

MINUTES  
Missoula Conservation District  
3550 Mullan Road, Suite 106  
Missoula, MT 59808-5125  
February 11, 2013

**Attendees:**

Lori Zeiser, Msla CD-Staff	Tara Comfort, Msla CD-Staff
Rob Roberts, Msla CD-Supervisor	Tim Hall, Msla CD-Supervisor
Art Pencek, Msla CD-Supervisor	Bob Schroeder, Msla CD-Supervisor
Libby Maclay, Msla CD-Supervisor	Travis Greenwalt, CD- Supervisor
Sid Wills, Msla CD-Supervisor	Ladd Knotek, MT FW&P
Paul Parsons, Proposed Urban Supervisor	Chris Town, NRCS
Marnie McClain, Msla Co. Dep. Attny.	Shelby Marshall, AmeriCorps Member
Molly Skorpik, Morrison-Maierle, Inc. & Al Brule, Orchard Homes Ditch Company	

**Absent District Board Members:** all present

Tim Hall, Chairman, Missoula Conservation District, called the meeting to order at 7:05 p.m.

Tim Hall moved to accept the January 14, 2013 Minutes as written, Bob Schroeder seconded the motion – motion passed.

Treasurer's Report – Lori Zeiser gave the Treasurer Report - there is \$22,006.08 in the District's checking account.

**Public Comment:** No Public Comment.

**Orchard Homes Ditch Co (OHDC)/Morrison-Maierle (M-M), Inc – DNRC Renewable Resource Grant** – Molly Skorpik, M-M Consultant & Al Brule, President, OHDC – attended the meeting and gave the Board an update on the progress of the DNRC RRGL grant application for repairs to the ditch headgate and intake canal structure, M-M has applied to DNRC on behalf of the OHDC, and with the sponsorship of the Missoula CD for a \$100,000 grant through the RRGL program, this is the second phase of the grant, the 1<sup>st</sup> phase was the \$10,000 grant sponsored by the CD for the Preliminary Engineering Report for Orchard Homes Ditch Company Intake Improvements which was needed to proceed with the application for the actual improvements. Molly reported that she and Al attended the review hearing before the State Legislature – Molly reported that there are funds available and the application ranked high and she anticipates getting the project funded. Once this happens, there will be several actions that will need to take place before the project can be contracted – Molly will be in contact with the CD staff when she receives confirmation of the funding. The entire project will be approximately \$147,000, and the OHDC will have 2 years to complete the project. Morrison-Maierle and OHDC are looking into additional funding sources for the ~\$47,000 remaining funds needed to complete the project and are also looking to create an irrigation district rather than a private ditch company to collect the fees through taxes rather than trying to collect fees for all the ditch water rights holders.

**NRCS Report** – Chris Town, Acting DC – Chris reported that Travis Lemke has been on board for two weeks. He is meeting our (the NRCS AO & FO) expectations: very likable, competent, self starter. Look for him at the March meeting. Missoula Co did not get any applications funded through EQIP this year. As you may recall, the state received half of what it did last year. None of Msla Co applications ranked high enough for funding through the state or area funding pools. Chris expected applications to be considered at the area level prior to funding at the county level. The state office retained control of all funding this year. Because Chris did not immediately place any applications in the county fund, it was rolled back into the state fund. It would have been possible to fund a 10 acre thinning project originally put that application into the county pool. No other applications would have fit into the budget.

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Travis and Chris will concentrate on two areas for the remainder of 2013; managing the 40 existing contracts and ensuring unfunded applicants from 2013 have a strong application for 2014. This means completing a management plan with them for their property/project. The consolation is that Travis will have an opportunity to learn the county and our producers, and John will return without an increased workload for which he is unfamiliar.

### **310 Law Applications/Permits/Complaints**

#### **Existing 310 Applications**

**MS-01-13** – Van Blakely-Landowner / Dan Hoffman-Atkins-Consultant – Grant Creek – Bank Stabilization/Repair/Reinforcement – Not Yet Inspected - the District Supervisors and Ladd Knotek, MT FW&P are requesting a site inspection once the weather conditions, etc. allow. Ladd is also requesting the other agencies be included in the inspection if possible. Permit application tabled pending site inspection.

