



*Evergreen*  
**Water & Sewer**  
DISTRICT 1<sup>®</sup>

130 Nicholson Drive  
Kalispell, MT 59901  
Phone: 406-257-5861  
Email: info@evergreenwaterdistrict.com

Regular Meeting  
June 23, 2021

Members Present: Jack Fallon, B.J. Lupton, Dennis Falcon, Bill Matthews, T.J. Wendt, and General Manager, Cindy Murray

Also, Present: Andy Hyde (Carver), Lizzy English (HDR), Jeff Walla (IMEG), Doc Vivian (Payne West), John Howard (Payne West), Rob Collier, Mark James, and Joe Musialowski

Members Absent: Bob Balding, Butch Clark

Jack Fallon, President, called the meeting to order at 7:06 a.m. and welcomed the public in attendance.

B.J. Lupton moved to adopt the Agenda, which was seconded by Dennis Falcon. The Board passed the motion by unanimous vote.

The Board examined the minutes of the regular meeting of April 21, 2021. T.J. Wendt moved to approve the minutes as drafted, which was seconded by B.J. Lupton. After discussion, the Board approved the motion by unanimous vote.

Next the Board examined the Manager's Report for May-June. Bill Matthews moved to accept the Manager's Report, which was seconded by T.J. Wendt. After discussion, the Board passed the motion by unanimous vote.

Mark James presented the capital budget report. There was no formal action taken on any projects in the report.

Doc Vivian and John Howard of Payne West presented an overview of various insurance policies up for renewal and possible alternative carriers. The current coverages expire June 30th but not all of the alternate carriers had provided proposals to the District as of the meeting date. Jack Fallon suggested that there might be a benefit to having a smaller group evaluate any additional proposals if any are submitted on or before June 30th since the full Board will not meet again until July 14th. T.J. Wendt made motion to approve the purchase of a Property/Casualty/Liability policy, a separate Cyber Policy, and Workers' Compensation Policy from the current carriers or, based on a review by T.J. Wendt, Jack Fallon, and Cindy Murray, from alternate carriers that may provide comparable or better coverages at the same or less cost than the current carriers. Bill Matthews seconded the motion. After discussion, the Board passed the motion by unanimous vote.

Lizzy English of HDR Engineering and Joe Musialowski presented an update on the Water Tank Renovation Project.

Cindy Murray then presented the Petition for Annexation by Carol Fontaine on behalf of the Downer Family Trust. Bill Matthews moved to approve the Petition and adopt Resolution 2021-09 approving the requested annexation, which was seconded by Dennis Falcon. After discussion, the motion to accept the Petition for Annexation and adopt Resolution 2021-09 was approved by unanimous vote.

Jack Fallon and Cindy Murray provided an update on issues with the City of Kalispell. Joe Musialowski provided an update on the City's Pretreatment program and challenges with new customers, including the numerous marijuana growers and manufacturers who have located in Evergreen.

Jeff Walla provided an update on the PER.

Cindy Murray presented some additional information on the Sewer PER projects that will be submitted for ARPA funding. The ARPA Water projects were discussed Cindy's presentation of the Manager's Report.

Cindy presented a request to contract with IMEG and Jacobs Engineering for a water and sewer rate study not to exceed \$50,000. Bill Matthews moved to approve an IMEG contract for water and sewer analysis not to exceed \$50,000, which was seconded by Dennis Falcon. After discussion, the Board passed the motion by unanimous vote.

Cindy then presented 2022 Staff Salary Recommendations. The recommendations were:

- 7.4% increase for Mark James
- 6.49% increase for Rebecca Chertudi
- 6.23% increase for Dalton Marcum
- 10% increase for Paul Maestas
- 3% increase for all other employees
- Payment of accrued compensated time to Cindy Murray and Rob Collier at their computed hourly rates

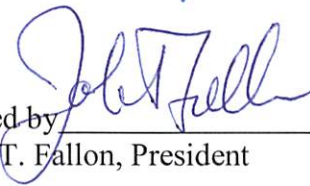
T.J. Wendt moved to adopt the Salary Recommendations as presented, which was seconded by B.J. Lupton. After discussion, the Board passed the motion by unanimous vote.

Jack Fallon informed the Board that Bob Balding had provided an email confirming Mr. Balding's review and approval of the Oversight materials for the months of April and May.

Bill Matthews moved to approve the checks and credit card charges for the months of April and May and accept the financial statements for April and May, which was seconded by T.J. Wendt. After discussion, the Board passed the motion by unanimous vote.

The meeting was adjourned by acclamation at 9:59 a.m. The next regular meeting will be on July 14, 2021, at 7:00 a.m.

