RESOLUTION 2014-7

RESOLUTION OF INTENTION TO CREATE METROPOLITAN SANITARY SEWER DISTRICT NO. ONE

WHEREAS, the present West Glendive Wastewater Treatment Facility (Lagoon) is out of compliance with MT Department of Environmental Quality (DEQ) discharge requirements, and

WHEREAS, the City of Glendive is constructing a new Wastewater Treatment Plant and has agreed to design the new facility with sufficient additional capacity to accept and treat sewage from the present West Glendive Wastewater Treatment Facility; and

WHEREAS, Dawson County entered into a Memorandum of Understanding dated March 6, 2012 with the City of Glendive to connect to its proposed Wastewater Treatment Plant for purposes of accepting and treating the sewage from the West Glendive Wastewater Treatment Facility, which will address and correct the DEQ compliance issues, and

WHEREAS, MCA 7-13-101 to 7-13-156 authorizes the Board of County Commissioners with the concurrence of the city or town council to create a metropolitan sanitary and/or storm sewer district.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DAWSON COUNTY, MONTANA:

1) That it is the intention of the Board of County Commissioners of Dawson County, Montana, to create a Metropolitan Sanitary Sewer District hereby designated as Sanitary Sewer District No. 1 (the “Sewer District”).

2) That the Sewer District is necessary to provide a method of collecting, transporting, disposing and treating sewage from the West Glendive area in order to meet the DEQ compliance requirements for the West Glendive Wastewater Treatment Facility.

3) That the boundary lines of said Sewer District are as follows:
   The same boundaries that would encompass the boundaries of RSID #10M, #31M, and #10SLM as described in the Resolution for creation of 10SLM to include all of the area bounded by the following:
   a) On the North and West by the main canal of Buffalo Rapids Irrigation Project.
   b) On the East by the Yellowstone River.
   c) On the South by the present dike and the Redwater Branch of the Burlington Northern.

4) That the general character of the improvements to be made or acquired by the proposed Sewer District is for an adequate sewer system and for disposal of sewage (a) by acquiring and operating and maintaining the present existing sewer system improvements (the “Existing Sewer System”) within Rural Special Improvement Districts No. 10M, 31M, and 10SLM sewer lateral and trunk pipelines serving the proposed Sewer District 1, including the Northwest System (Highland Park) of approximately 13,036 feet of 8” pipe, 33 manholes,
and a 6" siphon under I-94, and the Southern System of approximately 40,313 feet of 8", 10", and 12" gravity pipe, 135 manholes, 3 lift stations, and 1,500 feet of forcemain, including all appurtenances and accessories thereto and useful or necessary to operate the same; (b) by replacing or reconstructing mains and laterals as needed within the Existing Sewer System, (c) by eventually abandoning the use and maintenance of the West Glendive Sewage Lagoon as operated by Rural Special Improvement Districts No. 10 SLM of Dawson County, Montana; and (d) by building and constructing, operating and maintaining a sewer pipeline connection from the boundaries of the Existing Sewer System to the connection point to the City of Glendive Wastewater Treatment Plant, together with all lift stations, appurtenances and accessories for the sewer pipeline connection. The Sewer District will also be assessed for the cost and expense of repairing, preserving, operating and maintaining all acquired, constructed and installed improvements.

In addition, the Sewer District will be subject to the establishment and payment of fees, rates and charges to the City of Glendive, as they may be adjusted from time to time, for the services and benefits directly or indirectly afforded by sewer system and the receipt, treatment and disposal of the sewage from the Sewer District into the Glendive Wastewater Treatment Plant. The Board of County Commissioners will enter into an interlocal agreement with the City of Glendive with respect to the construction and operation of the Glendive Wastewater Treatment Plant, which will include the details on the establishment fees, rates and charges by the City of Glendive with respect to the acceptance, treatment and disposal of sewage from the Sewer District.