#### **New 310 Applications**

No New 310 Applications to act on

#### **310 Complaints –**

**CM-10-12** – Clayton Looney – Clark Fork River – Rock Rip Rap & Flag Stone Patio on Streambank without a Permit – Tara and Marnie gave update reports. Marnie sent the District a copy of the Corps of Engineers Agreement with the County/City of Missoula on required maintenance of this original Corps Dike. This complaint was tabled at the recommendation of Marnie to allow the other agencies involved to decide their course of action – Marnie reported that Greg Robertson, Missoula City Public Works, will be meeting with Mr. Looney and his Attorney, Dean Stensland to discuss this violation of the maintenance agreement. Marnie recommends the District send a letter to both Mr. Looney & his attorney inviting them to attend the March 11, 2013 District meeting to discuss the 310 violation.

**CM-01-13** – Nicolas Salter – Union Creek – Report of Pond Construction without a Permit– Inspected 1/15/13 – Tara reported on and showed slides of the site inspection she held with Nicolas Salter on January 15, 2013. Tara reported that the pond excavation activity is well back from Union Creek in a spring-fed area of a subirrigated field, which according to the landowner, flows for a good portion of each year (not year-round). There is no specific channel from the pond outlet to a stream. The pond can be seen on recent aerial photos for several years. The decision of the Board is as follows: After review of the photos from the site inspection on 1/15/13 and detailed explanation by Tara Comfort, District Administrator, that the pond area being excavated is approximately 200 feet away from Union Creek, and this spring fed pond is not a perennial flowing tributary to Union Creek, therefore not in the jurisdiction of the Missoula Conservation District. The District Board of Supervisors has dismissed this as a violation of the Natural Streambed & Land Preservation Act (SB-310 Law). Art Pencek made the motion, Tim Hall seconded – motion passed. The Board requests a follow-up inspection later in the spring after the snow has melted and make certain that the water source to the pond is not a perennial tributary to Union Creek.

**CM-02-13** – Brian Smith – Rattlesnake Creek – Tree Removal without 310 Permit – called into CD 2/11/13 – site photos from bridge on Lolo Street and across the creek on Missoula Ave. –Tara reported that the CD received a phone call from a Rattlesnake resident that cottonwood trees were being cut down by Treasure State Tree Service. Tara reported on and showed slides she had taken of a single large cottonwood tree stump remaining on the top bank of Rattlesnake Creek on Brian Smith's property. The tree service had completed the job, cleaned up all the downed branches and had left by the time Tara arrived to view the site. Marnie recommended that since the property owner had not been notified prior to the meeting, that a letter be sent notifying Mr. Smith that the CD had

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received a notice of complaint, the jurisdiction of the CD, and an explanation of the 310 Law. The District Board of Supervisors agreed to Marnie's recommendation and to the following:

Missoula Conservation District Board of Supervisors reviewed the photos of the site taken by Tara Comfort, District Administrator from the bridge on Lolo Street, across the stream from the property on Missoula Avenue, and from the front yard of Mr. Smith's property where the tree removal service accessed the property along with Tara's report to the District. The Board determined that although the tree removal activity was within the jurisdiction of the 310 Law, they are dismissing this complaint as a violation to the 310 Law at this time. If there are future plans for additional vegetation removal from the immediate banks of Rattlesnake Creek, this activity must be done through a 310 Permit.

The District Board of Supervisors also wants the letter to contain a reminder of the importance of maintaining a healthy riparian buffer along the immediate banks of Rattlesnake Creek, and encourage Mr. Smith to add additional woody vegetation such as shrubs and trees within the 30' riparian buffer of Rattlesnake Creek. The Board also would like a copy of the letter, and the brochures on the 310 Law and Maintaining a Healthy Riparian sent to Treasure State Tree Service. Art Pencek made the motion, Libby Maclay seconded – motion passed.

### 310 Issues

**Proposed Clearwater Bridge Project** – River Watch Home Owners Association letter stating their stance against proposed bridge across the Clearwater River, received from Don Snavely, Attorney for the River Watch Home Owners Association, along with an attached copy of the letter sent July 11, 2012 to John Dimar and his Attorney Colleen Dowdall from Missoula Conservation District advising them of the need for a 310 permit application, and the CD's decision from the July 9, 2012 District meeting minutes that the Missoula Conservation District takes jurisdiction on the Clearwater River from the outlet of Salmon Lake to the confluence with the Blackfoot River. The CD, to date, has not received a 310 permit application from the Clearwater Bridge Group, LLC C/O John Dimar & Steven Sanns. At the advice of Marnie McClain, the CD will not take further action on this until a 310 permit application has been received in the CD office.

