

**Missoula Conservation District – January 11, 2021 at 7:00 pm**  
**Alternate Meeting Location – Virtual/Phone**

**Missoula Conservation District Attendees:** Tim Hall, Chair; Libby Maclay, Vice Chair; Travis Greenwalt, Treasurer; Art Pencek, Supervisor; Bob Schroeder, Supervisor; Sidney Wills, Supervisor; Bart Morris, Associate Supervisor; Josh Schroeder, Associate Supervisor; Radley Watkins, Staff; Bryan Vogt, Staff; Barb Kreis, Staff

**Additional Attendees:** John Hart, Senior Deputy County Attorney; Ladd Knotek, MT FWP; Leo Rosenthal, MT FWP; Travis Lemke, NRCS Supervisory District Conservationist; Missoula District Court Judge Jason Marks; Heather Brighton, Lolo Watershed Group Coordinator; Hailey Graf, Resource Conservationist, Flathead Conservation District; Deb Fassnacht, Watershed Education Network (WEN); Abby Indreland, WGM Group (MS-02-21); Daniel L. Ermatinger, Broker/Owner, Berkshire Hathaway HomeServices (MS-02-21); John Olson (MS-01-21)

**Absent:** Paul Parson, Supervisor

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

**Appointment and Oath of Office – Maclay and Greenwalt**

Deputy County Attorney John Hart explained the Appointment and Oath of Office process for Board Supervisors. Missoula District Court Judge Jason Marks proceeded to swear-in Elizabeth (Libby) Maclay who had completed a Declaration of Nomination with the Elections Office in January 2020.

Hart explained that no one had filed a Declaration of Nomination with the Elections Office for the Supervisor position held by Travis Greenwalt whose term expired on December 31, 2020. Travis Greenwalt expressed interest in being appointed to the vacant position on the Board to serve out the remaining two-year period.

Tim Hall moved to appoint Travis Greenwalt to serve a 2-year term to fulfill the obligations of the current Supervisor vacancy. Art Pencek seconded the motion. All in favor, motion carried. Travis Greenwalt abstained.

Judge Marks proceeded with swearing in Travis Greenwalt. Hall thanked Judge Marks for his assistance.

**COVID-19 Meeting Procedures**

Hall provided reminders due to COVID-19. Hall noted that the virtual meeting was held to comply with local guidance pertaining to social distancing and provided guidance to the Board on how to vote while meeting virtually. Hall further requested that participants please mute/unmute themselves as needed, introduce themselves before speaking, and note if they are participating for a specific item on the agenda. Form 273, 310 Permit - Conservation District's Decision and all other decision forms would need to be electronically signed on behalf of the Board, per advisement from John Hart, Senior Deputy County Attorney.

Tim Hall moved to authorize the modification of normal procedures to allow for electronic signatures on all decision forms for the January 11, 2021 District Meeting. Travis Greenwalt seconded the motion. All in favor, motion carried – unanimous.

**Minutes** – Libby Maclay moved to approve the December 14, 2020 Minutes as presented. Bob Schroeder seconded the motion. All in favor, motion carried—unanimous.

**Treasurer’s Report** – Travis Greenwalt reported \$ 22,266.19 in the District checking account.

**Public Comment** – Heather Brighton, Lolo Watershed Group Coordinator (LWG) reported receiving 319 grant funding for the Zens Kimerly stream restoration and will work to include her bridge in this project.

**NRCS Report** – Travis Lemke, NRCS Supervisory District Conservationist, reported the Missoula field office is in the process of completing pre-approved CSP renewal contracts and actively working with developing EQIP conservation plans for the new FY2021 applicants. The staff continues to have on-going landowner/partner meetings to discuss new TIP (Targeted Implementation Plan) proposals in Missoula County. They are actively pursuing potential TIP project work with partners/landowners along Miller Creek (Riparian Restoration), Biochar use in Potomac (soil health), and Grizzly bear mitigation in Seeley and along the Blackfoot River Corridor. Lemke reported Kate Bratches began work in the Missoula NRCS Field Office on 1/4/21. She is employed by AttainX (partner group) and will be assisting the work-unit on a part-time basis with administrative support functions.

