

MINUTES

Missoula Conservation District
December 11, 2017

Missoula Conservation District
December 11, 2017 at 7:00 pm
3550 Mullan Rd, Ste 106, Missoula, MT 59808

Missoula Conservation District Attendees:

Tim Hall, Supervisor & Chair
Libby Maclay, Supervisor & Vice Chair
Sidney Wills, Supervisor
Bob Schroeder, Supervisor
Paul Parson, Supervisor
Art Pencek, Supervisor
Jen McBride, Staff
Monica Perez-Watkins, Staff

Additional Attendees:

Ladd Knotek, MT FWP
John Hart, Deputy County Attorney
Rob Roberts, Trout Unlimited (LGP-01-16)

Absent:

Travis Greenwalt, Supervisor & Treasurer
Bart Morris, Associate Supervisor
John Bowe, NRCS

Call Meeting to Order – 7:00 pm by Chair Tim Hall.

Minutes – Art Pencek moved to approve the November 13, 2017 minutes as submitted. Bob Schroeder seconded the motion, motion passed – unanimous.

Treasurer's Report – Monica Perez-Watkins reported \$21,097.70 in the district checking account.

Public Comment – No public comment.

NRCS Report – No report, District Conservationist John Bowe was absent.

Legacy Grant Project No. 01-16 Update – Trout Unlimited - Rattlesnake Creek Fish Screen Survey and Design - Trout Unlimited (TU) representative Rob Roberts presented on the completed fish screen survey and design work, funded by the district's Legacy Grant Project (LGP) No. 01-16. Roberts began the presentation by providing a list of the project's partners and an aerial map of Rattlesnake Creek that indicated the locations of the 6 irrigation ditches. He then discussed the ditches in more detail, describing completed survey work on all the diversion sites and fish screen installations at three locations.

In addition to the survey and design work supported by the district LGP grant, TU and partners (the City of Missoula and Montana Fish, Wildlife, and Parks) plan to mitigate and restore the inoperable Rattlesnake Creek Dam. Roberts reviewed the project's timeline: Initial data collection began in the fall/winter of 2017, final construction will occur in the summer of 2020, and the final monitoring phase is expected to begin in the summer of 2021.

Roberts described funding TU received for the entire Rattlesnake Creek project, totaling \$207,125.00, which includes \$10,000.00 from LGP-01-16. Additional funding partners include Northwestern Energy, Montana Future Fisheries, and Stockman's Bank, along with several others. Roberts discussed the project's anticipated results, including 25 miles of reconnected creek, 6 irrigation diversions improved and screened, 1 dam removed, 4 acres of wetland restoration and rehabilitation, and 40 acres of open and recreational space, among other expected benefits.

At the March 13, 2017 meeting, the district board approved disbursement of half of LGP-01-16, \$5,000.00 when the project was 75% complete. Now that the survey and design work is completed the remaining legacy grant amount, \$5,000.00, will be disbursed to TU.

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New 310 Permit Applications

MS-29-17 - David McIntosh b/o James McIntosh - Ninemile Creek – Bridge Replacement (Geocode: 04252817201040000)

The Board of Supervisors tabled the Ninemile Creek bridge replacement application at the previous November 13, 2017 meeting due to insufficient information regarding I-beam attachment. Jen McBride informed the board that she spoke with David and James McIntosh. They intentionally left the I-beam anchoring information out of their application for reasons related to potential future flooding, expansion, and contraction. They also suspected that the weight of the I-beams, steel stringers, and the rest of the structure would sufficiently keep the design in place. McBride added that David said he could weld tabs onto the I-beams to keep them from shifting.

The board reviewed the site photos and discussed welding tabs onto the I-beams and welding the I-beams to the stringers.

Art Pencek moved to approve Application No. MS-29-17 as a project for review and approve the application with modifications in the team member reports. Bob Schroeder seconded the motion, motion passed – unanimous.

