

**JOURNAL OF CITY COMMISSION WORK SESSION**  
**September 20, 2022**

City Commission Work Session  
Civic Center, Gibson Room 212

Mayor Kelly presiding

**CALL TO ORDER:** 5:30 p.m.

**CITY COMMISSION MEMBERS PRESENT:** Bob Kelly, Susan Wolff, Eric Hinebauch, Rick Tryon and Joe McKenney.

**STAFF PRESENT:** City Manager Greg Doyon; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; Finance Director Melissa Kinzler and Grant Administrator Tom Hazen; Planning and Community Development Director Craig Raymond; Public Works Acting City Engineer Jesse Patton and Senior Civil Engineer Mark Juras; Police Captain Rob Moccasin; and, Deputy City Clerk Darcy Dea.

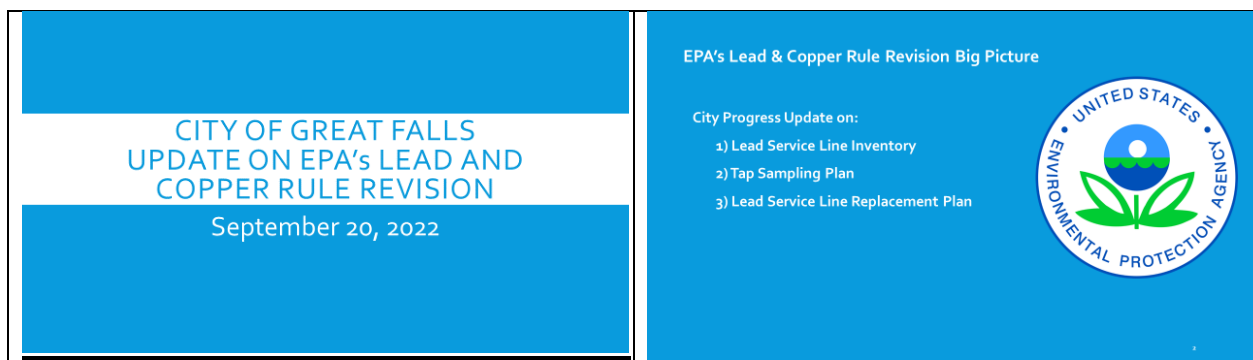
**PUBLIC COMMENT**

**Steve Bucher**, City resident, read a prepared statement pertaining to the vacant land between the alley of 4<sup>th</sup> Avenue North and 2<sup>nd</sup> Avenue North east of 38<sup>th</sup> Street, the proposed location for Silverstone Apartments. He expressed concern that as proposed, it would leave some residents with nowhere to park vehicles.

City Manager Greg Doyon expressed appreciation to Mr. Bucher for reporting the issue early on.

**1. UPDATE ON EPA’S LEAD AND COPPER RULE REVISIONS**

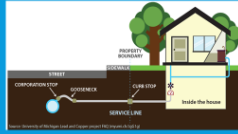
Public Works Engineer Mark Juras reviewed and discussed the following PowerPoint:



### Lead Service Line Inventory

#### City Obligations under the LCRR

- The City must create and maintain an inventory of all service lines including: addresses, material classification, information sources, and public accessibility
- Service lines must be classified as lead, galvanized requiring replacement, non-lead (or the actual material), or lead status unknown (or unknown)
- Non-lead service lines must be determined through an evidence based record, method, or technique
- Submitted to MT DEQ by October 16<sup>th</sup>, 2024

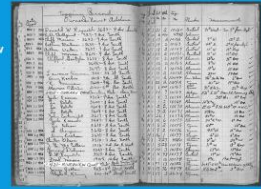


3

### Lead Service Line Inventory

#### Additional Obligations

- Record or track service material type during normal operations
- Perform a comprehensive historical records review



4

### Lead Service Line Inventory

#### Additional Obligations

- Utilize identification methods approved by the State and the LCRR including:
  - Visual inspection
  - Water quality sampling
  - Excavation
  - Predictive modeling



5

### Lead Service Line Inventory

#### Additional Obligations

- Promote public education on lead in drinking water
- Deliver mailed letters to lead service line owners annually
- Provide online public access to the location of lead, galvanized, and unknown lines
- Each line must include a location identifier such as a street address, block, intersection, or landmark



6

### City Progress Update

#### Service Line Inventory

- Digitize a list of every service line in City jurisdiction using Cartegraph and Meter Data
- Includes service/meter address, customer information, diameter, installation date, material type, and source of material information

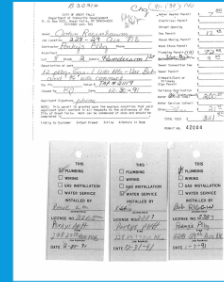
Approximate Totals as of September 2022	
• Non-Lead	12,800 (58.3%)
• Lead	110 (0.5%)
• Galvanized	250 (1.1%)
• Unknown	8,800 (40.1%)
• Total	21,960