The Missoula NRCS Field/Area Office has been moved back to Phase 1 (effective 12/1/20) due to the recent spike in COVID cases in Missoula County. Phase 1 cannot exceed 10 people in a single office space and 6 feet of separation must be maintained between employees, telework is strongly encouraged, visitors are not permitted to the office, and masks are required for face/face interaction with customers and other employees. Changes in phases will take place when offices see a downward trend in COVID cases and sustain the status of less than 2 COVID cases/10,000 people for a two-week period.

### **310 Permit Applications**

**MS-30-20** – Marie Ann Zens Kimerly – Lolo Creek – Bank Stabilization

Geocode: 04-2091-33-3-01-04-0000

Watkins reported no new developments on this application other than the update just provided by Heather Brighton, LWG, during public comments. Hall stated that MS-30-20 will remain on the agenda until further notice.

**MS-32-20** – James Schlinger – Barber Creek – Bridge and Stream Manipulation

Geocode: 04-2992-19-1-01-11-0000

Watkins stated there is nothing new to report as he has had no communication with Schlinger. Rosenthal reported that Schlinger does have an open issue with the US Army Corp of Engineers he may still be working to address. “The Board expresses concern that Schlinger had not provided an application or update in time for this meeting as they had previously required at the Dec. 14, 2020 meeting. Watkins was directed to call Schlinger and follow with a letter if necessary, reiterating the need for him to provide a detailed planting plan.”

**MS-01-21** – Lumen/Century Link, c/o John Olson on MT Dept of Transportation Property – Six Mile Creek – Utility Boring

Geocode: 04-2427-26-2-01-02-0000

Watkins reported the 310 application is for a utility boring project by Lumen/Century Link on property owned by the Montana Department of Transportation (MDT) and showed design plans from the application. Watkins stated that a prior 310 application (MS-27-19) from 2019 for a utility boring project on the same parcel was deemed Not a Project (NAP) by the Board. John Olson with Lumen/Century Link explained the proposed project is to relocate existing copper and fiber optic cable currently placed over an existing culvert that MDT will be removing and replacing. Work will include 310-feet of directional boring under Six Mile Creek and pulling back new HDPE conduit through the bore to house the utility cables. Knotek reported that this is part of a Montana Department of Transportation stream mitigation project, but that MDT has not completed all the permitting requirements with FWP. Knotek expressed concern that when the culvert is removed the stream channel may change, making the approval of MS-01-21 premature. Olson agreed that if MDT moves the stream channel, it would alter the plans for this 310 application.

Art Pencek moved to table Application MS-01-21 until MDT has obtained the necessary FWP permitting for the culvert work that has potential to affect the location of the boring project. Tim Hall seconded the motion. All in favor, motion carried – unanimous.

**MS-02-21** – Grant Creek Crossing, Dan Ermatinger – Grant Creek – Road Construction  
Geocode: NA

Watkins reported the proposed project is within the area of Grant Creek that the Missoula Conservation District takes jurisdiction, and Michael Road crosses Grant Creek at the project site. The project is related to development of mini storage lockers that requires improving the road to the storage units. The improvements will require grading and paving the road in the Grant Creek riparian buffer. There may be some limited alteration of vegetation within the riparian buffer area but there will be no grading or improvements outside of the existing fence line. There will be minimal to no disturbance of areas outside the footprint of the existing road. Abby Indreland, WGM Group, stated the site will drain internally and runoff will flow along the road to a swale within the site instead of into the creek. A site inspection was not conducted, but Knotek stated FWP will not request one for this project.

