

Gallatin Gateway County Water & Sewer District

PUBLIC MEETING

Date: August 21, 2014

Time: 1:30PM

Place: The law offices of Susan Swimley, 1807 W Dickerson St., Ste B,
Bozeman, MT 59715

For: Special Meeting of the Board of Directors

AGENDA

- 1. Call To Order**
 - a. Call To Order
 - b. Public Participation on Non-Agenda Items¹

- 2. General Orders**
 - A. Discuss status of Gateway Village v MDEQ lawsuit²

- 3. Adjourn**

¹ The opportunity for members of the public to comment on District matters which are not on the agenda. Time limits may be imposed at the discretion of the President.

² All or part of this agenda item may be closed to the public.

Gallatin Gateway County Water & Sewer District

MINUTES OF THE

BOARD OF DIRECTORS

A special meeting of the Board of Directors of the Gallatin Gateway County Water & Sewer District was held at the law offices of Susan Swimley at 1807 W. Dickerson St., Ste. B, Bozeman, MT, on August 21, 2014. Present at the meeting were board members Merle Adams, Eric Amend, Steve Janes, and David Sullivan. Board President Ted Border and GM Matt Donnelly were present via teleconference. District council Susan Swimley and Secretary/Treasurer Maralee Parsons Sullivan were also present. There were no members of the public present.

President Border called the meeting to order at 1:31 p.m. Secretary Maralee Parsons Sullivan recorded the minutes of the meeting.

PUBLIC COMMENT

President Border asked for public comment on non-agenda items. There were no non-agenda items raised.

President Border proceeded to the next item on the agenda.

GENERAL ORDERS

Discuss status of Gateway Village v MDEQ lawsuit

Ms. Swimley provided the Board with a summary of the 8/18/14 hearing regarding the Gateway Village v MDEQ lawsuit. The general consensus from the District/MDEQ council was that the hearing went well. Gateway Village council argued the permit issued by MDEQ did not address or consider the Nicklin comments and analysis. The record does support that MDEQ did address and consider the Nicklin comments, but in the oral argument the MDEQ attorney did not specifically point to the places in the record in which they did address and consider the Nicklin comments. The judge gave the attorneys about a month to draft a proposed order. The proposed orders for each side will cite places in the record that support each side's arguments. The timing of one month is ok because the judge's law clerk is on maternity leave, so he would not have ruled earlier than 1 month anyway. A decision should be expected in about 2 months. District council Allan Payne advised the judge that timing of a decision is urgent, as the District funding sources and the forward progress of the sewer project are impacted by the lawsuit.

Council Swimley advised the Board that an open discussion of pros and cons of the current status and weaknesses in the case would be detrimental to the District's litigation position, and asked the Board if they agree this is true, to make a finding that that is true, and close the meeting. Director Sullivan stated, "so

moved”, Director Adams seconded the motion, and the meeting was closed at 1:37 p.m.

The Board then entered into executive session, and the minutes were taken by Ms. Swimley, who will keep the minutes on file in her office as attorney client privileged.

President Border re-opened the meeting at 2:53 p.m. There was no further business raised or discussed. President Border then asked for unanimous consent to adjourn. Seeing no objection, the meeting was adjourned at 2:54 p.m.

Secretary