The project to replace a bridge is approved with modifications incorporating the following:

- Install at low water
- Weld tabs onto the I-beams to prevent I-beams from shifting on the pilings
- The board advises, but does not require, welding the I-beams and stringers together to avoid shifting of the bridge
- Do not cross the stream with equipment unless an alternative is not available
- If equipment crosses the stream, notify the district and plan to restore the bank to its pre-existing condition and reseed with a native seed mix
- Otherwise proceed with the project as proposed in Application No. MS-29-17

MS-33-17 – Steve McAfee – Imported Soil Removal – Clark Fork River (RE: CM-12-17 – Road Work; Geocode: 04232403101080000)

At the previous November 13, 2017 meeting, the Board of Supervisors told McBride to continue to monitor the McAfee property while McAfee works with the county floodplain administrator. The board also requested that McAfee submit a 310 application corresponding with county floodplain remediation requirements. McBride stated that McAfee visited the district office on November 14, 2017 and submitted the completed application for imported soil removal.

McBride reviewed the location of the McAfee property along the Clark Fork River using aerial images. She discussed changes to the river frontage, including road work, flooding, side channel connectivity, and a previous 310 complaint and application. The board also reviewed on-the-ground photos taken during the December 6 site inspection, which was attended by McBride, Tim Hall, Ladd Knotek, and McAfee, along with photos from a prior visit McBride attended with McAfee.

The board discussed the property, past bank stabilization attempts, the imported soil and vegetation removal work McAfee carried out, and future revegetation. The board also noted that corresponding complaint, CM-12-17, is McAfee's second 310 complaint.

Tim Hall moved to approve Application No. MS-33-17 as a project for review and approve the application with modifications in the team member reports. Paul Parson seconded the motion, motion passed – unanimous.

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The project to remove imported fill is approved with modifications incorporating the following:

- All imported fill placed in the riparian buffer (the area within 50-ft of the ordinary high watermark of the river) must be removed and transported offsite
- Remove fill in accordance with and as approved by Missoula County Floodplain Administration
- Remediation should begin as soon as possible, provided that snow accumulation does not obstruct the work area
- Discontinue all vegetation removal, including trimming and mowing, allowing a 50-ft riparian buffer
- **Submit a detailed revegetation plan** (including species list, quantity, and spacing) for replanting and reseeding with native riparian shrubs and grass seed within the 50-ft riparian buffer (see enclosed list of suitable woody species)
- Maintain the district's standards for vegetation survival rate - 75% survival after 1 year of the project completion date and 50% survival after 2 years of the project completion date
- Otherwise, proceed with the project as proposed in Application No. MS-33-17 and notify the district office upon completion of the project

MS-34-17 – Susan and Ethan Mace – Unnamed Creek – Riparian Thinning, Debris Jams, and Ford and Diversion Improvements (Geocode: 04209411101060000)

McBride informed the board that Knotek requests a site inspection on the Mace property, but the application arrived past the site inspection deadline. McBride does not know when the applicants would like to begin the work, however, there will likely be winter weather constraints. The board reviewed images of the project site taken during a pre-site visit for a corresponding 2018 cost-share application.

The Board of Supervisors tabled Application No. MS-34-17 until a 310 site inspection occurs.

Complaints

CM-07-17 – Meredith Hampton – Clark Fork River – Vegetation Removal (Geocode: 04220026201020000)

McBride reviewed her previous unsuccessful attempts to contact Meredith Hampton. She also contacted the owner of Hampton's apartment complex to inform them of the unresolved complaint. McBride reviewed the district's previous remediation offer, which proposed that city staff purchase and replant the riparian vegetation, then invoice Hampton for the cost of plants and labor. The city owns, but does not actively manage, the site where the vegetation was removed.

The board decided to fine Hampton, who removed the vegetation, and discussed an amount. The board agreed on a fine of \$50.00 for failure to comply with the district remediation requirements and turned the matter over to John Hart, Missoula County attorney for the district.

Art Pencek moved to fine Meredith Hampton \$50.00 for failure to comply with Complaint No. CM-07-17 remediation work and to turn the matter over to the county attorney's office. Tim Hall seconded the motion, motion passed – unanimous.

CM-10-17 – Scott King – Petty Creek – Non-Permitted Bridge (Geocode: 04219613401040000)

McBride reported that Scott King appeared cooperative about the required bridge remediation when she first spoke with him on his property, however, he has not responded to her several attempts to make contact since the site visit. The board suggested that she try calling King again, and if she is still unable to reach him, to try connecting with his relative, Dean Reese (MS-30-17 & CM-09-17).

