

**SEELEY LAKE SEWER DISTRICT**  
**REGULAR BOARD MEETING**  
**February 24, 2021**

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 6:03pm. The meeting was held remotely via Zoom, due to COVID-19.

**APPROVAL OF AGENDA:**

Jean Curtis noted that the Managers Report could be removed, as everything would be covered under the Bond Election. Also, legal strategy should be first in the Executive Session, so as to not keep Jean Faure longer than needed. **Pat Goodover moved to approve the agenda as amended.** Tom Morris seconded the motion. The motion carried unanimously.

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

**PRESIDENT’S COMMENTS:**

Tom Morris commented that it was a full agenda and requested that everybody be as brief as possible in order to allow everybody time to speak, be respectful and try to work together.

**PUBLIC COMMENT:**

Walt Hill read the following statement: “As of this date February 24<sup>th</sup>, 2021 I resign from the Seeley Lake Sewer Board as director. I have served as an advocate and advisor to, and a member of the Board for about 15 years and feel it necessary to resign at this time. I am especially grateful for the huge amount of time and effort given by my predecessors and my colleague Pat Goodover and for all the excellent support given by Jean Curtiss, Felicity Derry and Kim Myre. I am grateful for the privilege of serving the community and would recommend Duane Anderson, runner up in the previous election, as my successor.”

Tom Morris thanked Walt Hill for all of his service to the community.

Colleen Krause suggested that the title be changed from the Seeley Sewer to the Seeley Lake Wastewater District.

Franny Trexler commented that she appreciated Walt Hill's service to the District, but did not agree with his suggestion that a runner up, who did not receive a majority of votes, should be put on the Board.

### **CORRESPONDENCE:**

Tom Morris read the following email, which he had received from Don Larson: "Hi Tom, I understand that the sewer bonds failed. To say I am delighted is an understatement. I would like to formally recommend the Seeley Lake Sewer Board consider paying its bills and closing up shop. I recommend it have a joint meeting with the Seeley Lake Water District Board and consider formally disbanding both boards and re-constituting themselves as a combined Seeley Lake Sewer/Water District. Don Larson cc Pathfinder."

### **MINUTES:**

#### December 31, 2020

**Beth Hutchinson moved to approve the minutes of the December 31, 2020 Special Board Meeting as circulated.** Beth Hutchinson commented that the Board needed to pay closer attention to parliamentary procedure in the future. Tom Morris seconded the motion. There was no discussion. The motion was carried unanimously.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Director	Vacant
Jason Gilpin	Aye

#### January 5, 2021

**Beth Hutchinson moved to approve the minutes of the January 5, 2021 Special Board Meeting as circulated.** Tom Morris seconded the motion. There was no discussion. The motion was carried unanimously.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

January 21, 2021

**Tom Morris moved to approve the minutes of the January 21, 2021 Regular Board Meeting as circulated.** Jason Gilpin seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

**FINANCIAL REPORTS:**

**Invoices – January 2021**

Felicity Derry reviewed the invoices for the Board. Tom Morris noted that he had checked with the general business attorney on a few things.

**Jason Gilpin moved to approve the invoices for payment as presented.** Beth Hutchinson seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

**Financial Reports - December 2020**

There were no questions or discussion regarding the December 2020 financial reports.

**WELL & LAKE TESTING REPORT:**

Vince Chappell noted that the December testing had been completed and then reviewed the December test results. For the most part they were all tracking as expected and the results were similar to those in December 2019. The exception was the Lions Club Pond where the chloride level was significantly lower, the number of E. coli had increased significantly and the number of coliform had increased exponentially.

There had been an issue with the Missoula County laboratory receiving the samples a week after they were mailed. The samples had arrived late on several previous occasions. Consequently, there were no bacteria tests for those samples. Discussion followed on possible ways to get the samples to the Missoula laboratory on time. The discussion then turned to why the wells were being tested for coliform, as the Health Department did not use bacteria as a conclusive indicator of septic influence.

## **UNFINISHED BUSINESS:**

None.

## **NEW BUSINESS:**

### **Bond Election Results Discussion & Next Steps**

Jean Curtiss noted that both of the bonds had failed definitively and then reviewed the preliminary election results. Dan Semmens had confirmed that there was no financing tool for the project without the bonds. USDA had informed the District that their grant and loan funds would be de-obligated. The District could appeal that decision; however, as the District had no viable method to repay the loans, USDA would not be inclined to preserve the District's funding.

Jean Curtiss reviewed the status of the project for Phase I, II & III and which funding agencies and other entities had already been notified of the bond election results. There would be further communications with the funding agencies to clarify what actions would be required by the District.

Jean Curtiss recommended that the Board request general counsel to attend the next meeting to talk about some of the options available to the District after the public had demonstrated that they were not ready to build and fund a sewer.

Beth Hutchinson requested that Jean Curtiss send thank notes to Dan Semmens, who had done such an exceptional job, as well as the funding agencies. Tom Morris agreed.

Jim Erven noted that it was disappointing that the bonds didn't pass and questioned what the Board's next step would be to resolve the problem.

