



NOTICE OF PUBLIC MEETING

The Lewis and Clark County Commissioners Public Meeting will be held on Tuesday, March 25, 2025, at 9:00 AM in Commission Chambers, Room 330.

It is the policy of the Board of County Commissioners to render a decision at a later date after they have had ample time to consider all oral and written public testimony. The BoCC may render a final decision on the same date if substantial new information is not received. Public comment must be limited to matters under the jurisdiction of the Commission.

1. **Pledge of Allegiance**

2. **Consent Action Items**

- a. Resolution 2025-20 Declaring County Property Surplus Property. (Jen Garber)
- b. Resolution 2025-21 Declaring County Property Surplus Property. (Jen Garber)
- c. DA Davidson Non-Corporate Organization and Associations Resolution. (Frank Cornwell)

3. **Grant Application to the State of Montana Disaster and Emergency Services Division. (Kyle Sturgill-Simon)**

The Commissioners will consider the grant application to the Montana Disaster and Emergency Services Division for the Emergency Management Preparedness Grant (EMPG) in the amount of \$70,500 to assist with personnel salaries and benefits of the Lewis and Clark County Emergency Management Program. The grant period begins July 1, 2025 through June 30, 2026.

4. **Amendment No. 3 to Grant Award from Montana Department of Natural Resources and Conservation. (Ann McCauley)**

The Commissioners will consider the amendment to the Minimum Allocation Grant award from Montana Department of Natural Resources and Conservation for the Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. The amendment extends the grant award to December 31, 2025.

5. **Amendment No. 2 to Subrecipient Agreement Between Lewis and Clark County and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. (Ann McCauley)**

The Commissioners will consider the amendment to the subrecipient agreement with the Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. The amendment extends the

agreement to December 31, 2025, and amends the scope to include additional construction activities.

6. **Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

7. **Adjourn**

ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Keni Grose, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

- (406)-447-8316
- kgrose@lccountymt.gov
- TTY Relay Service 1-800-253-4091 or 711
- 316 N Park, Room 303



ATTACHMENTS:

Description

▣ Resolution 2025-20

Type

Resolution

RESOLUTION 2025 - 20

A RESOLUTION DECLARING COUNTY PROPERTY SURPLUS PROPERTY

WHEREAS, Section 7-8-2211, MCA, authorizes the Board of County Commissioners to sell, trade, or exchange any real or personal property, however acquired, belonging to the County that is not necessary to the conduct of county business or the preservation of its property; and

WHEREAS, the County property described on the attached list has been determined by the Board of County Commissioners to be unnecessary to the conduct of county business or the preservation of its property and by such determination has been declared surplus property; and

WHEREAS, the property listed on the attached list reasonably has a value of \$2,500 or more and is indicated therein; and

NOW, THEREFORE, BE IT RESOLVED, by the Lewis and Clark County Commissioners, that said county property is declared surplus property and be taken off the inventory.

DATED this ____ day of _____ 20__.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Candace Payne, Chair

ATTEST:

Amy Reeves, Clerk of the Board

EXHIBIT "A"

	<u>Description</u>	<u>Asset #</u>	<u>Vin/Serial #</u>	<u>Value</u>	<u>Mileage</u>	<u>Reason</u>	<u>Department</u>
1.	2012 Subaru Outback	n/a**	4S4BRBCCXC3301566	\$ 5,500	77959	Trade in	County Attorney
2.	2014 GMC Sierra	n/a**	3GTU2TEC1EG251693	\$ 9,200	69757	Wrecked	PW

** No asset number listed, due to resolution 2024-107 to remove asset from county's capital asset list.



ATTACHMENTS:

Description

▣ Resolution 2025-21

Type

Resolution

RESOLUTION 2025 - 21

A RESOLUTION DECLARING COUNTY PROPERTY SURPLUS PROPERTY

WHEREAS, Section 7-8-2211, MCA, authorizes the Board of County Commissioners to sell, trade, or exchange any real or personal property, however acquired, belonging to the County that is not necessary to the conduct of county business or the preservation of its property; and

WHEREAS, the County property described on the attached list "Exhibit A" has been determined by the Board of County Commissioners to be unnecessary to the conduct of county business or the preservation of its property and by such determination has been declared surplus property; and

WHEREAS, the property on "Exhibit A" individually have a value less than \$2,500; and

NOW, THEREFORE, BE IT RESOLVED, by the Lewis and Clark County Commissioners, that said county property is declared surplus property and be taken off the inventory.

