
CALL TO ORDER & ATTENDANCE

Chair, Pete Woll, called the March 14, 2022, 310-meeting to order at 7:00 P.M. in the conference room.

Board members present: Pete Woll, Chair; John Ellis, Vice Chair; Donna Pridmore, Secretary/Treasurer; Lech Naumovich, Supervisor; Scott Rumsey, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Also, in attendance were Kenny Breidinger, Fish Wildlife and Parks (FWP); Leo Rosenthal, FWP; Roger Noble, Water & Environmental Technologies (WET); Katie Ridinger, 406 Docks; Jacob Feistner; Cathy Mitchell; Bruce Boody; Kody Coxen, Associate Supervisor; Gordon Ash, Associate Supervisor; Robert Ragland; Brad Bennett, WET; Tamara Tanberg, APEC Engineering; Kristin Bruninga; Salvador Maldonado.

CONSENT AGENDA

Consent Agenda Item 1: Signature Authority

- Authorization for Samantha Tappenbeck to sign on behalf of Supervisors attending the meeting virtually.

Consent Agenda Item 2: Tabled 310's

Buck, FL-2021-041C, Stoner Creek, complaint: Tabled until remediation work is completed under FL-2021-106

Switzer-Rogers, FL-2021-059C, Swan River, complaint: Responses received from the new and old owners. Tabled until the site is viewable

Consent Agenda Item 3: Meeting Minutes

- FCD 2/14/2022 310-Stream Permit Meeting Minutes

Consent Agenda Item 4: Financial

The following bills were reviewed (Check Detail dated 3/2/2022)

1. Charter Communications \$162.95
2. Land to Hand \$255.00
3. Mountain States Leasing – Kalispell \$1,884.86

Consent Agenda Item 5: Correspondence

None.

Lech Naumovich motioned “to approve the consent agenda as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT

No one was present to comment on items not on the agenda that are within the jurisdiction of the district.

310 Onsite Inspections

Inspiration Dr. Properties LLC, FL-2022-007, Whitefish River, dock: John Ellis motioned “this is a project under the district rules.” Verdell Jackson seconded. Motion carried unanimously.

An onsite inspection was scheduled for April 5, 2022, 2:00 P.M. at the site.

Kowalka, FL-2022-005C, Lost Creek, complaint: Verdell Jackson stated that he talked to the landowner about the culvert work under current 310-permit #FL-2021-039. The landowner explained that work is not yet completed, and the permit does not expire until 6/14/2022. Verdell noted that he also talked with the landowner about complaint #FL-2022-005C. A complaint letter was sent on 3/9/2022. A response has not yet been received. No action was taken at this time.

MT Dept of Transportation, FL-2022-001, Stoner Creek, utilities: Donna Pridmore explained the application received 1/25/2022 named the wrong stream and the boring diagram was mislabeled. She contacted the applicant and asked them to make those corrections. The applicant submitted a corrected application on 3/7/2022. Donna stated that because the application is for boring of utilities and meets the Adopted Rules, an onsite inspection is not needed. Kenny Breidinger added that because the distances from the stream are substantial, and the depth rates are not a problem, he approved waiving a site inspection.

Donna Pridmore motioned “this is a project.” Scott Rumsey seconded. Motion carried unanimously.

Donna Pridmore motioned “to approve the application as proposed. The onsite inspection and the 15-day waiting period are waived with concurrence by Fish, Wildlife and Parks.” Verdell Jackson seconded. Motion carried unanimously.

Reese, FL-2022-006, Garnier Creek, culvert: Lech Naumovich explained the application is for a culvert to allow access to the property. Lech Naumovich motioned “this is a project.” Donna Pridmore seconded. Motion carried unanimously.

An onsite inspection was scheduled for Tuesday, April 5, 2022, 11:30 A.M. at the site.

Turner, FL-2022-008, Swan River, retaining wall: As remediation to complaint #FL-2021-081C, the landowner was required to submit a 310-permit application for the retaining wall. A technical review was done, and the application was denied. As part of the denial, the landowner was required to submit a second application. Pete Woll motioned “this is a project.” Donna Pridmore seconded. Motion carried unanimously.

Pete noted that this is a complex project and wanted all supervisors to review the application. Pete Woll motioned “to send copies of the application to all the supervisors to review, then set a date for an onsite inspection at the March 28, 2022, business meeting.” Lech Naumovich seconded. Motion carried unanimously.

310's

Karrow Whitefish Investments LLC, FL-2021-027, Whitefish River, permit extension: A permit extension request was received 3/3/2022. The permit expires 6/14/2022.

An onsite inspection was scheduled for April 5, 2022, 1:30 P.M. at the site. Lech Naumovich motioned “to table the application until the next 310-meeting on April 11, 2022.” Donna Pridmore seconded. Motion carried unanimously.