Art Pencek moved to make Application MS-02-21 a project for review under the 310 Law and to approve the project with modifications. Bob Schroeder seconded the motion. All in favor, motion carried – unanimous.

- Revegetate any raw soil exposed during construction

### 310 Complaints

**CM-06-20 (Re: MS-31-20 AWM)**– Mark and Cassandra Rideg and William Rideg – Spring Creek – Dam Building/Maintenance  
Geocode: 04-2427-07-1-01-01-0000 and 04-2427-07-1-02-08-0000

Hall stated CM-06-20 will remain on the agenda until work has been completed and approved under 310 Permit MS-31-20.

### Existing Violations

**CM-08-19 (Re: CM-02-20, Violation & MS-04-20, Denied)** – James Schlinger – Barber Creek – Excavation on Creek and Banks

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Geocode: 04-2992-19-1-01-11-0000

See MS-32-20 above for additional discussion

**CM-02-20 (Re: CM-08-19, Violation & MS-04-20, Denied)** – James Schlinger – Barber Creek – Bridge & Road Work

Geocode: 04-2992-19-1-01-11-0000

See MS-32-20 above for additional discussion

**CM-09-20** – Carl Graumann – Clark fork River – Vegetation Removal

Geocode: 04-2200-17-2-01-12-0000

Hall reported the applicant is required to provide a plan for revegetation by the February 8, 2021 District Meeting.

**310 INQUIRIES & ISSUES** – Watkins reported receiving an email from Matt Heimel, Missoula County Planner, regarding potential work that includes clearing vegetation on the island located between river channels within the floodway of the Swan River. The person wanting to do the work does not currently own the property but was inquiring about required permits for a potential campground.

## Reports

**County Attorney** – John Hart reported on his communications with Watkins and Bryce Christiaens, Missoula County Weed District, on creating an interlocal agreement between the Missoula Conservation District and the Weed District, for future office space at the new complex being developed at the fairgrounds. The potential agreement would form a basic contract related to initial buy-in for the Missoula Conservation District office space. The agreement will have to address components spelled out in the appropriate statute with additional details to be worked out in an operational agreement referenced within the interlocal agreement. Watkins and Christiaens are putting together a draft of the interlocal agreement, which will then be brought forth to the Board for review and comment.

**Montana FWP** – Ladd Knotek reported that MDT will be moving forward to remove the abandoned bridge piers from the lower Blackfoot River. Leo Rosenthal reported on working with the University of Montana and the MPG Ranch on a project to remove non-native fish from Cooney Creek, a tributary of the Swan River, which contains native populations of pure westslope cutthroat trout and bull trout. These discussions are in the preliminary phase, but any barrier construction will likely require either a 310 permit.

**Bitterroot RC&D** – Libby Maclay stated she had nothing to report.

**Lolo Watershed Group** – Heather Brighton expressed thanks for being added to the monthly agenda. In addition to receiving the 319 funding for the Zens Kimerly property, she will be meeting with the neighboring property manager to discuss an alternative location for the Zens Kimerly bridge.

**District Committees** – Hall reported the Personnel committee is in the process of updating the Employee Handbook and Office Operations manual. Hall reported that Watkins is researching the Permissive Mill Levy process to obtain funding for staff health benefits that reflect true market costs.

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**Planning Board Update** – Josh Schroeder reported that the 5-year update to the Missoula City Growth Policy has been delayed until summer 2021 due to COVID-19. The Planning Board voted not to recommend rezoning of the O’Keefe Ranch Estates subdivision because the new zoning was not deemed to be in accordance with the growth policy.

**Missoula CD Employees** - Hall reported that written employee reports were provided in the Supervisors’ packets.

*Bryan Vogt - Program Specialist - December 14, 2020 – January 10, 2021*

**Program Assistance:** Developed a draft 223 Grant proposal to provide matching funds for construction of the educational greenhouse at the new fairground’s facility. Had initial discussions with Watkins regarding prior work on revising the District’s Grants Program and planned events under the District’s Pollinator Program. With Watkins and Kreis, participated in a virtual training on use of the county’s new Chronos timesheet system. Attended a virtual listening session on CARRD CDB funding and staffing issues. Attended a virtual Montana AIS program update for conservation districts. Developed a 2021 work plan and submitted to Watkins for review.

