Jon Beal.

Pat Goodover moved to state that District Manager Curtiss had accurately reflected the Seeley Lake Sewer District's position on Boltz's referral to the Missoula County Elections Office. The Board did not discuss, investigate or move to take any action on this matter. The Board feels it was properly referred to Missoula County and then to the Office of Political Practices. Walt Hill seconded the motion. There was no further discussion. The motion was carried.

Beth Hutchinson	Aye
Walt Hill	Aye
Pat Goodover	Aye
Tom Morris	Recused
Jason Gilpin	Recused

The Board continued to review the timeline of events. Discussion followed on whether Ms. Dowdall still represented Tom Morris and how to respond to Jon Beal's request for direction regarding the motion to disqualify. The Board discussed the declaratory judgement.

Jean Curtiss noted that Tom Morris wanted to add something to the discussion. The Board discussed whether it was appropriate for Tom Morris to be included and referencing the by-laws declined to permit Tom Morris to speak on this topic.

Pat Goodover moved that the Board has discussed the motion to disqualify as it was filed on July 1<sup>st</sup>, 2020. The Board reiterates that Mr. Beal is our attorney for the remaining litigation portion of this case. Walt Hill seconded the motion. Discussion followed and the Board agreed to add the case number (DV-18-913) to the motion.

Beth Hutchinson	Aye
Walt Hill	Aye
Pat Goodover	Aye
Tom Morris	Recused
Jason Gilpin	Recused

The Board discussed whether to make a comment relaying their feeling that the argument between the attorneys was ridiculous and agreed to postpone the decision.

Discussion followed on the responses from Beth Hutchinson and Jean Curtiss to Jon Beal's request for clarification and how the Board should respond to Jon Beal's emails.

Beth Hutchinson moved that the comments Jean Curtiss had emailed to the Board be included in some manner, verbatim, because Jean Curtiss had addressed things quite clearly. Walt Hill and Pat Goodover agreed with the motion.

Beth Hutchinson requested public comment regarding the possible unfortunate influence on elections. There was no public comment.

Beth Hutchinson requested public comment regarding the challenge to Mr. Beal being the District's attorney.

Colleen Krause was experiencing technical issues, which were then resolved. Colleen Krause commented that the District should get rid of the attorney as he had far exceeded the duties he had been hired to perform. Things would run much smoother without him.

Pat Goodover and Walt Hill did not agree with Colleen Krause's statement as they felt that the District's litigating attorney, Jon Beal, needed to resolve the attorney's fees and costs portion of the litigation before he should be permitted to resign or withdraw from the case. Beth Hutchinson added that she wanted the penalty phase of the litigation to be resolved as quickly as possible.

Beth Hutchinson requested public comment regarding the clarification of the emails from Beth Hutchinson and Jean Curtiss to Jon Beal. There was no public comment.

The Board requested that Jean Curtiss compile the letter to Jon Beal for the Board (Beth Hutchinson, Pat Goodover & Walt Hill) to review. After discussion the Board agreed that the letter from Beth Hutchinson should be emailed to Jon Beal and the omission of a signature would be acceptable.

After discussing adding language regarding the quarrelling attorneys to the letter, the Board agreed to do so.

Beth Hutchinson turned the meeting back over to Tom Morris.

Tom Morris noted that he did not take part in the business part of the meeting and did not review any of the packet that was sent.

**NEXT REGULARLY SCHEDULED MEETING: July 16, 2020**

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Walt Hill moved to adjourn the meeting at 6:53pm.

Attest:

\_\_\_\_\_  
Tom Morris, President

\_\_\_\_\_  
Felicity Derry, Secretary

DRAFT





**SEELEY LAKE SEWER DISTRICT**  
**BOARD TRAINING WORKSHOP**  
July 25, 2020

Tom Morris	President	PRESENT	Pat Goodover	Director	PRESENT
Beth Hutchinson	Vice President	PRESENT	Walt Hill	Director	PRESENT
Jason Gilpin	Director	PRESENT	Felicity Derry	Secretary	ABSENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT
Public Attendance - Appendix A					

**CALL TO ORDER:**

The meeting was called to order by Tom Morris at 10:01am. The meeting was held remotely via Zoom, due to the ongoing COVID-19 situation.

**APPROVAL OF AGENDA:**

The Board agreed to move public comment to the end of the meeting, upon the recommendation of Dan Clark.

**NEW BUSINESS:**

Seeley Lake Sewer Board Training with Dan Clark from MSU Local Government Center

Dan Clark introduced himself and noted that the Board was an elected body and therefore should represent and make decisions for the greater good of the entire District.

The following topics were covered in the presentation and discussed:

Principles of Good Governance  
Montana Statutes on the Right of the Public to Know and Participate, with Regard to Meetings  
Public Participation  
Rules & Procedures  
Open Meetings

Nathan Bourne questioned if the Board was polled on a topic, would it be legal to make a decision on that poll. Dan Clark explained that a poll would not allow the public to participate in the process, so it would not. The discussion turned to scheduling special meetings, and that it would not apply in that instance. However, if there was a time constraint the Board should consider holding a well noticed Zoom meeting, even if a 48-hour notice could not be given.

The presentation continued and the following topics were covered and discussed.

Agendas  
Motions, Resolutions & Ordinances  
The Ability to Undo Previous Resolutions

The work session was recessed at 11:41am for lunch

The work session was reconvened at 12:30pm

The presentation continued and the following topics were covered and discussed:

Setting the Agenda and Managing Time  
Amending, Restructuring and Approving the Agenda  
Montana Code of Ethics and Public Trust  
Abstaining or Recusing from a Vote  
Electronic Signatures of Documents  
Board Member Accountability  
Parliamentary Procedures

Nathan Bourne questioned if a Board member had previously sued the District over an issue and was later elected to the Board, would it constitute a conflict to vote on the issue they previously had sued on. Dan Clark recommended consulting legal counsel and Board discussion followed.

**PUBLIC COMMENT:**

Nathan Bourne asked whether emails from the attorney were public record. Dan Clark recommended consulting legal counsel and clarified what was considered privileged information.

Nathan Bourne asked if a Board should have separate litigating and general business attorneys. Dan Clark suggested that should be based on the skill set of the attorney and at the discretion of the board.

Nathan Bourne questioned if boards could go back to the public and ask if a project should go ahead or not, once a project was moving forward through funding. Dan Clark felt an approach could be that the question had been asked, it had been answered and it was moving forward. By putting it on the ballot the board was abdicating their responsibility, as the decision had been made that the District was moving forward. The question should not be initiated by the board. The constituents within the District could put it on the ballot to have it nullified.

**NEXT REGULARLY SCHEDULED MEETING: August 6, 2020**

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Walt Hill moved to adjourn the meeting at 1:46pm. The motion passed unanimously.

Attest:

\_\_\_\_\_  
Tom Morris, President

\_\_\_\_\_  
Felicity Derry, Secretary



**SEELEY LAKE SEWER DISTRICT**  
**REGULAR BOARD MEETING**  
**August 20, 2020**

Tom Morris	President	PRESENT	Pat Goodover	Director	PRESENT
Beth Hutchinson	Vice President	PRESENT	Walt Hill	Director	PRESENT
Jason Gilpin	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Jean Curtiss	Manager	PRESENT	Kim Myre	Missoula Co	PRESENT

Public Attendance - Appendix A

**CALL TO ORDER:**

The meeting was called to order by Tom Morris at 6:03pm. The meeting was held remotely via Zoom, due to the ongoing COVID-19 situation.

**APPROVAL OF AGENDA:**

The definition of District employees was discussed. The Board discussed whether some items could be deferred to a later agenda. The Board agreed to leave them at the end of the agenda and assess postponing those items to a subsequent meeting at that time.

**PRESIDENT'S COMMENTS:**

Tom Morris thanked all of the attendees for their interest, noting that it was a very busy agenda and requested that everybody be succinct with comments to keep the meeting moving along.

**PUBLIC COMMENT:**

Colleen Krause requested that she would like the addresses for everybody in the Sewer District. Whether this would violate privacy was discussed.

**CORRESPONDENCE:**

Don Larson

Beth Hutchinson read this letter. (Appendix B)

Board of County Commissioners

Tom Morris read this letter. (Appendix C)

**MINUTES:**

July 16, 2020

Walt Hill and Beth Hutchinson reviewed their amendments to the minutes and discussion followed on what should be included in the minutes.

Walt Hill moved to approve the minutes for July 16, 2020 as amended. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

**FINANCIAL REPORTS:**

**Invoices – July 2020**

Felicity Derry reviewed the invoices for the Board.

Tom Morris moved to pay all of the invoices, with the exception of the Beal Law Firm invoices, as presented. Beth Hutchinson seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

**June 2020 Financial Reports**

Felicity Derry reviewed the June 2020 financial reports for the Board. Discussion followed on the legal expenses and their effect on the budget for FY2020.

**MANAGER'S REPORT:**

Jean Curtiss noted that the WRDA contract had been signed by both parties. This would allow the District to begin drawing those funds to pay for the Phase II engineering expenses. District funds would be used as match.

TSEP had approved the suggested language changes in the Phase III planning grant contract. That contract was ready to be signed.

The Pine Drive agreement had been signed by all parties. The checks for this easement that had been approved tonight would be held until the quiet title had been completed.

The agenda setting policy, which stemmed from the board training, was before the Board for review.

Jean Curtiss reviewed the District funds that would be used to pay the District's expenses until November, when the fee assessment income would be received.

Jean Curtiss reviewed a draft of the District reserve, which reflected both budgeted and other line items for the Board.

Where the funds for an election and legal fees, that were either unbudgeted or over budget, would be moved from were discussed. Discussion followed on making budget amendments.

Jean Curtiss reviewed the overall project budget, but focused on Phase I and the treatment plant and their grants and match requirements. Discussion followed on the possibility of the District being required to pay back any of the grant funds if the project failed.

Discussion turned to the Phase III TSEP planning grant and the District's match. The Board agreed that Great West Engineering should not begin that work until after January 2021.

**WELL & LAKE TESTING REPORT:**

Vince Chappell was unavailable to attend the meeting. Jean Curtiss noted that in light of the publicity regarding the Post Office, some of the samples for the last quarter's testing did not reach the lab in time. Jean's husband drove to Seeley to pick them up and delivery them to the lab.

**UNFINISHED BUSINESS:**

**Resolution# 08202020 To Reflect Taxable Values Provided By MT Dept of Revenue Setting Assessments – Seeley Lake Sewer District (Replacing Resolution# 08062020)**

Jean Curtiss noted that the Department of Revenue (DOR) would not finalize the taxable values until towards the end of September and then reviewed what effect this could have on the overall taxable value of the District and the amount assessed to properties. These changes necessitated that Resolution# 08062020 Setting Assessments – Seeley Lake Sewer District be replaced. The Board discussed contacting the people whose assessment had changed significantly or whether to wait until the DOR had finalized the taxable values.

Pat Goodover moved to adopt Resolution# 08202020 To Reflect Taxable Values Provided by MT Dept of Revenue Setting Assessments – Seeley Lake Sewer District (Replacing Resolution# 08062020). Walt Hill seconded the motion. The Board discussed when the tax roll would be finalized. Kim Myre noted that the tax roll had been finalized and gave the Board the timeline for the submission of the resolution and the tax roll. The Board discussed notifying the owners of the properties that had significant changes to their assessments. Beth Hutchinson volunteered to call those owners.

There was no further discussion. The motion carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye



## Discussion on Call for Bond Elections with Dan Semmens, Bond Counsel

Dan Semmens gave some background information and explained how the bonding process worked and how the changes in the taxable value of the District effected the amount of tax assessed.

Dan Semmens reviewed the draft resolution, possible election schedules, the noticing process and the amount of the bond utilized in the discussion draft. The two draft ballots and who could vote in the debt elections were reviewed in depth.

Dan Semmens reviewed the difference between an assessment and a tax. Also, how an increase in the District's taxable value would affect the taxes assessed for a General Obligation (GO) bond.

Dan Semmens laid out how the treatment plant had a general benefit across the entire District and could therefore utilize a GO bond. Whereas the collection system provided a direct benefit and therefore a revenue bond could be used.

The Board discussed with Dan Semmens how an increase to a property's taxable value would affect the District's taxable value and the taxes assessed.

The Board and Dan Semmens discussed if the GO bond were to fail and the RD grants disappeared, would that cause the project to also fail. The discussion turned to whether that would be contrary to the Board's commitment to move the project forward as designed, or if funding the project was a different topic.

Discussion followed on the Board's concern over the equitability of the assessment bond, their wish for an election and how to comply with the Board's commitment to move the project forward. The corresponding resolution and affording the public a say in the project was discussed. Also, being mandated to build a sewer and having to pay for the entire project if the funding was lost or the possibility of pursuing alternative methods. The discussion moved to finding alternative ways to make the project affordable and to stop the pollution the groundwater.

Dan Semmens discussed the funds available to the District if the bond election failed and the current funding package disappeared.

The Board and Dan Semmens discussed how the GO bond would spread the cost of the project across the District. Also, that a GO bond was favored by lenders, as it did not require a reserve.

The Board agreed by consensus that Dan Semmens should continue researching this item.

## Draft Solicitation for General Counsel

Jean Curtiss reviewed the draft solicitation for general counsel. The Board discussed the draft, adding several items and clarifying some of the language.