Maldonado, FL-2021-054C, Flathead River, complaint: John Ellis explained the complaint is regarding concrete pipes in a channel of the Flathead River, and that the current owner has been contacted. An onsite inspection was scheduled for Monday, April 4, 2022, 9:00 A.M. at the site.

Mapeli, FL-2022-002, Flathead River, rip rap: Donna Pridmore explained that an onsite inspection was held 2/25/2022, the project was discussed, and the following modifications were recommended: (1) the riprap is to be bedded in angular small gravels instead of the geotextile fabric so the larger rocks will not slip into the river, (2) The rip rap should not extend over 1-foot above the mean highwater mark as indicated by the watermark on the concrete abutment that will start the northern edge of the riprap. Donna added that she would provide the contractor, Robert Ragland, with the gravel size and contact information for Mitch King at Montana Outdoor Legacy Foundation.

Robert Ragland noted that APEC engineering would rather use the non-woven geotextile fabric, if possible, as they thought it would hold up better than the rock, however, they don't want it to be a sticking point and hold the project up. Kenny Breidinger stated that if fabric is used, a condition would be added that the revetment is to be monitored. If at any time there is exposed fabric, the rip rap is to be repaired and re-covered or the fabric is to be cut away so it would not enter the water. Donna added that the fabric prevents roots from holding the rocks in, and it prevents vegetation from spouting and holding the riprap up. Lech Naumovich expressed concern about what the fabric is made of. Donna stated that if fabric is used, the application will be tabled until the next month, and the applicant would have to submit fabric specifications. Mr. Ragland did not want to wait longer to begin the work due to water coming up and agreed to use the rock and not the fabric.

Kenny Breidinger noted that the property is upstream from the Montana Outdoor Legacy Foundation property, and that the boundary line was also discussed during the onsite inspection. He added that the work must stop at the end of the property and cannot extend onto the adjacent Montana Outdoor Legacy Foundation property. Lech Naumovich asked if Mitch King, Director for the Montana Outdoor Legacy Foundation Property, had been contacted about the project. Donna stated that she had not contacted him.

Donna Pridmore motioned “to approve the application with modifications per the Team Member Report.” Lech Naumovich seconded. Motion carried unanimously.

Mitchell, FL-2021-099, Stillwater River, remove vegetation: Donna Pridmore asked Cathy Mitchell why she did not submit a new 310-application. Cathy Mitchell answered that she was told that she did not need to and that it would be brought up again at this meeting. John Ellis stated that he told Ms. Mitchell he was going to rescind the prior motion to deny the permit and if it is approved, then she will not need to submit a new application.

Donna stated she had a parliamentary process question about that. The permit was denied at the 2/14/2022 meeting, and the Board requested a new application be submitted. Donna stated that the parliamentary process has been superseded. John stated he did not know if that is true or not. Donna stated from what she sees, a minority of supervisors nullified the Board decision. John stated the Board can vote against the motion to rescind. John stated that he felt the decision made at the 2/14/2022 meeting was a mistake and seemed to punish the applicant for our error. Donna reiterated that it was not handled according to parliamentary procedure. John replied that in this case, he believed he had made a mistake and he was looking to rectify the mistake. Lech Naumovich stated his concern was that we can open up any project that has been denied and asked if the rules allow for that. John stated that Sturgis Rules of Order allow for a motion to rescind.

John Ellis motioned “on FL-2021-099, to rescind the decision that was reached on 2/14/2022.” Verdell Jackson seconded.

John Ellis further noted that he feels that this motion is appropriate because the 310 application had items in it that should not have been denied, such as removal of the car from river. John stated that following the last meeting, he had the chance to go out and look at Ms. Mitchell’s property because he felt that the maps and photographs did not give him a clear indication of the proposed project scope. John added it was his opinion that the application did not get the deliberation and the consideration that it should have gotten, and therefore it is appropriate to have a motion to rescind rather than request a new application.

Lech Naumovich voiced concern that the Board had a special meeting where several relevant elements of the 310-process were discussed, including timeframe for receiving information, what should be included in the application, and how an application should be presented. He explained that it was his understanding that new information was forthcoming as recent as during the discussion tonight. He also expressed concern that proceeding in this way increases the potential for error and is unprofessional. He added that he would like to see a complete application that would be consistent with district standard process.

Verdell Jackson stated he had compiled information after the last meeting which he would like present to the Board in an attempt to address concerns that have been raised about the proposed project. Lech again noted that an application with information submitted in a timely manner and with adequate detail is fundamental.

Pete Woll asked if there was any further discussion on the motion to rescind. Donna Pridmore called question. Those in favor of the motion to rescind: Verdell Jackson, John Ellis, Donna

Pridmore, Pete Woll. Those opposed to the motion to rescind: Lech Naumovich and Scott Rumsey. Motion carried 4 to 2.

Donna Pridmore asked that it be noted in the minutes that it was done unprofessionally and not in accordance with parliamentary procedure.