7

### City Progress Update

#### Historical Records Review

- Construction and Plumbing Codes and Records
  - Ordinance 1258 (Feb 1967) copper only for 2" and smaller services
- Ordinance 1913 (March 1976) repairs made to service lines required full replacement with copper if found to be non-copper and repairs exceeded 1/4 of the total service length
- Old Water Service Permits – do not provide material type

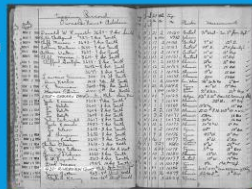


8

### City Progress Update

#### Historical Records Review Continued

- Water System Records
  - Tap Books – provide service installation date and address since July of 1937, but no material type
  - Water record drawings generally do not indicate service material type
  - Water main replacement projects – identifies non-copper services since ~1980
  - Other – previous surveys



9

### City Progress Update

#### Historical Records Review Continued

- Distribution System Inspections and Records
  - Continuing to research inspection records, permits, and other potential sources of information for pre 1980 projects.
- State Requirements
  - State of MT lead ban ~1986-88
  - Currently, MT DEQ is not requesting additional records research beyond what the EPA requires.

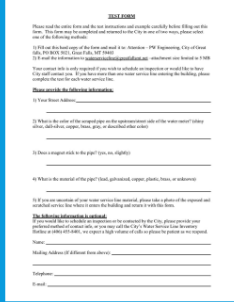


10

## City Progress Update

### Public Engagement

- Based on City ordinances 1558 & 1913, there are about ~10,000 services with potential to be non-copper
- Mailed ~10,000 letters with instruction to complete a visual identification "scratch test" and return the information to the City.
- Non-responder to mailer will be contacted for visual inspection by City staff.
- As of September 2023, have received ~3,500 mailers back



11

## City Progress Update

### Public Engagement Continued

- Test form and instructions:
  - <https://greatfallsmt.net/publicworks/water-service-line-inventory>
  - Water Service Hotline: 406-455-8403
  - Email: [waterserviceline@greatfallsmt.net](mailto:waterserviceline@greatfallsmt.net)

### Additional Investigation TBD:

- Door to door inspections
- Water quality sampling
- Excavation
- Predictive modeling

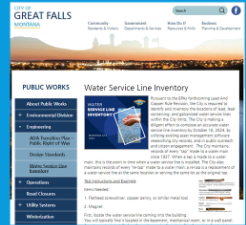


12

## City Progress Update

### Public Outreach Goals

- Promote education on lead in drinking water
- Publicize requirements of EPA's Lead & Copper Rule Revision
- Encourage participation in lead service line inventory
- Utilize local meetings, social media, the City's website, and the press to get the word out
- <https://greatfallsmt.net/publicworks/water-service-line-inventory>



13

## City Progress Update

### Tap sampling Plan

- Sample at known lead service lines starting Oct 2024
- 5<sup>th</sup> liter draw
- Sampling results obtained in late 2024, or early 2025, will dictate City's required response

<b>ACTION LEVEL - 90<sup>th</sup> PERCENTILE @ 15 PPB</b>
• Lead Service Lines - Full replacement, 3% per Year
• Tap Sampling - standard monitoring every 6 months
• Corrosion Control Treatment - Implement or re-optimize
<b>TRIGGER LEVEL - 10<sup>th</sup> PERCENTILE @ 10 PPB</b>
• Lead Service Lines - Full replacement at defined goal rate (set by state and system)
• Tap Sampling - standard monitoring every year
• Corrosion Control Treatment - conduct study (if CCT not installed) or re-optimize CCT if installed
<b>510 PPB</b>
• Lead Service Lines - voluntary replacement
• Tap Sampling - reduced monitoring every 3 years
• Continue corrosion control treatment and Water Quality Parameter Monitoring

14

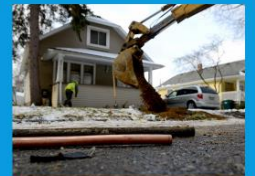
It is anticipated that updated tap sampling protocols will result in increased lead concentrations, which may result in required lead, galvanized, and unknown service line replacement. The City will know with certainty in late 2024 or early 2025. The City is focusing its efforts on composing an accurate lead service line inventory.

15

## City Progress Update

### Lead Service Line Replacement (LSLR) Plan

- If sampling results trigger replacement, the LCRR requires full service line replacement of lead, galvanized, and unknown lines
- LSL owners to be notified annually by mail until line is replaced



16

## City Policy & LSLR Funding

OCCGF 13.6.010 "All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer."