Tom Morris moved to adopt the draft solicitation as amended. The board discussed reviewing the final draft before it was sent out. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

The Board discussed who to send the solicitation to and agreed to send it to the appropriate firms in Missoula and Bozeman.

### Review Attorney Fees to Date

Tom Morris requested that the Board review the attorney fees without descending into who did what and why.

Jean Curtiss reviewed the attorney fees and what the Board might consider to be ineligible charges.

The current Board members that were present at the May 21, 2020 closed meeting discussed in depth whether they had directed Jon Beal to pursue the declaratory action and how much of what was billed in those invoices had been authorized by the Board. Also, if a contract had been signed for the work that had been done.

Jean Curtiss reviewed some of the charges that the Board might consider not paying. The Board discussed further review of the charges and requesting that Jon Beal resubmit some of the June 2020 charges. The Board discussed making three payments to spread the cost.

Pat Goodover moved to reduce the invoices by \$1,392 and request that Jon Beal reconsider some of the cost for \$1,591.50 charged regarding TSEP & WRDA. Nathan Bourne suggested that Jon Beal had set a precedence by reducing a previous bill for the District. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Nay
Pat Goodover	Aye
Walt Hill	Aye
Jason Gilpin	Aye

### Community Fund to Offset Assessment

Tom Morris noted that there had been community members that were interested in this topic. This was opened for discussion. There was no discussion.

### Employee/Staff Job Descriptions

Tom Morris noted that Jean Curtiss and Felicity Derry were contracted labor. The Board discussed forming a committee to define the job descriptions, roles and relationships for those people that work for the District. This would help Board members with their expectations.

Beth Hutchinson and Tom Morris volunteered to be on this committee.

### Communications Structure/Plan

Beth Hutchinson suggested a committee be formed to help upgrade and improve communications with the public and invite public participation.

Beth Hutchinson and Tom Morris volunteered to be on this committee.

### **NEW BUSINESS:**

#### Ordinance# 09172020 To Enforce The Rules & Regulations Of The SLSD As They Relate To The Mandate That All Properties In The SLSD Connect To The Community Sewer System

Pat Goodover gave some background for the ordinance. The Board discussed the language of the ordinance and the failure to connect charge. The discussion turned to public resistance to the mandated connection resolution and its enforceability.

The Board discussed making the amendment to the failure to connect charge and putting the ordinance on the September agenda.

Nathan Bourne questioned some of the technical aspects of the ordinance and whether the District would be responsible for the pretreatment cost and if it applied to all four phases. Discussion followed on what that part actually referenced and whether that section should be removed.

### Proposed Amendments to the By-Laws

Beth Hutchinson noted that primarily this revision to the by-laws had been drafted to remove the weaponization that he been included by the attorney and to remove inconsistencies using the by-laws that had been presented from the committee.

Beth Hutchinson reviewed the proposed amendments to the by-laws.

The Board discussed holding off implementing the changes until an attorney had been hired and could review them. Also, that while the amendments were in line with other sewer districts, the set from the recent board training could be used as a reference.

The Board agreed to form a committee of Beth Hutchinson, Tom Morris and Jean Curtiss for the by-laws and to add this item on the September agenda.

### Draft Policy on Setting the Agenda

The Board agreed that due to the time this item should be moved to the September agenda.

Status of Insurance Regarding Lawsuit Legal Bills

Jean Curtiss reviewed the history for this item and would provide an update for the Board at the next meeting.

Board Member/Board Accountability

The Board agreed to move this item to the September agenda.

Board/Employee – Staff Relations

The Board agreed to move this item to the September agenda.

**NEXT REGULARLY SCHEDULED MEETING: September 17, 2020**

The Board discussed which meeting the amendments to the by-laws should be presented at.

Tom Morris moved to present the by-law amendments at the September meeting.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Nay
Walt Hill	Nay
Jason Gilpin	Nay

The motion failed. Therefore, the by-laws would be presented at the October meeting.

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Tom Morris adjourned the meeting at 10:11pm

Attest:

\_\_\_\_\_  
Tom Morris, President

\_\_\_\_\_  
Felicity Derry, Secretary

08/20/2020  
Seeley Lake Sewer District  
Regular Board Meeting



## APPENDIX B

AUG 03 REC'D

July 31, 2020

Seeley Lake Sewer District Board

Box 403

Seeley Lake, Montana 59868

Sirs, and Madam

In the past three years I have spent \$84,340.32 on legal services from Worden Thane and Haines and Colleen Dowdall Law offices in pursuing my opposition to the proposed Seeley Lake Sewer project. I believe the Seeley Lake Sewer District should reimburse me for these costs. I can document every hour of legal billing.

The Montana Constitution guarantees citizens' right to know, to participate, and to vote on any public indebtedness it is asked to incur. The Seeley Lake Sewer District Board has been intractable in its pursuit of the present alternative and has not served its residents very well. It has failed to properly research its proposal. It has failed to fully examine water quality in the four sub-districts. It has failed to conduct an income survey and determine the debt load residents can assume, It has failed to look at more affordable alternatives and most importantly, it has failed to assess the negative impact on housing costs and the possible negative impact it would have on Pyramid Mtn Lumber....hence the reason for my legal challenge.

The cost of the litigation was exacerbated by your legal counsel and the type of litigation he employs and my legal counsel spent a great deal of time correcting him on facts not relevant to the lawsuit.

My effort to secure a writ of mandamus and allow citizens the right to vote on the project was also an unnecessary and expensive undertaking. While the district court dismissed my actions, it did allow for me to re-file my complaints.

And Mr. Beals filing of a lawsuit on behalf of the board against the two most recently elected members also was a waste of my and Sewer District dollars.

The new Board members secured election because they indicated they would allow citizens to vote on the proposal once the bids are in. That is what I have been fighting for these past three years.

I hope you will consider offering me relief for this regrettable, unnecessary expenditure. Had the past Board members recognized and respected the constitutional rights I outlined above, this would not have been necessary.

Thank you, in advance, for your consideration.

*Don Larson*

**APPENDIX C**



**BOARD OF COUNTY COMMISSIONERS**  
200 WEST BROADWAY ST.  
MISSOULA, MT 59802-4292

PHONE: (406) 258-4877  
FAX: (406) 721-4043

BCC 2020-116  
Aug. 6, 2020

Seeley Lake Sewer District Board  
P.O. Box 403  
Seeley Lake, MT 59868-0403

RE: Memorandum of Understanding

Dear Seeley Lake Sewer District Board,

Missoula County is dedicated to the success of the Seeley Lake Sewer District and the current project coming to fruition for the health and public safety of the Seeley Lake community. As such, Missoula County is providing the services of Public Works employee Kim Myre to assist with administrative services as outlined in Section 3 of the interlocal agreement between the district and Missoula County.

Ms. Myre's role, with respectful cooperation from the district, is to assist as a resource to coordinate budgets and financial reports, provide grant administration assistance, participate in monthly board meetings and project calls and prepare tax rolls for county collection. Ms. Myre's role does not include providing legal advice. Legal issues should be directed to the Seeley Lake Sewer District's attorney. (See recorded Interlocal Agreement: Book 1020, Page 5, Missoula County Clerk and Recorder's Office).

Missoula County may consider terminating the interlocal agreement if the district cannot respect the scope of administrative services in the agreement. Please do not ask Kim Myre for legal advice and please treat her with all due respect.

If you have questions or comments, please feel free to contact the Missoula Board of County Commissioners.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:

**Josh Slotnick, Chair**

Not available

**David Strohmaier, Commissioner**

DocuSigned by:

**Juanita Vero, Commissioner**

Cc: Shane Stack, P.E. – Director Missoula County Public Works  
Deb Bell, AICP. – Assistant Director-Administration, Missoula County Public Works

BCC/ac



**Seeley Lake Sewer District  
Invoices for August 2020**

**District:**

Seeley Lake Water District - <i>Inv#188 August 2020</i>	\$616.20
Curtiss Consulting - <i>August/September</i>	\$1,980.00
Felicity Derry - <i>August/September</i>	\$547.50
	\$3,143.70

**Beal Law Firm Invoices**

Beal Law Firm - <i>Inv#12214 June 2020</i>	<b>Invoices Reviewed by Committee</b>	\$6,346.50
Beal Law Firm - <i>Inv#12215 June 2020</i>	<b>From the July Meeting</b>	\$14,385.45
		\$20,731.95
Beal Law Firm - <i>Inv#12277 August 2020</i>		\$148.11
Beal Law Firm - <i>Inv#12278 August 2020</i>		\$72.24
		\$220.35
<b>Total Beal Law Firm Invoices for June &amp; July 2020</b>		<b>\$20,952.30</b>

**Project:**

Great West Engineering - <i>Inv#22329 Phase 1 July 19 - Aug 15, 2020</i>	\$1,231.25
Great West Engineering - <i>Inv#22333 Phase 2 July 19 - Aug 15, 2020</i>	\$3,498.00
<b>Project Total</b>	<b>\$4,729.25</b>

<b>Total Invoices:</b>	<b>\$8,093.30</b>
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\* Total does not include the June Beal Invoices being reviewed by committee

**Seeley Lake - Missoula County Water District**

PO Box 503  
 Seeley Lake, MT 59868-0503

Phone # 406-677-2559

**Invoice**

DATE	INVOICE #
9/1/2020	188

BILL TO
Seeley Lake Sewer District PO Box 403 Seeley Lake, MT 59868-0403

SHIP TO

P.O. NUMBER	TERMS	REP	SHIP	VIA	
	Due on Receipt		9/1/2020	Vince	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
40	MiscI	Bookkeeping & Admin August 2020	15.00	600.00
324	MiscO	Misc. Office	0.05	16.20

THANK YOU!	<b>Total</b>	\$616.20
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**CURTISS CONSULTING, LLC**

**1419 Howell Street**

**Missoula, MT 59802**

**District Manager for Seeley Lake Sewer District Board Invoice**

8-17-20	MACo, resolution, supporting documents, general admin	7 hr
8-18-20	emails, board mtg prep	1 hr
8-19-20	Call with Amy, Michelle, general admin, board mtg prep	3.5 hr
8-20-20	Board mtg prep, board meeting	9.5 hr
8-21-20	board mtg follow-up on general counsel, Beal	3.5 hr
8-24-20	general admin, board input on solicitation	3 hr
8-25-20	general admin	2 hr
8-26-20	solicitation for Gen Counsel out, Beal invoice review, budget	4 hr
8-27-20	Pine drive, calls, gen admin	4.5 hr
9-1-20	Pine dr, Blaise Devin email, Beal	2.5 hr
9-2-20	Call with Amy, Michelle, prep for Sept board	3 hr
9-3-20	general admin,	4 hr
9-10-20	KECI, general admin	2 hr
<b>Total</b>	<b>49.5 hours @ \$40/hr =</b>	<b>\$1980</b>

**Payable to Curtiss Consulting, LLC**

Felicity Derry  
August/September

Date	Time	Subject	Hours
8/20/2020	5:30-10:15p	Meeting	4.75
8/24/2020	5:30-8:15p	Meeting Mins	2.75
8/25/2020	4:45-8:15p	Meeting Mins	3.50
8/31/2020	5:00-9:45p	Meeting Mins	4.75
9/1/2020	5:15-9:30p	Meeting Mins	4.25
9/7/2020	7:15-9:00p	Meeting Mins	1.75
9/8/2020	5:00-9:00p	Meeting Mins	4.00
9/9/2020	5:15-9:00p	Meeting Mins	3.75
9/10/2020	3:30-8:15p	Meeting Mins	4.75
9/14/2020	7:30-9:45p	Meeting Mins	2.25
			<hr/> 36.50

36.50 x \$15 = \$547.50

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\$547.50  

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**\$547.50**

**BEAL LAW FIRM, PLLC**

121 Hickory St., Suite 4 PO Box 8898 Missoula, MT 59807-8898

Phone Number: 406-728-2911

Fax Number: 406-728-2912

EIN: 32-0051823

Invoice submitted to:

Seeley Lake Sewer District  
PO Box 403  
Seeley Lake, MT 59868

August 31, 2020

In Reference To: SLS 20-01 Seeley Lake Sewer District (Decl Judgment Action)  
Submit invoices via email to sbp@centric.net;  
jcurtiss53@gmail.com; slk2559@blackfoot.net

Invoice # 12277

	<u>Amount</u>
<b>Interest on overdue balance</b>	<b>\$148.11</b>
<b>Total amount of this bill</b>	<b>\$148.11</b>
<b>Previous balance</b>	<b>\$14,532.06</b>
<b>BALANCE DUE</b>	<b><u><u>\$14,680.17</u></u></b>

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>	<u>180 Days</u>	<u>210 Days</u>
148.11	146.61	14,385.45	0.00	0.00	0.00	0.00



THANK YOU FOR YOUR BUSINESS!

Invoice is due upon receipt. A service charge of 1% per month (12%APR) will be charged on all invoices not paid by the 1st of the month following the invoice date.

