

**SEELEY LAKE SEWER DISTRICT**  
**REGULAR BOARD MEETING**  
**September 19, 2019**

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

\*left the meeting at 9:01pm  
Public Attendance - Appendix A

**CALL TO ORDER:**

The meeting was called to order by Pat Goodover at 5:18pm at The Community Hall, located at 3248 Highway 83 N, Seeley Lake.

**APPROVAL OF AGENDA:**

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

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

**PRESIDENT’S COMMENTS:**

None

**PUBLIC COMMENTS:**

Franny Trexler read her letter dated September 19, 2019 to the Pat Goodover, who was provided a copy, (Appendix B) in response to a letter from Jon Beal, and explained her interactions with the Elections Office.

**CORRESPONDENCE:**

Don Larson

Don Larson felt there had been a conflict of interest for Mike Boltz involving the easement for the lift station. Discussion followed and it was clarified that no conflict of interest had occurred.

Montana Department of Commerce

This letter acknowledged the receipt of the contract extension request.

Loren Rose

This letter requested that the Board review the options for future fee assessments with regard to Pyramid Mountain Lumber.

Richard Lewis

This letter was protesting the resolution mandating connection to the sewer.

**MINUTES:**

July 15, 2019

The minutes for the Board meeting held on July 15, 2019 were presented to the Board. The minutes were approved as presented.

July 18, 2019

The minutes for the Board meeting held on July 18, 2019 were presented to the Board.

Walt Hill moved to approve the minutes for the July 18, 2019 Board meeting as presented. There was no discussion. The motion was carried.

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

August 15, 2019

The minutes for the Board meeting and the Public Hearing held on August 15, 2019 were presented to the Board. Beth Hutchinson reviewed her comments of the minutes and discussion followed.

Mike Boltz moved to approve the minutes for the Board meeting and the Public Hearing held on August 15, 2019 meeting as presented. There was no discussion.

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

As there was no motion to amend the minutes for the Board meeting and the Public Hearing held on August 15, 2019 meeting, they were approved as presented.

**FINANCIAL REPORTS:**

**Invoices – August 2019**

Felicity Derry reviewed the invoices for the Board. Discussion followed on posting the invoices and minutes on the website and what information should be circulated to the public at meetings.

**MANAGER’S REPORT:**

Jean Curtiss had been studying ways to make the fee assessment more equitable for Pyramid Mountain Lumber. The DLA grant application was almost complete. Work continued on the application for a communications grant through the Conservation District. Posting the PER online was being explored. Jean Curtiss had been working on the O&M cost to the customer.

Pat Goodover recessed the regular meeting at 6:11pm.

**SEELEY LAKE SEWER DISTRICT**  
**PUBLIC HEARING**

The public hearing was called to order by Pat Goodover at 6:11pm at The Community Hall, located at 3248 Highway 83 N, Seeley Lake.

**NEW BUSINESS:**

**Resolution #09192019 Rules & Regulations**

Jim Erven, Health Department read the Health Department’s comments (Appendix C) and provided the Board with a copy.

Discussion followed on the Health Department’s rule that a septic tank could not be kept for grey water irrigation.

Carlin Rammell commented that previously dye tests had been used to show that septic systems discharged into the lake, which had resulted in businesses being shut down, and questioned why it was now okay to open businesses and build homes around the lake.

Franny Trexler was concerned that the cost of abandoning septic systems was not in the project and should be added to the cost of the project. It was noted that it was already included in the cost of the project.

Walt Hill reviewed his editorial comments regarding the VRU explanation, discontinuation of service, the sewer lateral, flow rate and testing industrial sewer lines.

Nathan Bourne requested clarification of the wording for the warranty period and the plant investment/collection system fee.

Discussion followed on whether VRUs, EDUs or water usage would be used to charge the customers. Beth Hutchinson commented that water usage would be a less complicated and fairer method.

Mike Boltz commented that Rovero's used more water in a month than the motel, while having a fraction of the number of restrooms. Jessica Kimmel added that if more businesses were able to have public restrooms it would distribute the high volume away from Rovero's. Discussion followed on rate structures and the possible future billing methods.

Cheryl Thompson asked how the Sewer District would handle billing if there was no water coming in, such as with a frozen water line. Also, would customers have to pay a high sewer bill if they had a water leak? It was noted that the Sewer District would work with the Water District on exceptions such as those.

Jean Curtiss suggested that the Board consider an exemption for industrial lots that did not use water and had no need to connect, such as Richard Steiner and Pyramid Mountain Lumber. The criteria were reviewed. However, if the property then chose to connect in the future, fees would be charged.

Pat Goodover suggested including all of the comments in the Rules & Regulations for consideration at the October meeting.

The proposed usage fee and debt service were discussed. Franny Trexler felt that the equal billing of the debt service across the District seemed inequitable.

### **ADJOURNMENT OF PUBLIC HEARING:**

Pat Goodover recessed the public hearing at 7:10pm until the October 17, 2019 meeting, when the Board could vote on the final document.

## **SEELEY LAKE SEWER DISTRICT REGULAR BOARD MEETING**

The regular meeting was reopened by Pat Goodover at 7:10pm at The Community Hall, located at 3248 Highway 83 N, Seeley Lake.

