

MINUTES

Missoula Conservation District

March 12, 2018

Missoula Conservation District

March 12, 2018 at 7:00 pm

3550 Mullan Rd, Ste 106, Missoula, MT 59808

Missoula Conservation District Attendees:

Tim Hall, Supervisor & Chair
Travis Greenwalt, Supervisor & Treasurer
Bob Schroeder, Supervisor
Paul Parson, Supervisor
Art Pencek, Supervisor
Bart Morris, Associate Supervisor
Jen McBride, Staff
Brandi Bergreen, Big Sky Watershed
Corps Member

Absent:

Libby Maclay, Supervisor & Vice Chair
Sidney Wills, Supervisor

Additional Attendees:

John Bowe, NRCS
Melinda Gauthier, NRCS
John Hart, Deputy County Attorney
Jesse Kodadek, Attorney (App. No. MS-07-18)
Winston Davenport, Contractor (App. No. MS-07-18)
Don Verrue, City of Missoula (App. No. MS-07-18)
Brandon Honzel, Big Sky HS, Teacher, (Envirothon)
John Park, Big Sky HS, Student (Envirothon)
Gabe Jourdonnais, Big Sky HS, Student (Envirothon)
Ethan Turner, Missoula FFA, Student (Envirothon)
Logan Turner, Missoula FFA, Student (Envirothon)
Patrick Murphy, Hellgate HS, Teacher, (Envirothon)
Nate Dellinger, Big Sky HS, Student (Envirothon)

Call Meeting to Order – 7:01 pm by Chair Tim Hall.

Minutes – Art Pencek moved to approve the February 12, 2018 minutes as submitted. Bob Schroeder seconded the motion, motion passed – unanimous.

Treasurer's Report – Travis Greenwalt reported \$25,375.60 in the district checking account.

Public Comment – No public comment.

NRCS Report – John Bowe, District Conservationist, provided a verbal report and introduced Melinda Gauthier, Assistant State Conservationist, to the Board of Supervisors. Bowe reported the Environmental Quality Incentive Program, the Conservation Stewardship Program, the Wetland Reserve Program, and Beginning Farmer and Rancher applications. Bowe discussed active contracts and the types of projects being implemented. He noted upcoming outreach efforts and discussed contracting deadlines.

Request for Funding

Envirothon – Missoula CD Sponsorship

Brandon Honzel provided a budget outlining the estimated costs for five teams to attend the Envirothon in Lewistown, Montana this year. Student representatives were present for each of the teams. Ethan Turner and Logan Turner represented two teams from the Future Farmers of America (FFA). The Turners highlighted prior year topics in forestry, range, soils, wildlife, and aquatics while lessons taught connecting agriculture with conservation and learning best management practices. The Turners also highlighted medals won at prior year competitions and discussed excitement over the opportunity to go to National competitions. Nate Dellinger from Hellgate Highschool, and Gabe Jourdonnais and John Park representing Big Sky High School, thanked the board for prior support and highlighted leadership opportunities, the chance to explore future career options, gain hands on experience, and the chance to meet peers with similar interests.

Travis Greenwalt asked what the components of the Envirothon are and how the students prepare. The students responded that preparation begins well in advance and they explained the topics such as wildlife, forestry, aquatics,

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soils, and range vary by year. There is usually a real-world Montana relevant scenario and tests on various topics, and a presentation must be prepared as well. Art Pencek asked how members are selected. The students said that participation is based on personal interest and that a test is given to get students to get on the team.

Tim Hall moved to sponsor the Envirothon for a total of \$2,775 for five team's registration and lodging costs. Art Pencek seconded the motion, motion passed – unanimous.

New 310 Permit Applications

MS-03-18 – Lyle and Kim Grenager – John Creek – Culvert Replacement Geocode: 04197401301010001
McBride reported that Grenager submitted this application and then became uncertain about getting to the replacement of this culvert this year. The board directed McBride to schedule a site inspection in case the culvert replacement becomes higher priority following observation of post-fire runoff in the John Creek drainage.

