

**OFFICIAL AGENDA**  
**TUESDAY June 4, 2024**  
**Meeting Start Time: 9:30 a.m.**  
**Board of County Commissioners**  
**Yellowstone County, Montana**  
**Stillwater Building**  
**316 N. 26th Street, Room 3108**  
**Billings, MT**  
**9:15 a.m. Agenda Setting**

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Pledge to the Flag: Moment of Silence: Minutes

**REGULAR AGENDA**

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**PUBLIC COMMENTS ON REGULAR, CONSENT AND FILED AGENDA ITEMS**

1. **FINANCE**

Notice of Public Hearing for FY24-25 Budget - Public Hearings will be held Monday, June 24, 2024 at 1:30 and continue through 5:00 p.m. Thursday, June 27, 2024 in Room 3108

2. **PUBLIC WORKS**

Resolution 24-96 for Public Hearing on Possible Sale of Charles Russell Park in the Frontier Subdivision

**CLAIMS**

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**CONSENT AGENDA**

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1. **CLERK AND RECORDER**

Plat of 2 Stroke and Tutus Subdivision and the S.I.A.

2. **COMMISSIONERS**

- a. Board Reappointments - Rob Schessler to Laurel Fire District #5/ Robby Badgett to Broadview Cemetery Board/ Pam Hofferber to Adult Resource Alliance/ Judy Goldsby to Laurel City/County Planning Board/ Peggy Mcswewn to Shepherd Cemetery Board
- b. Board Openings - Updated List

3. **FINANCE**

- a. ARPA Project Tracking Sheet Update
- b. Finance Contract with Hardy Construction for the County Admin Building Temporary Wall and Door
- c. Bond for Lost Warrant
- d. Metra Request to Expend for Ticket Booth for Gate 1

- e. Metra Contract Addendum #1 with Republic Services for Solid Waste Disposal
  - f. Metra ARPA Arena Indoor Sewer Lines Contract with Star Services
  - g. Certification Regarding Lobbying
4. **PUBLIC WORKS**
- a. Request for Qualifications - DESIGN, CONSTRUCTION ENGINEERING and CONSTRUCTION MANAGEMENT for Lockwood Sidewalk Project
  - b. Invitation for Bid 56th & Hesper Roundabout
5. **SHERIFF**
- Maintenance/Service/Support Agreement between YCDF & CML Security for Period 7/1/24-6/30/25
6. **TREASURER**
- Abatement of Property Taxes Delinquent for Five or More Years
7. **HUMAN RESOURCES**
- a. Stealth Partner Group, LLC Agreement
  - b. **PERSONNEL ACTION REPORTS - Sheriff's Office** - 2 Appointments; **County Attorney** - 1 Appointment; **Metra** - 1 Appointment

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## **FILE ITEMS**

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1. **CLERK AND RECORDER**
- Board Minutes** - Yellowstone Conservation District Minutes July 2018 to May 2024
2. **COMMISSIONERS**
- a. Support Letter - Crisis Diversion Grant
  - b. Billings Bypass Highway Easement Parcel No. 7-38
3. **FINANCE**
- MetraPark Budget Adjustment-FY24
4. **PUBLIC WORKS**
- Contract with Wright Company MT, Inc. for Weed Spraying for River Ranch Retreat RSID 806M

## **PUBLIC COMMENTS ON COUNTY BUSINESS**

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: Notice of Public Hearings FY25 Budget

Submitted For: Jennifer Jones, Finance Director Submitted By: Juli Bjornebo

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**TOPIC:**

Notice of Public Hearing for FY24-25 Budget - Public Hearings will be held Monday, June 24, 2024 at 1:30 and continue through 5:00 p.m. Thursday, June 27, 2024 in Room 3108

**BACKGROUND:**

Notice of Public Hearing FY24-25 Budget

**RECOMMENDED ACTION:**

Publish

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**Attachments**

Notice of Public Hearing

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Yellowstone County, Montana has completed the preliminary budget proposals for fiscal year 2024-2025 and will conduct public hearings on said budget. The proposed budget also contains the proposed use of the statutory permissive medical levy. The preliminary budget will be placed on file and will be open for public inspection in Room 3101, third floor, Stillwater Building (316 North 26<sup>th</sup> Street) on June 21, 2024. The Board of County Commissioners of Yellowstone County will commence the hearings on **Monday June 24, 2024 at 1:30 p.m. and continue hearings through 5:00 p.m. Thursday June 27, 2024 in the Commissioners' Board Room 3108, third floor of the Stillwater Building.** Any taxpayer may appear at said hearings and provide testimony either for or against any part of the proposed budget. If more information is desired, you may contact the Board of County Commissioners, Room 3101, third floor, Stillwater Building (316 North 26<sup>th</sup> Street) or call (406) 256-2701.

DATED this 4<sup>th</sup> day of June 2024.  
/s/ Jeff Martin, Clerk and Recorder  
Yellowstone County, Montana  
Notice to run June 14 and June 21

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: Resolution for Public Hearing on Possible Sale of Charles Russell Park in the Frontier Subdivision

Submitted For: Monica Plecker

Submitted By: Monica Plecker

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**TOPIC:**

Resolution 24-96 for Public Hearing on Possible Sale of Charles Russell Park in the Frontier Subdivision

**BACKGROUND:**

On June 19, 2024, the Yellowstone County Board of County Commissioners shall hold a public hearing on the possible sale of Charles Russell Park in the Frontier Subdivision at a public auction. If the Board approved the Resolution, the hearing will be noticed publicly, landowners within the Frontier Subdivision will be notified. The Resolution sets the hearing. The hearing provides the BOCC with an opportunity to hear from the residents affected by the potential sale. The BOCC should consider the testimony in determining if it wishes to move forward with the next steps of the sale process.

**RECOMMENDED ACTION:**

Approve the Resolution setting the Public Hearing

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**Attachments**

Resolution 24-96

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# **YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 24 - 96

## **Resolution for Public Hearing on Possible Sale of Charles Russell Park in the Frontier Subdivision**

WHEREAS, pursuant to Section 7-8-2521 of the Montana Code Annotated, a board of county commissioners has the authority to sell land owned by the county that is not needed by the county. Pursuant to Section 7-16-2324 of the Montana Code Annotated, a board has the authority to sell parkland owned by the county that is not needed by the county. To sell parkland owned by the county the board has to comply with the usual requirements to sell county land and some special requirements because the land is parkland. To sell parkland owned by the county the board has to (1) compile an inventory of all public parks and playgrounds within the county, (2) prepare a recreation plan for the county, (3) decide the sale is consistent with the recreation plan, (4) have the parkland appraised, (5) pass a resolution of intent to sell the parkland at a public auction and set a public hearing, (6) provide notice of the public hearing on the intent to sell the parkland at a public auction, (7) hold a public hearing on the intent to sell the parkland at a public auction, receive and consider public comment, (8) pass a resolution to sell the parkland at a public auction that contains all the details of the public auction, (9) provide notice of the public auction, (10) hold a public auction and sell the parkland for not less than the appraised value of the parkland, (11) place the money from the sale of the parkland into the parks fund like cash in lieu of parkland dedication and (12) memorialize what occurred at the public auction.

WHEREAS, in 1954, the Frontier Subdivision was filed with the Yellowstone County Clerk and Recorder. It contained the Charles Russell Park. The developer dedicated the park to the County. The County never developed the park. The County does not have any plans to develop the park. Attached is a Plat of Frontier Subdivision and a line and an aerial map of the Park.

WHEREAS, Craig Debuff, who owns several parcels of land adjacent to the park, enquired whether the County would sell the park to him. Attached is a copy of the letter from Debuff to the County. The Yellowstone County Board of County Commissioners is uncertain whether the County should sell the park. The Board would like the input from the public before it starts the process to sell the park

NOW THEREFORE, BE IT RESOLVED,

On June 19, 2024, the Yellowstone County Board of County Commissioners shall hold a public hearing on the possible sale of Charles Russell Park in the Frontier Subdivision at a public auction. The Board orders the Yellowstone County Clerk and Recorder to publish notice of the hearing, mail notice of the hearing to the landowners in the Frontier Subdivision, receive written comments and provide the comments to the Board before the hearing.

After the hearing, if the Board believes that it is in the best interest of the public to sell the park, it will pass a resolution to start the process to sell the park at a public auction. Conversely, if the Board believes that it is not in the best interest of the public to sell the park, it will pass a resolution not to sell the park.

Passed and Adopted on the 4<sup>th</sup> day of June 2024.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

ATTEST:

\_\_\_\_\_  
Donald W. Jones, Member

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

**Attachments**

Plat  
Line Map  
Aerial Map  
Letter Debuff to County

**Chronology**

Agenda – May 28, 2024  
Resolution of Intent – June 4, 2024  
First Publication – June 7, 2024  
Second Publication – June 14, 2024  
Public Hearing / Resolution – June 19, 2024

**Documents**

Plat  
Line Map  
Aerial Map  
Letter Debuff to the County  
Resolution to Set Public Hearing  
    Minute Entry of Resolution to Set Public Hearing  
    Recording of Resolution to Set Public Hearing  
Notice of Public Hearing  
Affidavit of Notice of Public Hearing  
Resolution  
    Minute Entry of Resolution to Set Public Hearing  
    Recording of Resolution to Set Public Hearing  
    Public Comments

*Ken B. Rogers* Chairman  
*Mike Perry* Commissioner  
*Chris Ruck* Commissioner  
*Ed Simpson* County Surveyor  
*Chris Ruck* County Clerk & Recorder  
By *Clayton Perry*





## Monica Plecker

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**From:** James Matteson  
**Sent:** Thursday, April 25, 2024 3:47 PM  
**To:** Monica Plecker  
**Cc:** Tim Miller  
**Subject:** FW: Charles Russell Park  
**Attachments:** Parks-Charles Russell Park - Craig DeBuff.pdf

Monica,

I received an email from Craig DeBuff pertaining to his desire to purchasing the land that is dedicated as Charles Russell Park in Lockwood. Attached, is the email stream beginning in October 2023 when the idea of selling unused parkland was being considered. There have been conversations with the Commissioners, Tim Miller, Jeff Martin and Steve Williams in the County Attorneys office.

I informed Mr. DeBuff that park authorities are now with Public Works and that you are the contact for park matters.

James

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**From:** Craig DeBuff <crdebuff@yahoo.com>  
**Sent:** Thursday, April 25, 2024 9:28 AM  
**To:** James Matteson <jmatteson@yellowstonecountymt.gov>  
**Subject:** Re: Charles Russell Park

Hi James,

I wanted to follow up on the purchase of Charles Russell Park [Tax Code: C04553] within Yellowstone County. I have read the MCA regarding this transfer, and I would like to offer the county \$20,000.00 (twenty thousand dollars) for the parcel. The acceptance of this offer would circumnavigate any appraisals and/or board meetings

Again, this property is basically inaccessible to the public, very sloped within a drainage, and has not been utilized privately or publicly for many decades. By allowing me to purchase the parcel of land known as "Charles Russell Park", I could gain access to my 2 lots on the east side; I also own the 2 lots on the west side of the park. By accepting this offer, the county would increase their revenue through additional property taxation.

Please let me know at your earliest convenience.

Regards,

Craig

On Friday, October 27, 2023 at 01:17:15 PM MDT, James Matteson <[jmatteson@yellowstonecountymt.gov](mailto:jmatteson@yellowstonecountymt.gov)> wrote:

Craig,

I spoke to the Yellowstone County Clerk & Recorder, Jeff Martin about the sale of County property. We first must have an appraisal and a public hearing. Jeff will work with me to follow MCA to progress this. I will advise as there is progress.

James

**7-8-2513. Appraisal of land required -- exception -- challenge -- restrictions.** (1) The county commissioners shall, before they sell, exchange, or lease lands with an estimated value of more than \$20,000 under the provisions of this part, have the lands appraised by a disinterested certified general real estate appraiser to determine the value of the lands for the purpose of the sale, exchange, or lease.

(2) For the purposes of this section, a renewal of the lease is considered an initial lease if the renewal is for a term exceeding 5 years.

(3) The board of county commissioners may lease mineral interests in land, whether the interests are severed or not, without an appraisal as required by subsection (1).