DATED this ____ day of _____ 20__.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Candace Payne, Chair

ATTEST:

Amy Reeves, Clerk of the Board

EXHIBIT "A"

	<u>Description (Qty)</u>	<u>Asset#</u>	<u>Serial # / VIN</u>	<u>Mileage</u>	<u>Reason</u>	<u>Department</u>
1.	Kyocera/TASKalfa 8052ci	n/a	VA78400707	n/a	Disposal *	Public Health

* For security, the memory of the copier will be wiped before removed from county possession and hauled off for disposal.



ATTACHMENTS:

Description

Type

DA Davidson

Contract



**Non-Corporate Organizations
and Associations Resolution**

Account #: _____ Branch #: _____ FP #: _____ TRAX #: _____

I, Amy Reeves, the Clerk of the Board, do hereby certify that at a meeting of the
(Print Name of Organization Secretary)

County Commissioners of Lewis and Clark County on _____
(Print Name of Organization's Governing Body) (Print Name of Organization) (Print Date)

the following resolutions were adopted and are in full force and effect:

RESOLVED, that the organization open an account with D.A. Davidson & Co., for the purpose of buying, selling and trading in, for the account and risk of the organization, and in its name, stocks, bonds and other securities and contracts for commodities or securities and put and call options for cash and on margin or otherwise, including short sales and in accordance with the terms and conditions required by D.A. Davidson & Co.;

RESOLVED, that any one of the following officers of the organization, viz.

Amy Reeves
(Print Name(s))

Frank Cornwell
(Print Name(s))

and their successors in such offices be, and hereby are, and each is authorized and empowered to enter orders for purchases of securities including, but not limited to, stocks, bonds and option contracts, and to enter orders for sales, assignments or transfers of stocks, bonds or in any other securities or option contracts now owned or hereafter acquired by the organization in its own right or in fiduciary capacity, and said officers and each of them is authorized and empowered to give instructions in every respect concerning said account with D.A. Davidson & Co., and said firm is authorized and empowered to make payment of monies and deliveries of securities and contracts to said officers or otherwise as they and each of them may order and direct, and said officers and each of them is authorized and empowered to execute any and all agreements with said firm on behalf of the organization in connection with said account in order to conform with the rules and regulations of D.A. Davidson & Co. concerning any of the aforesaid transactions, and in all matters and things before mentioned said officers, and each of them alone, is authorized to act for the organization and on its behalf;

RESOLVED, that the authority vested in said officers will be a continuing one and will remain in full force and effect until D.A. Davidson & Co. shall receive from the organization a written notice of the revocation of such authority; and the persons named (and their successors) shall be presumed to be continuously the holders of such offices until D.A. Davidson & Co. receives from the organization a written notice of the election of their successors, properly certified by the Secretary of the organization; and

RESOLVED, that the Secretary of the organization be, and hereby is authorized to certify to said firm the foregoing resolutions, and that the provisions thereof are in conformity with the laws of the organization.

I do further certify that the present officers of the organization are as follows:

Print Name(s):	Print Office Title:
<u>Amy Reeves</u>	<u>Treasurer</u>
<u>Frank Cornwell</u>	<u>CFO</u>
_____	_____
_____	_____

DATED this _____ day of _____,

*If the resolution authorizes the Secretary to act thereunder, and the Secretary, alone or in conjunction with some other officer, does so act, certification should be by another officer in addition to the Secretary.