**Missoula County – Bonner Mill Tax Increment Financing (TIF) Industrial District** – Resolution No. 2012-202 – Adopting a Missoula County Ordinance – Ordinance establishing the Bonner Mill Tax Increment Financing (TIF) Industrial District in the County of Missoula – specific documentation plan and TIF provisions in packets – the District was sent a copy of this pending ordinance. The Supervisors discussed this project and TIF's in general – no action is needed by the District.

**County Attorney Report** – Marnie McClain reported and advised the District on the Clayton Looney case – see CM-10-12

**MT FW&P** – Ladd Knotek – no report at the February meeting

### Employee Report – Tara Comfort – January 15, 2013- February 11, 2013

**310 Administration:** Edited 310 decision letters, minutes, and agenda with Lori Zeiser. Followed up on site on 310 complaints – Nick Slater, Union Creek and Brian Smith, Rattlesnake Creek, photo documentation and background research. Worked with Clay Schroeder on 310 Permit Database. Gave 310 talk to Statewide MACD EEO District Administrators workshop training session, Helena, Montana, and provided all participants with 310 packets of information I developed for their reference.

**Conservation Planning:** District Cost-share Program – Assisted Gail Carfora and Gyla Steiner Scheffer on cost-share information. Completed EQIP contract review on Big Sky Pasture for NRCS and Gerhard Von der Ruhr, updated schedule of practices remaining and conservation plan maps. Assisted Kassie Herron, Lolo Watershed Group on Channel Migration Zone mapping study of the

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Clark Fork and her plans for public meetings on Lolo Creek on CMZ mapping. Working with Jody Wills and Jon Hanson on BCP Grazing fees for 2013 season.

**Office Administration:** Worked on compiling office photos and information sign. Conducted staff meeting and 2013 Performance Evaluation Plan review with Lori Zeiser. Sick for one full week.

### **Employee Report – Lori Zeiser – January 15, to February 11, 2013**

Started letters, took warrants to the Co. for payment and started minutes week of January 14, 2013. Finished up on Minutes for January 14, 2013 and set Agenda for February 11, 2013 meeting and sent to Tara for additions and corrections. Sent faxes and e-mails for 2/11/13 meeting and prepared power point for meeting. No site inspections for February meeting. Helped Tara research 310 complaint – CM-01-13 Nicolas Salter, Union Creek.

Continued working with MACD & DNRC on 223 Grant for MACD Convention speaker's professional fees and continued to work with DNRC-Pam Smith, Molly Skorpik-Morrison Maierle, and Al Brule, OHDC, on the Orchard Homes DNRC Renewable Resource Grant application. Sent billing for \$5,000 AmeriCorps member (Shelby Marshall) to Big Sky Watershed Council for reimbursement.

Began end of calendar year close-out of financials, payroll reports, 1099's, and began setting up 2013 folders. Completed and sent out 1099's. Completed mid-year performance review and met with Tara 1/31/13. Updated QBooks with August & September county reports. Worked on reducing clutter in District office.

Worked with Kelly Elam, Marnie McClain, Laurie Zeller, Rob Roberts and Paul Parson on Rob's resigning from the District Board of Supervisors and Paul's appointment to the Board to replace Rob as an Urban Appointed District Supervisor.

MACDEO – attended Administrators Workshop January 23<sup>rd</sup> & 24<sup>th</sup>. Prepared workshop agenda with session descriptions and prepared Workshop Evaluation, compiled results and participated in a conference call with Dave Martin and Julie Ralston to discuss the results. Began working and researching with Julie Goss and Guelda Halverson on the possibility of obtaining/providing health insurance benefits for District employees with MACD as the umbrella for the policy. Attended the MACD Legislative Meet & Greet in Helena January 24, 2013 as District Rep.

### **New Business –**

**Supervisor Boot Camp** – February 27, 2013 – Hosted by Cascade Conservation District – Travis Greenwalt, Libby Maclay, and Paul Parson will attend. Lori will check out an NRCS vehicle and drive – will leave from the office around 5am. Anyone else wishing to attend, please contact the CD.