MS-04-18 – Scott King – Petty Creek – Existing Bridge (RE: CM-10-17) Geocode: 04219613401040000
This project is tabled until a site visit can occur during spring run-off.

MS-06-18 – Joyce Robbins – Petty Creek – Remove Bridge (RE: CM-11-17) Geocode: 04219624101040000
McBride reported that Robbins applied for a permit for bridge removal and she listed her neighbor, Dean Reece, as the person who would do the work. Her application states that the bridge will be removed in sections, by hand. However, after receiving Robbin's application, McBride spoke with Reece who said that he would likely need a to use a tractor on the bank to pull the bridge out. McBride will follow up with Reece upon snowmelt for an amendment to the application and more details on the equipment and methods to be used to take the bridge out.

MS-07-18 – Mathew Cole and Tiffany Perkins – Rattlesnake Creek – Bank Repair and Tree Removal (RE: CM-03-18 – Threshold Contracting) Geocode: 04220011205080000
McBride reported that this application was submitted to resolve the related complaint, CM-03-18. She elaborated that the original submission was for bank repair and tree removal, but modifications have been made to include deck construction on the western wall of the home. McBride reviewed images of the project. Art Pencek provided a team member report, noting that there are four issues that need to be addressed. First, Pencek discussed removal of the dead cottonwood tree stating that it was already dead and removing it at this point may be advantageous; Pencek recommended allowing the removal. Second, is the encroachment of the addition, however, the City of Missoula, did not address these issues during the permitting process and the addition is well under way; thus, Pencek recommended allowing the addition. Third, is the removal of vegetation down to the root wads on the bank and the heaving and sloughing of sediment on bank; Pencek recommends requiring a revegetation plan. Fourth, is the proposed deck at a level where shading will restrict vegetation growth; Pencek recommended that any deck should be no wider than 6-feet and have supports on the building, not the bank. Jesse Kodadek, the landowner's attorney spoke and said that Gavin Hanks, the architect, was unaware of the 310 Law and the most recent proposal extended the deck 10-feet from the home. He said that if posts were used on the deck it would require them to be two-thirds of the way out from the house and five total would be needed. He further stated that the building of the addition is in the final stage and cantilevering the deck would require a major redesign and that they regretted being here at this final stage since efforts were made to obtain the appropriate permits. Kodadek elaborated stating that the landowner would hire a landscaper to revegetate entirely. Don Verrue, the City of Missoula's Assistant Director for Development Services, said that city staff was unaware that the landowner needed additional permits. Verrue stated that following on site review it was evident that the project was too close and city staff was not pleased about it. Bob Schroeder expressed concerns about Rattlesnake Creek, stating that there is not much use to a deck that is shorter than 6-feet, but this deck seemed exceptionally close to the creek. Winston Davenport, the contractor on the project clarified the length of the deck in the photos and described the condition of the bank prior to the

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project, which included AstroTurf out to the edge. Davenport explained that the expense to alter the deck building would be tens of thousands of dollars. The board discussed the issues pertaining to this site.

Art Pececk moved to accept Application No. MS-07-18 as a project for review and to approve it with modifications as discussed at the meeting. Travis Greenwalt seconded the motion, motion passed – unanimous.

The project to remove a cottonwood tree, repair the bank, and complete the home addition and deck is approved with modifications incorporating the following:

- A variance is granted for the existing addition to the home, as the City of Missoula permitting authorities, the architect, and the contractor, evidently did not know to advise the landowner on the 310 Law
- A variance is also granted for the planned deck, as the home addition is completed to a stage that doors are installed to access a deck
- Complete the deck as modified by Winston Davenport at the March 12, 2018 meeting
- Use a certified arborist to complete the removal of the cottonwood tree that is already cut at its base
- Do not remove the stump or roots of the cottonwood tree
- Submit a detailed revegetation plan (including species list, quantity, and spacing) for replanting and reseeding the bank with native riparian shrubs and grass seed (see enclosed list of suitable woody species – maximum recommended spacing is 3-feet)
- Planting must be completed no later than May 15, 2018
- 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
- Where it does not compromise the integrity of the structure, allow a minimum 15-ft riparian buffer for this site, as measured horizontally from the ordinary high-water mark of Rattlesnake Creek – a 30-ft riparian buffer is advisable on Rattlesnake Creek
- Otherwise, proceed with the project as proposed in Application No. MS-07-18
- Notify the district office upon completion of the project