Verdell Jackson compiled information about the project into a document that was presented to the board. This document was distributed by email during the meeting so that it could be reviewed. Verdell noted that the information was compiled in an attempt to clarify the project details and included: five points of concern that have been previously expressed about the project; a map with handwritten estimated measurements; excerpts from the technical review, Team Member Report and 318-authorization; and additional comments.

Gordon Ash asked if John Ellis was part of the conversation on the map review and if that was what John saw when he was on site. John stated that he had not done anything with the map. John described, after being on site, that the landowner wants to remove some small trees for a trail/connection between a big flat area and a small flat area; no large trees will be removed. Donna Pridmore noted with all the time Verdell spent on compiling the information that was being presented, that a new 310 application could have been submitted, reviewed, voted on and done with it tonight.

Copies of Verdell's information and the original application will be provided to Supervisors, so they have opportunity to review prior to the March 28th business meeting. Copies will also be emailed to Kenny Breidinger, Leo Rosenthal, Kody Coxen, Gordon Ash, and Cathy Mitchell.

Verdell Jackson motioned "to put application FL-2021-099 on the March 28th business meeting agenda." John Ellis seconded. Motion carried unanimously.

Cathy Mitchell invited all the supervisors to come out and look at the property, and noted that when they see the project area, they would be able to better understand Verdell's map and information. She just asked to be contacted first. Kenny Breidinger added that he would like to look at the project again when the Board decides to act on it.

Siblerud, FL-2022-004, Flathead River/Half Moon Slough, floating dock: John Ellis reported the landowner wants to put in a small floating dock. The dock they requested was two feet too long, so it was modified to be the correct size. Also, it would be better to have a trail to the ramp, so all traffic is focused in one area to prevent erosion.

Kenny Breidinger corrected John Ellis on the proposed design; that the dock was correctly sized, but they provided the applicant flexibility in the length of the gangway.

Katie Ridinger, 406 Docks, addressed the board but the audio broke up over the virtual connection. Katie stated that in reference to the trail, the homeowner is financially at their limit with the dock, but they did decide to do a longer gangway. They want to keep the dock as close to the bank as possible, then have the gangway come up at an angle to help prevent erosion. They are looking for a 12-foot gangway, but still only 8-feet, possibly 9-feet for the dock, but the end of the gangway would protrude out into the water.

Kenny stated it seemed reasonable to him. He noted that there is a very short piece of bank right where the dock is going that goes almost right up to the driveway and that he was fine with a longer gangway. Katie stated the gangway would be changed from a 3x3 to a 3x12 and it would be mostly on the bank. Gordon asked, with the extension of the gangway on the bank is there an assessment of travel from the driveway down to that gangway as far as needing a trail or it is going to be so limited that it is not an issue? Katie replied that extending the gangway to 12-feet limits the area between the driveway and the beginning of the gangway to approximately 4-feet, and it is not as drastic of an incline so it wouldn't cause erosion from people slipping trying to go down the bank to the gangway.

Pete Woll motioned "to approve the application with modifications per the Team Member Report" John Ellis seconded. Motion carried unanimously.

Thompson, FL-2022-003, Flathead River, dock: John Ellis explained an onsite inspection was held 2/24/2022. The project is a combination of a stationary platform on the bank leading to a gangway that goes down to a floating dock. The pillars that will be sunk into the ground to build a platform above the bank should be at least 1-foot away from the edge of the bank. Kenny Breidinger stated there is little precipice that drops off, and we didn't want the piles to be right on the bank; they will be set back a little bit. Katie Ridinger, 406 Docks, noted the original plan is to have them set 1-1.5-feet back from the riverbank edge.

Pete Woll motioned "to approve the application with modifications per the Team Member Report." John Ellis seconded. Motion carried unanimously.

Turner, FL-2021-081C, Swan River, complaint: Pete Woll motioned "to table until FL-2022-008 is completed." Lech Naumovich seconded. Motion carried unanimously.

NEW BUSINESS

None

MATTERS OF THE BOARD/STAFF

Review of Request for Proposal (RFP) responses: Samantha Tappenbeck explained an RFP for the Flathead River Erosion Study was sent out on 3/7/2022. Responses are due 3/25/2022. The Projects Committee will meet 3/30/2022, 10:00 A.M. to review responses and provide a recommendation to the Board. Samantha noted that she would also like to invite several others from the Flathead River Commission. A special meeting was scheduled for Monday, April 1, 2022, 10:00 A.M. for the board to review responses to the RFP and select a consultant based on those responses.

The next Business meeting is scheduled for Monday, March 28, 2022, 7:00 P.M. via ZOOM.

Adjournment: Donna Pridmore motioned "to adjourn." Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:00 P.M.

Submitted By:

Reviewed By:

Ginger Kauffman
Administrator

Samantha Tappenbeck
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>4/11/2022</u>	<u>Pete Woll</u>	<u>Chair</u>
(Date)	(Signature)	(Title – Chair etc.)