**OLD BUSINESS:**

A. By-Laws

The Board had two drafts of the By-laws to review. One from the committee and one from the attorney. Walt Hill requested that the Board review the By-laws from the attorney section by section.

The Board by consensus agreed that Article I - Name, Article II - Address and Article III - Date of Formation were satisfactory as written.

The language in Article IV - Purpose of the District, was discussed by the Board.

Walt Hill moved to remove all of the language in Article IV - Purpose of District prior to in accordance. There was no further discussion. The motion was carried.

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

It was noted that the boundaries in the By-laws had been updated. Don Larson had been concerned that his attorney had been unable to find the minutes relating to previous boundary changes of the District. Discussion followed on when the boundaries had been changed.

If there was a difference between a boundary change and annexation was discussed. The fluidity of the phase lines was discussed. Currently the Board would not allow any annexations into the District, with the exception of two possible easement properties, to conserve the capacity of the plant until the remainder of the District had been connected.

The Board discussed the wording in Article V Section 2 - Additions and Annexations.

Walt Hill moved to approve Article V Section 1 - Current Boundaries as amended. There was no further discussion. The motion was carried.

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

Walt Hill moved to approve Article V Section 2 - Additions and Annexations, Article V Section 3 - Exclusions, Article V Section 4 - Sub-districts and Article V Section 5 - Consolidations as presented. There was no further discussion. The motion was carried.

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

Beth Hutchinson      Aye

Beth Hutchinson moved to accept Article V Section 6 - Dissolution as presented. There was no further discussion. The motion was carried.

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

Jean Curtiss noted that the District did not have zoning authority, so zoning should be removed. Beth Hutchinson suggested to merge the content from both drafts as the power of the Board was to make policy, plan and implement.

Beth Hutchinson moved to add the original Article VI Section 1 as a paragraph prior to the new Article VI. Section 1 - Powers of the Board, and remove the word zoning. There was no further discussion. The motion was carried.

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

Walt Hill moved to accept Article VI Section 2 - Hiring Administrative Personnel and Employing Labor as presented. There was no further discussion. The motion was carried.

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

The Board discussed specifying the month of the election. Jon Beal advised against including detail from the statute that could be changed, causing inconsistency, which could lead to litigation.

Including statute in Article VII Section 4 - Qualifications was discussed.

Walt Hill moved to approve Article VII Section 1 - Directors, Article VII Section 2 - Elections, Article VII Section 3 - Terms of Office, Article VII Section 4 - Qualifications and Article VII Section 5 - Candidates as presented. There was no further discussion. The motion was carried.

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

Beth Hutchinson      Aye

The Board discussed voter and Board eligibility. Jon Beal advised against defining the term resident when it was used in state law.

Pat Goodover moved to approve Article VII Section 6 - Voter Eligibility as presented. There was no further discussion. The motion was carried.

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

Discussion followed on the terms of officers and Article VII Section 9 - Officers.

Walt Hill moved to approve Article VII Section 9 - Officers as written, except to remove the word May and replace organization with regular. There was no further discussion. The motion was carried.

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

Pat Goodover moved to approve Article VII Section 7 - Newly Elected Directors and Article VII Section 8 - Vacancies as presented. There was no further discussion. The motion was carried.

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

Pat Goodover moved to approve Article VII Section 10 - Removal of Officers and Article VII Section 11 - Signatures Required on Checks as presented. There was no discussion. The motion was carried.

Pat Goodover      Aye  
Walt Hill          Aye  
Mike Boltz        Aye  
Davy Good        Absent  
Beth Hutchinson   No vote recorded

Article VII Section 12 - Compensation of Directors. Jon Beal advised not to single out one item for compensation without addressing the other provisions. Therefore, to continue with no compensation unless procedure was followed.

The Board discussed the hiring of a secretary/treasurer with Jon Beal. Jon Beal advised the Board to leave the section as written.

Pat Goodover moved to approve Article VII Section 12 - Compensation of Directors as presented. There was no further discussion. The motion was carried.

Pat Goodover	Aye
Walt Hill	Aye
Mike Boltz	Aye
Davy Good	Absent
Beth Hutchinson	No vote recorded

Referring to the County and local government handbook in Article VII Section 13 - Conflicts was discussed.

Walt Hill moved to approve Article VII Section 13 - Conflicts as written, except to remove the last sentence. There was no further discussion. The motion was carried.

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

Jon Beal discussed Article VII Section 14 - Duties with the Board and explained the reason for the language in the section and advised the Board to leave the section as written. Nathan Bourne questioned that a director voting nay would then violate the By-laws. Jon Beal explained the intent of the language used and that the provision as written was very clear and consistent with state law. Discussion followed on how it might limit a director's ability to disseminate their own personal opinion. Jon Beal added that if a director did not agree with something that the Board was doing there was a set procedure to request for reconsideration.

Walt Hill moved to approve Article VII Section 14 - Duties as presented. There was no further discussion. The motion was carried.