**Office Administration (temporary assignment):** Assisted in hosting the December 14, 2020 Board meeting held virtually via Zoom. Assisted with the review and editing of the December 14, 2020 meeting minutes prepared by Kreis. As requested, provided Watkins assistance with mill levy and payroll accounting in QuickBooks, monthly meeting preparation, and a variety of general MCD operations matters as part of ongoing staff transition. Regular phone and email correspondence with Watkins to facilitate operations while working remotely.

**310 Law Administration (temporary assignment):** Assisted with the review and editing of 310 decision letters following the December 14, 2020 District meeting. Forwarded Watkins prior emails pertaining to county floodplain and shoreline permitting, DNRC lease site concerns, and background information on the Smurfit Stone CAG. As requested, assisted Watkins with a 310 inquiry on the Swan River and new 310 Applications on Six Mile Creek and Grant Creek.

**Technical Assignments:** Researched the use of Habitat herbicide for reed canarygrass treatments, as recommended by Missoula County Weed District. Reviewed technical pamphlet on reed canarygrass control. Reviewed NRCS Web Soil Survey for future use on technical projects and conservation planning efforts.

**Communication and Outreach:** Posted the District’s revised 310 Admin Rules on the MCD website. Updated staff email information on District’s 310 permitting webpage. Communication with Deb Fassnacht regarding WEN meeting the private funding challenge to receive an additional \$2,500 in support for their education programs.

*\*2 Holidays (Christmas & New Year’s)/ 1 Vacation Day*

*Barb Kreis - Administrative Assistant - December 11, 2020 – January 8, 2021*

**Office Operations:** Received and sorted agency mail daily and followed up on District business correspondence. Attended December 14, 2020 virtual District meeting and took notes. Drafted December meeting minutes. Drafted agenda for January 11, 2021 meeting and posted November meeting minutes to District website. Added deadline dates to website calendar and posted Agenda. Organized all previous Riparian Mini Grant and National Fire Plan Project grant files and created spreadsheets for Watkins review.

**Stream Permit Processing:** Completed and sent out decision letters and Form 273 permits to applicants from the December 14, 2020 meeting. Updated PowerPoint presentation for January 11, 2021 virtual meeting. Added January 11, 2021 agenda to website. Updated 310 Spreadsheet with new 310 applications.

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Created files for 1 new 310 application. Updated Box and Salesforce with 310 application information. Emailed Zoom logon information to all meeting participants. Created, emailed and mailed meeting packet for supervisors and partners. Updated agenda and site inspection deadlines on CD website calendar. Forwarded new 310 application to Knotek.

Bookkeeping, Accounting, Reporting, and Recordkeeping: Emailed December claims form to Jacque Harris. Prepared Profit/Loss and Balance reports for January 11, 2021 meeting. Entered December claims into QuickBooks. Reconciled December bank statements. Reconciled DA Davidson December statement. Completed bills claims form and Supervisor quarterly claims form for January 11, 2020 meeting. Entered deposits, checks and transfers into QuickBooks.

*\*2 Holidays (Christmas & New Years)*

*Radley Watkins – Resource Conservationist – December 12, 2020 – January 11, 2021*

Training: Met virtually with County staff to learn how to use the new timesheet system, Chronos. Watched two webinars on permissive mill levy to work on employee benefit package. Continued to work on QuickBooks training.

Meetings: Attended virtual partners meeting Bryce Christiansen, and a follow up meeting with Christiansen on Inter-local Governmental Agreement. Attended virtual Informational Session with Mark Bostrom and Keri Davant re: DNRC CARDD budget. Held weekly staff meetings. Attended a virtual Montana AIS program update for conservation districts. Informal meeting with Vogt and Tim Hall throughout the month.