Complaints

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

See above, Application No. MS-04-18

CM-11-17 – Joyce Robbins – Petty Creek – Non-Permitted Bridge (RE: MS-06-18) Geocode: 04219624101040000

See above, Application No. MS-06-18

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

See below, Permit No. MS-33-17

CM-01-18 – Threshold Contracting – Rattlesnake Creek – Vegetation Removal and Equipment on Bank
Geocode: 04220011205080000

Art Pencek moved to close Complaint No. CM-01-18, as the landowner received a variance through Application No. MS-07-18. Travis Greenwalt seconded the motion, motion passed – unanimous.

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For additional discussion see above, Application No. MS-07-18.

CM-02-18 – Joseph & Kristy Petrino – Rattlesnake Creek – Vegetation Removal Geocode: 04220011205070000
McBride reported that she and Pencek met with Kristy Petrino on site and discussed a recommended riparian buffer. Joseph Petrino later contacted McBride regarding a potential application for a deck on this site. The board discussed an advisable 30-ft riparian buffer, however, after considering characteristics and structures on the site, the board agreed that a 15-foot riparian buffer as measured horizontally from the top of the bank would be allowable as it pertains to mowing and landscape work – all other work (e.g. construction) should follow a 30-foot riparian buffer. The board directed McBride to notify the landowner and ensure receipt of correspondence.

CM-03-18 – Pamela Guth – Rattlesnake Creek – Structure on Bank Geocode: 04220011206010000
McBride informed the board that Pam Guth was in touch with McBride regarding the cottonwood tree removal her property boundary. McBride informed Guth that the board asked that a complaint be issued regarding the structure on her bank. Guth informed McBride that she owned the property for approximately 20 years and that the structures were in place when she purchased it. McBride considered review of other permits through the city, however, the home was built in the 70's at a time when that area was still the County of Missoula and permits were not required for single dwelling units. The board directed McBride to have Guth apply for a permit to ensure her structures are on file, and to discuss an appropriate riparian buffer for this site.

Existing Permits

MS-23-17 – John Ottman – Bitterroot River Slough – Ford Crossing – Additional Use Inquiry from FWP for DNRC Geocode: 04197631301010000

McBride brought this project to the attention of the board because a representative from MT FW&P called to ask if the ford would be suitable for crossings for DNRC to haul loads across it. The board directed that the ford be inspected following use for John Ottman's project before a decision is made.

MS-31-17 – Kim Grenager – John Creek – Temporary Culvert Crossing – Requesting Location Change Geocode: 041974013010000

McBride reviewed this permit for a temporary culvert crossing on John Creek. After further discussion with the DNRC Forester, Jeff Rupkelvis, an alternate location is preferred for the crossing. This is a spring is a tributary for John Creek. McBride spoke with Rupkelvis on the phone and said that this location is a much better crossing as it will cause less disturbance and require less fill. McBride reviewed images of the alternate crossing.

Art Pecek moved to approve the alternate location for MS-31-17. Travis Greenwalt seconded the motion, motion passed – unanimous.

The project to construct a temporary culvert crossing at an alternate location is approved with modifications incorporating the following:

- A minimum 18-in pipe should be used at the spring fed tributary to John Creek
- Remove the culvert by April 30, 2018, prior to spring runoff
- Reseed the banks with a native mix if any area is exposed or disturbed (though snow cover should help to avoid any soil disturbance near the banks)
- Otherwise proceed with the project as proposed in Application No. MS-31-17
- Notify the district office upon completion of the project.