**AmeriCorps Member** – Shelby Marshall attended the meeting and gave an update on her activities – Shelby has been working with WEN on various projects and would like to begin as soon as possible working with Lori on Envirothon projects and would like to go out in the field with Tara as time allows.

### **Old Business –**

**District Supervisor Employee/Contractor Policy Change** – Lori passed around the form she received from Laurie Zeller on Don MacIntyre's ruling on the policy change – the CD will have to adopt a policy that the Supervisors are being reimbursed on a per diem basis rather than by the hour for official CD business and 310 inspections. The Board will accept Art Pencek's proposal of \$125/ half day (8am – 12pm) and \$250 after 12pm – can adjust rates for longer days. The Board would also like Lori to look into Supervisor coverage under the workers comp policy for official CD business, etc.

**DA Davidson** – Art Pencek went over the CD Investments – Art would like to see about moving some of the accounts around – Bob cautioned about what the CD is allowed to have the investments in. Art would also see what other investment companies have to offer – Travis has suggestions for people for Art to follow-up with.

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**2013 Administrator Workshop** – Lori gave a short update on the workshop – the Supervisor handbooks should be ready for the CD's by the MACD spring meeting.

### **Cost-Share & Grant Applications –**

1. 2013 Cost-Share - Update in packets

2. Review of New Riparian Grant Applications:

- a) **RP-01-13** – Canyon River Golf Club – request for funding for riparian planting along a steep bank of the Clark Fork River – there is a public trail at this location that gets heavy use. Bob Schroeder made the motion to fund \$500 towards the project, all plantings must be done by hand – no equipment on the river bank, and a 50% survival on a 5 year lifespan, Travis Greenwalt seconded – motion passed.

**310 Permit Database-DNRC/DTM** – Tara and Bob Schroeder gave an update on Clay Schroeder's progress. He is currently entering the 1997 permits.

**Payment of Bills** – Libby Maclay made a motion to pay the bills, Bob Schroeder seconded – motion passed.

### **Warrants:**

Blackfoot Communications	\$ 116.32
Ck # 1787 – Telephone/Internet	
Staples Credit Plan	\$ 51.96
Ck # 1788 – Office Supplies	
AlphaGraphics	\$ 148.06
Ck # 1789 – Office Supplies-Letterhead	
Ag in MT Schools	\$ 100.00
Ck # 1790 – 2013 Dues & Membership	
All American Trophy	\$ 39.45
Ck # 1791 – Longevity Award Plaque	
Lori Zeiser	\$ 269.43
Ck # 1792 – Lodging-Helena 1/22-1/24/2013 Adm. Workshop	

**Totals** **\$ 728.22**

### **Checks: (1<sup>st</sup> Security Bank)**

Gail Carfora	\$ 168.75
Ck # 1091 – CS-22-12	
Clay Schroeder	\$ 367.50
Ck # 1092 – 310 Data Base - PPD 3-13	
Lori Zeiser	\$ 40.04
Ck # 1093 – Reimbursement	
Petty Cash	\$ 83.08
Ck # 1094 – Reimbursement	
Terrel Armstrong	\$ 35.00
Ck # 1095 – Website Help	
Cascade CD	\$ 40.00
Ck # 1096 – Supervisor Training	
Montana Club	\$ 139.16
Ck # 1097	
<b>Totals:</b>	<b>\$ 873.53</b>

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Tim Hall moved to adjourn the meeting, Rob Roberts seconded - the meeting adjourned at 9:07 p.m.

Tim Hall, CD Board Chairman announced that the next meeting will be March 11, 2013 at 7:00 p.m. in the Missoula Conservation District conference room, 3550 Mullan Road, Suite 106, Missoula, MT 59808-5125.

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Lori Zeiser, Admin. Assistant

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Tim Hall – Missoula CD Board Chairman

<b>Voting Record-CD SUPERVISOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Timothy Hall	6	0	0
Elizabeth Maclay	6	0	0
Art Pencek	6	0	0
Travis Greenwalt	6	0	0
Rob Roberts	6	0	0
Robert Schroeder	6	0	0
Sidney Wills	6	0	0