**BEAL LAW FIRM, PLLC**

121 Hickory St., Suite 4 PO Box 8898 Missoula, MT 59807-8898

Phone Number: 406-728-2911

Fax Number: 406-728-2912

EIN: 32-0051823

Invoice submitted to:

Seeley Lake Sewer District  
PO Box 403  
Seeley Lake, MT 59868

August 31, 2020

In Reference To: SLS 17-00 Seeley Lake Sewer District (General Business)  
Submit Invoices via Email to: sbp@centric.net;  
jcurtiss53@gmail.com; slk2559@blackfoot.net

Invoice # 12278

	<u>Amount</u>
<b>Interest on overdue balance</b>	<b>\$72.24</b>
<b>Total amount of this bill</b>	<b>\$72.24</b>
<b>Previous balance</b>	<b>\$7,088.18</b>
<b>BALANCE DUE</b>	<b><u>\$7,160.42</u></b>

Current	30 Days	60 Days	90 Days	120 Days	180 Days	210 Days
<u>72.24</u>	<u>741.68</u>	<u>6,346.50</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>



THANK YOU FOR YOUR BUSINESS!

Invoice is due upon receipt. A service charge of 1% per month (12%APR) will be charged on all invoices not paid by the 1st of the month following the invoice date.



PO Box 4817  
 2501 Belt View Drive  
 Helena, MT 59604  
 Phone: 406.449.8627

Seeley Lake Sewer District  
 Pat Goodover, District President  
 PO Box 403  
 Seeley Lake, MT 59868

Invoice number 22329  
 Date 08/21/2020  
 Project 1-11298 SEELEY LAKE SEWER  
 DISTRICT - MISSOULA COUNTY

Professional Services from July 19, 2020 through August 15, 2020

	<u>Amount</u>	
<b>60-13 Study &amp; Report Phase</b>		
Contract Amount	75,000.00	
Percent Complete	101.01	
Prior Billed	75,760.29	
Total Billed	75,760.29	
		Current Billed 0.00
<b>62-13 Final Design</b>		
Contract Amount	343,000.00	
Percent Complete	100.00	
Prior Billed	343,000.00	
Total Billed	343,000.00	
		Current Billed 0.00
<b>63-13 Bidding and Negotiating</b>		
Contract Amount	138,600.00	
Percent Complete	25.00	
Prior Billed	34,650.00	
Total Billed	34,650.00	
		Current Billed 0.00
<b>64-13 Construction Phase</b>		
Contract Amount	760,700.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
<b>65-13 Post-Construction Phase</b>		
Contract Amount	24,800.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00

	Amount	
<b>66-13 Resident Project Representative (RPR)</b>		
Contract Amount	749,400.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
	Current Billed	0.00

<b>85-13 Additional Services: EDA Disaster Grant Application Sections B-E</b>		
Contract Amount	4,000.00	
Percent Complete	100.00	
Prior Billed	3,800.00	
Total Billed	4,000.00	
	Current Billed	200.00
	Total	200.00

**Additional Services: EDA Disaster Grant Application**

Professional Fees

	Hours	Rate	Billed Amount
Project Administrator	8.25	125.00	1,031.25
		Invoice total	1,231.25

**Invoice Summary**

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
<b>60-13 Study &amp; Report Phase</b>	75,000.00	101.01	75,760.29	75,760.29	-760.29	-1.01	0.00
<b>61-13 Preliminary Design</b>	324,200.00	100.11	324,563.70	324,563.70	-363.70	-0.11	0.00
<b>62-13 Final Design</b>	343,000.00	100.00	343,000.00	343,000.00	0.00	0.00	0.00
<b>63-13 Bidding and Negotiating</b>	138,600.00	25.00	34,650.00	34,650.00	103,950.00	75.00	0.00
<b>64-13 Construction Phase</b>	760,700.00	0.00	0.00	0.00	760,700.00	100.00	0.00
<b>65-13 Post-Construction Phase</b>	24,800.00	0.00	0.00	0.00	24,800.00	100.00	0.00
<b>66-13 Resident Project Representative (RPR)</b>	749,400.00	0.00	0.00	0.00	749,400.00	100.00	0.00
<b>67-13 Additional Services: Grant Application</b>	36,000.00	63.45	22,840.77	22,840.77	13,159.23	36.55	0.00
<b>68-13 Additional Services: Groundwater Discharge Permit</b>	76,500.00	99.74	76,298.66	76,298.66	201.34	0.26	0.00
<b>69-13 Additional Services: Geotechnical Investigation</b>	98,750.00	86.57	85,484.04	85,484.04	13,265.96	13.43	0.00
<b>70-13 Additional Services: Powell County Land Use Permit</b>	5,000.00	82.39	4,119.25	4,119.25	880.75	17.62	0.00
<b>71-13 Additional Services: DNRC Land Application Assistance</b>	2,500.00	61.13	1,528.25	1,528.25	971.75	38.87	0.00



**Invoice Summary**

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
<b>72-13 Additional Services: Environmental Analysis and Reports</b>	15,000.00	103.40	15,509.40	15,509.40	-509.40	-3.40	0.00
<b>73-13 Additional Services: Sewer Service Field Work</b>	74,290.00	99.55	73,954.14	73,954.14	335.86	0.45	0.00
<b>74-13 Additional Services:Aerial Photo</b>	7,810.00	91.75	7,165.61	7,165.61	644.39	8.25	0.00
<b>75-13 Additional Services: Forcemain &amp; Lift Station Topo Survey/Aerial Photo</b>	10,000.00	100.67	10,066.60	10,066.60	-66.60	-0.67	0.00
<b>76-13 Additional Services: Funding Agency Assistance</b>	60,000.00	99.93	59,957.80	59,957.80	42.20	0.07	0.00
<b>77-13 Additional Services: Grant Administration</b>	80,000.00	0.00	0.00	0.00	80,000.00	100.00	0.00
<b>78-13 Additional Services: Phase 1 Wastewater Collection - Bidding &amp; Construction Mgmt</b>	0.00	0.00	81.75	81.75	-81.75	0.00	0.00
<b>79-13 Additional Services: Separate Treatment &amp; Collection Projects</b>	10,500.00	100.00	10,499.99	10,499.99	0.01	0.00	0.00
<b>80-13 Additional Services: O&amp;M Manual Preparation</b>	30,000.00	0.00	0.00	0.00	30,000.00	100.00	0.00
<b>81-13 Additional Services: Startup Assistance</b>	15,000.00	0.40	60.00	60.00	14,940.00	99.60	0.00
<b>82-13 Additional Services: Coordinate with District</b>	30,000.00	97.64	29,293.33	29,293.33	706.67	2.36	0.00
<b>83-13 Additional Services: Phase 3 &amp; 4 Cost Estimates</b>	4,000.00	100.01	4,000.50	4,000.50	-0.50	-0.01	0.00
<b>84-13 Additional Services: EDA Disaster Grant Application</b>	10,000.00	95.87	8,555.75	9,587.00	413.00	4.13	1,031.25
<b>85-13 Additional Services: EDA Disaster Grant Application Sections B-E</b>	4,000.00	100.00	3,800.00	4,000.00	0.00	0.00	200.00
<b>Total</b>	<b>2,985,050.00</b>	<b>39.95</b>	<b>1,191,189.83</b>	<b>1,192,421.08</b>	<b>1,792,628.92</b>	<b>60.05</b>	<b>1,231.25</b>

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
21784	05/28/2020	5,496.00			5,496.00		
21898	06/26/2020	2,693.25		2,693.25			
22151	07/27/2020	4,041.50	4,041.50				
22329	08/21/2020	1,231.25	1,231.25				
<b>Total</b>		<b>13,462.00</b>	<b>5,272.75</b>	<b>2,693.25</b>	<b>5,496.00</b>	<b>0.00</b>	<b>0.00</b>

*Payments are due within 30 days of the invoice date. Thank you.*

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PO Box 4817  
 2501 Belt View Drive  
 Helena, MT 59604  
 Phone: 406.449.8627

Seeley Lake Sewer District  
 Pat Goodover, District President  
 PO Box 403  
 Seeley Lake, MT 59868

Invoice number 22333  
 Date 08/21/2020

Project 1-19246 SEELEY LAKE PHASE 2

Professional Services from July 19, 2020 through August 15,2020

	<u>Amount</u>	
<b>10-13 Preliminary Design</b>		
Contract Amount	149,600.00	
Percent Complete	100.00	
Prior Billed	149,600.00	
Total Billed	149,600.00	
		Current Billed 0.00
<b>11-13 Final Design</b>		
Contract Amount	116,600.00	
Percent Complete	15.00	
Prior Billed	13,992.00	
Total Billed	17,490.00	
		Current Billed 3,498.00
<b>12-13 Bidding &amp; Negotiating</b>		
Contract Amount	51,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
<b>13-13 Construction</b>		
Contract Amount	313,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00
<b>14-13 Post-Construction</b>		
Contract Amount	20,000.00	
Percent Complete	0.00	
Prior Billed	0.00	
Total Billed	0.00	
		Current Billed 0.00

		<u>Amount</u>
<b>15-13 Resident Project Representative (RPR)</b>		
Contract Amount		420,800.00
Percent Complete		0.00
Prior Billed		0.00
Total Billed		0.00
	Current Billed	<u>0.00</u>
	Total	<u>3,498.00</u>
	Invoice total	<u><u>3,498.00</u></u>

**Invoice Summary**

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Remaining	Remaining Percent	Current Billed
<b>10-13 Preliminary Design</b>	149,600.00	100.00	149,600.00	149,600.00	0.00	0.00	0.00
<b>11-13 Final Design</b>	116,600.00	15.00	13,992.00	17,490.00	99,110.00	85.00	3,498.00
<b>12-13 Bidding &amp; Negotiating</b>	51,000.00	0.00	0.00	0.00	51,000.00	100.00	0.00
<b>13-13 Construction</b>	313,000.00	0.00	0.00	0.00	313,000.00	100.00	0.00
<b>14-13 Post-Construction</b>	20,000.00	0.00	0.00	0.00	20,000.00	100.00	0.00
<b>15-13 Resident Project Representative (RPR)</b>	420,800.00	0.00	0.00	0.00	420,800.00	100.00	0.00
<b>60-13 Geotechnical Investigation</b>	10,000.00	0.00	0.00	0.00	10,000.00	100.00	0.00
<b>61-13 TSEP - Phase 2 Application Revision</b>	5,000.00	100.00	5,000.00	5,000.00	0.00	0.00	0.00
<b>Total</b>	1,086,000.00	15.85	168,592.00	172,090.00	913,910.00	84.15	3,498.00

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
20558	11/19/2019	44,880.00					44,880.00
21472	04/22/2020	8,792.50					8,792.50
21785	05/28/2020	57,651.25			57,651.25		
21904	06/26/2020	4,908.25		4,908.25			
22333	08/21/2020	3,498.00	3,498.00				
	<b>Total</b>	119,730.00	3,498.00	4,908.25	57,651.25	0.00	53,672.50

Payments are due within 30 days of the invoice date. Thank you.

	JULY 2020	MTHLY BUDGET	2021 FISCAL YTD	YTD BUDGET	2021 BUDGET	% OF BUDGET
<b>OPERATING BILLED INCOME</b>						
Fee Assessment	\$2,426.71	\$17,860.75	\$2,426.71	\$17,860.75	\$214,329.00	1.1
Interest Income CAB	\$80.69	\$0.00	\$80.69	\$0.00	\$0.00	
Interest Income Missoula County	\$45.29	\$0.00	\$45.29	\$0.00	\$0.00	
<b>TOTAL OPERATING INCOME</b>	<b>\$2,552.69</b>	<b>\$17,860.75</b>	<b>\$2,552.69</b>	<b>\$17,860.75</b>	<b>\$214,329.00</b>	<b>1.2</b>

#### OPERATING EXPENSES

Audit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.0
Bookeeping	\$720.00	\$416.67	\$720.00	\$416.67	\$5,000.00	14.4
Dues & Subscriptions	\$0.00	\$41.67	\$0.00	\$41.67	\$500.00	0.0
Election	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.0
Equipment	\$0.00	\$4.17	\$0.00	\$4.17	\$50.00	0.0
Income Survey	\$0.00	\$62.50	\$0.00	\$62.50	\$750.00	0.0
Insurance - Liability	\$0.00	\$166.67	\$0.00	\$166.67	\$2,000.00	0.0
Legal	\$888.29	\$0.00	\$888.29	\$1,250.00	\$15,000.00	5.9
Licenses & Fees	\$0.00	\$81.25	\$0.00	\$81.25	\$975.00	0.0
Meals & Entertainment	\$0.00	\$4.17	\$0.00	\$4.17	\$50.00	0.0
Office Supplies	\$47.82	\$33.33	\$47.82	\$33.33	\$400.00	12.0
Postage	\$185.35	\$58.33	\$185.35	\$58.33	\$700.00	26.5
Public Relations	\$144.00	\$100.00	\$144.00	\$100.00	\$1,200.00	12.0
Manager	\$3,160.00	\$0.00	\$3,160.00	\$3,200.00	\$38,400.00	8.2
Secretary	\$588.75	\$350.00	\$588.75	\$350.00	\$4,200.00	14.0
Training	\$0.00	\$41.67	\$0.00	\$41.67	\$500.00	0.0
Travel	\$0.00	\$16.67	\$0.00	\$16.67	\$200.00	0.0
SSHS Testing	\$0.00	\$83.33	\$0.00	\$83.33	\$1,000.00	0.0
Water Testing	\$0.00	\$75.00	\$0.00	\$75.00	\$900.00	0.0
Well/Lake Monitoring	\$833.45	\$250.00	\$833.45	\$250.00	\$3,000.00	27.8
Reserve	\$0.00	\$0.00	\$0.00	\$2,333.33	\$28,000.00	0.0
Grant Match	\$0.00	\$1,250.00	\$0.00	\$1,250.00	\$15,000.00	0.0
Grant Writing Contracts	\$0.00	\$1,125.33	\$0.00	\$1,125.33	\$13,504.00	0.0
Repay Reserve	\$0.00	\$5,666.67	\$0.00	\$5,666.67	\$68,000.00	0.0
Pin Drive Easements	\$0.00	\$1,250.00	\$0.00	\$1,250.00	\$15,000.00	0.0
<b>TOTAL OPERATING EXPENSES</b>	<b>\$6,567.66</b>	<b>\$11,077.42</b>	<b>\$6,567.66</b>	<b>\$17,860.75</b>	<b>\$214,329.00</b>	<b>3.06</b>