(4) A taxpayer who believes that the appraised value under this section is less than the actual value of the property may challenge the appraised value. The procedure provided in **7-8-2215** must be followed when a challenge of the appraised value of real property under this part is filed.

(5) Except as otherwise provided by law, the board of county commissioners may not under the provisions of this part sell, exchange, or lease lands appraised pursuant to subsection (1) for less than the appraised value.

(6) This section does not apply to land acquired by tax deed that failed to sell for appraised value as provided in **7-8-2301(5)(b)**.

**7-8-2521. Authorization to sell real property -- resolution required -- contents of resolution -- hearing required.** (1) The board shall, after holding a public hearing noticed as provided in **7-1-2121**, adopt a resolution providing for sale and disposition of county real property. The resolution must include:

(a) approved locations for sales, including whether sales may be conducted by use of an internet website or other online location;

(b) a requirement that all sale locations be accessible to the public;

(c) types of sales for which public auction is required;

(d) who may conduct a sale or auction;

(e) procedures for issuing permits, leases, or licenses, including:

(i) the terms, conditions, and processes for issuance of permits, leases, and licenses;

(ii) authorization to enter into agreements with entities to which permits, leases, or licenses may be issued;

(iii) a prohibition on a lease being made for an amount less than the amount that would have been collected if taxes on the real property had been levied; and

(iv) the process for authorizing a lessee to place improvements on the property;

(f) how sales will be noticed if the board intends to provide notice in addition to notice by publication as required in **7-1-2121**;

(g) how property retained by the county will be administered and maintained; and

(h) any other provision that the board considers to be necessary for the disposition of property in a manner that is in the best interests of the county and its citizens.

(2) In adopting the resolution, consideration must be given to multiple-use management.

(3) Provisions in the resolution regarding exchanges or donations of real property must be in compliance with **7-8-2522**.

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**From:** Craig DeBuff <[crdebuff@yahoo.com](mailto:crdebuff@yahoo.com)>  
**Sent:** Wednesday, October 25, 2023 12:29 PM  
**To:** James Matteson <[jmatteson@yellowstonecountymt.gov](mailto:jmatteson@yellowstonecountymt.gov)>  
**Subject:** Charles Russell Park

Hi James,

It was nice to meet you this past Monday, and I enjoyed our conversation regarding Charles Russell Park within Frontier Subdivision. As you know, the subdivision road (Calamity Jane Blvd) was not built as designed and I have no physical access to my lots on the east side of this park. In lieu of not having access to my lots at the end of Calamity Jane Blvd, I would like to purchase the land, known as Charles Russell Park, from Yellowstone County for the amount of **\$25,000.00** dollars.

**Legal  
Description:** FRONTIER  
SUBD 1ST  
FILING,  
S21, T01  
N, R27 E,  
CHARLES  
RUSSELL  
PARK 21-  
1N-27E

This land is basically inaccessible by the public and has not been used for probably 70 years or more. Also, the land is very sloped and within a drainage. By allowing me to purchase the land known as "Charles Russell Park", I could gain access to my lots on the east side. By accepting this offer, the county would increase their revenue through additional property taxation.

Please let me know your decision on this offer at your earliest convenience.

Kind regards,

Craig

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: 2 Stroke and Tutus Subdivision

Submitted For: Jeff Martin, Clerk And Recorder

Submitted By: Jeff Martin, Clerk And Recorder

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TOPIC:

Plat of 2 Stroke and Tutus Subdivision and the S.I.A.

BACKGROUND:

Reviewed.

RECOMMENDED ACTION:

Approve.

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Attachments

2 Stroke and Tutus SIA

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**2 STROKES & TUTUS MINOR SUBDIVISION**  
**Table of Contents**  
**(Yellowstone County)**

I.	VARIANCES .....	2
II.	CONDITIONS THAT RUN WITH THE LAND .....	2
III.	TRANSPORTATION .....	3
A.	Streets .....	3
B.	Traffic Control Devices .....	3
C.	Access .....	3
D.	Billings Area Bikeways and Trail Master Plan (BABTMP) .....	4
IV.	EMERGENCY SERVICE .....	4
V.	STORM DRAINAGE .....	4
VI.	UTILITIES .....	4
B.	Septic System .....	4
C.	Power, Telephone, Gas, and Cable Television .....	4
VII.	PARKS/OPEN SPACE .....	4
VIII.	IRRIGATION .....	4
IX.	WEED MANAGEMENT .....	5
X.	SOILS/GEOTECHNICAL STUDY .....	5
XI.	FINANCIAL GUARANTEES .....	5
XII.	LEGAL PROVISIONS .....	5

# SUBDIVISION IMPROVEMENTS AGREEMENT

## 2 STROKES & TUTUS SUBDIVISION

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between *Dustin G. Quast and Stevee Quast*, whose address for the purpose of this agreement is **8465 Sail Fish Drive, Billings, MT 59106**, hereinafter referred to as "Subdivider," and YELLOWSTONE COUNTY, Montana, hereinafter referred to as "County."

### WITNESSETH:

**WHEREAS**, the plat of *2 STROKES & TUTUS MINOR SUBDIVISION*, located in Yellowstone County, Montana was submitted to the Yellowstone County Board of Planning as an expedited plat which was deemed to not require preliminary review; and

**WHEREAS**, a Subdivision Improvements Agreement is required by the County prior to the approval of the final plat.

**WHEREAS**, the provisions of this agreement shall be effective and applicable to *2 STROKES & TUTUS MINOR SUBDIVISION* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

### **I. VARIANCES**

There are no variances being requested with this subdivision.

### **II. CONDITIONS THAT RUN WITH THE LAND**

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on

## **SUBDIVISION IMPROVEMENTS AGREEMENT**

the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- H. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners' expense.

### **III. TRANSPORTATION**

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by Yellowstone County.

#### **A. STREETS**

There are no streets planned for this subdivision.

#### **B. TRAFFIC CONTROL DEVICES**

There will not be any traffic control devices required for this subdivision.

#### **C. ACCESS**

Access for this subdivision shall be off 88<sup>th</sup> Street West.

## **SUBDIVISION IMPROVEMENTS AGREEMENT**

### **D. BILLINGS AREA BIKEWAYS AND TRAIL MASTER PLAN (BABTMP)**

This subdivision is not located within the BABTMP.

### **IV. EMERGENCY SERVICE**

Emergency access to the subdivision is provided by 88<sup>th</sup> Steet West. The Laurel Fire Service Area (LUFSA) provides fire protection and paramedic services for the subdivision.

### **V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

### **VI. UTILITIES**

#### **A. WATER**

Public water service is not available to the subdivision at this time. The subdivision will be served by an individual cistern for the lot. The system shall be located as shown on the site layout approved by DEQ. Installation and maintenance of said systems shall be the responsibility of the lot purchaser.

#### **B. SEPTIC SYSTEM**

Municipal public sewer service is not available in the subdivision at this time. The subdivision will be served by an individual on-site wastewater disposal system as approved by DEQ. This system shall be located and installed as shown on the site layout approved by DEQ. Installation and maintenance of said system shall be the responsibility of the owner.

#### **C. POWER, TELEPHONE, GAS, AND CABLE TELEVISION**

Telephone, gas, electrical power, and cable television lines (where said utilities are available and existing to the subdivision) are installed as required.

### **VII. PARKS/OPEN SPACE**

There is no parkland requirement for 2 *STROKES & TUTUS MINOR SUBDIVISION*, as this is a minor subdivision [MCA 76-3-617(3) (a)].

### **VIII. IRRIGATION**

There are no improvements planned for this subdivision, therefore there will not be any changes made to the existing irrigation ditch located along the south line of the property.

## **SUBDIVISION IMPROVEMENTS AGREEMENT**

### **IX. WEED MANAGEMENT**

All noxious weeds on the latest Yellowstone County Noxious Weed List shall be controlled on all properties in the subdivision.

- A Weed Management Plan must be filed and updated as needed for approval by the Yellowstone County Weed Department. Said weed management plan shall contain the noxious weeds being addressed and the plan for the control of those weeds. All associated cost for noxious weed control is the responsibility of the owner of record.
- A revegetation plan shall be submitted as part of the management plan. A seeding recommendation can be obtained from the Yellowstone County Weed Department pursuant to Section 7-22-2152, MCA. The Yellowstone County Weed Department reserves the right to revise these recommendations based on the required site inspection.

### **X. SOILS/GEOTECHNICAL STUDY**

A soil/geotechnical study is not required with this subdivision.

### **XI. FINANCIAL GUARANTEES**

There are no improvements required with this subdivision, therefore financial guarantees are not needed.

### **XII. LEGAL PROVISIONS**

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

## SUBDIVISION IMPROVEMENTS AGREEMENT

- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and official seals on the date first above written.

“SUBDIVIDER”

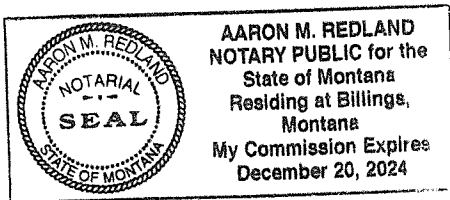
Dustin G. Quast and Stevee Quast

By: *Dustin Quast*

By: *Stevee Quast*

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this 1 day of FEBRUARY, 2024 before me, a Notary Public in and for the State of Montana, personally appeared Dustin G. Quast and Stevee Quast, known to me to be who executed the foregoing instrument and acknowledged to me that he/she executed the same.



*Aaron M. Redland*  
Notary Public in and for the State of Montana  
Printed Name: AARON M. REDLAND  
Residing at: BILLINGS, MT  
My commission expires: DEC. 20, 2024

This agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_\_  
date of \_\_\_\_\_, 20\_\_\_\_.

“COUNTY”  
COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest: \_\_\_\_\_  
County Clerk and Recorder

STATE OF MONTANA     )  
                                      : ss  
County of Yellowstone     )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the  
State of Montana, personally appeared \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_, known to me to be  
the Board of County Commissioners and the County Clerk and Recorder, respectively, of  
Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such  
capacity and acknowledged to me that they executed the same on behalf of Yellowstone County,  
Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), for a period of no more than twenty years from the recording of this waiver, which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

*2 STROKES & TUTUS MINOR SUBDIVISION*

Signed and dated this 1 day of FEBRUARY, 2024

Dustin G. Quast and Stevee Quast

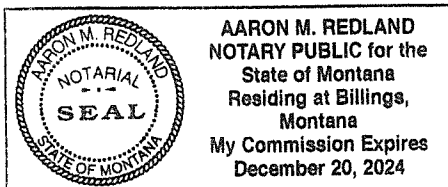
By: [Signature]

By: [Signature]

STATE OF MONTANA     )  
  : SS  
County of Yellowstone    )

On this 1 day of FEBRUARY, 2024, before me, a Notary Public in and for the State of Montana, personally appeared DUSTIN G. QUAST & STEVEE QUAST, known to me to be the persons who executed the forgoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.



[Signature]  
Notary Public in and for the State of Montana  
Printed name: AARON M. REDLAND  
Residing in Billings, Montana  
My commission expires: DEC 20, 2024

B.O.C.C. Regular

2. a.