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CM-11-17 – Joyce Robbins – Petty Creek – Non-Permitted Bridge (Geocode: 04219624101040000)

McBride informed the board that she spoke with Robbins. She asked Robbins to select a project assistant prior to the February 12, 2018 district meeting.

CM-12-17 – Steve McAfee – Clark Fork River – Road Work (Geocode: 04232403101080000)

The board stated that action will not occur on Complaint No. CM-12-17 until a revegetation plan is submitted, as required under Permit No. MS-33-17.

310 Inquiries/Issues – McBride addressed two 310 issues with the board. The first was an update on the Hamilton-Day Ditch representative. McBride informed the board that Michael Conner informed the district office that he was appointed and sworn in as water commissioner for the ditch by the district court in November 2017.

The second issue concerned 310 site inspection team members and team member reports (TMRs). Missoula Conservation District team members include the attending district supervisor and the FWP representative. TMRs are often completed after the site inspection, prior to the district meeting. However, the applicant also has a right to be a team member. The district generally addresses this by discussing modifications with the applicant onsite during the site inspection. The DNRC Conservation Districts Bureau and the Montana Association of Conservation Districts attorney, Don MacIntyre, recently advised Flathead Conservation District on ensuring that TMRs are completed by all rightful team members. The board discussed TMRs and agreed that no changes should be made to how the district's TMRs are completed until more information is known. McBride will follow-up on the issue with MacIntyre and John Hart.

Reports

County Attorney – John Hart asked for more information about TMRs. Hall stated that the applicant has a right to be a team member under the 310 law. McBride noted that each Montana conservation district fills out TMRs in their own way. Hart instructed the board not to change the district's current method for completing TMRs until more information is obtained.

Montana FWP – Knotek discussed two issues with the board. First, he informed the board of fines issued to the Montana Department of Transportation (MDT) for work without permits on Highway 83 N. He said MDT crossed streams and did not follow best management practices when conducting work to resurface the road adjacent to a stream.

Second, Knotek discussed a proposed Seeley Lake subdivision, located along Trail Creek on the Missoula – Powell County border in Powell County. Knotek, Hart, and the board discussed potential impacts to Missoula County, including impacts to schools and the fire service area, along with county road access and services provided by Missoula County. The board also noted potential impacts to Trail Creek. The subdivision proposal will be brought to the Powell County Planning Board and the Board of Supervisors discussed guidelines and standards that the planning board should follow.

Bob Schroeder moved to send a letter to North Powell Conservation District, the Powell County Commissioners, and the Powell County Planning Board, along with a copy to the Missoula County Commissioners, stating guidelines and standards that Missoula Conservation District would require for a similarly proposed subdivision adjacent to Trail Creek in Missoula County. Libby Maclay seconded the motion, motion passed – unanimous.

Bitter Root RC&D – Libby Maclay stated that Bitter Root RC&D is not currently funded, but that the president is committed to keeping the organization running.

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District Committees – The district cost-share committee will meet on January 4, 2018. The district operations and budget committees will meet in January or February 2018.

Missoula Conservation District Employees and Big Sky Watershed Corps Member

Jen McBride – Resource Conservationist – November 14 – December 11, 2017

310 Administration Reviewed 310 decision letters following the November district meeting. Corresponded regarding various 310 projects, inquiries, issues, and complaints including projects on the Clark Fork River and Grant Creek. Discussed the 310 law with property owners or managers on site and over the phone. Attended 310 site inspections prior to the district meeting and corresponded with MT FW&P representative regarding new 310 application in Clinton area. Prepared 310 reports and photos for the November meeting. Corresponded with Missoula County Attorney, Fish Wildlife & Parks, and other representatives regarding 310 projects and 310 inquires, issues, complaints as needed. Went on a tour of the Missoula County Grant Creek project with county floodplain staff. Looked into possible complaint on O'Brein Creek. Looked into past history of McAfee property as requested by team members. Provided photos to Monica and reviewed District Meeting PowerPoint. Corresponded with DRNC staff regarding updates to the 310 database and upcoming 310 meeting.