<b>NET OP. INCOME (LOSS)</b>	<b>(\$4,014.97)</b>	<b>\$6,783.33</b>	<b>(\$4,014.97)</b>	<b>\$0.00</b>	<b>\$0.00</b>
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#### OTHER INCOME & EXPENSES

Grant WRDA - 2017	\$4,191.56	\$0.00	\$4,191.56	\$0.00	\$0.00
Grant DNRC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grant TSEP 2012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
LOR Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
RRGL - 2018	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grant STAG	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Missoula County Match Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL OTHER INCOME &amp; EXPENSES</b>	<b>\$4,191.56</b>	<b>\$0.00</b>	<b>\$4,191.56</b>	<b>\$0.00</b>	
<b>TOTAL NET INCOME (LOSS)</b>	<b>\$176.59</b>	<b>\$6,783.33</b>	<b>\$176.59</b>	<b>\$0.00</b>	

# BALANCE SHEET

## ASSETS

05/31/20

06/30/20

07/31/20

### CURRENT ASSETS

#### Cash Accounts

Citizens Alliance Bank Account	\$313,895.38	\$313,977.94	\$314,058.63
Missoula County Account	\$73,501.37	\$85,760.23	\$79,500.51
- District Reserve Funds	\$0.00	\$0.00	\$0.00
- General District Funds	\$73,501.37	\$85,760.23	\$79,500.51

#### Total Cash Assets

\$387,396.75

\$399,738.17

\$393,559.14

#### Accounts Receivable

\$0.00

\$0.00

\$0.00

### TOTAL CURRENT ASSETS

\$387,396.75

\$399,738.17

\$393,559.14

### FIXED ASSETS

#### Construction in Progress

Grant Administration	\$10,487.36	\$10,487.36	\$10,487.36
Fees	\$142,477.31	\$143,402.31	\$143,402.31
Capital Expenditure	\$55,917.00	\$55,917.00	\$55,917.00

#### Engineering

Coordinate with District	\$2,111.13	\$2,111.13	\$2,111.13
Environmental Analysis & Review	\$6,506.40	\$6,506.40	\$6,506.40
USFS Land Acquisition	\$11,522.60	\$11,522.60	\$11,522.60
Groundwater Discharge Permit	\$99,957.17	\$99,957.17	\$99,957.17
Public Meeting	\$2,362.80	\$2,362.80	\$2,362.80
Treatment and Collection System	\$88,825.09	\$88,825.09	\$88,825.09
Study & Report Phase	\$75,760.29	\$75,760.29	\$75,760.29
TSEP Grant Application	\$19,528.52	\$19,528.52	\$19,528.52
Coordinate with District & Attend Monthly Board Meetings	\$5,767.28	\$5,767.28	\$5,767.28
Groundwater Discharge Permit DNRC Site	\$24,270.30	\$24,270.30	\$24,270.30
Geotechnical Investigation	\$25,255.50	\$25,255.50	\$25,255.50
Powell County Land Use Permit	\$4,119.25	\$4,119.25	\$4,119.25
DNRC Land Application Assistance	\$1,528.25	\$1,528.25	\$1,528.25
Environmental Analysis & Review DNRC	\$15,509.40	\$15,509.40	\$15,509.40
Preliminary Design	\$332,916.66	\$332,916.66	\$332,916.66
Final Design	\$343,834.55	\$343,834.55	\$343,834.55
Sewer Service Field Work	\$74,403.05	\$74,403.05	\$74,403.05
Aerial Photo	\$7,809.99	\$7,809.99	\$7,809.99
Force main/Lift Stat Topo/Aerial	\$10,179.70	\$10,179.70	\$10,179.70
Funding Agency Assistance	\$47,307.80	\$47,307.80	\$47,307.80
Add Services - Grant Application	\$3,312.25	\$3,312.25	\$3,312.25
Add Services - Phase Collection - Bid & Construction	\$81.75	\$81.75	\$81.75
Add Services - Separate Treatment & Collection	\$10,499.99	\$10,499.99	\$10,499.99
Add Services - Startup Assistance	\$60.00	\$60.00	\$60.00
Add Services - Coordinate with District	\$23,526.05	\$23,526.05	\$23,526.05
Add Services - Phase 3 & 4 Cost Estimates	\$4,000.50	\$4,000.50	\$4,000.50
Add Services - Geotechnical Investigation	\$60,228.54	\$60,228.54	\$60,228.54
Add Services - Forcemain & Lift Station Topo	\$2,058.85	\$2,058.85	\$2,058.85
Add Services - Funding Agency Assistance	\$197.25	\$197.25	\$197.25
Add Services - EDA Grant App B-E	\$2,000.00	\$3,000.00	\$3,800.00
Add Services - EDA Grant App	\$3,621.00	\$5,314.25	\$8,555.75
Construction in Progress - Other	\$131,320.15	\$131,320.15	\$131,320.15
Bidding & Negotiating	\$34,650.00	\$34,650.00	\$34,650.00
Phase II Preliminary Design	\$149,600.00	\$149,600.00	\$149,600.00
Phase II Final Design	\$11,660.00	\$13,992.00	\$13,992.00
Phase II TSEP Application Revision	\$2,423.75	\$5,000.00	\$5,000.00

#### Total Fixed Assets

\$1,847,597.48

\$1,856,123.98

\$1,860,165.48

### TOTAL ASSETS

\$2,234,994.23

\$2,255,862.15

\$2,253,724.62

**BALANCE SHEET****LIABILITIES & EQUITY**

05/31/20

06/30/20

07/31/20

**CURRENT LIABILITIES**

Accounts Payable	\$123,189.30	\$152,541.11	\$150,226.99
Advance LOR Grant Income	\$308,963.37	\$308,963.37	\$308,963.37
<b>Total Current Liabilities</b>	<b>\$432,152.67</b>	<b>\$461,504.48</b>	<b>\$459,190.36</b>

**TOTAL LIABILITIES**\$432,152.67\$461,504.48\$459,190.36**OWNERS' EQUITY**

Retained Earnings	\$1,481,386.38	\$1,481,386.38	\$1,794,357.67
Net Income (Loss)	\$321,455.18	\$312,971.29	\$176.59
<b>Total Owners' Equity</b>	<b>\$1,802,841.56</b>	<b>\$1,794,357.67</b>	<b>\$1,794,534.26</b>

**TOTAL LIABILITIES & EQUITY**\$2,234,994.23\$2,255,862.15\$2,253,724.62

## CASH FLOW RECONCILIATION

	30-Jun	31-Jul	FISCAL YTD
<b>TOTAL NET INCOME (LOSS)</b>	(\$8,483.89)	\$176.59	\$176.59
<b>Operating Activities</b>			
Accounts Payable	\$29,351.81	(\$2,314.12)	(\$2,314.12)
Advance LOR Grant Income	\$0.00	\$0.00	\$0.00
<b>Total Investing Activities</b>	\$29,351.81	(\$2,314.12)	(\$2,314.12)
<b>INCREASE (DECREASE) IN NON-CASH ASSETS</b>			
Accounts Receivable	\$0.00	\$0.00	\$0.00
<b>Net Cash Provided by Operating Activities</b>	<u>\$20,867.92</u>	<u>(\$2,137.53)</u>	<u>(\$2,137.53)</u>
<b>INCREASE (DECREASE) INVESTING ACTIVITIES</b>			
Construction in Progress	(\$8,526.50)	(\$4,041.50)	(\$4,041.50)
<b>Total Incr (Decr) in Investments</b>	<u>(\$8,526.50)</u>	<u>(\$4,041.50)</u>	<u>(\$4,041.50)</u>
<b>NET CASH INCREASE (DECREASE)</b>	<u>\$12,341.42</u>	<u>(\$6,179.03)</u>	<u>(\$6,179.03)</u>
<b>CHANGE IN ACCOUNT BALANCES</b>			
Cash at Beginning of Period	\$387,396.75	\$399,738.17	\$399,738.17
Cash at End of Period	\$399,738.17	\$393,559.14	\$393,559.14
<b>Change in Account Balances</b>	<u>\$12,341.42</u>	<u>(\$6,179.03)</u>	<u>(\$6,179.03)</u>



**Seeley Lake - Missoula County Sewer District**  
**Check Detail**  
July 2020

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	1469	07/17/2020	Great West Engineering	1000 · Citizens Alliance Ba...	-4,191.56	-4,191.56
Bill	Inv#2...	04/22/2020	15041 · Bidding & Negotiating 15040 · Funding Agency As... 15046 · EDA Grant Applicati...		-4,067.03 -32.83 -91.70	5,544.00 44.75 125.00
TOTAL					-4,191.56	5,713.75
Bill Pmt -Check	1856	07/17/2020	Curtiss Consulting LLC	1001 · Missoula County Ac...	-3,160.00	-3,160.00
Bill		07/13/2020	6117 · Sewer District Consul...		-3,160.00	3,160.00
TOTAL					-3,160.00	3,160.00
Bill Pmt -Check	1857	07/17/2020	ME Labs	1001 · Missoula County Ac...	-833.45	-833.45
Bill	Inv#2...	07/01/2020	6290 · Well/Lake Monitoring		-159.65	159.65
Bill	Inv#2...	07/07/2020	6290 · Well/Lake Monitoring		-673.80	673.80
TOTAL					-833.45	833.45
Bill Pmt -Check	1858	07/17/2020	Missoula County Elections Office	1001 · Missoula County Ac...	-736.16	-736.16
Bill		06/17/2020	District Election		-736.16	736.16
TOTAL					-736.16	736.16
Bill Pmt -Check	1859	07/17/2020	Missoula County Public Works	1001 · Missoula County Ac...	-220.32	-220.32
Bill	Inv#0...	07/01/2020	Office Supplies Copies Postage		-25.93 -9.04 -185.35	25.93 9.04 185.35
TOTAL					-220.32	220.32
Bill Pmt -Check	1860	07/17/2020	Pathfinder	1001 · Missoula County Ac...	-13.00	-13.00
Bill	Inv#2...	06/30/2020	6670 · Public Relations		-13.00	13.00
TOTAL					-13.00	13.00
Bill Pmt -Check	1861	07/17/2020	Seeley Lake Water District	1001 · Missoula County Ac...	-732.85	-732.85

**Seeley Lake - Missoula County Sewer District**  
**Check Detail**  
July 2020

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill	Inv#186	07/01/2020		6652 · Bookkeeping Services Copies	-720.00 -12.85	720.00 12.85
<b>TOTAL</b>					-732.85	732.85
Check	1862	07/17/2020	Felcity Derry	1001 · Missoula County Ac... 6110 · Secretary	-588.75 -588.75	588.75 588.75
<b>TOTAL</b>					-588.75	588.75
Bill Pmt -Check	1863	07/17/2020	Great West Engineering	1001 · Missoula County Ac... 15041 · Bidding & Negotiating 15040 · Funding Agency As... 15046 · EDA Grant Applicati...	-1,476.97 -11.92 -33.30	5,544.00 44.75 125.00
<b>TOTAL</b>					-1,522.19	5,713.75
Bill Pmt -Check	1864	07/17/2020	Christian, Samson & Basket, PLLC	1001 · Missoula County Ac... 15001 · Const. In Prog - Fees	-925.00 -925.00	-925.00 925.00
<b>TOTAL</b>					-925.00	925.00

# Montana Code Annotated 2019

## TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

### CHAPTER 6. PUBLIC RECORDS

#### Part 10. General Provisions

## Prohibition On Dissemination Or Use Of Distribution Lists -- Exceptions -- Penalties

**2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties.** (1) Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local government:

(a) a public agency may not distribute or sell a distribution list without first securing the permission of those on the list; and

(b) a list of persons prepared by a public agency may not be used as a distribution list except by the public agency or another public agency without first securing the permission of those on the list.

(2) As used in this section, "distribution list" means any list of personal contact information collected by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.

(3) This section does not prevent an individual from compiling a distribution list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of:

(a) registered electors and the new voter lists provided for in **13-2-115**;

(b) the names of employees governed by Title 39, chapter 31;

(c) persons holding driver's licenses or Montana identification cards provided for under **61-5-127**;

(d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4, 6 through 20, 22 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73, and Title 50, chapters 39, 72, 74, and 76; or

(e) persons certified as claims examiners under **39-71-320**.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing education courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access by Montana law enforcement agencies.

(7) This section does not apply to the secretary of state's electronic filing system developed pursuant to **2-15-404** and containing corporate and uniform commercial code information.

(8) This section does not apply to the use by the public employees' retirement board of a list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not released to the organization.

(9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency.