Secretary of the Organization ¹

Officer of the Organization



Grant Application to the State of Montana Disaster and Emergency Services Division. (Kyle Sturgill-Simon)

Presented By:

Summary:

The Commissioners will consider the grant application to the Montana Disaster and Emergency Services Division for the Emergency Management Preparedness Grant (EMPG) in the amount of \$70,500 to assist with personnel salaries and benefits of the Lewis and Clark County Emergency Management Program. The grant period begins July 1, 2025 through June 30, 2026.

Legal Review Required:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Memo	Staff Report
<input type="checkbox"/> Applicant Agent Designation	Attachment
<input type="checkbox"/> Assurances (424B)	Attachment

Kyle Sturgill-Simon
Emergency Manager
(406) 447-8285 Desk
ksturgill-simon@lccountymt.gov



City/County Building
316 N. Park
Helena, Montana 59623

LEWIS AND CLARK COUNTY

Emergency Management

DATE: March 25th, 2025

TO: Board of County Commissioners

FROM: Kyle Sturgill-Simon, Emergency Manager

RE: Application for EMPG25 Grant for Emergency Management Program

If approved by the Board, we propose applying for the Emergency Management Performance Grant (EMPG), made available through Montana Disaster & Emergency Services. The grant application would be in the amount of \$70,500.00, with a required match of the same (\$70,500.00).

This funding will go towards the salaries and benefits of the two personnel in the Emergency Management Program for Lewis and Clark County.

The county regularly applies for this grant, and we use it to augment the General Fund dollars that the program utilizes. We are applying for the same amount as awarded in the last fiscal year, but we are expecting a reduction due to funding issues at the Federal level. The period of performance runs from July 1st of 2025 to June 30th of 2026.

Kyle Sturgill-Simon
Emergency Manager

March 25, 2025

Amanda Avard, Preparedness Program Manager
Montana Disaster and Emergency Services (DES)
P.O. Box 4789
Fort Harrison, MT 59636-4789

RE: Emergency Management Performance Grant (EMPG) Applicant Agent Designation Letter

Dear Mrs. Avard,

This letter is to confirm that Lewis and Clark County, is authorizing the identified person below to apply for FFY 2025 EMPG on behalf of Lewis and Clark County.

Name of Applicant Agent: Kyle Sturgill-Simon

Furthermore, the identified person below is also authorized to act on behalf of Lewis and Clark County in relation to management of said grant if awarded.

Name of authorized individual: Autumn Ashdale

It is understood that Lewis and Clark County is prepared to satisfy their joint match by either cash or well-documented, fully eligible "in kind" contributions. The value of local contributions may exceed the minimum (50%) match amount requirement but may not be less than 50% of total costs at any time during the grant performance period. We understand that we may be reimbursed only up to 50% of total costs incurred.

We will retain and provide, as requested, detailed documentation to verify cash, "in kind" and/or other applicable match expenditures associated with this project.

Sincerely,

Candace Payne
Chair

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles 11 and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-1 33, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED



Amendment No. 3 to Grant Award from Montana Department of Natural Resources and Conservation. (Ann McCauley)

Presented By:

Summary:

The Commissioners will consider the amendment to the Minimum Allocation Grant award from Montana Department of Natural Resources and Conservation for the Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. The amendment extends the grant award to December 31, 2025.

Legal Review Required:

LEWIS AND CLARK COUNTY GRANTS APPROVAL FORM

Grant name:	Minimum Allocation Grant Program
Grant/Contract number:	AM-22-0075
Funding source:	
Federal Agency:	U.S. Department of Treasury
State Agency:	Department of Natural Resources and Conservation
ARRA funding?	No
Award amount:	125000
Hard Match required:	125000
Soft Match required:	
Indirect Cost Rate amount:	N/A
Grant/Contract Period:	Start: 3/3/2021 End: 12/31/2025
Catalog of Federal Domestic Assistance number:	21.027

Separate fund needed for accounting purposes? No

Is this project in the current fiscal budget? Yes
If no, fill out and attach supplemental budget amendment form.

