

SEELEY LAKE MISSOULA COUNTY SEWER DISTRICT
Board of Directors Meeting
January 18, 2011

Attendance:

Glen Morin	President	PRESENT	Mike Lindemer	Director	PRESENT
Scott Smith	Vice-President	ABSENT	Randy Gordon	Consultant	PRESENT
Bob Skiles	Director	PRESENT	Felicity Derry	Secretary	PRESENT
Tom Morris	Director	PRESENT	Dave Whitesitt	Public	PRESENT
Addrien Marx	Public	PRESENT	Patrick Constantinides	Public	PRESENT
Bill Bogardus	Public	PRESENT	Bruce Reiman	CRC	PRESENT
Barrie Lewis	Public	PRESENT	Tammy Lewis	Public	PRESENT
Richard Derry	Public	PRESENT	Jack Greenwood	Public	PRESENT
Mike Boltz	Public	PRESENT			

OPENING:

The meeting was called to order at 5:18pm by President, Glen Morin at The Barn, located on Highway 83 N.

PUBLIC COMMENTS:

Bill Bogardus began to record the meeting. Discussion followed on the legality of recording the meeting.

Mike Lindemer moved to not allow a member of the public record the meeting until the Board clarifies if it is legal or not.

Further discussion ensued. There was no second to the motion. The motion was dropped.

Bill Bogardus recorded the meeting.

PUBLIC COMMENTS:

Dave Whitesitt addressed the Seeley Lake Sewer Board. I object to the board borrowing \$100,000 to be paid by the district land holders who were not given a vote on the borrowing. I object to the use of the above mentioned funds and other grant funds to purchase a site for the sewer that is environmentally unacceptable.

You have copies of a petition signed by 115 local citizens protesting the use of your chosen site for a sewer plant and waste water disposal yet in spite of that level of protest, you refuse to consider any alternate site or hold public meetings to align your actions with the will of the public you are supposed to represent.

I believe this sewer board is totally out of concern for the public citizens of the district. Dave Whitesitt

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Bill Bogardus read his letter as follows: Dear Sewer Board Members, for the record, my name is Bill Bogardus I am a resident in Seeley Lake. Thank you all for serving our community on this board I know it is sometimes a thankless task. I would like to address a few concerns that I have about the sewer board.

1. I have evidence that there have been times that the minutes have changed outside of the scope of the public meeting. I have been trying to document these changes and in so doing have asked for the audio recordings of these meetings. As you all know I have been refused access to public records, and if you refuse you are implication yourselves with those who have illegally changed and falsified public documents.
2. I believe that the Sewer Board conducted an illegal public meeting on September 21, 2010, because there was opposition to what was going on in the September 16th meeting so you tabled the meeting and reconvened without the public's knowledge. I would like to have the audio recording of this meeting to know what really happened behind the public's back.
3. The board has approved the borrowing of \$100,000.00 to be paid by the Sewer districts land holders, with no written plan. You have no approved business plan that I have read about in the minutes that are listed online, and all of the sudden you decide you need an additional \$100,000.00 in cash. I believe if you really had set down and had a real plan these surprised would not occur.
4. It has been proposed and approved by the board to repay any moneys spent obtaining the sewer to be paid back with bond monies in the future. I believe this to be an illegal move on the board's part to spend money that has not been approved by a vote of the people.
5. I believe that if there are board members or others who have changed minutes illegally that they should resign from the board and apologize for violating the public's trust.
6. I believe that changes in the minutes should occur in the public meeting so that all can be involved in the decision.
7. I believe that the community needs to be adequately informed by special public meetings of major accomplishments and changes before they happen, especially when great amounts of the public's monies are to be spent! I believe this to be the law, check it out!!!!!!
8. I believe that the community is becoming very polarized with representatives of the sewer board saying that if people could not afford a new sewer system that they would have to move. I believe that the proposed system is going to be cost prohibitive both in building and in operation to be sustainable option for Seeley Lake. Let's find a system that we can afford!

Thank you for your time and your consideration on these matters. Bill Bogardus

Bruce Reiman, Clearwater Resource Council noted that the concentrations of nitrate/nitrite in the wells that are being tested are consistently above 5mg/L and often much higher. The concentrations in those wells are above any background levels of nitrate/nitrite and at least thirty times higher than any reasonable baseline and probably much higher. There is little question that the ground water is contaminated by septic. There is some evidence that the trends are increasing. He had summarized those results and given them to Randy Gordon. Early on in the Seeley Lake study the nitrate/nitrite levels were undetectable. In the last three years they have seen a substantial change. It seemed to him that there is a clear sign that the ground water is substantially contaminated. The Clearwater Resource Council would like to help put that debate aside and help focus on the issues of how the sewer is funded.