310 Law Administration: Reviewed 310 permit application for CenturyLink boring project. Reviewed proposed project and permit application for Grant Creek project. Discussed potential Swan River summer camp project with potential purchaser of land.

Office Administration: Sent out 310 permit letters for December. Reviewed, edited and approved the minutes for December's District Meeting. Informed County payroll to update Kreis' and Vogt's step increase. Worked on correcting County Payrolls "glitch" in assigning workman's compensation and worked with Travis to add new QuickBooks category to reconcile the glitch. Worked on timesheet submission and County Labor Distribution Report filing. Established agenda for January District Meeting. Sent DNRC the District's revised 310 Admin Rules. Worked with Vogt to develop a draft 223 Grant proposal to provide matching funds for construction of the educational greenhouse at the new office complex. Prepared for monthly meeting. Inspected the riparian area located near Missoula's new Missoula's Temporary Safe Outdoor Space. Worked with USDA to obtain LinkPass and attempted to get on the NRCS system. Reviewed employee workplans. Began to think about 2021 MCD workplan. Reviewed and shared incoming correspondence.

*\*2 Holidays (Christmas & New Years)*

Other Reports – none

## **New Business**

2021 Election of Board Chairman, Vice Chairman, and Treasurer - Hall stated the need to conduct annual officer elections. Hall, Maclay, and Greenwalt each expressed they were happy to continue serving in their respective positions of Chairman, Vice Chairman, and Treasurer.

Tim Hall made a motion to maintain the current officer panel of Tim Hall, Chairman; Libby Maclay, Vice Chairman; and Travis Greenwalt, Treasurer. Art Pencek seconded the motion. All in favor, motion carried – unanimous

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2021 Missoula CD Committees - Watkins inquired if any Board member wanted to join a different committee, with no response. The makeup of committees will remain the same as in the prior year.

**Correspondence:**

Meeting notes from 12/15/20 CDB Informational Session – Watkins reported on a virtual informational session on 12/15/20 hosted by MACD and Mark Bostrom, CARRD Administrator, pertaining to the effects of a \$ 1.4 million shortfall in coal tax revenue and recent staff retirements on DNRC’s Conservation Districts Bureau (CDB). Notes from the session have been emailed to the Board for their review.

CDB Survey from MACD - funding from legislature – Watkins reviewed a Conservation Districts Bureau survey sent by MACD with a request that all CD’s complete it. The Board agreed the CDB services our District uses including Financial Assistance, 310, Legal Support, Education and Training, Coordinating Legislative Issues, and General Administration with the top three most important to our district being Education and Training, 310, and General Administration. The Board expressed concerns that the DNRC CDB currently has 3 vacancies that won’t be filled until review of the budget. There needs to be adequate funding so the CD Bureau can do their jobs. Watkins will submit the survey on behalf of the Board by the January 31, 2021 deadline.

DEQ Virtual Public Hearing 02/08/21 – MAR notice 17-415 – Watkins reported that the DEQ is holding a virtual public hearing via Zoom on February 8, 2021 to consider proposed amendments of Administrative Rules of Montana (ARM) 17.30.660. The department is proposing to revise DEQ-12B Nutrient Standards Variances.

Kate Dinsmore, WGM Group – request for MCD to fund a corridor project by Easy Street – Watkins reported on receiving a call from Dinsmore, WGM Group, asking about grant funding to assist with a multi-million-dollar corridor vision and development project in the Hellgate Canyon area. There was agreement this is not the type of project the Board would support with financial assistance.

**Other New Business:** - Nothing to report.

**Old Business:**

**Stakeholders:**

DNRC State Lands – Lease Sites – Watkins stated no update as there has been no communication from DNRC regarding state land leases.