Are non federal assets (>\$15,000) going to be purchased? No

Are federal assets (>\$5,000) going to be purchased? No

Does Grant/Contract require interest to be earned? No

Grant/Contract based on: a reimbursement

Contact Person/Phone number: Ann McCauley, x8383

County Department: Grants

County Assigned Project number: MA2103

Salaries to be paid by grant? No

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Amendment No. 3 - AM-22-0075	Attachment



Grants and Purchasing Department

Lewis and Clark County

406 Fuller Ave., Ste. 361 Helena, MT 59601

Phone: 406-447-8383

e-mail: grants@lccountymt.gov

STAFF REPORT

Date: March 17, 2025

To: Board of County Commissioners

From: Ann McCauley, Grants and Purchasing Director

RE: Amendment No. 3 to Grant Award to Lewis and Clark County from the Montana Department of Natural Resources and Conservation

County Commission Hearing:

Tuesday, March 25, 2025 --- 9:00 a.m.

I. EXECUTIVE SUMMARY:

Lewis and Clark County and the Montana Department of Natural Resources and Conservation are proposing a third amendment for the implementation of an American Rescue Plan Act (ARPA) Minimum Allocation Grant award. Through this award, Ten Mile/Pleasant Valley Water and Sewer District has installed a chemical pH adjustment system to enable the District to meet permit effluent pH limits in their wastewater treatment process. The District has also done improvements to the roads within the treatment side and erosion mitigation at lagoon cell 3. To fully utilize the Minimum Allocation Grant award and complete the project, the District proposes using remaining funds to purchase and install concrete barriers and utility markers for the treatment site and has requested a extension through the end of 2025.

The amendment extends the period of performance to December 31, 2025. The ARPA Expenditure Category is *5.1 Clean Water: Centralized Wastewater Treatment*.

II. REQUEST:


To approve the grant award Amendment No. 3 from the Montana Department of Natural Resources and Conservation for the Ten Mile/Pleasant Valley Water and Sewer District ARPA Minimum Allocation grant.

III. STAFF RECOMMENDATION:

Approval.

IV. ATTACHMENTS:

DNRC Agreement #AM-22-0075_Amendment 3

<i>FOR DNRC USE ONLY</i>			<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">Approved</p> <p style="margin: 5px 0;">No. <u>AM-22-0075</u></p> <p style="margin: 5px 0;">Amend No. <u>3</u></p> <p style="margin: 5px 0;">Division <u>AM</u></p> <p style="margin: 5px 0;">Legal _____</p> </div>
Maximum Amount under this Grant:	\$125,000.00		
Source of Funds			
Fund Name ARPA State Recovery Section 602	Fund No. 03920		
Subclass 54042	Org. No. 34223075M	Amount \$125,000.00	
Appropriation Authority: 67th Legislature 2021 HB632			

AMENDMENT NO. 3

THIS AMENDMENT is made and entered into by and between the Montana Department of Natural Resources and Conservation's (DNRC) Conservation and Resource Development Division hereinafter called "DNRC", and **LEWIS AND CLARK COUNTY** hereinafter called the "Recipient" and represented by Candace Payne, Commission Chair, and successors, 316 North Park Avenue, Helena, MT 59632, bocc@lccountymt.gov, (406) 447 - 8304.

The parties to this Agreement in consideration of the mutual covenants and stipulations set out herein hereby agree as follows:

THAT because additional time is needed for the Lewis and Clark County - Ten Mile Creek/Pleasant Valley Wastewater Improvement Project, **SECTION 2. TERM** is hereby amended as follows:

SECTION 2. TERM. The effective date of this Agreement is the date of last signing and ends **December 31, 2025**. As set forth in the Treasury's Federal Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Interim Final Rule 86 Fed. Reg. 26786 ("Rule") and associated guidance issued on May 10, 2021, Subrecipient may use award funds to cover eligible costs incurred during the period that began on March 3, 2021, and ends on December 31, 2026. This agreement remains in effect until all reporting requirements as described in **SECTION 8. REPORTS** have been received by DNRC.