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Richard Derry asked since the PER been delivered had any mile stones been met or any deliverables been established. Who is responsible for these, is the project on time, what is the lag time, etc? The science behind the need for the sewer was just stated. This problem will not go away. If it is not built sooner or later it will be mandated and the community will have to pay for it out of their own pockets. What are the identifiable funding sources and what are the other nonpublic funding options? He questioned the impact of not having a sewer system on the development of a Nordic Center. He saw no problem with the audio as long as everything had been done in the interest of the community.

Randy Gordon requested copies of the questions so that he could reply to them. Glen Morin said that the Board would respond to them at the next meeting.

MINUTES OF NOVEMBER MEETING

The minutes of the December 16, 2010 meeting were presented to the Board.

Mike Lindemer moved to accept the minutes for December 16, 2010 as presented, Tom Morris seconded. The motion passed.

Further discussion followed on the legality of recording the Board meetings. Tom Morris noted that after research under Montana Code every piece of correspondence, electronic or written, that is shared between three or more Board members constitutes a meeting and should be open to review by the public. Anything that the Board does should be available to the public at anytime.

CORRESPONDENCE:

The Office of Senator Baucus requested an update on the project and an estimate of how much the District's funding request would be for STAG and WRDA.

Great West Engineering Contract update as required by Rural Development (RD).

FINANCIAL REPORT:

December 2010 Financial Statements

Randy Gordon reviewed the financial statements. There was discussion of transferring the fee assessment money from the Missoula County account to the local bank account. Glen Morin requested that this subject would be put on the agenda for the next meeting.

Tom Morris moved to approve the December 2010 financial statement, Bob Skiles seconded. The motion passed.

PAY INVOICES:

Randy Gordon presented and summarized the bills for January 2011 bills to the Board.

District Bills totaled \$4,469.86

Project Bills totaled \$21,012.05.

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Bob Skiles moved to approve all of the District and Project bills as presented, Mike Lindemer seconded. The motion passed.

Patrick Constantinides asked which member of the Board is the treasurer of this public body. Randy Gordon noted that the Board is not required by law to have a treasurer. Patrick Constantinides replied that it might not be required, but asked the Chairman is this wise? Randy Gordon replied that was why the District had an auditor. Discussion followed and Glen Morin requested that this be put on the agenda for the next meeting.

WATER TESTING:

Vince Chappell reviewed the 2010 fourth quarter water testing. The first well is the worst well. The nitrate level is up to 12.4mg/L, which is above State drinking water standards and for ground water. Coliform was present at 3600. In 2005 that well tested for nitrates at 6 to 7mg/L, now it has jumped to a consistent average of 11mg/L. Well#2 had a nitrate level of 5.67mg/L, chlorides 102ppm and coliform 1372. These are significant numbers. Well#3 had nitrates at 3.67mg/L, chlorides 79ppm and coliform 4000. Lake Test Site#1 has chloride levels ranging from 1-3mg/L in 2005. In 2009 it jumped up to 9mg/L. No detects on nitrates. Total coliform was 1200, which is significant for this time of the year. Lake Test Site#2 had nitrates 0.01mg/L, chlorides were steady at 2ppm and coliform 525.

He also took the tests on the new wells at the proposed plant site. The nitrate levels on these wells were normal for ground water at 0.14mg/L. This is significantly below the levels of 3mg-12mg/L in the wells mentioned before. The chlorides were 3-4ppm as opposed to 50-100ppm as seen in the wells around town. Coliform is <1 which is what you would expect to see.

Rick Derry asked Vince Chappell if this well testing at the sites in Seeley Lake is proving to be well above what is normal for the surrounding area. Vince Chappell replied that the well testing in the center of town is well above what a normal well should be showing. The acceptable level for nitrate/nitrite in drinking water is 10mg/L. Well#1 tested for nitrate at 12.4mg/L. In ground water the level should be under 7.5mg/L. Vince Chappell said that nitrates and chlorides are indicators of septic influence on ground water.