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MS-33-17 – Steve McAfee – Clark Fork River – Remove Imported Fill (RE: CM-12-17) – Awaiting Revegetation Plan Geocode: 04232403101080000

McBride met with McAfee and reviewed the recommended planting area required to mitigate Complaint No. CM-12-17. McAfee submitted diagrams outlining revegetation plans that included planting the area with a width of 3' between willow sprigs. He also included an unmaintained single-lane road in his plans with the hopes that he can leave a gap in the vegetation so that he can drive around the “pond” during low water periods. The area that is a higher elevation and not regularly flooded he proposes to leave a grass. The board discussed the revegetation plan.

Tim Hall moved to accept the revegetation plan and approve it with modifications as discussed by the board. Travis Greenwalt seconded the motion, motion passed – unanimous.

The Board of Supervisors reviewed an aerial image and hand drawing (Exhibit A & B) as submitted by the applicant to fulfill requirements of a revegetation plan under Application No. MS-33-17. The depicted plan is approved with modifications incorporating the following:

- The proposed unmaintained road is not permitted, as aerial imagery shows this area is regularly inundated with water from the Clark Fork River and the opposite end of the property is accessible from an alternate route (the proposed road is depicted as a yellow strip on Exhibit A and with two parallel dashed lines on Exhibit B)
- [The Applicant] must plant the entire area that sits at a lower elevation between the river and the pond and is void of shrubs (this includes the area that is marked in red and yellow on Exhibit A and the area labeled “white area” on Exhibit B)
- The proposed willow and red osier dogwood must have a maximum spacing of 3-ft (a denser planting is preferred)
- For successful survival, the harvested sprigs of proposed species must be a minimum of 1-inch thick (thumb width) at the base, approximately 6-ft long, and harvested and planted when dormant
- Vegetation survival rates must meet 75% after one year, and 50% after two years
- Irrigation and browse protectors are highly recommended to increase survival rates
- Inter-seed the shrub plantings with wetland mix as discussed on site
- The point that sits at a higher elevation between the pond and river may remain a grassed area (this is the area shown between the house and the green, red and yellow strips on Exhibit A and the area labeled “elevate ground grasses and herb” on Exhibit B)

310 Follow-Ups

MS-30-16 – Randy Koch – Clark Fork River – Regrade, Revegetation (RE: CM-06-16 - Rock and Equipment Next to River) – Revegetation Survival Geocode: 04232307101150000

McBride informed the Board that Lee Yelin, Water Rights Incorporated, wrote a letter in response to a letter to Randy Koch from the District dated February 5, 2018. The information provided in Yelin’s February 16, 2018, letter states that it entails a “Poison Hemlock management and revegetation plan.” The board noted that the letter was unclear, incomplete, and it failed to satisfy the requirements of an adequate revegetation plan. The board directed McBride to write Randy Koch requiring a clear and complete revegetation plan be submitted to our Missoula CD offices by the end of the business day prior to the next district meeting. If a clear and complete plan is not submitted by this deadline, fines will be assessed beginning at \$500.00 per month until a satisfactory plan is submitted, or further action is deemed necessary.

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310 Inquiries/Issues

McBride informed the board that she'd reviewed several inquiries regarding an ice jam on Lolo Creek near the Highway 93 crossing and observed some flooding onto adjacent properties. It is expected that the warmer temperatures will thaw the ice and the ice jam will resolve on its own. The board discussed potential flooding throughout the county this year due to above normal snow pack.

Reports

County Attorney – John Hart addressed the board and discussed procedures around Supervisor absences and addressing 310 projects that are allowed to remain because they are grandfathered versus new projects that occur.

Montana FWP – No report, Knotek absent.

Bitter Root RC&D – No report, Maclay absent.

District Committees – The Personnel Committee reported that the job was posted, and more than 40 applications were received, however, only one-quarter of them appeared complete. Applications will be reviewed following the close of the announcement on March 30, 2018.