All other terms and conditions remain unchanged and continue in full force and effect. This Amendment consists of three (2) pages.

To express the parties' intent to be bound by the terms of this Agreement they have executed this document on the dates set out below.

A facsimile, photocopy or electronic copy of the signature below shall have the same force and effect as an original signature and an electronic signature shall be regarded as an original signature.

Recipient:

By: _____
Recipient Signature

Candace Payne, Commission Chair

Recipient Print Name and Title

For: Lewis and Clark County
Entity Name

Entity Tax ID #

Date

In Process

Department of Natural Resources and Conservation:

By: _____
DNRC Signature

Attest:

Print Name and Title

For: The Montana Department of Natural Resources and Conservation

Date

Attest:



Amendment No. 2 to Subrecipient Agreement Between Lewis and Clark County and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. (Ann McCauley)

Presented By:

Summary:

The Commissioners will consider the amendment to the subrecipient agreement with the Ten Mile Creek Estates/Pleasant Valley Water and Sewer District. The amendment extends the agreement to December 31, 2025, and amends the scope to include additional construction activities.

Legal Review Required:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Amendment #2 Subaward with Ten Mile/Pleasant Valley	Attachment
<input type="checkbox"/> Amendment Request Letter	Attachment



Grants and Purchasing Department

Lewis and Clark County

406 Fuller Ave., Ste. 361 Helena, MT 59601

Phone: 406-447-8383

e-mail: grants@lccountymt.gov

STAFF REPORT

Date: March 17, 2025

To: Board of County Commissioners

From: Ann McCauley, Grants and Purchasing Director

RE: Amendment #2 to Subrecipient Agreement between Lewis and Clark County and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District

County Commission Hearing:

Tuesday, March 25, 2025 --- 9:00 a.m.

I. EXECUTIVE SUMMARY:

Lewis and Clark County (County) and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District are proposing an amendment for the implementation of an American Rescue Plan Act (ARPA) Minimum Allocation Grant award. Through this award, Ten Mile/Pleasant Valley Water and Sewer District has installed a chemical pH adjustment system to enable the District to meet permit effluent pH limits in their wastewater treatment process. The District has also done improvements to the roads within the treatment side and erosion mitigation at lagoon cell 3. To fully utilize the Minimum Allocation Grant award and complete the project, the District is proposing the purchase and installation of concrete barriers and utility markers for the treatment site.

The amendment extends the period of performance to December 31, 2025, and amends the scope to include the installation of the concrete barriers and utility markers.

The ARPA Expenditure Category is *5.1 Clean Water: Centralized Wastewater Treatment*.

II. REQUEST:

To approve Amendment #2 to the subrecipient agreement between Lewis and Clark County and Ten Mile/Pleasant Valley Water and Sewer District for execution of the ARPA Minimum Allocation grant.

III. STAFF RECOMMENDATION:

Approval.

IV. ATTACHMENTS:

- Amendment #2 to Subrecipient Agreement #LCC-MA-2103
- Letter from and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District requesting the extension and scope change.

**AMENDMENT #2 TO SUBRECIPIENT AGREEMENT #LCC-MA-2103
TO PROVIDE AMERICAN RESCUE PLAN ACT FUNDING
FOR WATER AND/OR SEWER INFRASTRUCTURE**

THIS SUBRECIPIENT AGREEMENT is entered into by Lewis and Clark County, a political subdivision of the State of Montana, herein "County", and Ten Mile Creek Estates/Pleasant Valley Water and Sewer District, herein "Subrecipient," whose address is P.O. Box 4388, Helena, MT 59604 and Unique Entity Identifier (UEI) is WXHGSCCLRJF7.

The County and the Subrecipient mutually agree to amend Subrecipient Agreement #LCC-MA-2103 executed on March 23, 2023, and Amendment #1 of the Agreement executed on as follows. All other provisions of Subrecipient Agreement #LCC-MA-2103 remain in full force and effect.