MSU Extension/Weed District – Fairgrounds Building – Watkins reported that an interlocal agreement between Missoula Conservation District and the Missoula Weed District is being created (see County Attorney report above). Watkins reported on attending a meeting with partners about fundraising efforts for the new building. Hall stated that overall costs still seem on par to what originally discussed.

**Programs:**

District Grants – Deb Fassnacht, Watershed Education Network (WEN) thanked the Board for the funding challenge issued in October and reported that WEN not only met but exceeded their year-end fundraising by 181% and raised \$ 4,430 from 25 donors. Fassnacht noted this was a great way to start out the New

Year. Hall stated the Board is pleased the challenge made additional money for WEN.

Tim Hall made a motion to make an additional award payment to WEN in the amount of \$ 2,500 for meeting and succeeding the private fund-raising challenge. Art Pencek seconded the motion. All in favor, motion carried – unanimous.

DNRC Sponsored Grants – Vogt gave an update on a HB223 Grant proposal to provide funding for an educational greenhouse at the Fairgrounds. The proposal is being developed with input from the Weed District and will be reviewed by the Grants Committee prior to the February 8, 2021 District Meeting. The deadline for submission to DNRC was moved to February 17, 2021.

**Equipment Program** – Nothing new to report

**Pollinator Program** – Vogt reported he and Watkins will be meeting this Thursday to review all programs and discuss a plan for 2021.

**Other Old Business** – Hailey Graf, Flathead County Resource Conservationist stated she attended the Missoula Conservation District meeting to research how other districts manage their meetings.

**Payment of Bills**

Tim Hall moved to pay the bills and the Supervisor claims. Art Pencek seconded the motion. All in favor, motion carried –unanimous.

**Last Month’s Petty Account charges:**

Date	Description	Debit
02/01/21	Zoom – Monthly charges for Watkins/Vogt	\$ 31.10
01/27/21	Staples – Office Chair for Kreis	\$ 69.99
01/07/21	Intuit Quickbooks Annual Fee	\$ 755.00
12/31/20	Zoom – Pro-Rated account for Watkins/Vogt	\$ 31.10
	<b>TOTAL</b>	<b>\$ 887.19</b>

**Checking Account:**

Date	Description	Debit
01/29/21	Watershed Education Network (WEN) Funding Challenge	\$ 2,500
	<b>TOTAL</b>	<b>\$ 2,500</b>

**Tax Mill Levy Account:**

Date	Description	Charge
01/12/21	Supervisor Tim Hall quarterly reimbursement	\$ 638.00
01/12/21	Supervisor Elizabeth Maclay quarterly reimbursement	\$ 177.60
01/12/21	Supervisor Travis Greenwalt, quarterly reimbursement	\$ 286.50
01/12/21	Supervisor Paul Parson, quarterly reimbursement	\$ 75.00

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01/12/21	Supervisor Art Pencek, quarterly reimbursement	\$ 282.00
01/12/21	Supervisor Robert Schroeder, quarterly reimbursement	\$ 264.40
01/12/21	MACDEO	\$ 90.00
12/16/20	Verizon Wireless	103.60
12/16/20	Charter Spectrum	99.99
12/16/20	Missoulian Courier Communications	\$ 146.60
	<b>TOTAL</b>	<b>\$ 2,163.69</b>

**Adjournment**

Tim Hall moved to adjourn the meeting at 8:41 pm. Art Pencek seconded. All in favor, motion carried – unanimous.

Voting Record – CD Supervisor	IN FAVOR	OPPOSED	ABSTAIN
Tim Hall	9	-	-
Libby Maclay	9	-	-
Travis Greenwalt	8	-	1
Paul Parson - Absent	-	-	-
Art Pencek	9	-	-
Bob Schroeder	9	-	-
Sidney Wills	9	-	-

The next Missoula Conservation District meeting is scheduled for **Monday, February 8, 2021, at 7:00 p.m.** via Zoom teleconference.