(10) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

(11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

**History:** En. Sec. 11, Ch. 348, L. 2015; amd. Sec. 1, Ch. 51, L. 2019; amd. Sec. 1, Ch. 147, L. 2019.

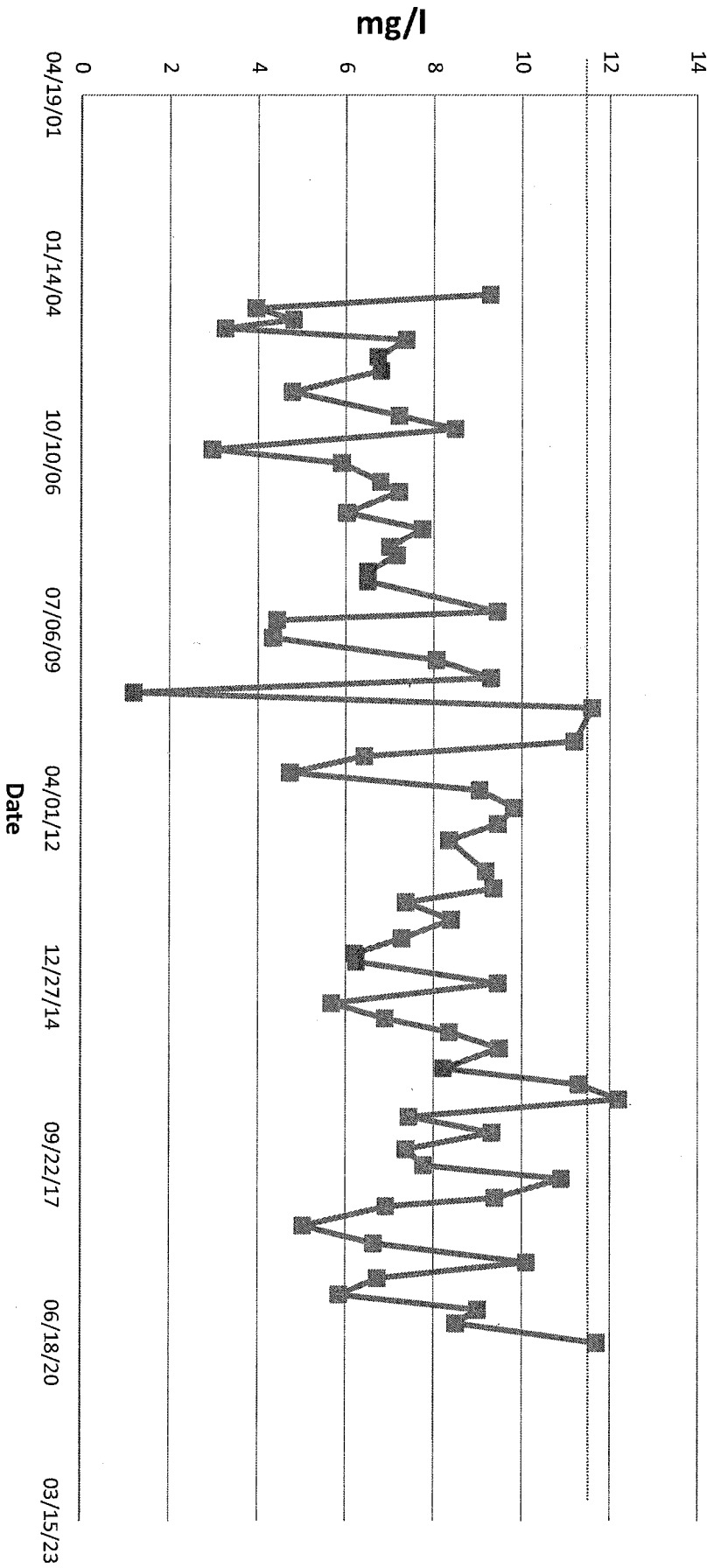
Well #1

Date 2019	Depth of Well	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml
20-Jan-19	35'					
10-Feb-19	36'-8"					
27-Mar-19	38'	7.5	6.1	10.1	89	411
21-Apr-19	37'-6"					
5-May-19	36'-4"					
24-Jun-19	35'-3"	8.6	6.68	6.73	82	355
21-Jul-19	35'-6"					
11-Aug-19	35'-6"					
24-Sep-19	35'-9"	8.30	6.31*	5.85	111	>2419
19-Oct-19						
19-Nov-20						
18-Dec-19	36'	5.4	6.01	9	104	

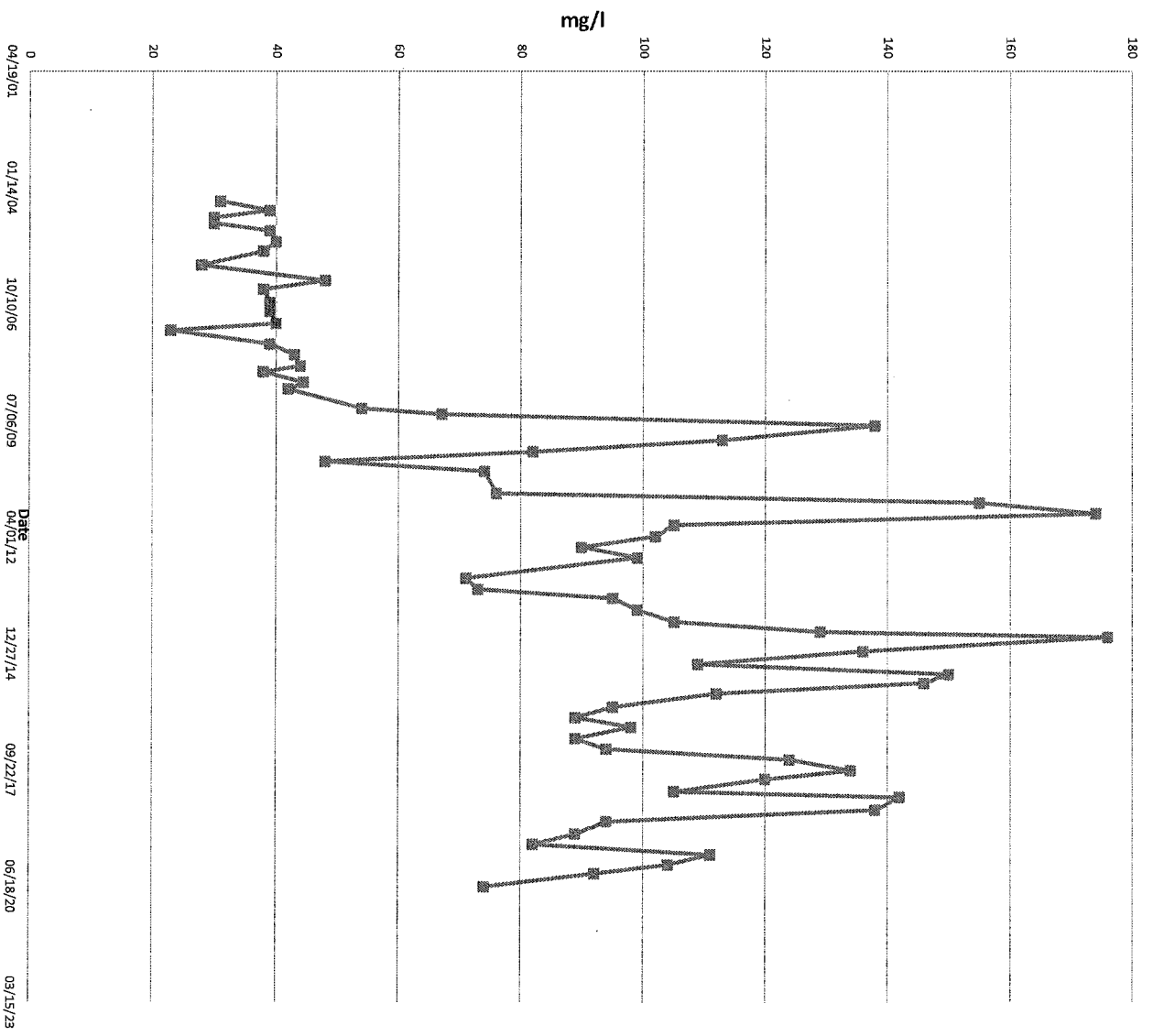
Well #1

Date 2020	Depth of Well	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml
12-Jan-20	36'					
2-Feb-20	36'-2"					
3-Mar-20	36'-6"	6.2	6.71	8.51	92	411
12-Apr-20	36'-0"					
17-May-20	35'-9"					
22-Jun-20	35'	8.1	6.12	11.7	74	Present

# Well 1 Nitrate\_Nitrite



# Well 1 Chlorides



Well #3

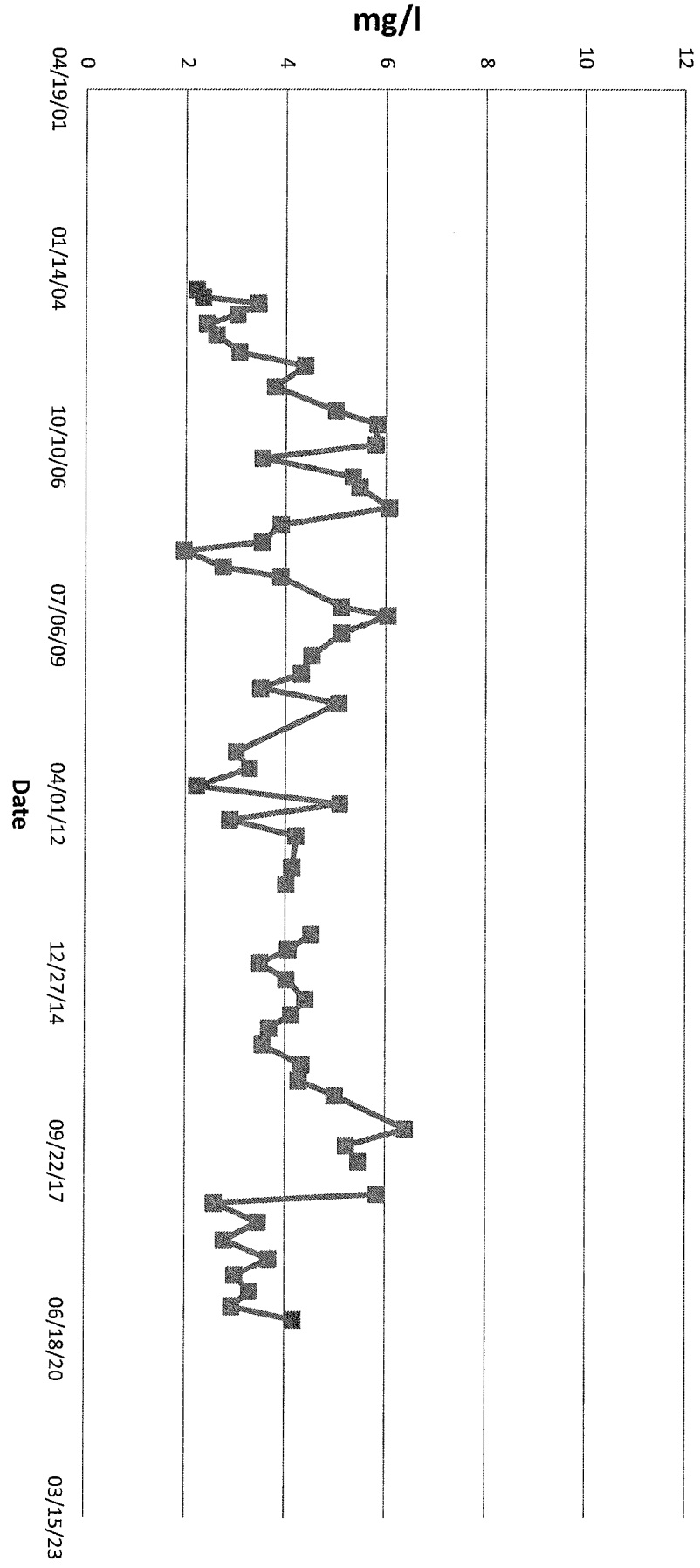
Date 2019	Depth of Well	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml
20-Jan-19	17'-8"					
10-Feb-19	17'-10"					
27-Mar-19	18'	6.5	5.65	2.78	44	261
21-Apr-19	18'					
5-May-19	17'-4"					
24-Jun-19	17'	7	5.5	3.68	80	221
21-Jul-19	17'-6"					
11-Aug-19	18'					
24-Sep-19	18'-9"	8.9*	6.07	2.99	48	517.2
18-Dec-19	19'	7	5.55	3.29	44	