1. Section 2, SCOPE OF WORK is replaced in its entirety as follows:
 2. SCOPE OF WORK: Subrecipient will be responsible for administering and completing the awarded project in accordance with attached Exhibit B and in a manner satisfactory to the County and consistent with any standards required as a condition of providing these funds.
2. Section 5, EFFECTIVE DATE AND TIME OF PERFORMANCE is replaced in its entirety as follows:
 5. EFFECTIVE DATE AND TIME OF PERFORMANCE: This Agreement shall take effect upon execution by the parties and will terminate on December 31, 2025, unless otherwise terminated by law or in compliance with the terms of the Agreement.

The Subrecipient must incur all authorized expenses to be reimbursed between March 15, 2021, and March 31, 2025. All requests for reimbursement must be submitted to the County within forty-five (45) days after December 31, 2025.

The County reserves the right to extend this Agreement based on, but not limited to, the Subrecipient's performance on the contracted activities and the Subrecipient's compliance with program requirements.
3. Exhibit A and Exhibit B are to be replaced in their entirety. Please refer to Amended Exhibit A-2 and Amended Exhibit B-2 attached to this Agreement and incorporated herein by this reference.

Exhibits:

- Exhibit A-2: 2 CFR §200.331 Information
- Exhibit B-2: Scope of Work and Implementation Schedule

IN WITNESS WHEREOF, the County and the Subrecipient have executed this Agreement.

LEWIS AND CLARK COUNTY:

SUBRECIPIENT:

Candace Payne, Chair
Board of County Commissioners
Lewis and Clark County

Tom Stockton, President
Ten Mile Creek/Pleasant Valley
Water and Sewer District

ATTEST:

Amy Reeves, Clerk and Recorder

Exhibit A-2: Information Required Under 2CFR §200.331

Requirements for Pass-Through Entities	
Subrecipient Name	Ten Mile Creek Estates/Pleasant Valley Water and Sewer District
Subrecipient's UEI	UEI: WXHGSCCLRJF7
Federal Assistance Listing	21.027
Federal Award Identification Number (FAIN)	SLFRP4035
Federal Award Date to the Recipient by the Federal Agency, or designee	3/11/2021
Subaward Period of Performance Start and End Date	March 3, 2021 – December 31, 2025
Amount of Federal Funds Obligated by this action by the Pass-Through Entity to the Subrecipient	\$125,000
Total Amount of Federal Funds Obligated to the Subrecipient by the Pass-Through Entity including the current obligation	\$125,000
Eligible ARPA Expenditure Category	5.1 Clean Water: Centralized Wastewater Treatment
Name of Federal Awarding Agency	U.S. Department of the Treasury
Name of Pass-Through Entity	Lewis and Clark County, MT
Contact Information for Awarding Official of the Pass-Through Entity	Ann McCauley, or successor Director, Grants and Purchasing 406.447-8383 amccauley@lccountymt.gov
Indirect Cost Rate for the Federal Award	N/A
Contact Information for Subrecipient, including name(s) and title(s) of appropriate persons in Subrecipient's organization; mailing address for notices to Subrecipient; telephone number(s) and email addresses.	Thomas Stockton President PO Box 4388 Helena, MT 59604 406.465.3487 stockton.thomas@gmail.com

Exhibit B-2: Scope of Work and Implementation Schedule

Background

The Ten Mile Creek Estates Subdivision (Subdivision) and Pleasant Valley Water and Sewer District (District) are located within Lewis and Clark County (County). The subdivision's water levels are hydro-geologically connected to the local groundwater table. Studies indicate groundwater levels rise when stream levels increase in the Creek, and the sewer flow rates correspondingly increase.