Missoula CD Employees –

Jen McBride – Resource Conservationist – February 13 – March 12, 2018

310 Administration Reviewed 310 and correspondence letters following the February district meeting.

Corresponded regarding relevant 310 projects, complaints, and inquiries including projects on Petty Creek, Rattlesnake Creek, John Creek, the Bitterroot River, the Clark Fork River, Lindbergh Lake, and an ice jam on Lolo Creek. Coordinated and attended 310 site inspections with Art Pencek. Conducted site visits to two other 310 project properties. Prepared 310 reports and photos for the March meeting. Corresponded with Missoula County Attorney, Fish Wildlife & Parks, Floodplain Administrators, and other representatives regarding 310 projects and 310 inquires, issues, complaints as needed. Compiled relevant information for partnering representatives as needed. Entered 310 correspondence into appropriate spreadsheets. Corresponded with DRNC staff regarding proposed updates to the 310 Permit Application.

Conservation Planning: Worked to coordinate Pollinator Program efforts with Lake County Conservation District and Brandi Bergreen. Discussed improvements to the no-till-drill information for renters. Participated in Big Sky Watershed Corps (BSWC) conference call. Answered questions regarding Missoula CD grant programs as needed. Corresponded regarding sponsorships of DNRC grants, including those for WEN, Sheehy, & GVFD.

Office Administration: Followed up and corresponded with contacts as needed following the last district meeting. Met with Department of Revenue representatives and Travis Greenwalt regarding mill levy taxable parcels. Met with Elena Evans regarding additional informational materials for mill levy assistance for other districts. Attended website workshop hosted by Lake County Conservation District. Corresponded regarding Linc Pass needs for Bergreen. Set up both district computers that are on the NRCS network after IT updated the computers to Windows 10. Accepted Monica Perez-Watkins resignation, prepared for her departure, and set up exit interview with the Personnel Committee. Met with Tim Hall and corresponded with Personnel Committee regarding changes to the position and recruitment. Updated drafts of job description incorporating Personnel Committee comments. Posted job announcement. Met with Bergreen 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, clean up, and office function as time allowed. Completed necessary scanning and copies of 310 applications, maintained master lists. Posted agenda on website and sent to agency representatives. Forwarded necessary correspondence to the board. Updated financials as time allowed. Coordinated Budget Committee meeting. Prepared all necessary meeting documents.

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Brandi Bergreen - Big Sky Watershed Corps Member - February 13 – March 12, 2018

Watershed Education and Outreach:

Researched and planned for Conservation District projects. Began writing a draft of the outline for the equipment rental program's tutorial video to be filmed in April. Reviewed Travis Lemke's report on the Brix tests done on Bart Morris' property last year and developed a potential schedule to repeat the tests again this year. Received information and materials from Lake County Conservation District to aid in developing Missoula Conservation District's Pollinator Initiative. Developed a framework for the Pollinator Initiative program including species lists and cost estimates for the seed mixes.

District Business Assistance:

Regularly met with McBride and Perez-Watkins for staff meetings. Accompanied McBride to a call about a property flooding due to an ice jam on Lolo Creek on February 22. Also visited Steve McAfee's property to help measure revegetation area on March 1.

Professional Development:

Attended Big Sky Watershed Corps Education & Outreach training in Bozeman, MT. Attended website management workshop at Lake County Conservation District. Began a 6-week online course to learn GIS through Coursera, provided by Big Sky Watershed Corps.

New Business

Correspondence – McBride reported that Jeff Wivholm called to see if anyone from our board would be willing to serve on the MACD Water Resources Committee. The board requested a description of the committee's role and potential activities, prior to committing time.

McBride informed the board that the Montana Weed Control Association is hosting a weed board/commissioner training this spring in Dillon, MT, on March 21st. Dan Clark of the MSU Local Government Center will be leading this workshop that will run from 9 a.m. to 12 noon on that day. McBride passed around a flyer outlining details of the training.

McBride asked the board if they'd be interested in a presentation from the Missoula County Floodplain Administrator. The board said that they'd be interested in a presentation and asked that it not exceed 15-minutes.

McBride informed the board that Dr. Laurie Yung inquired about producers that may be interested in participating in climate and draught research. The board suggested that Yung get in touch with the local chapter of the Cattleman's Association as well as get in touch with Lake County Conservation District.