Meeting Date: 06/04/2024

Title: Board Reappointments

Submitted By: Erika Guy

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**TOPIC:**

Board Reappointments - Rob Schessler to Laurel Fire District #5/ Robby Badgett to Broadview Cemetery Board/ Pam Hofferber to Adult Resource Alliance/ Judy Goldsby to Laurel City/County Planning Board/ Peggy Mcsweyn to Shepherd Cemetery Board

**BACKGROUND:**

See Attachments

**RECOMMENDED ACTION:**

Sign and Mail

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**Attachments**

Rob Schessler

Robby Badgett

Pam Hofferber

Judy Goldsby

Peggy Mcsweyn

---

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

June 4, 2024

Mr. Rob Schessler  
230 Lois Place  
Laurel, MT 59044

RE: Re-appointment to Laurel Fire District #5

Dear Mr. Schessler,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to May 4, 2027.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Mr. Jon Rutt, 1231 1<sup>st</sup> Ave., Laurel, MT 59044

# *Yellowstone County*



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

June 4, 2024

Mr. Robby Badgett  
Po Box 54  
Broadview, MT 59015

RE: Re-appointment to Broadview Cemetery Board

Dear Mr. Badgett,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to June 30, 2027.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Gail Erickson, Po Box 93, Broadview, MT 59015

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

June 4, 2024

Ms. Pam Hofferber  
3625 Corbin Drive  
Billings, MT 59102

RE: Re-appointment to Adult Resource Alliance Board

Dear Ms. Hofferber,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to June 30, 2027.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

---

John Ostlund, Chair

---

Mark Morse, Member

---

Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Erika Purington, Po Box 20895, Billings, MT 59104

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

June 4, 2024

Ms. Judy Goldsby  
2741 Alpine View Dr.  
Laurel, MT 59044

RE: Re-appointment to Laurel City/County Planning Board

Dear Ms. Goldsby,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to June 30, 2026.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Brittney Harakal, Po Box 10, Laurel, MT 59044

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

June 4, 2024

Ms. Peggy Mcsweyn  
6617 Yeoman Rd.  
Shepherd, MT 59079

RE: Re-appointment to Shepherd Cemetery Board

Dear Ms. Mcsweyn,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to June 30, 2027.

We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Ms. Brenda Emerick, 8245 Pelican Cove, Shepherd, MT 59079

B.O.C.C. Regular

2. b.

Meeting Date: 06/04/2024

Title: Board Openings

Submitted By: Erika Guy

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TOPIC:

Board Openings - Updated List

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

Post

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Attachments

Board Openings

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# YELLOWSTONE COUNTY BOARD OPENINGS

June 4, 2024

AREA II AGENCY ON AGING	1 year	1 partial to 6/30/24
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LAUREL FIRE DISTRICT #7	3 year	2 full to 5/4/27
WORDEN FIRE DISTRICT #4	3 year	2 full to 5/4/27
LAUREL FIRE DISTRICT #5	3 year	1 full to 5/4/27
LOCKWOOD URBAN TRANSPORTATION DISTRICT	4 year	2 full to 5/2/28

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

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APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED  
UNTIL 5:00PM ON THURSDAY, July 4, 2024

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May 21, 2024

CITY/COUNTY PLANNING: DIST 3	2 year	1 partial to 12/31/24
CITY/COUNTY PLANNING: DIST 4	2 year	1 partial to 12/31/24

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **AND** own property within the boundaries of the district. To find which planning district you live in, please contact the City/County Planning Division at 247-8676.

LAUREL URBAN FIRE SERVICE AREA	3 year	1 partial to 6/30/25 1 partial to 6/30/26 1 full to 6/30/27
BROADVIEW CEMETERY	3 year	1 partial to 6/30/26

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

FUEGO FIRE SERVICE AREA	3 year	1 partial to 12/31/25
BLUE CREEK FIRE SERVICE AREA	3 year	2 full to 5/8/27

- ✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

HISTORIC PRESERVATION BOARD	2 year	1 full to 12/31/25
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- ✚ NOTE: Eligible applicants for the above board must have professional expertise in history, planning, archaeology, architecture, or historic preservation-related disciplines.

LOCKWOOD PEDESTRIAN SAFETY DISTRICT ADV.	3 year	2 full to 12/31/26 1 partial to 12/31/24 1 partial to 12/31/25
YOUTH SERVICES CENTER	2 year	3 full to 12/31/25

---

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED  
UNTIL 5:00PM ON THURSDAY, June 20, 2024

---

B.O.C.C. Regular

3. a.

Meeting Date: 06/04/2024

Title: ARPA Project Tracking Sheet Update

Submitted By: Anna Ullom, Senior Accountant

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TOPIC:

ARPA Project Tracking Sheet Update

BACKGROUND:

ARPA Project Tracking Sheet Update

RECOMMENDED ACTION:

Approve

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Attachments

ARPA Project Tracking Sheet - through 5.30.24

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# ARPA Projects

UPDATED: 5/30/2024

Cash @ 7.1.21  
Revenue rec'd 6/10/22  
LATC Funds rec'd 12/20/22 A101 #104900 / 7/31/23 A101 #109225  
COB Water Main Repl. Share A101 #109669 8/23/23  
Expended to date

Cash @ 5/30/24

Remaining Budgeted Projects w/o Contingency  
Left to Expend/ Assign

Predicted Expenditures
\$ 15,665,317.00
15,665,317.00
125,781.82
245,657.00
(17,103,791.53)
14,598,281.29
(14,450,383.90)
\$ 147,897.39

88,428.32 Remaining LATC Funds to spend

Name	Discussion	Budget	Expended	Predicted Remaining Exp.	Funds left to Allocate	Explanation for Variance	Details	Contract? (Y/N)	Expenditure Category
1 IAQ (indoor air quality) upgrades - HEPA Filtration (Original anticipated budget was \$4,000,000)	5/27/21, 7/12/21						4/13/22: \$1.5M to Replace Air-Handler & ADD UV units - (\$550K just to add UV Units) on First Interstate Arena, Expo Center, and Pavilion Building - for public safety; 4/11/23 -Project Kickoff meeting Friday April 14th 7 a.m. Metra; 5/15/23 - Propane tanks that were expected in November- Now arriving 5-24-23. Coordinated with Metra Staff to accommodate 4 trucks & a crane to offload in Propane area; Added shut off switch for Arena HVAC (\$25K); 06/05/23 - Propane Tank arrived and set, Pavilion & Expo HVAC Filters upgrade Completed - Arena expected to be completed end of June  \$1.5-\$2.5 million, Propane-air standby facility to heat First Interstate Arena in case of gas disruption; 4/11/23 -Project Kickoff meeting Friday April 14th 7 a.m. Metra; 5/15/23 - Propane tanks that were expected in November- Now arriving 5-24-23. Coordinated with Metra Staff to accommodate 4 trucks & a crane to offload in Propane area; Added shut off switch for Arena HVAC (\$25K); 6/5/23 - Propane Tank arrived and set, Pavilion & Expo HVAC Filters upgrade Completed - Arena expected to be completed end of June; 6/22/23- CO #1 for HVAC Switches signed - Tanks are prime painted; 7/20/23- Change Order #2 to add metal mesh Economizer screen filters to replace old & defective screens \$5,300.00; 01/08/2024- Tanks completed & Filled with Propane; new mixing equipment installed - LP gas system is operational- testing & training is being scheduled; Equipment enclosure completed soon; <b>Substantial completion - enclosure completed, punch list for final pay app</b>	Y (Eng.)	1.4 - Prevention in Congregate Settings
(COMBINED WITH IAQ PROJECT) - Propane-air standby facility (Original Budget was \$2,500,000.00)	5/27/21, 7/12/21	\$ 3,100,000.00	\$ (1,354,661.43)	\$ (74,000.00)	\$ 1,671,338.57	Deduct REPLACING ALL Roof Top AHU - Declined by BOCC		Y	1.4 - Prevention in Congregate Settings
Digital screens/ public address system  - PA System	5/27/21, 7/12/21	\$ 500,000.00	\$ (305,604.85)	\$ -	\$ 194,395.15	replace 186 Sub-Woofers in original budget	In First Interstate Arena to allow evacuation notices and other public safety announcements for attendees to see/hear; 1/12/23 - AVI was able to arrive on site and the Arena speaker center cluster was completed on 01/11/23; working to complete remaining speakers, found several clusters that are bypassed and not working (due to dust?) working to resolve those issues; 1/26/23 - During Commissioning tests, it was found that 3 amplifiers are in dire shape. The amps are now enclosed in a newly built Data Room, however 30+ years of dirt and dust are causing failures, they are completely plugged with particulate fines, and will need to be sent out for complete overhaul. 5/15/23 - Speaker Final Commission Success. COMPLETED 2/15/23 Amplifiers reported as Beyond Economical Repair, and suggested to purchase new amps; 2/24/23 -Quotes due from AVI & DIA Events March 1st; 3/29/23 Final testing/ inspection & commissioning; 3/29/23 Final Testing/ Inspection & Commissioning; COMPLETED 1/25/23 - ARENA PROJECT COMPLETE - Work will now concentrate on Pavilion & EXPO; 2/23/23 - A/C & doors week of 2/27 will be completed - Cameras for Expo/Pavilion/VIP Parking on order - New Data Rooms in progress- Expo construction completed; Cabling & Electrical beginning- Pavilion construction beginning after MATE Show; 2/24/23- Masonry walls in Pavilion & Expo completed; 3/3/23; Data Closets in Expo & Pavilion will be completed next week - doors, locks & painting starting Monday; 3/24/23- data cabling complete up to data rooms, server racks going in this week, Camera installation expected to begin April 3rd; 3/20/23 - Working around trade shows, causing a few minor delays(still on schedule) Cameras have arrived for Pavilion & Expo, ready for completion of Data Rooms, Final inspection and walk-through scheduled for March 24th, electrical & mini-splits to be complete; 4/3/23 Data Rooms Construction Complete- punch list to finalize; 4/28/23- Security Cameras are being installed in Expo & Pavilion as well as the VIP Lot; 5/15/23- Expo cameras installed, working on Pavilion; VIP lot camera install completed; All cameras installed and tested and online; 7/20/23 Project Completed  LED: =\$946,000+\$250,000 C.T Arch, Ace Elect. Tel-Net & Owners Rep Fees-est. \$250K; 6/15/22: Addendum: Conduit & Wiring + \$46,000.00; Directive #1 BOCC Approved - metal caps for tops of signs = Not to Exceed \$25K; 8/11/22 LED Screens 90% complete, missing 5 control units lost in transport, Arena signs on & functioning; programming taking place; 9/1/22 - LED's are 98% done; Last pallet of modules arrived this week- will complete next week; 10/4/22 ARENA LED Project Complete; 10/14/22 complete operations manual (513 pgs) delivered to Metra staff, USB of manual supplied to Staff & IT; 10/14-10/22 no activities due to NILE event; 11/4/22 Project complete	Y	1.7-Other COVID-19 Public Health Expenses  1.7-Other COVID-19 Public Health Expenses
- Arena Security system & Parking Lot	5/27/21, 7/12/21	\$ 1,750,000.00	\$ (1,134,518.33)	\$ -	\$ 615,481.67	Deducted Data Cables and extensive number of drops proposed for Expo & Pavilion		Y	1.7-Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
- LED Video Display/Signage	5/27/21, 7/12/21	\$ 2,200,000.00	\$ (1,442,076.20)	\$ -	\$ 757,923.80	Bids came in substantially below original estimates		Y	1.7-Other COVID-19 Public Health Expenses
3 Sewer, Water, and Power infrastructure upgrades (Original Budget was \$14,509,546.00)	5/27/21, 7/12/21						Upgrades on the campus to allow continued use of the facility for evacuation locations and other emergency uses; Plans & Design for Arena Sanitary Sewer Improvements beginning, Project will repair existing system to operate and originally designed however it is undersized. To improve, 2nd and 3rd Floor systems will be separated, and the largest wastewater producing areas routed to the new system and leave the smaller producers to the existing smaller system, thus improving flow on all levels. Lower level system will be properly cleaned, and trimmed to their original size and lined due to poor condition of the existing mains	Y	5.18- Water and Sewer: Other