Conservation Planning: Met with and corresponded with the Cost-Share recipient and contractor regarding thinning project. Received phone calls regarding completed Cost-Share projects and modification of plans for 2018 Cost-Share projects. Answered questions regarding Missoula CD grant programs as needed. Completed final review of the proof of the Healthy Riparian Guide and corresponded with Alpha Graphics to get the guide printed. Checked in with Monica Perez-Watkins as needed regarding upcoming events or planning. Corresponded with Laurie Zeller regarding Mill Levy presentation at MACD Convention. Corresponded with Lake County CD employee regarding upcoming meetings and events.

Office Administration: Attended MACD convention in Bozeman, presented on recent work with Missoula CD's mill levy. Followed up and corresponded with contacts as needed following the last district meeting. Revisited work regarding health insurance for Missoula Conservation District Employees. Met with Perez-Watkins as needed regarding weekly accomplishments, priorities, and plans for coming weeks. Submitted timesheets to the county and entered time into QuickBooks as appropriate. Worked on reports and office function as time allowed. Worked with the county attorney's office on office management, contracts, letters, and 310 administration as needed. Worked with Perez-Watkins on District meeting preparations. Continued corresponding with appropriate entities regarding ongoing work on Missoula CD's mill levy.

Professional Development: Continued work in Intro to GIS & Cartography course.

*Out of office for MACD convention, Thanksgiving Holiday, and Leave.

Monica Perez-Watkins – Conservation & Communications Coordinator – Nov. 14 – Dec. 11, 2017

General Coordination: Scanned and made copies of new 310 applications; sent to FWP. Scheduled site inspection with permit applicant and reps. Prepared 310 forms for site inspection and meeting. Wrote weekly list of tasks completed and ongoing, submitted to McBride. Met weekly with McBride to discuss tasks completed, tasks ongoing, and meeting items.

Communications and Outreach: Drafted and reviewed district meeting minutes and meeting agenda. Posted agenda in office and on website; sent to agency reps and county. Sent pre-meeting packets to board. Created meeting PowerPoint, packets for board, note-taker for staff. Compiled correspondence. Drafted 310 decision/follow-up letters (MS-26-17, MS-27-17, MS-28-17, MS-30-17, MS-31-17, MS-32-17); mailed to applicants and emailed to FWP. Posted approved October 9, 2017 meeting minutes on website and sent to county. Assisted callers and walk-ins regarding 310 law, application, process, complaints, grant information, and no-till drill rental. Noted 310 calls and inquiries in shared spreadsheet as needed. Communications with county/cd/agency reps regarding 310 inquiries. Directed inquiries on issues outside of CD realm to appropriate agencies. Forwarded various emails of potential interest to board and applicable items to applicable committees. Minor website pages/posts updates,

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removed/added information to opportunities webpage, updated 310 current permit information, updated events page, and added riparian guidebook and a publications page. Prepared cost share update list for board. Correspondence with other CDs re: long range plan online survey, 310 violations and process, drill rental agreements, computers; with county re: survey results. Various correspondence with Lake County CD and UM regarding WMGA Conference. Began drafting newsletter postcard text. Responded to U.S. representative's office with Missoula CD's top 3 priorities for 2018 Farm Bill. Write MSU donation letter. Sent biographies to supervisors for review; updated. Drafted final bio. Draft cost share payout letters. Wrote and sent RPG-03-17 payout letter. Review RRPP grant contract; correspondence with engineering firm. Maintained grant tracking spreadsheet.

Professional Development: Attended communications group on best practices in email communications. Attended Tools for Engaging Landowners Effectively workshop on targeted marketing.

Financial Management: Prepared claims and checks to be signed at meeting. Mailed checks and sent claims to county following meeting. Entered claims and checks into QuickBooks Online (QBO). Deposited check and submitted money market and petty checking account transfers at bank. Updated supervisor hours/mileage as needed. Prepared supervisor quarterly claims for meeting, sent to supervisors for review. Updated QBO with itemized purchases from petty checking/checking accounts, savings, and transfers. Reconciled bank statements, county reports, and D.A. Davidson change in investment value in QBO. Resolved Charter missing payment - corresponded with Charter and county accounts payable clerk regarding unreceived/late payments; applied missing payment. Correspondence/calls to local businesses regarding payments. Calls/correspondence to PitneyBowes regarding late fee and how to avoid in future. Updated FY18 actual budget through 11/29/17. Created new subaccount for awards and reorganized grant subaccounts in chart of accounts (in QBO and budget) grants/contributions account. Prepared and submitted Annual Financial Report. Prepared Census of Governments Report, sent to treasurer for review; update.

