

Concerned Citizens of the Valley
concernedcitizens838@gmail.com

April 6, 2023

Commissioner Bill Berg
Commissioner Mike Story
Commissioner Clint Tinsley

Dear Commission Chair Berg, Commissioner Story, and Commissioner Tinsley,

I am writing on behalf of the Concerned Citizens of the Valley 838 to request a copy of the Memorandum of Agreement approved by the Colter Pass, Cooke City, Silver Gate Sewer Board during their meeting on March 22, 2023. This MOA document with the County was not made available to the public before or during the monthly meeting so the public was not meaningfully informed about this agenda item and the Sewer Board's pending executive action to sign this MOA prior to the meeting. Only the title was read before it was voted and approved. There was minimal Board discussion or explanation provided to the public prior to or during the Sewer Board vote to sign the MOA. So, we are coming directly to you.

To be clear, our past efforts to access meeting materials prior to Sewer Board meetings have been unsuccessful despite the fact that the SB has a website and that we and many others have requested they take advantage of it. Furthermore, our past efforts to obtain documents from the Sewer Board itself have consistently stalled and now necessitate attorney involvement. We have still not received the documents we requested from the Sewer Board in writing on December 8, 2022, and again on January 14, 2023. Sewer District members and Citizens of the Valley 838 were not previously even aware that an MOA regarding sewer rates would be required at this time.

From the March 28, 2023 Park County Commission meeting, we understand you are in receipt of the signed MOA from the Sewer Board. Through this email and attachment, we are submitting the same document request directly to the Sewer Board. Thank you for your timely attention to this request. The MOA can be emailed to the concernedcitizens838@gmail.com. See the attached document request form.

Respectfully Submitted,

Judith Visty, Treasure, Concerned Citizens of the Valley 838

cc: Colter Pass, Cooke City, Silver Gate Sewer Board (Bob Smith, Kenny Hufford, Lily Tohulske, Allen Edens, Dave Tanner)
Montana DNRC(Mark Bostrom, Autumn Coleman, Anna Miller)
Park County Attorney (Karen Lassiter)
Montana DEQ (Chris Boe)

Submit by Email

Print Form

PUBLIC INFORMATION REQUEST

PARK COUNTY
414 EAST CALLENDER LIVINGSTON MONTANA 59047
PHONE: (406) 222-4106 FAX: (406) 222-4100
WEBSITE: WWW.PARKCOUNTY.ORG

Section A - Requester Information (Please Print)

Please provide enough information so we can contact you regarding your request.

First Name Judith MI Last Name Vistry
Company Concerned Citizens of the Valley 838
Mailing Address P.O. Box 20094
City Billings State MT Zip 59104 Email concernedcitizens838
Phone Cell Phone 720-251-0820 Fax @gmail.com

Section B - Record(s) Requested

Describe the record you are requesting. Please be as specific as possible and include enough detail to assist staff in locating the record(s). If you need additional space, please attach additional pages.

MOA between Park County and Colter Pass, Cooke City, Silver Gate Sewer District approved by Sewer Board at March 22, 2023 meeting. MOA was mentioned by Kristen Gilbreth during March 28 Park County Commission meeting.

Section C - Receiving Records

Please specify format and delivery of receiving the requested record(s).

We make every effort to respond to your requests within 5 working days. If this time frame cannot be met, we will call you to discuss it. Electronic formats are delivered via .pdf files.

- ☐ I would like to pick up the requested record(s) in person.
☒ Email
☐ Fax - the fax number is listed above.
☐ Mail - the mailing address is listed above. Choose your preferred format: ☐ Hard Copy ☐ CD-ROM
Park County will notify me of the cost plus postage, if applicable.

This document is a public record.

Signature of Requesting Individual Judith Vistry Date

Check or money order accepted for all charges. Please make payable to Park County.

Information Received by: Date

FOR OFFICE USE ONLY

Request for Record(s) Received on: Total No. of Copies:
Date Requester Notified Record(s) are completed and payment is due: Document Cost: \$
Payment Method: ☐ Cash ☐ Check ☐ Money Order Postage Cost: \$
Payment Received on: Total Cost: \$



Re: MOU Regarding Sewer Rates in Cooke City

Judy Visty <jvisty@gmail.com>

Tue, Apr 11, 2023 at 8:34 PM

To: Bill Berg <BBerg@parkcounty.org>

Cc: Kendra Lassiter <countyattorney@parkcounty.org>, Carly Ahern <CAhern@parkcounty.org>, Kristin Bjellahow <KBjellahow@parkcounty.org>

Bill, Thank you for the quick response. I will share it with others in our organization.

The pattern of non-advertisement has unfortunately been common with the CPCCSG Sewer Board.