Other

Old Business

Equipment Program – Brandi Bergreen summarized changes she made to a quick guide for the no-till-drill and provided the guide to the Equipment Committee. Travis Greenwalt and Bart Morris offered feedback on the guide. Paul Parson mentioned that the patent on the stinger is running out soon and that efforts may be made to design one to use locally here in Missoula.

Area V Supervisor Forum – Thursday, March 29, 2018 – Maclay and McBride are planning to attend, one or two other supervisors may join.

Election Filing – As needed, supervisors filed by the March 12, 2018 deadline.

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310 Committee – Pencek and Maclay requested a copy of the forms showing proposed changes to the 310 application. The consensus of the board at this time is that no changes should occur, unless changes are minimal, such as a change to the title of the application to make it more clear.

Employee Healthcare – McBride reviewed some of the complications with joining the counties healthcare program. She referred to an Attorney General’s Opinion that implies more county oversight for employees who are on the county payroll and healthcare. More research is required to improve healthcare options for employees.

Grant Programs

District Programs – McBride presented a letter from Steffany Rogee requesting a \$500.00 sponsorship for the Weed District Leave no Weeds youth education program. Rogee also offered to speak with the board. The board discussed the weed district program and benefits.

Art Pencek moved to support the Leave no Weeds youth education program with a \$500.00 mini-education grant from Missoula Conservation District, provided the conservation district is recognized as a supporter of this program. Tim Hall seconded the motion, motion passed – unanimous.

DNRC Sponsored – Tim Hall signed the final draft of the Watershed Education Network’s 223 grant application.

McBride reported that she spoke with Larry Schock regarding the Blixit Creek Dam and Hugh Sheehy’s request for grant sponsorship. Schock said that Dam Resources does not currently regulate the dam under present circumstances, however, in the last year it went through a hazard classification and if the dam were to fail there is a chance that one residence would be flooded. Schock elaborated saying that he has met with Mike Day of WGM Group a couple of times. Dam resources will review the rehabilitation plans, it will have to go through all of the appropriate permitting, and after repairs are done, it will be regulated and regularly inspected by the state.

A copy of the Grass Valley French Ditch Company RRGL Report was provided to the Grants Committee for review.

Payment of Bills – Tim Hall moved to pay the bills. Paul Parson seconded the motion - motion passed, unanimous.

Warrants:

Verizon – District cell phone	
Ck # 2424	\$ 69.35
First Interstate Bank – District vehicle gas card	
Ck # 2425	\$ 83.05
Charter Spectrum – Internet	
Ck # 2426	\$ 59.99
Tim Hall – Supervisor mileage and CD business reimbursements	
Ck # 2427	\$ 527.34
Libby Maclay – Supervisor mileage and CD business reimbursements	
Ck # 2428	\$ 192.27
Travis Greenwalt – Supervisor mileage and CD business reimbursements	
Ck # 2429	\$ 502.32
Art Pencek – Supervisor mileage reimbursements	
Ck # 2434	\$ 19.50
Bob Schroeder – Supervisor mileage and CD business reimbursements	

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Ck # 2430	\$ 255.75
Sidney Wills – Supervisor mileage reimbursements	
Ck # 2431	\$ 56.16
Paul Parson – Supervisor mileage and CD business reimbursements	
Ck # 2433	\$ 389.98
Bart Morris – Supervisor mileage reimbursements	
Ck # 2432	\$ 11.99

Total: \$ 2,167.70

Checks:

Montana Envirothon	
Ck # 1430	\$ 500.00
Big Sky High School (Envirothon Lodging)	
Ck # 1431	\$ 2275.00
Flagship Program	
Ck # 1433	\$ 500.00
Leave No Weeds Program	
Ck # 1434	\$ 500.00

Total: \$ 3,775.00

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

Adjournment – Tim Hall moved to adjourn the meeting. Paul Parson seconded the motion - motion passed, unanimous. The meeting adjourned at 9:42 pm.

The next meeting of Missoula Conservation District will be held on April 09, 2018, at 7:00 p.m. in the Missoula Conservation District conference room, 3550 Mullan Road, Suite 106, Missoula, Montana 59808.