The District is regularly exceeding the effluent discharge permit limits for potential hydrogen (pH) on their batch discharges (>9.0). The cause of pH exceedances is considered to be the result of algae and biogrowth in the ponds. Addressing the pH situation by adding chemicals to the surface of the pond is cost prohibitive due to the large area of the ponds, and the large quantity of chemicals needed, and this may adversely impact the water biology and chemistry. The District will need to make modifications to the treatment methods at the effluent discharge pumping system to limit future violations. Addressing the pH at the point of discharge can be done with lower doses of chemicals and can be controlled by pacing with the effluent flow meter.

Scope of Work

The Lewis and Clark County, Ten Mile Creek/Pleasant Valley Wastewater Improvement Project will protect groundwater and surface water by reducing the impacts of both infiltration into the sewer system and potential exfiltration and contamination of the groundwater from the sewer system. The Phase 2 project will also enable the District to meet permit effluent limits for pH and better project Prickly Pear Creek as the receiving stream with a higher quality effluent from the lagoons. ARPA Grant funds will reimburse eligible expenses for professional services, engineering, resident project representative, and construction associated with the following activities:

- Phase 2 - installation of a chemical pH adjustment system that includes:
 - Installation of a chemical pump skid system
 - Installation of a new 4" ductile iron pipe spool piping with connections to an air release valve (ARV), pressure gauge, and sample tap
 - Installation of a chemical injection quill assembly with integral static mixer fitting.
 - Installation of two (2) (primary and standby) chemical tanks
 - Improvement of the pump house building to fully insulate and finish the walls with industrial-rated drywall
- Construction Work:
 - Place 8" thick additional rip rap in lagoon cell 3 over eroded areas
 - Place 4" thick of additional road base gravel to the effluent/chemical building from the main entrance.
 - Furnish and install approximately six (final number based on cost) precast concrete barriers to limit access to a restricted area.
 - Install up to six (final number based on cost) utility surface markers above the buried force main along Munger Road to indicate the location of the buried sewer force main.

Facilities and construction activities will be designed and constructed following sound engineering practices and will meet the requirements of Federal, State, and local agencies.

PROJECT DESIGN DATES

Preliminary Design March - April 2023

Final Design April - May 2023

DEQ Plan Review May - June 2023

DEQ Plan Approval June 2023

PROJECT BID DATES

Bid Document Advertised - July 2023

Bid Document Selection - August 2023

Award Notice - August 2023

Notice to Proceed - September 2023

PROJECT CONSTRUCTION DATES

Construction Start - September 2023

Construction Completion - May 2025

Closeout - June 2025

Final Documentation - June 2025

February 19, 2025

Katherine Certalic
ARPA Grant Program Specialist
Resource Development Bureau, ARPA, Conservation & Resource Development Division
Montana Department of Natural Resources and Conservation
1539 11th Ave.
Helena, MT 59620

RE: Ten Mile Creek Estates/Pleasant Valley Water and Sewer District Wastewater
Improvements (Amc-22-0075)
Scope of Work amendment request

Dear Katherine,

The Ten Mile Creek Estates/Pleasant Valley Water and Sewer District (District) wastewater project has reached substantial completion and has additional construction funds remaining in its budget. The effluent pump station pH chemical upgrade project, additional rip rap and gravel has been verified to be completed and inspected by the Engineer. The construction budget was \$90,000, and the scope of work was completed and invoiced for \$78,466.41, which leaves a remaining \$11,533.359 available to complete additional construction work using available ARPA funds. We do not want to return the ARPA funds back to the state and have identified additional needs for the wastewater system.

The District has identified additional deliverables, as identified below, and is requesting a scope of work increase for the given construction budget to complete the following additional critical tasks:

- Furnish and install six precast concrete barriers to limit access to a restricted area.
- Install up to six utility surface markers above the buried force main along Munger Road to indicate the location of the buried sewer force main.

Given the current weather constraints, we are also requesting an extension of the contract term through December 31, 2025. We would like to proceed with obtaining quotes for the additional work and complete the work in the spring of 2025 with more favorable weather conditions.

Sincerely,

Tom Stockton
President