Name	Discussion	Budget	Expended	Predicted Remaining Exp.	Funds left to Allocate	Explanation for Variance	Details	Contract? (Y/N)	Expenditure Category
PROJECT #1 OF 6 – VIP PREMIUM LOT (COMPLETED) & ARENA PARKING LOT ISLANDS (COMPLETED)		\$ 1,500,000.00 \$ 62,537.00	\$ (872,827.23) \$ (27,210.00)	\$ - \$ -	\$ 627,172.77 \$ 35,327.00	Reduced # of Security Cameras & bids came in under estimates Est vs. Bid			
PROJECT #2 OF 6 - LOWER LOT (PAVILION & EXPO) OUTSIDE SEWER LINES; CARNIVAL RV LOT		\$ 8,900,000.00	\$ (6,868,729.42)	\$ (53,456.25)	\$ 1,977,814.33	City Participation and value engineering	10/13/2023 ARENA LOT- new water lines installed, data cable & Electrical conduit installed-Arena lot leveled and prepped for asphalt-concrete curbing expected to be completed by 10/27/23 - asphalt paving expected 10/30/23; Punchlist/closeout on 3/19/24  6/22/23-Bid Due for PROJECT 3 - ARENA LOT & RIDE SHARE on 6/26/23, Released on 6/6/23 (Engineers Est. \$1,995,000.00); PROJECT ESTIMATE - \$4,500,000.00; 7/20/23 Pre-project planning and site walk-through; 8/17/23 - Reducing Scope to exclude Concrete Vault Repair (-\$528,000.00); 8/24/2023- Pre-Construction Meeting on-site; 9/14/23- Project started - stripping asphalt from Arena Lot- to be re-used for Back-Lot RV Parking- Addendum- Safety Fencing around project to block patrons from accessing const. area; 10/16/23 Change Order #1 deduct (\$527,225.00) for Sidewalk Vault repair- ADD \$13,409.52 for grouting rock bank next to upper lot stairs- ADD \$22,007.00 Addtl conduit from arena thru tunnel to VIP Ticket booth- ADD Temporary Safety Fencing around Arena Lot for Public Safety \$3,8943.00 - Potential C/O's for additional concrete/asphalt in ADA area, and new Light Pole. New project total \$1,850,000.00; 11/27/2023- Project 90% complete, Pavement & Concrete near completion, Lot stripping completed. 01/08/2024- Lot completed - punchlist items being corrected; <b>1/8/24 Lot completed, punchlist items being corrected.</b>		5.18- Water and Sewer: Other
PROJECT #3 OF 6 - ARENA LOT & RIDESHARE BID = \$2,178,344.00 less exclusion of vault (\$528,000.00) + C.O.s 60,860.52 = \$1,711,979.52		\$ 3,750,000.00	\$ (1,503,059.57)	\$ (138,453.00)	\$ 2,108,487.43	Bids came in below original estimates and removed Vault replacement			5.18- Water and Sewer: Other
PROJECT #4 OF 6 - ARENA - INDOOR SEWER LINES		\$ 700,000.00	\$ (116,841.78)	\$ (282,500.00)	\$ 300,658.22	Arena West sewer lines now need replacing add \$20k; domestic water improvements for Arena add \$189k	\$686,000.00 Estimated Project Total; Additional Mechanical Engineering needs to be done before releasing for bid; Intended bid date 10/10/23; 5/15/23 - C.O.B. Vac'd Alkali Creek drainage effluent, allowing run-off; 4/11/23- Effluent clogged - notify C.O.B; 11/27/23 Project Scope of Work to be reduced, as testing & scoping the lines show water lines are in good shape and will not need to be replaced. Contractors will concentrate efforts on plumbing issues. Expect significant cost savings; 1/08/24- Inspections and scoping completed- Contract not to exceed \$75,000.00 awarded to G&T Plumbing for repair & upgrades to Arena sewer lines; 2/14/24 Pay App #1 G&T Plumbing \$23,546.66 (contract \$70k); <b>4/18/24 Arena East side sewer line complete. Arena West sewer lines in bad shape, unforeseen circumstances. Line will need to be replaced, quote to replace is \$20k. Additional \$70k to complete project; 5/21/24 Domestic Water Improvements for Arena; Replace domestic water heater with high efficiency water heater, 2 verticle hot water storage tanks, backflow preventor, insulation and temp controls. \$189,000.00</b>		5.18- Water and Sewer: Other
PROJECT #5 OF 6 - ARENA BACK LOTS / RV LOTS (ELECTRICAL, WATER, SANITARY SEWER, ROCK SCALING, SCARFING ROCK LEDGE, WEB CABLE NETTING)		\$ 5,500,000.00	\$ (1,631,544.01)	\$ (3,868,455.99)	\$ -		11/27/23 presentation to BOCC for anticipated Scope of Work, split into three areas, with Base Bid for Back of Arena Access Road, and Lot 3 (portable stalls) road improvement, Arena Back Lot Reconstruction, asphalt replacement behind & West side of Expo pavement around lake. Expected to include scaling the rock escarpment beside and behind Arena. Alternative # 1 is for water & sewer for the Carnival Lot RV camping area and to resurface it with new asphalt paving. Alternative #2 is for water & sewer to Lot 3B back lot camping area.; 01/08/2024 Engineers briefed Commissioners on Project- being released as a base bid, with Two Alternatives - Carnival RV Lot Improvements & Lower Lot Improvements PROJECT ESTIMATE - \$5,500,000.00 (ASKIN = \$3,755,566.00 + WWC \$385,000.00 + Hulteng \$185,000.0 + Terracon \$150,000.00 + Contingency = \$5,475,566.00); <b>2/21/24 Askin Bid \$3,755,602</b>		5.18- Water and Sewer: Other
PROJECT #6 OF 6 - SOUTH EXPO LOT - WATER SERVICE LINES	2/29/2024	\$ 1,350,000.00	\$ (37,353.50)	\$ (1,332,452.50)	\$ (19,806.00)		Partially funded with LATC Funds; Replacing Water service lines		5.18- Water and Sewer: Other
4 Lockwood TEDD - Engineering Costs (Original Budget was \$556,000.00)	5/27/21, 7/12/21	\$ 756,000.00	\$ (548,032.33)	\$ (207,967.67)	\$ -		Water & Sewer extension - Engineering costs	Y	5.18- Water and Sewer: Other
5 YWCA	8/5/21, 3/31/22	\$ 200,000.00	\$ (200,000.00)	\$ -	\$ -		Building project		2.34-Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)
6 Huntley Water & Sewer	10/26/2021	\$ 25,000.00	\$ (25,000.00)	\$ -	\$ -		Approved by 2 BOCC contingent on competitive grant approval by State		7.2-Transfers to Other Units of Government
7 Kart Kleen	N/A	\$ 53,850.00	\$ (53,850.00)	\$ -	\$ -		Decontamination equipment for YCDF and Patrol		1.5-Personal Protective Equipment

	Name	Discussion	Budget	Expended	Predicted Remaining Exp.	Funds left to Allocate	Explanation for Variance	Details	Contract? (Y/N)	Expenditure Category
8	LUX Electrostatic Cleaner	N/A	\$ 1,702.00	\$ (1,702.00)	\$ -	\$ -		Backpack sprayer for YSC		1.4-Prevention in Congregate Settings
9	Temperature Scanner	N/A	\$ 2,907.00	\$ (2,907.00)	\$ -	\$ -		3 body temperature scanners for YCDF		1.4-Prevention in Congregate Settings
10	County Attorney	10/26/2021	\$ 1,000,000.00	\$ (946,901.51)	\$ (53,098.49)	\$ -		To address increased crime, court case backlogs, and extended pre-trial or pre-revocation hearing status of defendants in YCAO		3.4-Public Sector Capacity: Effective Service Delivery
11	Remote Learning Wifi and Cabling YSC	N/A	\$ 13,583.49	\$ (13,583.49)	\$ -	\$ -				1.7-Other COVID-19 Public Health Expenses
12	VTC Equip for Justice Court	N/A	\$ 2,388.88	\$ (2,388.88)	\$ -	\$ -		New VTC equipment for JC to connect to YCDF for arraignments.		1.7-Other COVID-19 Public Health Expenses
13	EXTENSION / 4H HVAC SYSTEM		\$ 240,000.00	\$ -	\$ (240,000.00)	\$ -				6.1-Provision of Government Services
14	County Admin/Miller Building - HVAC/Plumbing		\$ 3,200,000.00	\$ (15,000.00)	\$ (3,200,000.00)	\$ (15,000.00)				6.1-Provision of Government Services
15	Short Term Jail		\$ 5,000,000.00		\$ (5,000,000.00)	\$ -				6.1-Provision of Government Services
	Contingency		\$ 1,973,000.00			\$ 1,973,000.00				

B.O.C.C. Regular

3. b.

Meeting Date: 06/04/2024

Title: Finance Contract with Hardy Construction for County Administration Building Temporary Wall & Door

Submitted For: James Matteson, Purchasing Agent

Submitted By: James Matteson, Purchasing Agent

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TOPIC:

Finance Contract with Hardy Construction for the County Admin Building Temporary Wall and Door

BACKGROUND:

Hardy Construction will provide all labor & materials necessary for a preparation project in the Yellowstone County Administration Building. The project will include building a temporary wall and doorway in the main floor lobby, and installation of a doorway in a masonry wall on the lower floor necessary for contractor utility access. The cost of the project is \$21,195.00 utilizing general fund Capital Outlay Building funds (4050.000.599.411200.920)

RECOMMENDED ACTION:

Approve the request and return a copy to Finance

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Attachments

Finance Contract Hardy Const. C.A.B. Lobby Wall & Basement Door

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## **Standard Form of Agreement between Owner and Contractor on the Basis of A Stipulated Price**

This agreement is dated as of 4<sup>th</sup> day of June, 2024, by and between Yellowstone County, Montana (hereinafter called Owner), and Hardy Construction (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1.      **Scope of Work**

Contractor shall provide all labor, materials and equipment necessary for Installation of new door & frame, demolition of existing block for new door & frame, framing of temporary wall (no finish), temporary door on temporary wall, and patching of damages caused by work, as stated on the 05/24/2024 Quote.

Project expected completion by June 28th, 2024.

3.      **Contract Price**

Owner shall pay the Contractor a total not to exceed \$21,195.00 upon completion and acceptance of the project by the Owner.

Any change orders for the project must be approved in writing by the County prior to the work being started.

Progress payments are subject to 5% withholding.

4.      **Contractors Representation**

4.1      Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2      Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3      Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4      Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally

sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 Contractor's Submitted proposal
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

- 6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.
- 6.2 The successful bidder (herein after Contractor), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County, is liable for any damages by reason of a non-delegable duty.

- 6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County. Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period.
- 6.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Contract Documents.
- 6.5 Contractor must give preference to the employment of bona fide residents of Montana in the performance of this work.
- 6.6 All work and materials must be warranted for a period of one year from date of installation.
- 6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana

- 6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.
- 6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.
- 7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective June 4<sup>th</sup>, 2024

OWNER:  
Yellowstone County  
Billings, MT 59101

CONTRACTOR:  
Hardy Construction  
Billings, MT

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Jason Arrowsmith, President

Attest:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

5/24/24

Re: MILLER BUILDING TEMPORARY WALL AND IT DOOR

Dear Mr. Matteson,



Thank you for contacting Hardy Construction. We are pleased to quote **\$21,195** for the construction of the temporary wall and door for the IT closet in the Miller Building.

We have included all necessary labor, and materials for the completion of this work.

**Specifically Including:**

- Installation of new door and frame.
- Demolition of existing block for new door and frame.
- Framing of temporary wall (will anchor to existing flooring)
- Hang drywall on temporary wall (no finish)
- Temporary door installed on temporary wall.
- Patching of damages caused by our work that could get damaged.

**Specifically Excluding:**

- Anything not specifically mentioned above or any unforeseen or concealed conditions.
- Builder's risk insurance
- Prevailing wages or 1% gross receipts tax
- Asbestos testing or abatement.
- Standard insurance policy exclusions apply, including OCP Coverage, Acts of Terrorism, Explosion, Collapse and Underground Damage, Flood or Earthquake, Fungi, Lead, Pollution, Silica.
- Bid Bond or Payment and Performance Bond.

We appreciate the opportunity to quote this project. Should you have any questions, please feel free to contact me at any time.

Sincerely,

  
Adam Petersen, Project Manager





HARDCON-03

DPLOURDE

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/21/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Billings Office PayneWest Insurance, a Marsh McLennan Agency LLC Company P.O. Box 30638 Billings, MT 59107-0638	CONTACT NAME:		
	PHONE (A/C, No, Ext): (406) 238-1900	FAX (A/C, No): (406) 245-9887	
INSURED  Hardy Construction Co. PO BOX 1203 Billings, MT 59103	E-MAIL ADDRESS:		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Phoenix Insurance Company		25623
	INSURER B: Travelers Property Casualty Co of Amer		25674
	INSURER C: Travelers Property Casualty Insurance Co		36161
	INSURER D: Montana State Fund		15819
INSURER E:			
INSURER F:			

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X	X	DTC05N393156	3/1/2023	3/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	X	X	8105N336543	3/1/2023	3/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	X	X	CUP5N47560A	3/1/2023	3/1/2024	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	N/A	034978494	7/1/2023	7/1/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Project: Yellowstone County MetraPark- PAVILION Building Data Rooms; MetraPark, Billings, MT; Construction of 2 data rooms in the building  
Blanket Additional Insured per form CGD246. Waiver of Subrogation per form CGD316. Auto Additional Insured and Waiver of Subrogation per form CAT353.  
Umbrella is Follow Form.