Judy Visty

On Apr 11, 2023, at 9:21 AM, Bill Berg <BBerg@parkcounty.org> wrote:

Hi Judy,

I wanted to share this correspondence from yesterday, from our Grants and Special Projects Director.

Best,

Bill

From: Kristen Galbraith**Sent:** Monday, April 10, 2023 1:17 PM**To:** Bob Smith <cathsebob@aol.com>; Jason Crawford <jcrawford@tripletreemt.com>**Cc:** Kristin Bjellahow <KBjellahow@parkcounty.org>; Commissioners <Commissioners@parkcounty.org>**Subject:** Cooke City Sewer

Hi all – I am following up on the MOU that was sent to me on 3/24/23. That MOU was created for Cooke City Sewer Board Chair to sign that would set rates – once the system is operational – at the state's minimum target rate for community infrastructure systems (we won't put a dollar amount on it because those rates could increase in the next few years); in addition to a set timeline for that rate to be set, or the MAG funds that the County pays to the District toward the wastewater project would have to be paid back to the County (which would then be reimbursed back to DNRC).

It has come to the County's attention that the meeting where the MOU was agreed upon and signed by Bob Smith – on 3/22/23 – may not have been legally

advertised. If you could please send me copies of the legal advertisement of the meeting, the agenda, the minutes and an affidavit of publication, that would be great.

If the meeting was not legally advertised, a new meeting will have to be publicly noticed and advertised and the MOU that was sent on 3/24/23 will be null and void. This means that Park County will not make another reimbursement request payments to Cooke City Sewer related to Minimum Allocation grant funds until we either (1) receive the backup documentation for the advertisement of the 3/22/23 meeting or (2) a new MOU document (attached) is signed at a newly advertised date and time which will need to be accompanied by copies of the legal advertisement of the meeting, the agenda, the minutes and an affidavit of publication.

Please let me know if you have any questions.

From: Judith Visty [mailto:jvisty@gmail.com]

Sent: Sunday, April 9, 2023 6:26 PM

To: Bill Berg <BBerg@parkcounty.org>

Cc: Michael Story <MStory@parkcounty.org>; Clint Tinsley <CTinsley@parkcounty.org>; Kendra Lassiter <countyattorney@parkcounty.org>; Bob Smith <bob.smith@ccsgsewerdistrict.com>; Kenny Hufford <kenny.hufford@ccsgsewerdistrict.com>; Allen Edens <allen.edens@ccsgsewerdistrict.com>; Lily Tolhuske <lily.tolhuske@ccsgsewerdistrict.com>; Autumn.coleman@mt.gov; Annam@mt.gov; mbostrum2@mt.gov

Subject: MOA Regarding Sewer Rates in Cooke City

Dear Commission Chair Berg,

Please see the attached letter and Public Information Request regarding a recently signed Memorandum of Agreement between the Colter Pass, Cooke City, Silver Gate Sewer Board and Park County.

Judy Visty, Treasurer, Concerned Citizens of the Valley 838

2 attachments



KRISTEN GALBRAITH, GPC Director
PARK COUNTY GRANTS & SPECIAL PROJECTS
o: 406.722.5696 c: 406.220.9550
e: kgalbraith@parkcounty.org
www.parkcounty.org

image001.jpg
21K



4.12.23 _MOU between Park County and CCSD User Rates.pdf
229K



Memorandum of Agreement between Park County, Montana and the Cooke City Sewer District

In January 2022, Park County (as a pass-through subrecipient) entered into a Memorandum of Agreement between the Department of Natural Resources and Conservation and the Cooke City Sewer District (a third-party recipient) for Minimum Allocation Grant (MAG) funding through HB 632 for water and sewer infrastructure projects. Cooke City Sewer District was allocated \$200,000 in MAG funding to assist with the Cooke City Wastewater Collection and Treatment Project expenses.

As part of the MAG funding and Park County conditions, the Cooke City Sewer District agrees to:

- Set wastewater commercial and residential user rates – once the new wastewater system is fully operational – at the state’s minimum target rate for community infrastructure systems (****currently, this rate is \$27.66 per residential user but is subject to change based on increases set by the state every year*).
- Set rates by no later than September 30th, 2024, or the Minimum Allocation Grant funds that the County allocated toward the Cooke City Wastewater District project, will be reimbursed back to Park County, Montana (which the County would then reimburse back to DNRC). The Cooke City Sewer District understands that certified documentation, clarifying these rates will be used to assess users, will be required.

Signatures:

Bill Berg
Park County, Montana – Commission Chairman

Date

Bob Smith
Cooke City Wastewater District
Board Chair

Date