Well #3

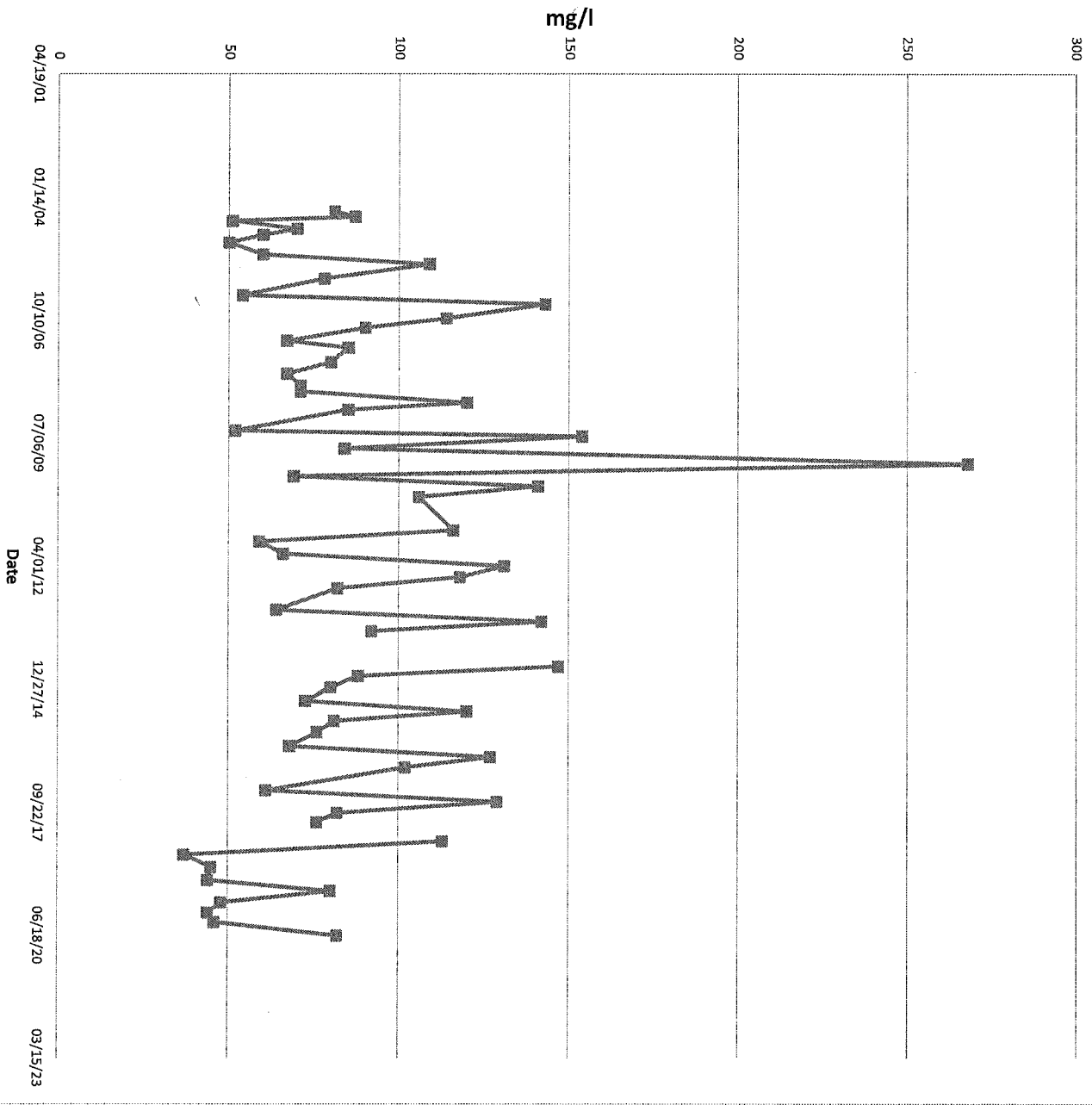
Date 2020	Depth of Well	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml
12-Jan-20						
2-Feb-20						
3-Mar-20	18'	7.5	5.51	2.93	46	79
12-Apr-20	17'-4"					
17-May-20	17'					
22-Jun-20	16'-4"	7.7	5.88	4.16	82	Present



# Well 3 Nitrate/Nitrite



# Well 3 Chlorides



Seeley Lake Bay

Date 2019	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
27-Mar-19	1.3*	5.1	0.05	6	>2419	<1
24-Jun-19	16.00	7.36	0.03	2	6	<10
24-Sep-19	15.5*	7.9	ND	3	980.4	<10
18-Dec-19	-0.1	5.52	ND	3	85	<10

Seeley Lake Bay

Date 2020	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
3-Mar-20	0.01	5.7	0.02	3	66	<10
22-Jun-20	18.40	7.58	0.02	2	23	<10

Riverview Bridge

Date 2019	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
27-Mar-19	2.6*	6.15	0.03	3	lab broke sa	<1
24-Jun-19	15.2	7.22	0.02	2	816	31
24-Sep-19	14.4*	7.01	ND	3	816	<10
18-Dec-19	2	5.15	ND	4	161	<10

Riverview Bridge

Date 2020	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
3-Mar-20	3.5	6.36	0.02	2	>2419	10
22-Jun-20	17.4	7.36	0.04	2	420	<10

## Lions Club

Date 2019	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
27-Mar-19	0.05	5.35	0.17	26	364	<1
24-Jun-19	16.4	6.55	0.02	54	6,490	<10
24-Sep-19	12.8*	6.11	ND	71	>24,200	98
18-Dec-19	-0.2	4.9	0.01	82	2910	<10

## Lions Club

Date 2020	Water Temp *C	Water pH	Nitrate/ Nitrite mg/L	Chloride mg/L	Total Coliform per 100 ml	Ecoli per 100 ml
3-Mar-20	1.3	5.47	0.03	84	2110	<10
22-Jun-20	20.2	6.86	ND	51	13,000	<10

## Well #1 State Lands - Treatment Site

Date	Depth of Well	Amonia	Chloride mg/L	Fecal Coliform per 100 ml	Conductivity	Nitrate Nitrite Total	TOC mg/l	Water pH	Total Dissolved Solids	Total Kjeldahl Nitrogen
26-Sep-12	39'-8"		12	<1	313	0.15	1.68	7.85	181	ND
26-Dec-12	39'		21	<1	356	0.02	1.64	8.1	205	ND
19-Mar-13	39'-2"		22.00	<1	360.00	0.13	1.75	8.20	203.00	ND
24-Jun-13	36'-3"		13	<1	327	0.02	2.32	8.02	194	ND
9-Sep-13	39'-7"		6	<1	321	0.2		6.81	183	ND
17-Dec-13	39'		15	<1	339	0.19	1.54	7.91	190	ND
27-Mar-14	30'		3	<1	314	0.16	0.39	6.55	176	ND
24-Jun-14	37'-6"		2	<1	308		0.4	7.7	158	ND
8-Sep-14	39'		2	<1	307	0.15	0.58	7.7	180	ND
9-Dec-14	38'		4	<1	313	0.27	0.66	7.72	180	1.45
30-Mar-15	35'-5"		1	<1	306	0.17	0.56	7.8	190	ND
24-Jun-15	39'		9	<1	335	0.17	1.64	7.79	167	ND
8-Sep-15	40'	0.01	1	<1	304	0.31	0.7	7.22	172	ND
8-Dec-15	39'-9"	ND	20	<1	371	0.21	0.72	7.73	210	ND
31-Mar-16	37'-6"	0.17	14	<1	316	0.25	0.72	7.73	199	ND
28-Jun-16	39'-3"	0.03	21	<1	352	0.18	0.8	7.62	173	ND
20-Sep-16	40'-1"	0.01	3	<1	266	0.2	1.06	7.78	139	ND
27-Dec-16	39'	ND	5	<1	302	0.2	1.85	7.75	178	ND
28-Mar-17	36'	0.02	3	<1	272	0.18	0.6	7.65	148	ND
28-Jun-17	38'	0.05	1	<1	275	0.19	0.4	7.7	168	ND
12-Dec-17	39'-10"	0.03	2	<1	274	0.2	0.85	7.35	180	0.03
29-Mar-18	38'	0.09	2	<1	302	0.16	0.37	7.68	181	ND
16-May-18	34"	0.21	8	<1	315	0.2	0.97	7.19	185	ND
1-Sep-18	39.25'	0.09	2	<1	294	0.18	0.44	7.45	160	0.39
11-Dec-18	37'-6"	0.07	2	<1	261	0.19	1.52	7.65	178	0.22
27-Mar-19	39'	0.13	3	<1	309	0.21	1.1	7.67	168	0.21
24-Jun-19	36'	0.04	2	<1	306	0.18	1	7.72	187	ND
24-Sep-19	39'	0.10	2	<1	266	0.18	ND	7.65	179	ND
18-Dec-19	39'	0.08	2	<1	271	0.18	1.1	6.9	164	ND
4-Mar-20	39'	0.04	3	<1	271	0.18	4	6.92	203	ND
22-Jun-20	36'-2"	0.02	2	<1	316	0.17	3.9	7.64	183	ND

## Well #2 State Lands - Treatment Site

Date	Depth of Well	Amonia	Chloride mg/L	Fecal Coliform per 100 ml	Conductivity	Nitrate Nitrite Total	TOC mg/l	Water pH	Total Dissolved Solids	Total Kjeldahl Nitrogen
2012 - 2019										
26-Sep-12	39'-9"		9	<1	214	0.17	0.52	7.92	141	ND
26-Dec-12	27'-6"		21	<1	276	0.16	0.68	8.17	163	ND
19-Mar-13	27'-6"		35.00	<1	327.00	0.50	0.69	8.21	206.00	ND
24-Jun-13	27'-5"		4	<1	205	0.19	1.6	7.93	123	ND
9-Sep-13	30'-6"		3	<1	198	0.17		7.41	123	ND
17-Dec-13	28'		44	<1	353	0.1	0.92	8.28	200	ND
27-Mar-14	24'		10	<1	221	0.16	1.74	6.93	136	0.24
24-Jun-14	25'-8"		3	<1	193		0.58	7.91	108	ND
8-Sep-14	30'		2	<1	200	0.14	0.6	7.9	121	ND
9-Dec-14	27'		3	<1	195	0.23	0.55	7.98	121	ND
30-Mar-15	22'		1.1	<1	194	0.14	0.64	8.01	129	ND
24-Jun-15	38'		3	<1	201	0.18	2.5	7.91	117	ND
8-Sep-15	31.5'	ND	ND	<1	195	0.28	0.64	7.42	103	ND
8-Dec-15	29'	0.01	6	<1	206	0.21	0.63	7.92	99	ND
31-Mar-16	26'-6"	0.05	3	<1	174	0.26	0.55	8	109	ND
28-Jun-16	28'	0.05	3	<1	185	0.19	0.38	7.87	117	ND
20-Sep-16	32'-6"	0.02	3	<1	172	0.2	0.55	7.93	86	ND
27-Dec-16	27'-6"	ND	3	<1	193	0.16	1.21	8.05	115	ND
28-Mar-17	25'	0.01	2	<1	174	0.16	1.35	7.97	103	0.23
28-Jun-17	29'-6"	0.05	ND	<1	175	0.19	0.4	7.69	108	ND
12-Dec-17	30'	0.03	2	<1	182	0.17	1.12	6.98	108	ND
29-Mar-18	25'-8"	0.04	2	<1	195	0.16	0.37	7.91	118	ND
16-May-18	24"	0.12	3	<1	185	0.16	0.48	7.22	123	ND
1-Sep-18	30'	0.12	2	<1	187	0.17	0.43	7.4	88	0.39
11-Dec-18	27'	0.13	3	<1	301	0.18	2.57	7.96	107	ND
27-Mar-19	28'-6"	0.14	3	<1	197	0.2	1.3	7.2	115	0.25
24-Jun-19	26'	0.04	2	<1	187	0.18	ND	7.85	93	ND
24-Sep-19	29'	0.08	2	<1	165	0.17	ND	7.88	95	ND
18-Dec-19	28'-9"	0.06	2	<1	168	0.16	1.5	7.29	98	ND
3-Mar-20	27'	0.01	2	<1	167	0.16	2.6	6.38	116	ND
22-Jun-20	25'-2"	0.04	ND	<1	192	0.17	1.9	7.84	116	ND

## Well #3 State Lands - Treatment Site

Date	Depth of Well	Amonia	Chloride mg/L	Fecal Coliform per 100 ml	Conductivity	Nitrate Nitrite Total	TOC mg/l	Water pH	Total Dissolved Solids	Total Kjeldahl Nitrogen
26-Sep-12	41'-3"		7	<1	366	0.02	1.36	7.81	212	ND
26-Dec-12	39'-10"		18	<1	415	0.02	1.32	7.94	253	ND
19-Mar-13	35'		19.00	<1	422.00	0.07	1.93	8.19	260.00	0.30
24-Jun-13	38'-6"		97	<1	727	0.05	1.56	8.27	433	ND
9-Sep-13	42'		5	<1	373	0.02		7.13	227	ND
17-Dec-13	39'-6"		12	<1	394	0.02	1.58	8	217	0.14
27-Mar-14	39'-6"		21	<1	426	0.04	2.74	7.22	254	ND
24-Jun-14	39'-6"		13	<1	395		1.03	7.98	211	ND
8-Sep-14	42'		10	<1	397	ND	1.02	7.86	206	ND
9-Dec-14	39'-8"		4	<1	363	0.04	0.64	8	212	1.11
30-Mar-15	36'-2"		4.6	<1	372	0.01	0.79	7.99	253	ND
24-Jun-15	41'-6"		4	<1	350	0.04	0.89	7.89	217	ND
8-Sep-15	43'	ND	2	<1	363	0.19	1.6	7.85	220	ND
8-Dec-15	40'	0.03	5	<1	367	0.12	1.23	7.82	223	ND
31-Mar-16	38'-0"	0.04	4	<1	326	0.11	0.77	7.86	190	ND
28-Jun-16	39'-6"	0.08	4	<1	345	0.13	0.67	7.8	199	ND
20-Sep-16	37'	0.04	5	<1	323	0.12	2.13	7.88	194	ND
27-Dec-16	46'	ND	4	<1	352	0.15	1.47	7.9	205	ND
28-Mar-17	38'	0.03	2	<1	322	0.13	1.16	7.76	193	ND
28-Jun-17	40'-6"	0.06	1	<1	324	0.16	0.37	8.04	189	0.2
12-Dec-17	39'-3"	0.04	2	<1	321	0.16	0.78	6.71	205	0.1
29-Mar-18	38'	0.10	2	<1	364	0.15	0.31	7.79	207	ND
16-May-18	33'-6"	0.13	3	<1	346	0.15	0.63	7.25	204	ND
1-Sep-18	41.5'	0.08	2	<1	350	0.14	0.39	7.56	182	0.37
11-Dec-18	38'-6"	0.10	2	<1	167	0.16	0.73	7.81	208	ND
27-Mar-19	40'	0.11	2	<1	356	0.15	1	7.19	191	0.22
24-Jun-19	39'-2"	0.04	2	<1	350	0.16	2	7.8	198	ND
24-Sep-19	39'-9"	0.07	2	<1	310	0.14	ND	7.8	196	ND
18-Dec-19	no	test								
3-Mar-20	29'	ND	2	<1	308	0.13	3.9	7.02	197	ND
22-Jun-20	37'-1"	0.05	1	<1	357	0.13	3.2	7.8	212	ND