## CERTIFICATE HOLDER

## CANCELLATION

Yellowstone County Commissioners/ MetraPark Advisory Board  
Yellowstone County  
PO Box 35015  
Billings, MT 59101

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Dorette Plourde*

B.O.C.C. Regular

3. c.

Meeting Date: 06/04/2024

Title: Bond for Lost Warrant

Submitted By: Anna Ullom, Senior Accountant

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TOPIC:

Bond for Lost Warrant

BACKGROUND:

Bond for Lost Warrant on lost check

RECOMMENDED ACTION:

Approve reissue

---

Attachments

Bond for Lost Warrant

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## BOND FOR LOST WARRANT

On April 23, 2024 Yellowstone County issued a warrant numbered 526599 to Minuteman Press (Principal) in the amount of \$334.39. The warrant was drawn in payment of PO #588337 (Invoice #2102). Principal now attests that the warrant has been lost or destroyed, and it has undertaken a diligent search but has been unable to recover the warrant. Moreover, Principal has not received payment on the claim. Therefore, Principal has requested that Yellowstone County issue a duplicate warrant in the same sum of \$334.39 to replace the lost or destroyed warrant.

WHEREFORE, Principal agrees to indemnify and hold harmless Yellowstone County and its officers from all loss, costs, or damages incurred as a result of issuing the duplicate warrant, should Yellowstone County issue a duplicate warrant, and agrees to release any and all claims that principal may have against Yellowstone County now or in the future as related to payment of the above stated claim. Principal also agrees to pay to any person entitled to receive payment under the original warrant, as the lawful holder of the original warrant, all monies received upon the duplicate warrant.

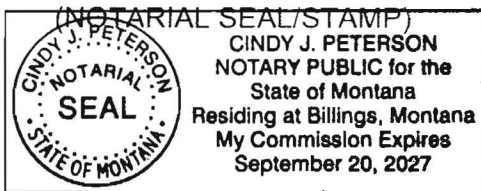
Further, Principal agrees to bind itself, its heirs, assigns, executors, administrators, successors and assigns, jointly and severally, for twice the amount of the original warrant as required by M.C.A. 7-7-2104 (2), which is \$ 668.78 and may be enforced in the event the Principal cashes both the original warrant and the replacement warrant. In addition, Principal agrees to pay reasonable attorney's fees, and to cover all losses, damages, and other costs incurred by Yellowstone County in enforcing its rights under this bond.

Christina Blair  
Principal Signature

910 32nd St.  
Mailing Address for replacement check

Billings, MT 59101  
City, State Zip

SUBSCRIBED AND SWORN to before me on May 24, 2024 by Christina M. Blair.  
Print Name of signer/principal(s)



Cindy Peterson  
Notary Signature

[Complete the following if not part of stamp]

Notary public for the State of MT  
County of Yellowstone  
Residing at Billings  
My Commission expires 9/20/2027

APPROVED:

\_\_\_\_\_  
Chair, Board of County Commissioners

\_\_\_\_\_  
Date

Replaced with warrant # \_\_\_\_\_ (completed by County)

4/27/23

B.O.C.C. Regular

3. d.

Meeting Date: 06/04/2024

Title: Metra Request to Expend - Ticket Booth for Gate 1

Submitted For: James Matteson, Purchasing Agent

Submitted By: James Matteson, Purchasing Agent

---

**TOPIC:**

Metra Request to Expend for Ticket Booth for Gate 1

**BACKGROUND:**

MetraPark is requesting Commissioner's approval for the purchase of a new ticket booth for Lot 1. The existing booth is in need of repairs that are beyond economical repair. Three quotes were received with Guardian Booth LLC submitting the lowest cost of \$15,125.00 delivered to Metra. Booth is a 6 X 6 weather resistant aluminum framing, double layer insulated pre-painted galvanized panel exterior, Insulated, access door, diamond floor plate, visibility windows on 3 sides with forkliftable base frame. The purchase was not anticipated, however there is sufficient authority within the Metra Facilities - Capital Outlay Equipment (5811.000.552.460442.940) to facilitate the purchase.

**RECOMMENDED ACTION:**

Approve the request and return a copy to Finance.

---

**Attachments**

Metra RTE Ticket Booth

---

## Yellowstone County Request to Expend

This form is to be completed for all Capital outlay requests (a single item costing \$500.00 or more or a useful life of at least one year). Please attach all pertinent paperwork with price quotes, if available, and forward to the Purchasing Department with a completed Requisition. The Account code numbers and budget balance lines must be completed by the requesting Department. Please use the most recent budget report to obtain this information. This date will be verified by the Finance Department. If the item(s) to be purchased are over the budgeted amount or were not budgeted, Commissioner approval is required prior to placing the order.

Item(s) Requested:

Standard 6X6 Ticket Booth

Cost: \$ 15,475.<sup>00</sup>

~~15,125.00~~

Other Costs: \_\_\_\_\_

Less Trade-in/Discount: \_\_\_\_\_

Net Cost of Request: 15,125.00

\$15,475.<sup>00</sup> ADD Exterior outlet + \$375.<sup>00</sup> = \$15,475.<sup>00</sup>

Explanation of Purchase:

New Fair Booth - Gate 1

Department \_\_\_\_\_

  
Elected Official or Department Manager

### Budget Information

Account Numbers: 5811-000-552-460442-940

Budget Balance: \$ 44,690.68

Is this a budgeted item? NO

Finance Note: \_\_\_\_\_

### Commissioner Action

Approved: Yes \_\_\_\_\_ No \_\_\_\_\_

Tabled: \_\_\_\_\_

Date: \_\_\_\_\_

Votes Yes \_\_\_\_\_ No \_\_\_\_\_

Chairperson \_\_\_\_\_

Member \_\_\_\_\_

Member \_\_\_\_\_

Purchasing Agent \_\_\_\_\_

Date \_\_\_\_\_

B.O.C.C. Regular

3. e.

Meeting Date: 06/04/2024

Title: Metra Contract Addendum #1 with Republic Services for Solid Waste Disposal

Submitted For: James Matteson, Purchasing Agent

Submitted By: James Matteson, Purchasing Agent

---

**TOPIC:**

Metra Contract Addendum #1 with Republic Services for Solid Waste Disposal

**BACKGROUND:**

Original contract was signed on June 15th, 2021 providing all labor, materials, equipment and permits necessary to collect and dispose of solid waste at MetaPark. Addendum #1 is an annual rate agreement from July 1, 2024 through June 30, 2027. Year one pricing is included as Yellowstone County - Metra Pricing. Rates for the following years will be determined by the CPI (water, sewer, trash) rolling 12-month average, which is in line with the current contract. New rates will be effective July 1st, 2024.

**RECOMMENDED ACTION:**

Approve the request and return a copy to Finance

---

**Attachments**

Metra Contract Addendum #1 Republic Services 2024 - Republic Services

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May 28<sup>th</sup>, 2024

Addendum #1

Allied Waste Services of North America dba Republic Services of Montana

The original contract went into effect June 15<sup>th</sup>, 2021 providing all labor, materials, equipment and permits necessary to collect and dispose of solid waste at MetraPark.

Addendum #1 is an annual rate agreement from July 1<sup>st</sup> – 2024 to June 30<sup>th</sup>, 2027. Year one pricing is included as Yellowstone County – Metra Pricing. Rates for the following years will be determined by the CPI (water, sewer, trash) rolling 12-month average, which is in line with the current contract. New rates will be effective July 1<sup>st</sup>, 2024.

Owner:


Yellowstone County  
Billings, MT 59101

Contractor:

Republic Services  
Billings, MT 59101

\_\_\_\_\_  
John Ostlund  
BOCC Chair

Date



\_\_\_\_\_  
Republic Services of Montana

05/23/2024

Date

Attest:

\_\_\_\_\_  
Jeff Martin, Clerk & Recorder



05/20/2024

Yellowstone County  
P.O. Box 35015  
Billings MT 59107-5015

RE: Metra Park 3-year Contract Extension

Dear Yellowstone County

Republic Services would like the opportunity to extend our current contract for another 3 years. Contracted pricing is attached, and year 1 extension pricing is available on page 2. Rates were determined by CPI (water, sewer, trash) rolling 12-month average, which is in line with the current contract. If agreed upon, these rates will be adjusted effective 07/01/2024. If you have any questions or need additional information. Feel free to contact me at any time. We appreciate your partnership and welcome any suggestions to improve our service or better accommodate you.

Sincerely,

Ryan M Coffman  
Municipal Manager  
C: 406-671-8426  
E: [rcoffman2@republicservices.com](mailto:rcoffman2@republicservices.com)  
Republic Services, Inc.

## Yellowstone County – Metra Pricing

Yellowstone County-- Metra Park Contracted Pricing					
		Contracted rates			Contract Extension Rates
		7/1/21-6/30/22	7/1/22-6/30/23	7/1/23-6/30/24	07/01/24-06/30/25
		Year 1	Year 2	Year 3	Year 1 - Ext 1
Equipment					
90 Gallon Cart		\$ -	\$ -		
1yd Tipper Cart		\$ -	\$ -		
4yd Dumpster		\$ 12.75	\$ 13.23	\$ 13.86	\$ 14.62
6yd Dumpster		\$ 13.75	\$ 14.27	\$ 14.94	\$ 15.76
8yd Dumpster		\$ 15.00	\$ 15.56	\$ 16.30	\$ 17.20
30yd Roll-off		\$ 35.00	\$ 36.31	\$ 38.04	\$ 40.12
			\$ -		
Dump Charges			\$ -		
			\$ -		
90 Gallon Cart		\$ 0.50	\$ 0.52	\$ 0.54	\$ 0.57
1yd Tipper cart		\$ 7.05	\$ 7.31	\$ 7.66	\$ 8.08
4yd Dumpster		\$ 28.01	\$ 29.06	\$ 30.44	\$ 32.11
6yd Dumpster		\$ 42.03	\$ 43.61	\$ 45.68	\$ 48.18
8yd Dumpster		\$ 56.04	\$ 58.14	\$ 60.91	\$ 64.24
30yd Roll-off		\$ 30.02	\$ -	Per Ton pass through landfill gate rate	\$ 39.00
			\$ -		
Haul Charge			\$ -		
			\$ -		
30yd Roll-off		\$ 300.00	\$ 311.25	\$ 326.07	\$ 343.90

B.O.C.C. Regular

3. f.

Meeting Date: 06/04/2024

Title: Metra ARPA Arena Indoor Sewer Lines - Star Service Domestic Water Improvements

Submitted For: James Matteson, Purchasing Agent

Submitted By: James Matteson, Purchasing Agent

---

TOPIC:

Metra ARPA Arena Indoor Sewer Lines Contract with Star Services

BACKGROUND:

Metra ARPA Indoor Sewer Lines, contract for Arena domestic water improvements with Star Service. The project is to replace the domestic water heater with a high efficiency water heater, install 2 vertical hot water storage tanks, a backflow preventer, added insulation and temperature controls. The cost for the replacement is \$97,890.00. The replacement and code updates will be included on the Metra ARPA Infrastructure Indoor Sewer Lines and remain within budget (2260.000.199.440150.930).

RECOMMENDED ACTION:

Approve the request and return a copy to Finance

---

Attachments

Metra ARPA Indoor Sewer Lines - Domestic Water

Metra Domestic Water-Engineers Recommendation

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**AIA**<sup>®</sup>

# Document A104<sup>™</sup> – 2017

## Standard Abbreviated Form of Agreement Between Owner and Contractor

AGREEMENT made as of the Sixteenth day of May  
in the year Two Thousand Twenty-Four  
(In words, indicate day, month and year.)