5) Once the construction is complete with respect to the Sewer District, the intent is that Districts No. 10M, 31M, and 10SLM will become inactive and remaining funds or moneys will be transferred to the Sewer District for operation and maintenance of the sewer system.

6) That the total preliminary estimated cost of the construction of improvements for the City of Glendive Wastewater Treatment Plant is estimated at Fifteen Million dollars ($15,000,000). The fees, rates and charges of the City of Glendive for the receipt, treatment and disposal of sewage will be based on the flow of sewage from the Sewer District as a percentage of total flow of wastewater into the Glendive Wastewater Treatment Plant (the "Flow Percentage"), which is initially estimated at Thirty Point Seven Percent (30.7%). The Flow Percentage will be applied to the total direct, indirect and incidental costs and expenses of constructing and financing the Glendive Wastewater Treatment Plant, as well as the costs and expenses of operating, maintaining, repairing and preserving the facility. Based on the initial percentage, the estimated amount of the indirect cost and expense of construction to be included in the fees, rates and charges is Four Million Six-Hundred and Five Thousand dollars ($4,605,000). The estimated construction cost of the improvements to connect to the City of Glendive Wastewater Treatment Plant is Two Million Nine-Hundred Thousand dollars ($2,900,000). Total projected direct and indirect cost of construction is Seven Million Five Hundred and Five Thousand dollars. ($7,505,000) Including interest at 3%
for twenty (20) years, the projected direct and indirect cost relating to construction and financing is Thirteen Million Nine-Hundred Twelve Thousand Three-Hundred Sixty dollars ($13,912,360). Using the current number of tracts or units within the boundaries of the Sewer District, the average estimated cost per tract or unit for financed direct and indirect construction and financing costs will be fifty-four dollars and fifty cents ($54.50) per month, which is exclusive of operation, maintenance, repair and preservation costs.

7) That the amount to be paid by said Sewer District in said approximate amount shall be assessed against the entire area within the above described boundaries and a tract or unit shall be assessed with that part of the whole cost which its area bears to the area of the entire area located within the above described boundaries exclusive of street avenues, alleys and public places and excepting from such assessments streets, avenues, alleys and public places; also any lot, parcel or piece of land belonging to the United States shall be omitted from such assessment. That the name of the engineers in charge of the work of said Improvement District is Craig Pozega of Great West Engineering, 2501 Belt View Drive Helena MT 59604.

8) Upon passage, a copy of this resolution shall be transmitted to the Mayor of the City of Glendive for consideration by the City of Council. If the City Council concurs in this resolution, then notice shall be given of the passage of this resolution and of the concurrence by the City Council. The notice shall contain the information required by Mont. Code Ann. § 7-13-107, and such notice will be published, mailed and posted as required by law.

9) At the time and place specified in the notice of passage of this resolution, the Board of County Commissioners of Dawson County, Montana will hear and pass upon all protests that may be made against the acquisition and construction of improvements relating to said properties, of the establishment of rates and charges for the receipt, treatment and disposal of sewage from the Sewer District, or against the creation of the Sewer District to be assessed for such costs, for the thirty (30) days from the date of first publication of the passage of this resolution, until 5:00 p.m. on said thirtieth (30th) day. Written comments and protests may be sent to the County Clerk of Dawson County at 207 W. Bell St. Glendive, MT 59330.

10) The County Clerk is hereby authorized and directed to give the proper notice of the passage of the resolution by publication and mailing as required by law, such publication to be made in the Ranger Review, a newspaper publishes in the City of Glendive Montana, and the only newspaper published in Dawson County Montana.
PASSED AND ADOPTED this 25 day of March, 2014.

Board of County Commissioners

Adam J. Gartner, Chairman

Douglas A. Buxbaum, Member

James A. Skillestad, Member

Dawson County Attorney

Olivia Norlin-Rieger

Attest:

Shirley A. Kreiman, Clerk & Recorder