- Bi-Partisan Infrastructure Law
- Allocates \$15 B for LSLR efforts
- MT to receive ~\$140 M
- ~\$28 M per year for 5 years
- Dispersed via SRF loans
- State provides final guidance



17

## Common Questions & Answers

Where can I find more information? Where can I learn more about the EPA's Lead and Copper Rule Revision and/or the City's compliance?  
Monitor the City's Facebook page and engineering website, as information will be released when it is available. Additional information on EPA's Lead and Copper Rule Revision can be found on their website:

- <https://www.epa.gov/dwreginfo/lead-and-copper-rule>
- <https://www.epa.gov/ground-water-and-drinking-water/lead-and-copper-rule>

How does lead get into drinking water?

Lead enters drinking water primarily through plumbing materials.

What are the common health concerns with lead in drinking water?

Please refer to the EPA's webpage which discusses potential lead related health concerns: [www.epa.gov/lead/what-are-some-health-effects-lead](http://www.epa.gov/lead/what-are-some-health-effects-lead)

18

<p style="text-align: center;"><b>Common Questions &amp; Answers</b></p> <p>How can I test my drinking water for lead?  The City of Great Falls is not able to perform lead tests for individual consumers. To test for lead, contact the Department of Health Services Lab in Helena, (406) 444-3444, or visit their website: <a href="https://dphhs.mt.gov/publichealthlaboratoryservices/EnvironmentalLaboratory/">https://dphhs.mt.gov/publichealthlaboratoryservices/EnvironmentalLaboratory/</a>  The cost is approximately \$60 and they will direct you to the necessary size of the sample, the sample container, and a sample pick-up location.</p> <p style="text-align: right;">19</p>	<p style="text-align: center;"><b>Common Questions &amp; Answers</b></p> <p>How can I check if my water service line is lead or lead containing?  Lead and galvanized water service lines can be identified by performing a "Scratch Test" in the water service line where it enters the building. The scratch test is essentially a visual test that can be completed with basic tools and in a short timeframe. First, locate the water service line coming into the building. It is typically found in the basement, crawl space, mechanical room, or in a wall panel. A water meter is installed on the water service line pipe after the point of entry into the building. Identify a test area on the pipe on the upstream or street side of the meter, which is between the point where it comes into the building and the water meter. If the pipe is covered or wrapped, peel back the cover to expose a small area of the pipe, about 6 inches, to clearly see the color of the pipe. Using the edge of a screwdriver or penny, scratch or scrape through any corrosion that may have built up on the outside of the pipe so that the color of the pipe can clearly be seen. Also, grab a strong magnet. Using the color of the scratched surface and the magnet, identify the pipe from the following criteria:</p> <ul style="list-style-type: none"> <li>• Lead – scratches are shiny and silver-gray – a strong magnet will not stick to a lead pipe</li> <li>• Galvanized – scratches are dull silver-gray – a strong magnet will stick to galvanized pipe, pipe fittings are also threaded on galvanized pipe</li> <li>• Copper – scratches are copper – a strong magnet will not stick to copper</li> <li>• Plastic – plastic pipes are rigid, non-metallic, and may vary in color – magnets do not stick</li> </ul> <p>Residents can download a test form with instructions to perform the scratch test and return the results to the City at <a href="mailto:greatfalls@cityofgreatfalls.net">greatfalls@cityofgreatfalls.net</a> or by mail to the City of Great Falls, 1000 1st Avenue S.W., Great Falls, MT 59403. The test forms are under the Supporting Documents at the bottom of the webpage. Residents can also contact the City of Great Falls water service Inventory Hotline at 406.455.8463. Please keep questions pertinent to identifying the material type of the water service line, and please be patient with us as we respond to calls as we expect a large volume of calls. Residents can also take a picture of the water service line where it enters the building, indicate the physical address of the building, and send that information in an e-mail to <a href="mailto:water.serviceline@greatfalls.net">water.serviceline@greatfalls.net</a>. Residents with non-copper water service lines are encouraged to communicate their water service line material type and address to the City so that the City can incorporate that data into the water service line inventory.</p> <p style="text-align: right;">20</p>
<p style="text-align: center;"><b>Common Questions &amp; Answers</b></p> <p>Why did I receive a mailer and not someone else?  Mailers were delivered to every residence or building which had a water service line installed prior to 1970 or replaced prior to 1980. The mailer included instructions to perform a scratch test and return the results to the City. About 10,000 mailers were delivered.</p> <p>I have a lead, lead containing, or galvanized water service line, what now?  Let the City know as instructed on the test form available under the supporting documents heading at the bottom of the following webpage: <a href="http://greatfallsmt.net/publicworks/engineering">greatfallsmt.net/publicworks/engineering</a>. The City will add the information to the water service line inventory. As of July 2022, the Federal government is not requiring line replacement, and the next phase of the LCRR is tap sampling. The Federal Government may require water service line replacement in the future as dictated by the results of the LCRR Tap Sampling Plan.</p> <p>Who will pay for replacement of a lead, lead containing, galvanized, or unknown water service line?  The City's Code states that all the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer.</p> <p style="text-align: right;">21</p>	<p style="text-align: center;"><b>Common Questions &amp; Answers</b></p> <p>What is the estimated cost for a lead or lead containing water service line replacement?  As of July of 2022, the City does not know with certainty whether or not lead service line replacement is required. The cost may vary greatly from residence to residence. Local qualified water utility contractors should be contacted to obtain individual quotes.</p> <p>Will the State or Federal government provide funding for lead or lead containing water service line replacement?  The Bipartisan Infrastructure Law allocates \$25 Billion for LSLR efforts. Montana is to receive ~\$10 Million; \$28 Million per year over 5 years. Money will be dispersed through the State Revolving Fund process, a low interest loan program. Formal guidance on fund allocations will be provided by the State.</p> <p>What if the plumbing inside my building is lead, lead containing, or galvanized?  Lead plumbing components inside the building are another potential source of lead contamination. As of July of 2022, the LCRR does not require replacement of interior plumbing, just lead, lead containing, unknown, or galvanized water service lines.</p> <p style="text-align: right;">22</p>