**BETWEEN the Owner:**

(Name, legal status, address, and other information)

Yellowstone County  
316 N. 26th Street  
Billings, MT 59102

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

**and the Contractor:**

(Name, legal status, address, and other information)

Star Service, Inc.  
26 S. 24th St.  
Billings, MT 59101

**for the following Project:**

(Name, location and detailed description)

MetraPark  
~~Indoor Sewer Lines Domestic Water & Ventilation~~

Arena- Indoor Sewer Lines

*jm*



**The Architect:**

(Name, legal status, address, and other information)

Con'eer Engineering, Inc.  
1629 Avenue D, Suite C7  
Billings, MT 59102

The Owner and Contractor agree as follows.

Init.

## TABLE OF ARTICLES

1	THE WORK OF THIS CONTRACT
2	DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
3	CONTRACT SUM
4	PAYMENT
5	DISPUTE RESOLUTION
6	ENUMERATION OF CONTRACT DOCUMENTS
7	GENERAL PROVISIONS
8	OWNER
9	CONTRACTOR
10	ARCHITECT
11	SUBCONTRACTORS
12	CONSTRUCTION BY OWNER OR BY SEPARATE CONTRACTORS
13	CHANGES IN THE WORK
14	TIME
15	PAYMENTS AND COMPLETION
16	PROTECTION OF PERSONS AND PROPERTY
17	INSURANCE & BONDS
18	CORRECTION OF WORK
19	MISCELLANEOUS PROVISIONS
20	TERMINATION OF THE CONTRACT
21	CLAIMS AND DISPUTES

## EXHIBIT A DETERMINATION OF THE COST OF THE WORK

### ARTICLE 1 THE WORK OF THIS CONTRACT

The Contractor shall execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

### ARTICLE 2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 2.1 The date of commencement of the Work shall be:

*(Check one of the following boxes.)*

☒

The date of this Agreement.

☐

A date set forth in a notice to proceed issued by the Owner.

Init.

**§ 3.2.1** The Stipulated Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

*(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)*

No alternates taken

**§ 3.2.2** Unit prices, if any:

*(Identify the item and state the unit price and the quantity limitations, if any, to which the unit price will be applicable.)*

Item	Units and Limitations	Price per Unit (\$0.00)
N/A		

**§ 3.2.3** Allowances, if any, included in the stipulated sum:

*(Identify each allowance.)*

Item	Price
N/A	

**§ 3.3 Cost of the Work Plus Contractor's Fee** N/A

**§ 3.3.1** The Cost of the Work is as defined in Exhibit A, Determination of the Cost of the Work.

**§ 3.3.2** The Contractor's Fee:

*(State a lump sum, percentage of Cost of the Work or other provision for determining the Contractor's Fee and the method of adjustment to the Fee for changes in the Work.)*

**§ 3.4 Cost of the Work Plus Contractor's Fee With a Guaranteed Maximum Price** N/A

**§ 3.4.1** The Cost of the Work is as defined in Exhibit A, Determination of the Cost of the Work.

**§ 3.4.2** The Contractor's Fee:

*(State a lump sum, percentage of Cost of the Work or other provision for determining the Contractor's Fee and the method of adjustment to the Fee for changes in the Work.)*

- ☐ Established as follows:  
(Insert a date or a means to determine the date of commencement of the Work.)

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of this Agreement.

§ 2.2 The Contract Time shall be measured from the date of commencement.

### § 2.3 Substantial Completion

§ 2.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Contractor shall achieve Substantial Completion of the entire Work:

(Check the appropriate box and complete the necessary information.)

- ☐ Not later than ( ) calendar days from the date of commencement of the Work.

- ☒ By the following date:  
September 4, 2024

§ 2.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Contractor shall achieve Substantial Completion of such portions by the following dates:

#### Portion of Work

#### Substantial Completion Date

Substantial Completion by September 4, 2024, when Certificate of Substantial Completion is issued by Con'eer Engineering, Inc. through Yellowstone County. Punch List items to be completed by September 11, 2024.

§ 2.3.3 If the Contractor fails to achieve Substantial Completion as provided in this Section 2.3, liquidated damages, if any, shall be assessed as set forth in Section 3.5.

### ARTICLE 3 CONTRACT SUM

§ 3.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be one of the following:

(Check the appropriate box.)

- ☒ Stipulated Sum, in accordance with Section 3.2 below
- ☐ Cost of the Work plus the Contractor's Fee, in accordance with Section 3.3 below
- ☐ Cost of the Work plus the Contractor's Fee with a Guaranteed Maximum Price, in accordance with Section 3.4 below

(Based on the selection above, complete Section 3.2, 3.3 or 3.4 below.)

§ 3.2 The Stipulated Sum shall be (\$ 97,890.00 ), subject to additions and deductions as provided in the Contract Documents.

Ninety-Seven Thousand Eight Hundred Ninety and 00/100 Dollars

### § 3.4.3 Guaranteed Maximum Price

§ 3.4.3.1 The sum of the Cost of the Work and the Contractor's Fee is guaranteed by the Contractor not to exceed

(\$ ), subject to additions and deductions by changes in the Work as provided in the Contract Documents. This maximum sum is referred to in the Contract Documents as the Guaranteed Maximum Price. Costs which would cause the Guaranteed Maximum Price to be exceeded shall be paid by the Contractor without reimbursement by the Owner.

*(Insert specific provisions if the Contractor is to participate in any savings.)*

N/A

§ 3.4.3.2 The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

*(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)*

N/A

§ 3.4.3.3 Unit Prices, if any:

*(Identify the item and state the unit price and the quantity limitations, if any, to which the unit price will be applicable.)*

Item	Units and Limitations	Price per Unit (\$0.00)
N/A		

§ 3.4.3.4 Allowances, if any, included in the Guaranteed Maximum Price:

*(Identify each allowance.)*

Item	Price
N/A	

§ 3.4.3.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

N/A

§ 3.4.3.6 To the extent that the Contract Documents are anticipated to require further development, the Guaranteed Maximum Price includes the costs attributable to such further development consistent with the Contract Documents and reasonably inferable therefrom. Such further development does not include changes in scope, systems, kinds and quality of materials, finishes or equipment, all of which, if required, shall be incorporated by Change Order.

§ 3.4.3.7 The Owner shall authorize preparation of revisions to the Contract Documents that incorporate the agreed-upon assumptions contained in Section 3.4.3.5. The Owner shall promptly furnish such revised Contract Documents to the Contractor. The Contractor shall notify the Owner and Architect of any inconsistencies between the agreed-upon assumptions contained in Section 3.4.3.5 and the revised Contract Documents.

§ 3.5 Liquidated damages, if any:

*(Insert terms and conditions for liquidated damages, if any.)*

See Exhibit B

## ARTICLE 4 PAYMENT

### § 4.1 Progress Payments

§ 4.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 4.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 4.1.3 Provided that an Application for Payment is received by the Architect not later than the twentieth day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the thirtieth day of the following month. If an Application for Payment is received by the Architect after the date fixed above, payment shall be made by the Owner not later than forty-five ( 45 ) days after the Architect receives the Application for Payment.

*(Federal, state or local laws may require payment within a certain period of time.)*

§ 4.1.4 For each progress payment made prior to Substantial Completion of the Work, the Owner may withhold retainage from the payment otherwise due as follows:

*(Insert a percentage or amount to be withheld as retainage from each Application for Payment and any terms for reduction of retainage during the course of the Work. The amount of retainage may be limited by governing law.)*

The amount of each progress payment shall be based on 95% of the Work Completed and Materials Stored on Site. Five percent (5%) retainage will be held from Work Completed and from Materials Store on Site.

§ 4.1.5 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

*(Insert rate of interest agreed upon, if any.)*

%

### § 4.2 Final Payment

§ 4.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 18.2, and to satisfy other requirements, if any, which extend beyond final payment;
- .2 the Contractor has submitted a final accounting for the Cost of the Work, where payment is on the basis of the Cost of the Work with or without a Guaranteed Maximum Price; and
- .3 a final Certificate for Payment has been issued by the Architect in accordance with Section 15.7.1.

§ 4.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

After receipt and certification of close out documentation, O&Ms and retainage pay application.

## ARTICLE 5 DISPUTE RESOLUTION

### § 5.1 Binding Dispute Resolution

For any claim subject to, but not resolved by, mediation pursuant to Section 21.5, the method of binding dispute resolution shall be as follows:

(Check the appropriate box.)

☒ Arbitration pursuant to Section 21.6 of this Agreement

☐ Litigation in a court of competent jurisdiction

☒ Other (Specify)

Yellowstone County, District Court

If the Owner and Contractor do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, claims will be resolved in a court of competent jurisdiction.

## ARTICLE 6 ENUMERATION OF CONTRACT DOCUMENTS

§ 6.1 The Contract Documents are defined in Article 7 and, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 6.1.1 The Agreement is this executed AIA Document A104™–2017, Standard Abbreviated Form of Agreement Between Owner and Contractor.

§ 6.1.2 AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:

(Insert the date of the E203–2013 incorporated into this Agreement.)

§ 6.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
See Exhibit B			

§ 6.1.4 The Specifications:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Date	Pages
See Exhibit B			

**§ 6.1.5 The Drawings:**  
*(Either list the Drawings here or refer to an exhibit attached to this Agreement.)*

Number	Title	Date
See Exhibit B		

**§ 6.1.6 The Addenda, if any:**

Number	Date	Pages
N/A		

Portions of Addenda relating to bidding or proposal requirements are not part of the Contract Documents unless the bidding or proposal requirements are enumerated in this Article 6.

**§ 6.1.7 Additional documents, if any, forming part of the Contract Documents:**

**.1 Other Exhibits:**

*(Check all boxes that apply.)*

- ☐ Exhibit A, Determination of the Cost of the Work.
- ☐ AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below:  
*(Insert the date of the E204-2017 incorporated into this Agreement.)*
- ☐ The Sustainability Plan:

Title	Date	Pages
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☒ **Supplementary and other Conditions of the Contract:**

Document	Title	Date	Pages
Exhibit B Insurance Requirements			

Init.

**.2 Other documents, if any, listed below:**

*(List here any additional documents that are intended to form part of the Contract Documents.)*

**ARTICLE 7 GENERAL PROVISIONS**

**§ 7.1 The Contract Documents**

The Contract Documents are enumerated in Article 6 and consist of this Agreement (including, if applicable, Supplementary and other Conditions of the Contract), Drawings, Specifications, Addenda issued prior to the execution of this Agreement, other documents listed in this Agreement, and Modifications issued after execution of this Agreement. A Modification is (1) a written amendment to the Contract signed by both parties, (2) a Change Order, (3) a Construction Change Directive, or (4) a written order for a minor change in the Work issued by the Architect. The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are complementary, and what is required by one shall be as binding as if required by all; performance by the Contractor shall be required to the extent consistent with the Contract Documents and reasonably inferable from them as being necessary to produce the indicated results.

**§ 7.2 The Contract**

The Contract Documents form the Contract for Construction. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. The Contract may be amended or modified only by a Modification. The Contract Documents shall not be construed to create a contractual relationship of any kind between any persons or entities other than the Owner and the Contractor.

**§ 7.3 The Work**

The term "Work" means the construction and services required by the Contract Documents, whether completed or partially completed, and includes all other labor, materials, equipment, and services provided or to be provided by the Contractor to fulfill the Contractor's obligations. The Work may constitute the whole or a part of the Project.

**§ 7.4 Instruments of Service**

Instruments of Service are representations, in any medium of expression now known or later developed, of the tangible and intangible creative work performed by the Architect and the Architect's consultants under their respective professional services agreements. Instruments of Service may include, without limitation, studies, surveys, models, sketches, drawings, specifications, and other similar materials.

**§ 7.5 Ownership and Use of Drawings, Specifications and Other Instruments of Service**

**§ 7.5.1** The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and will retain all common law, statutory and other reserved rights in their Instruments of Service, including copyrights. The Contractor, Subcontractors, Sub-subcontractors, and suppliers shall not own or claim a copyright in the Instruments of Service. Submittal or distribution to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as publication in derogation of the Architect's or Architect's consultants' reserved rights.