*The following resolution was introduced at the August 20, 2020 Seeley Lake Sewer District virtual board meeting. It will be put forward for public comment at the next virtual public board meeting that begins at 6:00 pm, which will be held September 17, 2020.*

ORDINANCE 09172020 OF THE  
SEELEY LAKE-MISSOULA COUNTY SEWER DISTRICT:  
AN ORDINANCE TO ENFORCE THE RULES AND REGULATIONS OF THE SEELEY  
LAKE- MISSOULA COUNTY SEWER DISTRICT AS THEY RELATES TO THE  
MANDATE THAT ALL PROPERTIES IN THE SEELEY LAKE  
SEWER DISTRICT CONNECT TO THE COMMUNITY SEWER SYSTEM,  
AND TO PROVIDE ENFORCEMENT ABILITIES

At a meeting of the Board of Directors of the Seeley Lake-Missoula County Sewer District held on August 20, 2020 the Board ordained as follows:

GIVEN:

1. On August 15, 2019 the Seeley Lake-Missoula County Sewer District (hereinafter the "District") passed Resolution 08152019 requiring all property owners to connect to the sewer system within a given number of days after it is completed; and
2. The Board has a statutory and fiduciary duty to act in accordance with its duly adopted resolutions to serve the public interest, and to preserve the funding available for the sewer system that is the subject of those duly adopted resolutions, and
3. The Board is duty-bound to provide a way to reduce the high nitrate levels in the groundwater, and public sewer has proven to be effective at improving groundwater quality in other areas in Missoula County and the State of Montana; and
4. The most effective way to do that is to spread the cost out to as many properties as possible; and
5. The Board is expressly authorized by MCA § 7-13-2218(10) to "establish, by ordinance or resolution, rules and regulations for the operation, maintenance, use, and availability of any of the district's systems or improvements, including but not limited to connection procedures, service termination, and the payment of rates and charges, including penalties and interest charges for delinquent accounts"; and
6. The Board is expressly authorized by MCA §§ 7-13-2218, 7-13-2275 and 7-13-2301 to adopt ordinances or resolutions imposing, establishing, changing, or increasing rates, fees, tolls, rent, taxes, or other charges for sewer and other services, sewer facilities, and benefits directly afforded by the sewer facilities adequate for, among other purposes, the reasonable expense of operation and maintenance of the sewer facilities; and
7. The Board is expressly authorized by MCA § 7-13-2301 to impose, establish, change, or increase the above rates, fees, tolls, rent, taxes, or other charges to users of the sewer facilities, and a portion of the above rates, fees, tolls, rent, taxes, or other charges to the owners of undeveloped lots, tracts, or parcels, to pay a share of the principal of and interest on bonded indebtedness issued to finance the capital cost of improvements to an existing sewer system, so long as the Board makes findings in a resolution or ordinance that demonstrate that the improvements to the existing sewer system to be financed by the bonded indebtedness confer a direct benefit on the undeveloped lot, tract, or parcel; and

8. Pursuant to MCA § 7-13-2218 and the other provisions of MCA Title 7, Chapter 13, Parts 22 and 23, the Board has broad authority with respect to undertaking sewer projects, including the Subject Sewer System, and may adopt Rules and Regulations establishing which properties within the District must connect to the Subject Sewer System; and
9. It is in the interest of Seeley Lake residents, property owners, and properties located within the District, whether developed or undeveloped, and the public generally, to remove sources of nitrate pollution in and around the Seeley Lake community.

NOW THEREFORE BE IT ORDAINED:

1. **Sewer Service Laterals Ownership and Responsibility**
  - a. The property owner shall be responsible for the cost of construction and maintenance of the sewer service pipeline/s and appurtenances from the public sewer main to the premises of the property owner, including any and all costs for construction, repairs, maintenance, replacement, removal, utility locations, pretreatment facilities, clean-outs, manholes, saddles, and any other items necessary for the construction, operation, or maintenance of the service lateral.
  - b. **Exception:** If within the 180-day requirement as explained in Resolution 08152019 the property is connected to the sewer system, the connection fees will be paid for by the District.
  - c. **Exception** -The Seeley Lake-Missoula County Sewer District may waive the cost of construction for service laterals for property owners who have signed a Temporary Right of Entry for Construction allowing the contractors to include the laterals during the construction of the collection system.
  - d. An **exception** will be granted for vacant lots that are not buildable. Those owners must establish that they are not buildable in order to be granted this exception; and
2. **Connections with public sanitary sewers-Required.** Plumbed buildings or structures on any lot or premises within the District, which is or will be generating wastewater and has public sanitary sewer available, is required to connect to available public sanitary sewer in accordance with this section as follows:
  - a. Connections to a public sanitary sewer main shall be in accordance with the Rules and Regulations of the Seeley Lake Missoula County Sewer District.
  - b. Exceptions. None.
3. **Connection to public sanitary sewer upon property transfer - Required.** Within the District, it is unlawful for any person to sell, transfer or convey any real property containing plumbed buildings or structures with available public sanitary sewer until the plumbed buildings or structures have been connected to the public sanitary sewer.
  - a. Property owner and purchaser responsibility – Required. Property owner and purchaser shall arrange to connect any plumbed buildings or structures on the property prior to recording the deed or conveyance transferring ownership to the purchaser at their own expense.
4. **Authority to order sewer connection-Notice.** The Seeley Lake-Missoula County Sewer District shall have power to order property owners or legal representatives of owners of plumbed buildings and structures to connect the same with a public sanitary sewer system when the public sanitary sewer system is available within 180 days of it being available.
  - a. This requirement to connect may be enforced through a Court of Competent Jurisdiction within Missoula County.

5. **Failure to connect.** If the owner(s) or legal representative(s) of any building or structure designated above shall fail to make such sewer connection within thirty (30) days after receiving such notice **the owner(s) or legal representative will still be assessed the monthly O&M charge and all future** costs of connection will be the responsibility of the property owner or owners in accordance with #1 above.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_

Tom Morris Date/Time Its: President

By: \_\_\_\_\_

Beth Hutchinson, Date/Time Its Vice President

By: \_\_\_\_\_

Jason Gilpin Date/Time Its: Director

By: \_\_\_\_\_

Walt Hill Date/Time Its: Director

By: \_\_\_\_\_

Pat Goodover Date/Time Its: Director

ATTEST : By:

\_\_\_\_\_

Felicity Derry Date/Time Its: Secretary Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.



CHRISTIAN, SAMSON & BASKETT, PLLC

CALVIN T. CHRISTIAN  
KIRBY S. CHRISTIAN  
RICHARD J. SAMSON  
RICHARD M. BASKETT\*

ATTORNEYS AT LAW

AARON M. NEILSON+  
ERIC R. HENKEL  
RYAN A. PHELAN

\*Also a licensed CPA in MT

+ Also Licensed in WA

September 11, 2020

*Via Email and First Class Mail*

Seeley Lake Missoula County Sewer District  
c/o Jean Curtiss, District Manager  
P.O. Box 403  
Seeley Lake, MT 59868  
E: [jcurtiss53@gmail.com](mailto:jcurtiss53@gmail.com)

**Re: Application to Serve as General Counsel**

Dear Jean:

We, at Christian, Samson, & Baskett, PLLC, are pleased to respond to the District's August 24<sup>th</sup> Solicitation for General Counsel (the "**Solicitation**"). We are confident we can meet the District's needs, and we hope to continue our relationship for the betterment of Seeley Lake and the District.

The Solicitation contained a list of practice areas the District may need assistance with, the majority of which the attorneys in our office have experience with. Because I would likely be the District's primary point-of-contact I have enclosed a biography of some of my experience. I also encourage you to review the enclosed biographies of our other partner-level attorneys which biographies, along with our areas of practice, can also be accessed at [www.csblawoffice.com](http://www.csblawoffice.com).

Please see below for a short summary of our experience in these various practice areas:

Local Government/Open Meeting Laws/Public Notice and Public Participation. Our firm's roots in State and local government community run deep. In fact, one of our founding partners is a former city attorney for Polson and Lake County Attorney. He brings decades of experience dealing with local government to the table. He is by no means the only attorney with experience in this area. Our attorneys are routinely involved in public meetings and have the experience and knowledge to advise the Board in this area.

Volunteer Boards of Directors. We are proud to say that several of our attorneys are not only familiar with laws pertaining to volunteer boards of directors, but are active members of multiple volunteer boards of directors, such as Camp Mak-A-Dream.

Sewer and Water Statutes. Another point of pride is the number of subdivisions and other developments we have been instrumental in creating. We have worked hand-in-hand with

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[aaron@CSBlawoffice.com](mailto:aaron@CSBlawoffice.com)

developers, city, county, and State officials to establish sewage facilities and develop water resources to support our expanding community.

Resolution and Ordinances. Resolutions and ordinance interpretation and drafting is second nature to our firm. Currently, as part of statewide panels, our attorneys are actively drafting proposed legislation for the next legislation session to consider. Additionally, our corporate clients span multiple states and cover a diversity of industries from banking to telecommunications, and each of them requires specific corporate resolutions to operate.

Local government financing. In addition to our firm having a partner who was a former city and county attorney, a few of our attorneys have significant experience in finance and banking, and our partners is also a CPA with years of experience. All of this experience will benefit the District.

Bylaws, Policy, Procedures. Corporate work such as adoption, amendment, interpretation, and enforcement of governing documents, policies and procedures is the backbone of our firm's extensive corporate and business practices, which span from public to private to nonprofit entities. We regularly develop bylaws, policies and procedures for our clients.

Election Law. Although this is not an area of expertise for our firm, we know attorneys with experience in this area of law and can easily and quickly consult with them, if needed.

Contract Law, Especially State and Federal Government Contracts. Every attorney in our office has significant experience with contracts and contract law. State and Federal government contracts are not an uncommon occurrence, and they are well within our capabilities.

Environmental Law. Every land development project contains some aspect of environmental law that must be addressed. Often this involves multiple levels of bureaucracy and approval that must be satisfied. We have a proven track record of ensuring our client's projects remain on track and in compliance with environmental requirements.

Working Closely with Bond Counsel. Our firm has previously worked with the District's bond counsel, and we believe we will have a great working relationship with him if we are retained.

Treasure State Endowment Program (TSEP). This endowment was established to lower the cost of constructing public facilities. Other than our prior work with the District on this topic, we have not had the opportunity to apply for a grant through this particular endowment program, but we have significant experience in grant applications through multiple other endowment programs.

Water Resource Development Act (WRDA). This is an area that we have some familiarity with as it has occasionally become an issue on various projects near our local rivers. The Act was enacted to address various aspects of water resources and is generally administered by the US Army Corps of Engineers. Importantly, we have worked the Army Corps of Engineers in the past for project approvals and can do so in the future.

USDA Rural Development. USDA Rural Development programs cover a wide variety of programs meant to support rural areas. Our attorneys have some, albeit not significant, experience with USDA Rural Development programs—mostly pertaining to the telecommunications industry.

MT Department of Environmental Quality (DEQ). We have worked with DEQ on a multitude of projects and we are familiar with their permitting processes and have on several occasions navigated their appeals process to fight adverse outcomes.

Missoula City/County Health Code. Our firm interacts on nearly a daily basis with the Health Department. In fact, they have a stack of applications right now with our firm's name on them. We are very familiar with the Missoula City/County Health Code.

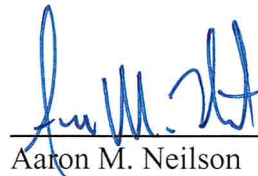
If retained, we would not require a retainer to get started and would bill monthly for the hours we spent assisting you. The hourly rates for our attorneys range from \$180 to \$300 per hour, depending on the experience and expertise of the particular attorney performing work for you. Our law clerks, paralegals, and legal assistances will also be actively involved in supporting your needs and bill in the range of \$50 to \$120 per hour. We keep track of our time in tenths of an hour and our hourly rates may change from time-to-time; typically, at the first of the year. If they do change, we would give you notice, and the new rates would only apply prospectively.

The bottom line is we are a Montana firm with a great reputation and a long trackrecord of success helping our clients, whether public entities, private entities, or individuals. In addition to the highlights above, we have experienced litigation attorneys who are happy to assist the District if needed. Also, our firm is growing with talented, creative associates and additional staff to meet the needs of our clients.

Thank you for the opportunity to apply to serve as the District's general counsel. We look forward to the opportunity to continuing to serve the District.