Administrative Duties: Maintained and updated 310 master lists. Wrote employee report. Prepared/restored conference room for meeting/dinner. Transcribed meeting notes for minutes. Maintained and organized files. Created pdf documents of meeting packets and staff meeting notes. Prepared mail. Sorted and distributed office mail. Served as point of contact for district and directed walk-ins as needed. Errands to bank, post office, Good Food Store, and Famous Dave's. Various correspondence with AlphaGraphics regarding orders. Correspondence/calls regarding supervisor recognition gift and plaques. Reviewed and ordered plaques. Prepared SWCDM invoice for BSWCM. Update attendance/inspection/permit spreadsheet for 2017. Calls/correspondence re: food for in-office dinner; order food and pickup.

Other – No additional reports.

New Business

Correspondence

310 Committee Meeting – Helena, Dec. 19 or 20 – McBride told the board that the former resource conservationist attended DNRC hosted 310 committee meetings in the past. The last meeting was held in 2010. McBride said she intended to attend because the DNRC is interested in receiving information from districts on improving the current DNRC 310 database. She asked the Board of Supervisors to email her if they wanted to weigh-in on the database.

CAPS - Subdivision Regulations – McBride told the board that she received an email regarding the Community and Planning Services (CAPS) amendments to county subdivision regulations. The regulations do not contain language referencing the Natural Streambed and Land Preservation Act (310 Law), but they do not contain language referencing any permits. The board agreed that a reminder to CAPS of the 310 law would be suitable. John Hart stated that CAPS may respond that a reference to the 310 law in subdivision regulations is inappropriate. He added

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that the subsection on streamside subdivisions may be an appropriate location, and that all who subdivide in the urban-wildlife interface receive this subsection.

Other Correspondence – Monica Perez-Watkins reported that the district received a notice of Blackfoot Challenge's holiday party.

Other New Business – Tim Hall presented Sidney Wills with a plaque honoring Wills' 45th year of service with the district. The district will also donate \$200.00 to the Montana State University College of Agriculture in honor of Wills, a graduate of the college. Hall also presented Art Pencek with a plaque honoring his 15th year of service. Travis Greenwalt, who was absent, will receive a plaque honoring his 5th year of service.

Old Business

Website – Perez-Watkins reported that she sent the board drafts of their biographies, which were based on supervisors' answers to biographical questions. She asked the supervisors to review their draft biographies and send any edits to her if they have not already done so.

Equipment Program – Bob Schroeder said that he helped calibrate the no-till drill with a Missoula landowner. Schroeder said the new hitch works well and discussed the need for a condensed laminated manual taped within the drill itself. McBride said the 2018 Big Sky Watershed Corps Member starts in January and will work on issues related to the no-till drill.

Grant Programs

Cost-Share – The cost-share committee will meet on January 4, 2018.

DNRC Renewable Planning Grant – Clark Fork River Diversion Rehabilitation Project – Approved for \$15,000.00 - Grass Valley French Ditch Company (GVFDC) selected WWC Engineering to conduct the preliminary engineering report for the diversion rehabilitation project. WWC sent the district a contract stating that the district will submit the \$15,000.00 renewable planning grant to WWC. The board discussed WWC's contract, noting that GVFDC chose WWC. The board instructed McBride to inform WWC that the district has an agreement with the DNRC acknowledging that the district will disburse the grant funds. She will also inform the engineering group that the district believes WWC's agreement should be with GVFDC, not the district. Chair Tim Hall did not sign WWC's contract.

Other – No additional grant information.