**§ 7.5.2** The Contractor, Subcontractors, Sub-subcontractors and suppliers are authorized to use and reproduce the Instruments of Service provided to them, subject to the protocols established pursuant to Sections 7.6 and 7.7, solely and exclusively for execution of the Work. All copies made under this authorization shall bear the copyright notice, if any, shown on the Instruments of Service. The Contractor, Subcontractors, Sub-subcontractors, and suppliers may not use the Instruments of Service on other projects or for additions to this Project outside the scope of the Work without the specific written consent of the Owner, Architect and the Architect's consultants.

**§ 7.6 Digital Data Use and Transmission**

The parties shall agree upon protocols governing the transmission and use of Instruments of Service or any other information or documentation in digital form. The parties will use AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, to establish the protocols for the development, use, transmission, and exchange of digital data.

### § 7.7 Building Information Models Use and Reliance

Any use of, or reliance on, all or a portion of a building information model without agreement to protocols governing the use of, and reliance on, the information contained in the model and without having those protocols set forth in AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, and the requisite AIA Document G202™–2013, Project Building Information Modeling Protocol Form, shall be at the using or relying party's sole risk and without liability to the other party and its contractors or consultants, the authors of, or contributors to, the building information model, and each of their agents and employees.

### § 7.8 Severability

The invalidity of any provision of the Contract Documents shall not invalidate the Contract or its remaining provisions. If it is determined that any provision of the Contract Documents violates any law, or is otherwise invalid or unenforceable, then that provision shall be revised to the extent necessary to make that provision legal and enforceable. In such case the Contract Documents shall be construed, to the fullest extent permitted by law, to give effect to the parties' intentions and purposes in executing the Contract.

### § 7.9 Notice

§ 7.9.1 Except as otherwise provided in Section 7.9.2, where the Contract Documents require one party to notify or give notice to the other party, such notice shall be provided in writing to the designated representative of the party to whom the notice is addressed and shall be deemed to have been duly served if delivered in person, by mail, by courier, or by electronic transmission in accordance with AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, if completed, or as otherwise set forth below:

*(If other than in accordance with AIA Document E203–2013, insert requirements for delivering Notice in electronic format such as name, title and email address of the recipient and whether and how the system will be required to generate a read receipt for the transmission.)*

§ 7.9.2 Notice of Claims shall be provided in writing and shall be deemed to have been duly served only if delivered to the designated representative of the party to whom the notice is addressed by certified or registered mail, or by courier providing proof of delivery.

### § 7.10 Relationship of the Parties

Where the Contract is based on the Cost of the Work plus the Contractor's Fee, with or without a Guaranteed Maximum Price, the Contractor accepts the relationship of trust and confidence established by this Agreement and covenants with the Owner to cooperate with the Architect and exercise the Contractor's skill and judgment in furthering the interests of the Owner; to furnish efficient business administration and supervision; to furnish at all times an adequate supply of workers and materials; and to perform the Work in an expeditious and economical manner consistent with the Owner's interests. The Owner agrees to furnish and approve, in a timely manner, information required by the Contractor and to make payments to the Contractor in accordance with the requirements of the Contract Documents.

## ARTICLE 8 OWNER

### § 8.1 Information and Services Required of the Owner

§ 8.1.1 Prior to commencement of the Work, at the written request by the Contractor, the Owner shall furnish to the Contractor reasonable evidence that the Owner has made financial arrangements to fulfill the Owner's obligations under the Contract. The Contractor shall have no obligation to commence the Work until the Owner provides such evidence. If commencement of the Work is delayed under this Section 8.1.1, the Contract Time shall be extended appropriately.

§ 8.1.2 The Owner shall furnish all necessary surveys and a legal description of the site.

§ 8.1.3 The Contractor shall be entitled to rely on the accuracy of information furnished by the Owner but shall exercise proper precautions relating to the safe performance of the Work.

§ 8.1.4 Except for permits and fees that are the responsibility of the Contractor under the Contract Documents, including those required under Section 9.6.1, the Owner shall secure and pay for other necessary approvals, easements, assessments, and charges required for the construction, use, or occupancy of permanent structures or for permanent changes in existing facilities.

### **§ 8.2 Owner's Right to Stop the Work**

If the Contractor fails to correct Work which is not in accordance with the requirements of the Contract Documents, or repeatedly fails to carry out the Work in accordance with the Contract Documents, the Owner may issue a written order to the Contractor to stop the Work, or any portion thereof, until the cause for such order is eliminated; however, the right of the Owner to stop the Work shall not give rise to a duty on the part of the Owner to exercise this right for the benefit of the Contractor or any other person or entity.

### **§ 8.3 Owner's Right to Carry Out the Work**

If the Contractor defaults or neglects to carry out the Work in accordance with the Contract Documents, and fails within a ten-day period after receipt of notice from the Owner to commence and continue correction of such default or neglect with diligence and promptness, the Owner may, without prejudice to any other remedies the Owner may have, correct such default or neglect. Such action by the Owner and amounts charged to the Contractor are both subject to prior approval of the Architect and the Architect may, pursuant to Section 15.4.3, withhold or nullify a Certificate for Payment in whole or in part, to the extent reasonably necessary to reimburse the Owner for the reasonable cost of correcting such deficiencies, including the Owner's expenses and compensation for the Architect's additional services made necessary by such default, neglect, or failure. If the Contractor disagrees with the actions of the Owner or the Architect, or the amounts claimed as costs to the Owner, the Contractor may file a Claim pursuant to Article 21.

## **ARTICLE 9 CONTRACTOR**

### **§ 9.1 Review of Contract Documents and Field Conditions by Contractor**

**§ 9.1.1** Execution of the Contract by the Contractor is a representation that the Contractor has visited the site, become generally familiar with local conditions under which the Work is to be performed and correlated personal observations with requirements of the Contract Documents.

**§ 9.1.2** Because the Contract Documents are complementary, the Contractor shall, before starting each portion of the Work, carefully study and compare the various Contract Documents relative to that portion of the Work, as well as the information furnished by the Owner pursuant to Section 8.1.2, shall take field measurements of any existing conditions related to that portion of the Work and shall observe any conditions at the site affecting it. These obligations are for the purpose of facilitating coordination and construction by the Contractor and are not for the purpose of discovering errors, omissions, or inconsistencies in the Contract Documents; however, the Contractor shall promptly report to the Architect any errors, inconsistencies, or omissions discovered by or made known to the Contractor as a request for information in such form as the Architect may require. It is recognized that the Contractor's review is made in the Contractor's capacity as a contractor and not as a licensed design professional unless otherwise specifically provided in the Contract Documents.

**§ 9.1.3** The Contractor is not required to ascertain that the Contract Documents are in accordance with applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, but the Contractor shall promptly report to the Architect any nonconformity discovered by or made known to the Contractor as a request for information in such form as the Architect may require.

### **§ 9.2 Supervision and Construction Procedures**

**§ 9.2.1** The Contractor shall supervise and direct the Work, using the Contractor's best skill and attention. The Contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences, and procedures, and for coordinating all portions of the Work under the Contract, unless the Contract Documents give other specific instructions concerning these matters.

**§ 9.2.2** The Contractor shall be responsible to the Owner for acts and omissions of the Contractor's employees, Subcontractors and their agents and employees, and other persons or entities performing portions of the Work for or on behalf of the Contractor or any of its Subcontractors.

### **§ 9.3 Labor and Materials**

**§ 9.3.1** Unless otherwise provided in the Contract Documents, the Contractor shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, water, heat, utilities, transportation, and other facilities and services necessary for proper execution and completion of the Work whether temporary or permanent and whether or not incorporated or to be incorporated in the Work.

**§ 9.3.2** The Contractor shall enforce strict discipline and good order among the Contractor's employees and other persons carrying out the Work. The Contractor shall not permit employment of unfit persons or persons not skilled in tasks assigned to them.

**§ 9.3.3** The Contractor may make a substitution only with the consent of the Owner, after evaluation by the Architect and in accordance with a Modification.

#### **§ 9.4 Warranty**

The Contractor warrants to the Owner and Architect that materials and equipment furnished under the Contract will be of good quality and new unless the Contract Documents require or permit otherwise. The Contractor further warrants that the Work will conform to the requirements of the Contract Documents and will be free from defects, except for those inherent in the quality of the Work the Contract Documents require or permit. Work, materials, or equipment not conforming to these requirements may be considered defective. The Contractor's warranty excludes remedy for damage or defect caused by abuse, alterations to the Work not executed by the Contractor, improper or insufficient maintenance, improper operation or normal wear and tear under normal usage. All other warranties required by the Contract Documents shall be issued in the name of the Owner, or shall be transferable to the Owner, and shall commence in accordance with Section 15.6.3.

#### **§ 9.5 Taxes**

The Contractor shall pay sales, consumer, use, and other similar taxes that are legally enacted when bids are received or negotiations concluded, whether or not yet effective or merely scheduled to go into effect.

#### **§ 9.6 Permits, Fees, Notices, and Compliance with Laws**

**§ 9.6.1** Unless otherwise provided in the Contract Documents, the Contractor shall secure and pay for the building permit as well as other permits, fees, licenses, and inspections by government agencies necessary for proper execution and completion of the Work that are customarily secured after execution of the Contract and legally required at the time bids are received or negotiations concluded.

**§ 9.6.2** The Contractor shall comply with and give notices required by applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities applicable to performance of the Work. If the Contractor performs Work knowing it to be contrary to applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, the Contractor shall assume appropriate responsibility for such Work and shall bear the costs attributable to correction.

#### **§ 9.7 Allowances**

The Contractor shall include in the Contract Sum all allowances stated in the Contract Documents. The Owner shall select materials and equipment under allowances with reasonable promptness. Allowance amounts shall include the costs to the Contractor of materials and equipment delivered at the site and all required taxes, less applicable trade discounts. Contractor's costs for unloading and handling at the site, labor, installation, overhead, profit, and other expenses contemplated for stated allowance amounts shall be included in the Contract Sum but not in the allowance.

#### **§ 9.8 Contractor's Construction Schedules**

**§ 9.8.1** The Contractor, promptly after being awarded the Contract, shall submit for the Owner's and Architect's information a Contractor's construction schedule for the Work. The schedule shall not exceed time limits current under the Contract Documents, shall be revised at appropriate intervals as required by the conditions of the Work and Project, shall be related to the entire Project to the extent required by the Contract Documents, and shall provide for expeditious and practicable execution of the Work.

**§ 9.8.2** The Contractor shall perform the Work in general accordance with the most recent schedule submitted to the Owner and Architect.

#### **§ 9.9 Submittals**

**§ 9.9.1** The Contractor shall review for compliance with the Contract Documents and submit to the Architect Shop Drawings, Product Data, Samples, and similar submittals required by the Contract Documents in coordination with the Contractor's construction schedule and in such sequence as to allow the Architect reasonable time for review. By submitting Shop Drawings, Product Data, Samples, and similar submittals, the Contractor represents to the Owner and Architect that the Contractor has (1) reviewed and approved them; (2) determined and verified materials, field measurements, and field construction criteria related thereto, or will do so; and (3) checked and coordinated the information contained within such submittals with the requirements of the Work and of the Contract Documents. The Work shall be in accordance with approved submittals.

**§ 9.9.2** Shop Drawings, Product Data, Samples and similar submittals are not Contract Documents.

**§ 9.9.3** The Contractor shall not be required to provide professional services that constitute the practice of architecture or engineering unless such services are specifically required by the Contract Documents or unless the Contractor needs to provide such services in order to carry out the Contractor's own responsibilities. If professional design services or certifications by a design professional are specifically required, the Owner and the Architect will specify the performance and design criteria that such services must satisfy. The Contractor shall cause such services or certifications to be provided by an appropriately licensed design professional. If no criteria are specified, the design shall comply with applicable codes and ordinances. Each Party shall be entitled to rely upon the information provided by the other Party. The Architect will review and approve or take other appropriate action on submittals for the limited purpose of checking for conformance with information provided and the design concept expressed in the Contract Documents. The Architect's review of Shop Drawings, Product Data, Samples, and similar submittals shall be for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. In performing such review, the Architect will approve, or take other appropriate action upon, the Contractor's Shop Drawings, Product Data, Samples, and similar submittals.