Beth Hutchinson noted that the wastewater issues still needed to be addressed and that alternative solutions should be discussed. Tom Morris agreed that currently the Board was still guided by the resolution to pursue the project, but it was unclear what the answer was. Discussion followed on what direction the Board should take and the general counsel attending the next meeting to present a resolution to assist the District to move forward.

### **2022 Budget**

Beth Hutchinson and Tom Morris discussed adding new monitoring wells to the March agenda.

The time line for the budget and the effect that HB255 could have on that time line if it were to pass were discussed. The discussion turned to whether a bill had been received from bond counsel, who had gone above and beyond for the District, and if a bill would be sent to the District. The discussion returned to the budget and the time line that would be needed to facilitate the fee assessment process to be completed and delivered to the Department of Revenue on time.

### **Permission & Guidance from the Board to Interview with News Agencies**

Tom Morris noted that he had received a request for an interview during the election cycle, which he had declined. The District had done a great job of educating the electorate as to the need for the

bonds. There had been another request for an interview regarding the Board's next steps, which lead to Tom Morris requesting guidance from the Board.

Beth Hutchinson noted that the Board hadn't said anything about what they were doing. Also, that the full story should be shared. After calls from the public over concerns that the cost of the bonds was not clear and there had been no mention of O&M in the KPAX story, Beth Hutchinson spoke with KPAX, who were interested in getting things back in balance.

Colleen Krause commented that she did not recall any mention of the O&M cost in that piece. Tom Morris added that the one that he had watched mentioned an O&M cost of \$227,000 per year. Tom Morris noted that the Board had not agreed upon a direction and questioned what he should share with the news agencies or if there were any objections to, or legal issues with, him speaking to the news media.

Pat Goodover commented that at a previous meeting the Board had discussed that the President should talk on behalf of the Board, or at his request the manager, and questioned Beth Hutchinson's call to the news media. Beth Hutchinson felt she had been clear that she did not speak for the Board, did not make any statements and was only trying to obtain information. Beth Hutchinson acknowledged that the President was the official mouth piece for the Board and would not override that.

### HB255

Tom Morris noted that Walt Hill had requested that Jean Curtiss draft a letter regarding HB255. Beth Hutchinson was concerned that the bill would interfere with appointing directors, that the 30-day notice period should be lengthened to 45-60 days and that requiring a hearing for any rate increase was a mistake as it did not take inflation into account.

Jean Curtiss reviewed the draft letter that included Dan Semmens' comments. The appropriate length for a protest period was discussed. Appointing directors was discussed. There was an in-depth discussion as to how long a protest period should be. Beth Hutchinson felt that a 45-day protest period was insufficient. The discussion returned to the best way to appoint directors and the length of the appointment. The majority of the Board approved the language in the letter with regards to appointing directors and the term they would serve. The wording regarding the length of the protest period was removed, as a consensus could not be reached. The language of the letter was reviewed further.

**Pat Goodover moved that Tom Morris be authorized to sign the letter that Jean Curtiss had drafted as President, and that it be emailed to the committee.** Jason Gilpin seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

There was further discussion on what constituted a reasonable protest period and removing the applicable language from the letter.

The Board discussed and agreed to adding language objecting to the need for a public hearing for a rate increase that was less than five percent.

**Tom Morris moved to send the letter as the Board had agreed.** Pat Goodover seconded the motion. There was no further discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

**Tom Morris moved that the Regular Meeting recess and the Board enter into the Executive Session for Legal Strategy and Personnel Matters.** Pat Goodover seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

All of the Board Meeting attendees who did not attend the Executive Session were placed in the Zoom meeting waiting room while the Executive Session took place.

**EXECUTIVE SESSION:**

The Board entered into the Executive Session at 7:53pm. The Executive Session concluded and the Regular Board Meeting resumed at 8:23pm.

The public rejoined the meeting from the Zoom waiting room.

Tom Morris informed the public that there was nothing much to report from the Executive Session. The lawsuit was still pending.

**NEXT REGULARLY SCHEDULED MEETING: March 18, 2021**

**AGENDA ITEMS FOR NEXT SCHEDULED MEETING:**

Tom Morris noted that the following should be added to the agenda: Monitoring Well Frequency & What Should be Monitored, Phase III Preliminary Work (Discussion/Action), Resolution to Pursue Alternatives (Discussion/Action), 2022 Budget (Discussion/Action), Process for Appointing a Director (Discussion/Action), New Monitoring Wells (Discussion), Next Steps (Discussion) for which Aaron Neilson should be present and Executive Session for Legal Strategy.

**ADJOURNMENT OF MONTHLY BOARD MEETING:**

Tom Morris moved to adjourn the meeting at 8:30pm. Jason Gilpin seconded the motion. There was no discussion. The motion was carried.

Tom Morris	Aye
Beth Hutchinson	Aye
Pat Goodover	Aye
Jason Gilpin	Aye
Director	Vacant

Attest:

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Tom Morris, President

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Felicity Derry, Secretary