Sincerely,

CHRISTIAN, SAMSON & BASKETT, PLLC



Aaron M. Neilson

# Calvin T. Christian

*Member/Partner*

Email: [ctc@CSBlawoffice.com](mailto:ctc@CSBlawoffice.com)

Phone: (406) 721-7772



## Practice Areas:

- Real Estate Transactions
- Agricultural Law
- Water Law
- Estates

## Education:

- University of Montana, B.A., Philosophy, 1960
- University of Montana, J.D., 1963

## Memberships and Associations:

- State Bar of Montana, since 1963
- U.S. District Court, District of Montana
- American Bar Association
- Western Bank of Billings, chairman of the board, 1986-1988
- Montana State Board of Pardons and Parole, 1977-1983
- Governor's Crime Commission, Region I Advisory Council, 1969-1977; chairman
- Montana Council on Criminal Justice Standards and Goals, 1974
- Lake County Attorney, 1967-1970
- City Attorney, Polson, 1963-1966

Cal is a native Montanan originally from Shelby. After graduating from the University of Montana in the early 1960s, Cal practiced in Polson both as the city attorney and Lake County attorney. When his son Kirby graduated from law school at UM, in 1989 father and son joined with Richard Samson to open their own firm. For location, they chose a group of historic and architecturally distinctive brick homes in downtown Missoula.

Cal is not only highly knowledgeable in agricultural and water law, but he also has personal experience in ranching. He has owned large ranches in Montana, Colorado and Hawaii. Additionally, he has spearheaded large developments in Lake County, including Jette Lake and Jette Meadows. This experience supports his legal expertise in agricultural law and real estate transactions.

Cal served as a U.S. Magistrate under the Honorable Russell Smith in the late 1960s-1970s.

Cal was a member of the Governor's Crime Commission in the 1970s and also served on the State Board of Pardons and Parole for six years.

Cal has been actively involved in the Missoula business community since the 1980s and is an avid Grizzly fan. He and his wife, Marva, have three sons, Kirby, Clay and Keith. When not at the law firm, Cal enjoys spending time with the family at Flathead Lake and following the many and varied pursuits of his seven grandchildren.

# Kirby S. Christian

*Member/Partner*

Email: [kirby@CSBlawoffice.com](mailto:kirby@CSBlawoffice.com)

Phone: (406) 721-7772



## **Practice Areas:**

- Real Estate Transactions
- Land Use Planning and Real Estate Development
- Commercial/Corporate Litigation
- Contract Law
- Estates & Probate
- Banking relations

## **Education:**

- University of Montana, B.S., Finance, with high honors, 1984
- University of Montana, J.D., with high honors 19

## **Memberships and Associations:**

- State Bar of Montana, since 1987
- U.S. District Court, District of Montana
- Western Montana Bar Association
- Best Lawyers of America – Real Estate Transaction Attorney
- Western Bank of Billings, director, 1986-1989; vice president and in-house counsel, 1988-1989

Kirby is a fourth-generation Montana native and since the early 1980s has been actively involved in the Montana business community. Since 1989 when he helped launch the firm, he has successfully developed and promoted its thriving real estate practice in Western Montana.

Kirby focuses his work on commercial real estate, contract, corporate and banking law, with particular emphasis on helping his clients develop business interests and land use development projects. His experience in planning and permitting – along with his understanding of regulatory and financial issues – enables him to steer his clients through every stage of the real estate and business development processes. He places a high value on investing in long-term relationships with his clients, guiding them through the complex legal issues that impact land use and development. He also prioritizes maintaining strong relationships with government agencies and other resources within the community – knowledge and resources that allow him to effectively help his clients meet their business goals. Clients include financial institutions, resort and real estate development companies, title companies, entrepreneurs, and small to midsize businesses.

Kirby has undertaken numerous leadership roles, serving on the University of Montana Dean's Advisory Board from 2005-2011, and founding the Discovery Foundation and the Christian Family Foundation, both of which engage in philanthropic endeavors providing funds to charities and qualified projects.

Kirby and his wife, Barbara, have three sons, Bridger, Carson and Jordan. He loves sports and has coached numerous basketball and baseball teams. An outdoor enthusiast, Kirby enjoys spending time with his family snow skiing, water skiing, hiking, rafting, golfing and fishing.



# Richard J. Samson

*Member/Partner*

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Phone: (406) 721-7772



## **Practice Areas:**

- Bankruptcy
- Creditor Rights (state and federal courts)

## **Education:**

- Eastern Montana College, B.A. special education, with honors, 1974
- University of Montana, M.A., education administration, with honors, 1984
- University of Montana, J.D., with honors, 1987

## **Memberships and Associations:**

- State Bar of Montana, since 1987; president, Section on Bankruptcy, 1995-1996, 2003-2004
- U.S. District Court, District of Montana
- Ninth Circuit Court of Appeals; Ninth Circuit Lawyer Representative for the United States Bankruptcy Court for the District of Montana
- Western Montana Bar Association
- American Bar Association
- American Bankruptcy Institute
- National Association of Bankruptcy Trustees

Dick is one of the firm's founding members and was born and raised in Montana. His practice is primarily devoted to the area of bankruptcy law and creditor rights. He represents clients in all phases of bankruptcy proceedings, out-of-court restructuring agreements, secured financing transactions and state court receiverships. Since 1989, Dick has also served continuously as a Chapter 7 panel trustee for the United States Bankruptcy Court for the District of Montana.

His clients represent the gamut of diverse interests in a wide variety of bankruptcy and insolvency matters. His practice emphasis in the area of bankruptcy law and creditor rights often includes issues related to real estate law, business law, commercial transactions, banking law, probate law and litigation issues – both in federal and state courts.

In addition to his legal practice, he has shared his expertise as an adjunct instructor in bankruptcy law at the University of Montana School of Law. And, Dick was recognized in the 2014 edition of Best Lawyers in America for his work in the areas of bankruptcy and creditor debtor rights/insolvency and reorganization law.

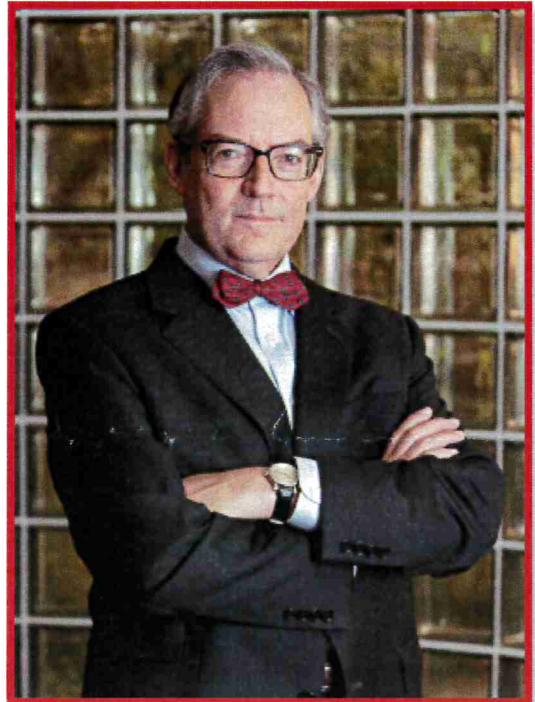
Dick and his wife, Darlene, have two daughters. Dick enjoys spending his leisure time with his family in a variety of activities.

# Richard M. Baskett

*Attorney-CPA/Partner*

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Phone: (406) 721-7772



## **Practice Areas:**

- Wills, Trusts and Estates

## **Education:**

- University of Montana Business School
- University of Montana Law School

Rick Baskett is an Attorney and CPA, with 41 years' experience. A graduate of both the business school and the law school at the University of Montana, he has worked in the tax department of Price Waterhouse (now PriceWaterhouseCoopers) in New York City and Baltimore, Maryland., as general counsel for Washington Corporations (now The Washington Companies), and for tax law firms in Baltimore and Washington, D.C. He has been adjunct lecturer of Partnership Taxation at the University of Montana School of Law, and has spoken at various continuing education courses on tax. In 1994, he established Baskett Law Office, emphasizing estate planning, probate, tax and business. On January 1, 2020, he merged his practice with Christian & Samson to form Christian, Samson & Baskett, PLLC. Rick is a Fellow of the American College of Trust & Estate Counsel and is listed as a Super Lawyer for the Rocky Mountain Region.

Rick is a Montana native, born and reared in Livingston, Montana, a town known for its surrounding natural beauty and high winds. He enjoys the many things Montana has to offer: skiing, fishing, and hunting, included. Hanging on his office wall is his grandfather's hunting and fishing license from 1919, which back then cost \$1.50 for everything: bird hunting, big game hunting and fishing. He comes from a long line of doctors, so his father had to swallow hard when Rick went to law school. He feels fortunate to have grown up in Montana but have had the opportunity to live, study and work in New York City, Washington, D.C., Baltimore, and St. Paul, and enjoy all that those metropolitan areas had to offer both personally and professionally, yet still be able to return to his native state.

# Aaron M. Neilson

*Member/Partner*

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Phone: (406) 721-7772



## Practice Areas:

- Business and Employment
- Real Estate
- Finance and banking
- Litigation and Dispute Resolution
- Business
- Construction
- Communications
- Homeowner and Condo Associations
- Wills, Trusts and Estates
- Debt and Judgement Collection

## Education:

- University of Montana School of Law, J.D., *Cum Laude*
- University of Montana, B.A., *Magna Cum Laude*

## Memberships and Associations:

- State Bar of Montana
- Washington State Bar Association
- American Bar Association
- Camp Mak-A-Dream, Director
- Zootown Church, Former Director/Volunteer

Aaron advises Montana and Washington-based individuals, startups, tech companies, banks, and businesses on a wide-variety of matters. With several years in private practice in Seattle and Missoula and, more recently, as the Vice President and General Counsel of a leading technology/communications service provider operating in 16+ states in the greater Pacific Northwest, Aaron has the requisite knowledge and experience to help you and to help your business grow, minimize risk, improve operational efficiencies, comply with regulations, and resolve disputes.

Aaron is a fifth-generation Missoulian who enjoys spending time with his family, the outdoors, sports, concerts, breweries, & reading.

# Eric Henkel

*Member/Partner*

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Phone: (406) 721-7772



## Practice Areas:

- Business and Commercial Litigation
- Criminal Defense
- Personal Injury

## Education:

- University of Montana School of Law, J.D., High Honors – 2011
- Carroll College, Helena, Montana B.A. – 2008

## Memberships and Associations:

- State Bar of Montana
- Western Montana Bar Association
- Montana Association of Criminal Defense Lawyers
- American Bar Association
- Criminal Justice Act Panel

## Bar Admissions

- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States District Court, District of Montana
- United States District Court, District of North Dakota
- Montana Supreme Court
- Montana State district courts

Eric was born and raised in Missoula, Montana. After graduating from Sentinel High School, he attended Carroll College where he played basketball. Following college, Eric attended the University of Montana School of Law, graduating with high honors.

While attending law school, Eric received eight separate awards for academic excellence, served as business editor of the Montana Law Review and interned with United States District Judge Donald Molloy. Eric is admitted to practice in the Supreme Court of the United States, the United States Court of Appeals for the Ninth Circuit, the United States District Courts for the Districts of Montana and North Dakota, the Montana Supreme Court, and Montana State district courts.

# Ryan A. Phelan

*Member/Partner*

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Phone: (406) 721-7772



## **Practice Areas:**

- Family Law

## **Education:**

- Montana State University, Business
- University of Montana, Law

## **Memberships and Associations:**

- Arbitrator for FINRA Dispute Resolution Panel (2018-present)
- Vice Chair of the Family Law Section of the Montana State Bar (2018-present)
- Chair of the Continuing Legal Education Committee of the Family Law Section of the Montana State Bar (2016-present)
- Member of the Legislative Committee of the Family Law Section of the Montana State Bar (2018-present)
- Missoula Parenting Guidelines Committee (2018-2019)
- Regular Presenter at Ravalli County Parenting Orientation (2011-2019)
- Judge Pro Tem for Justice of the Peace Marie Anderson (2015-2018)
- Secretary/Treasurer of the Family Law Section of the Montana State Bar (2015-2018)
- Treasurer of Western Montana Bar Association (2009-2011)
- Missoula Parenting Plan Orientation Committee
- Member of the Montana Bar Association
- Member of the American Bar Association

Ryan was raised in the Missoula area, and is a graduate of Loyola Sacred Heart High School. In 2000, Ryan graduated from Montana State University – Bozeman with a degree in Business. Ryan graduated from the University of Montana School of Law in 2003. While in law school, Ryan performed her clinical internship for Judge Donald Molloy, who was the chief judge of the Federal District Court of Montana at the time. Ryan worked for more than 18 years at her prior firm, practicing in the area of complex family law litigation. Ryan served as Judge Pro Tem for Justice of the Peace Marie Anderson from 2015 to 2018. In 2018, Ryan successfully completed the American Academy of Matrimonial Attorney's Family Law Arbitration Training Course. She was a candidate for the position of District Court Judge in 2019.

Ryan joined Christian, Samson & Baskett, PLLC, as a partner in 2019, and heads the family law division of the firm. She practices in the area of family law, including divorce and parenting issues, as well as estate planning and probate. Ryan also serves as a mediator, settlement master and family law arbitrator.

Ryan is the Vice Chair of the Family Law Section of the Montana State Bar and the Chair of the continuing legal education subcommittee. She serves on the MCT, Inc. Board of Directors.