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

The Board discussed Article VIII Section 1 - Legislative Sessions, Article VIII Section 2 - Meetings and Article VIII Section 3 – Meeting Schedule.

The Board discussed the language in Article VIII Section 6 – Meeting Agendas with regards to adding items to the agenda at the beginning of a meeting without impacting public participation. Jon Beal added that the Board had an agenda, which they followed and allowed public comment. Such as for the

rules and regulations, which was moved to the October meeting to allow all of the public comments to be incorporated into a draft for the Board to vote on.

Pat Goodover moved to approve Article VIII Section 6 - Meeting Agendas as presented. Pat Goodover modified the motion to approve Article VIII Section 1 - Legislative Sessions, Article VIII Section 2 - Meetings, Article VIII Section 3 - Meeting Schedule, Article VIII Section 4 - Special Meetings, Article VIII Section 5 - Meeting Notices, and Article VIII Section 6 - Meeting Agendas. Jean Curtiss suggested adding the website as a place to post agendas. Beth Hutchinson requested that the following should be included in Article VIII Section 1, "all meetings of the Board shall be open to the public and in accord with Montana's strong sunshine laws". Jon Beal commented that the Board complied with the law and all meetings were open to the public, with the exception of litigation strategy meetings. Therefore, the Board was already bound by the sunshine laws.

Walt Hill moved to approve Article VIII Section 1 - Legislative Sessions as presented. Article VIII Section 2 - Meetings should read, "All meetings of the Board shall be open to the public in accordance with M.C.A. § 7-13-2274, and shall be conducted under Roberts Rules of Order latest edition, for small boards, as amended." There was no further discussion. The motion was carried.

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

Pat Goodover moved to approve Article VIII Section 3 - Meeting Schedule, Article VIII Section 4 - Special Meetings and Article VIII Section 6 - Meeting Agendas as presented. Article VIII Section 5 - Meeting Notices to be approved with the addition of the website. There was no discussion. The motion was carried.

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

The language in Article VIII Section 8 - Voting and Article VIII Section 10 - Meeting Attendance were discussed at length with input from Jon Beal. It was suggested that this also be addressed in District policy. Suitable audio equipment was discussed.

Pat Goodover moved to approve Article VIII Section 8 and Article VIII Section 10 as modified. Beth Hutchinson requested that each section be voted on separately.

Pat Goodover moved to approve Article VIII Section 8 - Voting as presented. There was no discussion. The motion was carried.

Pat Goodover	Aye
Walt Hill	Aye

Mike Boltz	Aye
Davy Good	Absent
Beth Hutchinson	Nay

Pat Goodover moved to approve Article VIII Section 10 - Meeting Attendance to read, “Directors may attend Board meetings via electronic means.” There was no further discussion. The motion was carried.

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

The Board discussed Article VIII Section 9 - Ordinances and Resolutions. Jon Beal explained the reason for the language used in the section and why it was not more detailed. Discussion on the language continued.

Walt Hill moved to approve Article VIII Section 9 - Ordinances and Resolutions to read, “Three votes to the affirmative are required to pass any Ordinance or Resolution.” There was no further discussion. The motion was carried.

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

Pat Goodover moved to approve Article VIII Section 11 - Meeting Minutes as presented. There was no discussion. The motion was carried.

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

Pat Goodover moved to approve Article IX – By-law Amendments as presented. There was no discussion. The motion was carried.

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

The adoption of the By-laws at the October meeting when all of the amendments had been compiled into one document was discussed. Pat Goodover suggested that approval of the By-laws be put on the October agenda.

Mike Boltz left the meeting at 9:01pm.

**B. Great West Engineering Response to Final Design Comments**

These were the draft responses from GWE in response the comments from DEQ and RD. Once the geotechnical reports were received, they would be finalized.

**C. Sewer Treatment Plant Alternative**

No member of the public was present at this time to give information for this item. Therefore, it would be tabled and placed on the October agenda.

**NEW BUSINESS:**

**A. Interlocal Agreement – Missoula County**

It was noted that this agreement was more restrictive than the previous agreement. Jean Curtiss outlined the agreement. Discussion followed on the possibility of an income survey.

Walt Hill moved to authorize Pat Goodover to sign the agreement. There was no further discussion. The motion was carried.

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

**B. GWE Contract Amendment - Dewatering**

The Board discussed the \$20,000 addition to the GWE contract for redesigning the dewatering utilizing the bio-solid bags.

Walt Hill moved to approve the Great West Engineering contract amendment for dewatering. There was no further discussion. The motion was carried.

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

C. Pine Drive/Solway Drive Easement Appraisal & Offer

The Board authorized Jean Curtiss to negotiate on the District's behalf with the owners of the property. Also, to discuss the lots with the tax office.

D. District Reserve

Money from the reserve had been used as grant match. The County still had not closed out FY19, so the numbers were not accurate. Concern over the lack of invoices from the Beal Law firm was raised. Discussion followed on the District Reserve.

**NEXT REGULARLY SCHEDULED MEETING: October 17, 2019**

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Pat Goodover adjourned the meeting at 9:21pm

Attest:

---

Pat Goodover, President

---

Felicity Derry, Secretary