Events

MACD Convention – Hosted by Gallatin Conservation District in Bozeman, Tuesday - Thursday, Nov. 14-16, 2017 – McBride, Bob Schroeder, and Libby Maclay attended the convention. Schroeder discussed the convention and stated that McBride's mill levy presentation was well received. McBride will once again present on mill levies at an Area 5 meeting. She also stated that the MACD Executive Director offered to record the presentation and that DNRC requested that McBride do a webinar on the topic. The board agreed that recording the presentation and remaining available for questions about the district's process and experience is an appropriate use of staff time. Libby Maclay discussed by-law issues addressed at the convention. It was mentioned that, at this time, a location for the 2018 convention has not been decided.

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Western Montana Grazing and Agriculture Conference – Thursday through Friday, Jan. 25-26, 2018 – Perez-Watkins reminded the board that the Dr. Fred Provenza free community talk will occur prior to the conference on Wednesday, January 24, at the university.

McBride told the board that the conference appears to be fully funded and that Lake County Conservation District (CD) will likely not need the Missoula CD \$5,000.00 back-up fund. However, Lake County CD requests \$250.00 from Missoula CD to sponsor a break. McBride also stated that she asked Lake County CD about an appropriate way to bring Missoula CD’s name into the conference given the willingness to offer the back-up fund. The Lake County CD Conservation Coordinator suggested that a Missoula CD supervisor stand up during the conference to thank attendees and express support.

Tim Hall moved to provide \$250.00 to sponsor a break at the Western Montana Grazing and Agriculture Conference. Art Pencek seconded the motion, motion passed – unanimous.

Employee Healthcare – Tim Hall stated that the board would like to ensure it is assisting staff with healthcare costs, without negatively impacting the district or staff. He also stated that the county’s head of risk management is continuing to research the possibility of adding district staff to the county’s healthcare plan.

McBride reviewed potential non-taxable healthcare options with the board, adding that staff currently receive a \$500.00 monthly stipend that is taxed as income. Stated options included a capped reimbursement for the cost of monthly health insurance, enrolling in the online marketplace for small businesses (SHOP), and increasing the current stipend. The board discussed issues concerning the inability to easily enroll district staff on the county healthcare plan, the current taxed stipend, and the legality of a capped insurance reimbursement.

Paul Parson moved to pre-approve a healthcare reimbursement up to \$550.00 per month for staff pending its legality. Tim Hall seconded the motion, motion passed – unanimous.

Other - No additional old business.

Payment of Bills – Bob Schroeder moved to pay the bills. Tim Hall seconded the motion, motion passed – unanimous.

Warrants:

Verizon – District cell phone Ck # 2380	\$ 69.24
First Interstate Bank – District vehicle gas card Ck # 2381	\$ 176.73
AlphaGraphics – Letterhead & drill/trailer sign updates Ck # 2382	\$ 179.35
Monica Perez-Watkins – Staff mileage reimbursement Ck # 2383	\$ 51.95
SWCDM – 2018 BSWCM payment Ck # 2384	\$ 2,500.00
CTE Awards – Plaques (3) Ck # 2385	\$ 135.00
Tim Hall – Supervisor mileage and CD business reimbursements Ck # 2386	\$ 314.45
Libby Maclay – Supervisor mileage and CD business reimbursements Ck # 2387	\$ 1,833.31

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Travis Greenwalt – Supervisor mileage and CD business reimbursements
 Ck # 2388 \$ 430.11
 Art Pencek – Supervisor mileage and CD business reimbursements
 Ck # 2389 \$ 538.52
 Bob Schroeder – Supervisor mileage and CD business reimbursements
 Ck # 2390 \$ 1,472.75
 Sidney Wills – Supervisor mileage reimbursements
 Ck # 2391 \$ 83.46

Total: \$ 7,784.87

Voting Record – CD Supervisor	FOR	AGAINST	ABSTAIN
Tim Hall	9		
Libby Maclay	9		
Art Pencek	9		
Sidney Wills	9		
Bob Schroeder	9		
Paul Parson	9		
Travis Greenwalt		Absent	

Adjournment – Bob Schroeder moved to adjourn the meeting. Tim Hall seconded the motion - motion passed, unanimous. The meeting adjourned at 9:32 pm.

The next meeting of Missoula Conservation District will be held on January 8, 2017, at 7:00 p.m. in the Missoula Conservation District conference room, 3550 Mullan Road, Suite 106, Missoula, Montana 59808.