Submitted by   
Cynthia Murray, Secretary

Signed by   
John T. Fallon, President



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2021-09

ORDINANCE OF ANNEXATION  
FOR A PARCEL OWNED BY DOWNER INHERITANCE TRUST  
LOCATED AT 135 WEST RESERVE DRIVE

WHEREAS, by Certificate of Annexation dated March 20, 1986, the Flathead County Water District #1 – Evergreen (“District”) certified the annexation by election of a small portion of a parcel located at 135 West Reserve Drive in Flathead County, Montana, for provision of water service; and

WHEREAS, in June 2016, the owners of the entire parcel located at 135 West Reserve Drive requested that the City of Kalispell amend its Sewer Service Boundary so that the District could also provide sewer service to the parcel; and

WHEREAS, the District Board of Directors at the meeting on June 15, 2016, voted unanimously to amend the Sanitary Sewer Treatment Agreement to include the entire parcel in the Sewer Service Boundary, not just the smaller portion of the parcel that had been annexed to the District, which Agreement was so amended effective July 18, 2016; and

WHEREAS, said water and sewer services are being provided to two residences located immediately to the north of the portion of the parcel that was annexed, even though those residences are not within the current annexed boundaries of the District; and

WHEREAS, the current owner of the entire parcel, the Downer Inheritance Trust, by and through Trustee, Carol Fontaine, duly authorized to act on the Trust’s behalf, has petitioned the District, pursuant to Section 7-13-2341 (5) MCA entitled “Addition of Land to District,” to include the entire 17.67 acres within the District’s service boundary for purposes of providing water and sewer services pursuant to the District’s rules, regulations, and policies; and

WHEREAS, said Petition is on behalf of a property owner contiguous to the current District boundaries, and represents the written consent to annexation of properties to which service is currently extended; and

WHEREAS, the District Board of Directors has reviewed the Petition presented to annex land described therein; and

WHEREAS, the District has been providing uninterrupted water service to portions of the proposed annexed area since 1986 and has determined that sufficient water capacity exists to meet the needs of the area to be annexed; and

WHEREAS, the District has been providing uninterrupted sewer service to portions of the proposed annexed area since 2016 and has the continued capacity to serve the two existing residences located on the parcel.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Flathead County Water District #1 – Evergreen as follows: The unannexed portion of the parcel, is hereby annexed to the District, which combined with the previously annexed portion of the parcel is described as follows:

135 West Reserve Drive more particularly described as Section 29, T29N R21W being 17.67 Acres of Tract 2B in E2SE4 in Flathead County, Montana (Assessor No. 0000381475) and not including the Northerly Strip (Assessor No. 0000012299).

Other than the current services being provided to the two existing residences, this grant of annexation does not guarantee the provision of additional water or sewer services that may be requested in the future for any part of the parcel. Any new water services will be subject to the rules, regulations, and policies of the District, and any new sewer services will be subject to the rules, regulations, and policies of the District and the City.

FURTHER, the President and Secretary of this District are directed to certify the fact of the adoption of this Ordinance of Annexation to the Secretary of State and to the Flathead County Clerk and Recorder.

Signed June 23, 2021

FLATHEAD COUNTY WATER DISTRICT #1 – EVERGREEN

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

Attest:   
\_\_\_\_\_  
Secretary

**PETITION FOR ANNEXATION  
of 135 West Reserve Drive**

Carol A. Fontaine, the duly appointed and authorized Trustee of the Downer Inheritance Trust, being owner(s) of the property consisting of approximately 17.67 acres, located at 135 West Reserve Drive, Flathead County, Montana, (the "Property"), described as follows:

Section 29, T29N R21W being 17.67 Acres of Tract 2B in E2SE4 in Flathead County, Montana (Assessor No. 0000381475) and not including the Northerly Strip (Assessor No. 0000012299).

hereby petitions the Board of Directors of Flathead County Water District #1-Evergreen, Flathead County, Montana, to have the Property annexed to the District. In filing this Petition, owner(s) agree that water and sewer services, if available, are subject to the District's rules, regulations, policies, and specifications.

Signature: Carol A Fontaine

Print Name: Carol A. Fontaine  
Title: Trustee  
On behalf the Downer Inheritance Trust

Date: 26 April 2021

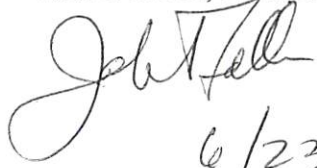
Mailing Address:

135 West Reserve Drive  
Kalispell, MT 59901

APPROVED BY THE FLATHEAD COUNTY WATER DISTRICT #1-EVERGREEN  
BOARD OF DIRECTORS


Date: 6/23/21

John T. Fallon, President



6/23/21

Cynthia S. Murray, Secretary



6/23/21