Commissioner Wolff received clarification that “no-responders” to the mailer will be contacted for visual inspection by City staff and service lines are assumed lead lined until proven otherwise.

Senior Civil Engineer Juras explained that funding would be available to the State of Montana through the Bi-Partisan Infrastructure Law and the State provides final guidance on line replacement projects.

Commissioner Tryon inquired about the amount of staff time and money utilized for the lead and copper rule revision project.

Public Works Acting City Engineer Jesse Patton responded that the Public Works Department is currently utilizing its staff and the project is being paid through utility rates. The lead and copper rule revision includes residential and business service lines.

Commission Tryon commented that the State of Montana should provide other funding besides State Revolving Fund (SRF) loans.

Commissioner Hinebauch encourage citizens to purchase service line coverage on their homeowners insurance to help cover the cost of repairing or replacing broken utility lines.

City Manager Doyon expressed concern with regard to the cost of a potential corrosion control treatment for the Water Treatment Plant.

## **2. SEMI-ANNUAL LITIGATION UPDATE**

City Attorney Jeff Hindoien explained that discussing litigation matters that involve public entities does not require a closed session.

### **A. Public Entity Litigation – Cascade County/Board of Health “Governing Body” Matter**

City Attorney Jeff Hindoien reported that this is a declaratory judgment action initiated by the City against Cascade County in January 2022 and relates to the ongoing dispute between the City and County as to the appropriate structure and composition of the new “governing body” entity required as part of the joint City-County Health Department structure. The County is unwilling to agree to the inclusion of any member of the City Commission on that “governing body” entity on the grounds that it would violate some undefined legal prohibition. The declaratory judgment action is intended to address and resolve that undefined “legal” objection on the part of the County.

Judge Best issued her Order on Plaintiff’s Motion for Summary Judgment and concluded that a member of the City Commission is not a prohibited member of the “governing body” entity. Judge Best also concluded that unless and until the City and Cascade County agree to something different, the current Board of Health is the governing body, as indicated in the 1975 Agreement.

He added that the 1975 Agreement states that the “governing body” entity is a mayor and/or a designee.

### **B. Private Party Litigation**

City Attorney Jeff Hindoien recommended that this portion of the meeting be closed to the public pursuant to Mont. Code Ann § 2-3-203(4)(a) to discuss strategy to be followed with respect to a pending litigation matter because an open meeting would have a detrimental effect on the City’s litigating position. The meeting will be re-opened at the conclusion of the litigation strategy discussion.

**Mayor Kelly moved, seconded by the Commission, to close the meeting from the public to discuss pending litigation in executive session pursuant to Mont. Code Ann § 2-3-203(4)(a).**

At 6:12 p.m., the meeting continued in executive session in the City Manager’s Office with the City Commission, City Manager, City Attorney, Deputy City Attorney and Deputy City Clerk, for the purpose of discussing pending litigation and strategy.

- EXECUTIVE SESSION - -

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The meeting reconvened into an open meeting. Mayor Kelly called the regular meeting back to order at 6:50 p.m.

City Attorney Hindoien reported that discussion included updates and strategy with regard to pending litigation and claim matters against the City by private litigants.

**DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS**

Upcoming work session topics include the following: Library Master Plan, Solid Waste Study, Evidence Building Project and Public Safety Levy scenarios.

Commissioner Wolff requested an update about the homeless situation.

City Manager Doyon responded that the City is aware of the homeless situation around the community; however, there are no laws against loitering, unless it involves a disturbance. He reported that Opportunities Inc. provides homeless prevention services.

**ADJOURN**

There being no further discussion, Mayor Kelly adjourned the informal work session of September 20 2022, at 6:55 p.m.