Patrick Constantinides asked if the coliform came from mammalian fecal matter. Vince Chappell replied that it did. On the lake he did not quantify that as a high indicator for septic influence as there were other animals that could give the same output. In the groundwater wells the coliform should be 0, as the ground should treat itself. The numbers on the lake are pretty high for this time of year with the ice cap. They are what he would expect for run off time in the spring.

Tom Morris moved to accept the water monitoring reports, Mike Lindemer seconded. The motion passed.

MANAGER'S REPORT:

Randy Gordon gave an update on the income survey. Rural Development requested that the survey no more replies would be accepted after January 31, 2011. Because it was so important to secure funding the people that had not returned their survey had tried to be contacted to impart the importance of sending in the survey.

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The US Forest Service has accepted the application to purchase the 25 acres. The next step is the Environmental Assessment (EA) for which the US Forest Service will be the lead agency.

The Board approved the Request For Proposals (RFP) at the last meeting. Once the State Revolving Fund (SRF) has approved the RFP it can be put in the papers as required by the procurement laws. This would put this about a week behind schedule.

DNRC and the US Forest Service agreed to the expansion of the District, but there were a couple of people that rejected it. Therefore he is proposing that the boundaries will be changed to exclude them. He has submitted the signatures to the County Elections Office and the County will review the process. He would like to get that done before the public hearing on the Intercap loan to save a step. Hopefully the election will be in the spring.

In the past the District has been asking the County Commissioners to hold and review the Fee Assessment Hearings. As he reads the Montana Code it was supposed to be a public assessment hearing held by the Board of Directors of the Sewer District. Once the Board has decided they would forward it to the County Clerk. He has a meeting with the County regarding this.

He met with the Missoula County Health Department to discuss how to avoid further contamination of the ground water and how this could be enforced. Discussion of this followed and Glen Morin requested that this subject be put on the agenda for the next meeting.

Addrien Marx noted from past experience she found that the most effective way of getting a response from the County was to have the Board make the request. The Board reflects what the community wants and it has more impact with the County, whereby supporting what Randy Gordon is doing.

Patrick Constantinides questioned an earlier statement that if a sewer line went past his property he must connect to the sewer. Randy Gordon replied that it is a State law that if you are within 200 feet of a sewer line when you build you have to connect with the sewer. Discussion followed. Vince Chappell asked if Patrick Constantinides was outside of the District and the sewer line ran past his house would he have to hook up to the sewer. Randy Gordon said that he would have to when his septic system failed.

Patrick Constantinides questioned hypothetically that the Board could vote Randy Gordon a huge salary, hold a public hearing, ignore objections from the public and then the assessment would go on the taxes; whereas presently the Commissioners fix the Fee Assessment. Randy Gordon said that the County Commissioners have set the Fee Assessment since 2004. Glen Morin clarified that the Board sets the Fee Assessment according to the annual budget and then ask the County Commissioners to collect the money for the District. Patrick Constantinides asked what control is in place to avoid what happened in California.

Tom Morris said that the Missoula County staff collection the Fee Assessment. By law this would have to be done by ordinance, which is what happens when the County Commissioners have their meeting. The District is only allowed to increase the total assessment annually by 5% or 10% without a vote of the people. Vince Chappell said that it is the same with the Water District. The Water District can only increase the rates by 5% without a public vote.

Mike Lindemer left the meeting at 6:49pm.

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OLD BUSINESS:

2011 Budget Approval

Randy Gordon reviewed the 2011 operating budget.

Tom Morris moved to resolve to accept the 2011 operating budget, Bob Skiles seconded. The motion passed.

NEW BUSINESS:

Updated Contract with Great West Engineering

Randy Gordon noted that this did not have to be discussed tonight. Glen Morin requested that this be put on the agenda for the next meeting.

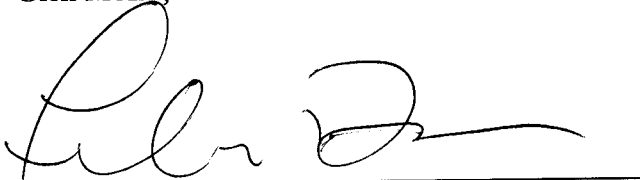
NEXT REGULAR MEETING: Scheduled for February 17, 2011

ADJOURNMENT: The meeting was adjourned by Glen Morin at 6:52pm.

Attest:



Glen Morin, President



Felicity Derry, Secretary