**§ 9.10 Use of Site**

The Contractor shall confine operations at the site to areas permitted by applicable laws, statutes, ordinances, codes, rules and regulations, lawful orders of public authorities, and the Contract Documents and shall not unreasonably encumber the site with materials or equipment.

**§ 9.11 Cutting and Patching**

The Contractor shall be responsible for cutting, fitting, or patching required to complete the Work or to make its parts fit together properly.

**§ 9.12 Cleaning Up**

The Contractor shall keep the premises and surrounding area free from accumulation of waste materials and rubbish caused by operations under the Contract. At completion of the Work, the Contractor shall remove waste materials, rubbish, the Contractor's tools, construction equipment, machinery, and surplus material from and about the Project.

**§ 9.13 Access to Work**

The Contractor shall provide the Owner and Architect with access to the Work in preparation and progress wherever located.

**§ 9.14 Royalties, Patents and Copyrights**

The Contractor shall pay all royalties and license fees. The Contractor shall defend suits or claims for infringement of copyrights and patent rights and shall hold the Owner and Architect harmless from loss on account thereof, but shall not be responsible for defense or loss when a particular design, process, or product of a particular manufacturer or manufacturers is required by the Contract Documents or where the copyright violations are contained in Drawings, Specifications or other documents prepared by the Owner or Architect. However, if an infringement of a copyright or patent is discovered by, or made known to, the Contractor, the Contractor shall be responsible for the loss unless the information is promptly furnished to the Architect.

**§ 9.15 Indemnification**

**§ 9.15.1** To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Owner, Architect, Architect's consultants, and agents and employees of any of them from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss, or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of the Contractor, a Subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss, or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this Section 9.15.1.

**§ 9.15.2** In claims against any person or entity indemnified under this Section 9.15 by an employee of the Contractor, a Subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, the indemnification obligation under Section 9.15.1 shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the Contractor or Subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts.

## ARTICLE 10 ARCHITECT

§ 10.1 The Architect will provide administration of the Contract as described in the Contract Documents and will be an Owner's representative during construction, until the date the Architect issues the final Certificate for Payment. The Architect will have authority to act on behalf of the Owner only to the extent provided in the Contract Documents, unless otherwise modified in writing in accordance with other provisions of the Contract.

§ 10.2 Duties, responsibilities, and limitations of authority of the Architect as set forth in the Contract Documents shall not be restricted, modified, or extended without written consent of the Owner, Contractor, and Architect. Consent shall not be unreasonably withheld.

§ 10.3 The Architect will visit the site at intervals appropriate to the stage of the construction to become generally familiar with the progress and quality of the portion of the Work completed, and to determine in general, if the Work observed is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. The Architect will not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the Work, since these are solely the Contractor's rights and responsibilities under the Contract Documents.

§ 10.4 On the basis of the site visits, the Architect will keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and promptly report to the Owner (1) known deviations from the Contract Documents, (2) known deviations from the most recent construction schedule submitted by the Contractor, and (3) defects and deficiencies observed in the Work. The Architect will not be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect will not have control over or charge of and will not be responsible for acts or omissions of the Contractor, Subcontractors, or their agents or employees, or any other persons or entities performing portions of the Work.

§ 10.5 Based on the Architect's evaluations of the Work and of the Contractor's Applications for Payment, the Architect will review and certify the amounts due the Contractor and will issue Certificates for Payment in such amounts.

§ 10.6 The Architect has authority to reject Work that does not conform to the Contract Documents and to require inspection or testing of the Work.

§ 10.7 The Architect will review and approve or take other appropriate action upon, the Contractor's submittals such as Shop Drawings, Product Data, and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents.

§ 10.8 The Architect will interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect will make initial decisions on all claims, disputes, and other matters in question between the Owner and Contractor but will not be liable for results of any interpretations or decisions rendered in good faith.

§ 10.9 The Architect's decisions on matters relating to aesthetic effect will be final if consistent with the intent expressed in the Contract Documents.

## ARTICLE 11 SUBCONTRACTORS

§ 11.1 A Subcontractor is a person or entity who has a direct contract with the Contractor to perform a portion of the Work at the site.

§ 11.2 Unless otherwise stated in the Contract Documents, the Contractor, as soon as practicable after award of the Contract, shall notify the Owner and Architect of the Subcontractors or suppliers proposed for each of the principal portions of the Work. The Contractor shall not contract with any Subcontractor or supplier to whom the Owner or Architect has made reasonable written objection within ten days after receipt of the Contractor's list of Subcontractors and suppliers. If the proposed but rejected Subcontractor was reasonably capable of performing the Work, the Contract Sum and Contract Time shall be increased or decreased by the difference, if any, occasioned by such change, and an appropriate Change Order shall be issued before commencement of the substitute Subcontractor's Work. The Contractor shall not be required to contract with anyone to whom the Contractor has made reasonable objection.

§ 11.3 Contracts between the Contractor and Subcontractors shall (1) require each Subcontractor, to the extent of the Work to be performed by the Subcontractor, to be bound to the Contractor by the terms of the Contract Documents, and to assume toward the Contractor all the obligations and responsibilities, including the responsibility for safety of the Subcontractor's Work, which the Contractor, by the Contract Documents, assumes toward the Owner and Architect, and (2) allow the Subcontractor the benefit of all rights, remedies and redress against the Contractor that the Contractor, by these Contract Documents, has against the Owner.

## **ARTICLE 12 CONSTRUCTION BY OWNER OR BY SEPARATE CONTRACTORS**

§ 12.1 The term "Separate Contractor(s)" shall mean other contractors retained by the Owner under separate agreements. The Owner reserves the right to perform construction or operations related to the Project with the Owner's own forces, and with Separate Contractors retained under Conditions of the Contract substantially similar to those of this Contract, including those provisions of the Conditions of the Contract related to insurance and waiver of subrogation.

§ 12.2 The Contractor shall afford the Owner and Separate Contractors reasonable opportunity for introduction and storage of their materials and equipment and performance of their activities, and shall connect and coordinate the Contractor's activities with theirs as required by the Contract Documents.

§ 12.3 The Owner shall be reimbursed by the Contractor for costs incurred by the Owner which are payable to a Separate Contractor because of delays, improperly timed activities, or defective construction of the Contractor. The Owner shall be responsible to the Contractor for costs incurred by the Contractor because of delays, improperly timed activities, damage to the Work, or defective construction of a Separate Contractor.

## **ARTICLE 13 CHANGES IN THE WORK**

§ 13.1 By appropriate Modification, changes in the Work may be accomplished after execution of the Contract. The Owner, without invalidating the Contract, may order changes in the Work within the general scope of the Contract consisting of additions, deletions, or other revisions, with the Contract Sum and Contract Time being adjusted accordingly. Such changes in the Work shall be authorized by written Change Order signed by the Owner, Contractor, and Architect, or by written Construction Change Directive signed by the Owner and Architect. Upon issuance of the Change Order or Construction Change Directive, the Contractor shall proceed promptly with such changes in the Work, unless otherwise provided in the Change Order or Construction Change Directive.

§ 13.2 Adjustments in the Contract Sum and Contract Time resulting from a change in the Work shall be determined by mutual agreement of the parties or, in the case of a Construction Change Directive signed only by the Owner and Architect, by the Contractor's cost of labor, material, equipment, and reasonable overhead and profit, unless the parties agree on another method for determining the cost or credit. Pending final determination of the total cost of a Construction Change Directive, the Contractor may request payment for Work completed pursuant to the Construction Change Directive. The Architect will make an interim determination of the amount of payment due for purposes of certifying the Contractor's monthly Application for Payment. When the Owner and Contractor agree on adjustments to the Contract Sum and Contract Time arising from a Construction Change Directive, the Architect will prepare a Change Order.

§ 13.3 The Architect will have authority to order minor changes in the Work not involving adjustment in the Contract Sum or extension of the Contract Time and not inconsistent with the intent of the Contract Documents. Such changes shall be effected by written order and shall be binding on the Owner and Contractor. The Contractor shall carry out such written orders promptly. If the Contractor believes that the proposed minor change in the Work will affect the Contract Sum or Contract Time, the Contractor shall notify the Architect and shall not proceed to implement the change in the Work.

§ 13.4 If concealed or unknown physical conditions are encountered at the site that differ materially from those indicated in the Contract Documents or from those conditions ordinarily found to exist, the Contract Sum and Contract Time shall be equitably adjusted as mutually agreed between the Owner and Contractor; provided that the Contractor provides notice to the Owner and Architect promptly and before conditions are disturbed.

## **ARTICLE 14 TIME**

§ 14.1 Time limits stated in the Contract Documents are of the essence of the Contract. By executing this Agreement the Contractor confirms that the Contract Time is a reasonable period for performing the Work.

§ 14.2 Unless otherwise provided, Contract Time is the period of time, including authorized adjustments, allotted in the Contract Documents for Substantial Completion of the Work.

§ 14.3 The term “day” as used in the Contract Documents shall mean calendar day unless otherwise specifically defined.

§ 14.4 The date of Substantial Completion is the date certified by the Architect in accordance with Section 15.6.3.

§ 14.5 If the Contractor is delayed at any time in the commencement or progress of the Work by (1) changes ordered in the Work; (2) by labor disputes, fire, unusual delay in deliveries, abnormal adverse weather conditions not reasonably anticipatable, unavoidable casualties, or any causes beyond the Contractor’s control; or (3) by other causes that the Contractor asserts, and the Architect determines, justify delay, then the Contract Time shall be extended for such reasonable time as the Architect may determine, subject to the provisions of Article 21.

## **ARTICLE 15 PAYMENTS AND COMPLETION**

### **§ 15.1 Schedule of Values**

§ 15.1.1 Where the Contract is based on a Stipulated Sum or the Cost of the Work with a Guaranteed Maximum Price pursuant to Section 3.2 or 3.4, the Contractor shall submit a schedule of values to the Architect before the first Application for Payment, allocating the entire Stipulated Sum or Guaranteed Maximum Price to the various portions of the Work. The schedule of values shall be prepared in the form, and supported by the data to substantiate its accuracy required by the Architect. This schedule of values shall be used as a basis for reviewing the Contractor’s Applications for Payment.

§ 15.1.2 The allocation of the Stipulated Sum or Guaranteed Maximum Price under this Section 15.1 shall not constitute a separate stipulated sum or guaranteed maximum price for each individual line item in the schedule of values.

### **§ 15.2 Control Estimate**

§ 15.2.1 Where the Contract Sum is the Cost of the Work, plus the Contractor’s Fee without a Guaranteed Maximum Price pursuant to Section 3.3, the Contractor shall prepare and submit to the Owner a Control Estimate within 14 days of executing this Agreement. The Control Estimate shall include the estimated Cost of the Work plus the Contractor’s Fee.

§ 15.2.2 The Control Estimate shall include:

- .1 the documents enumerated in Article 6, including all Modifications thereto;
- .2 a list of the assumptions made by the Contractor in the preparation of the Control Estimate to supplement the information provided by the Owner and contained in the Contract Documents;
- .3 a statement of the estimated Cost of the Work organized by trade categories or systems and the Contractor’s Fee;
- .4 a project schedule upon which the Control Estimate is based, indicating proposed Subcontractors, activity sequences and durations, milestone dates for receipt and approval of pertinent information, schedule of shop drawings and samples, procurement and delivery of materials or equipment the Owner’s occupancy requirements, and the date of Substantial Completion; and
- .5 a list of any contingency amounts included in the Control Estimate for further development of design and construction.

§ 15.2.3 When the Control Estimate is acceptable to the Owner and Architect, the Owner shall acknowledge it in writing. The Owner’s acceptance of the Control Estimate does not imply that the Control Estimate constitutes a Guaranteed Maximum Price.

§ 15.2.4 The Contractor shall develop and implement a detailed system of cost control that will provide the Owner and Architect with timely information as to the anticipated total Cost of the Work. The cost control system shall compare the Control Estimate with the actual cost for activities in progress and estimates for uncompleted tasks and proposed changes. This information shall be reported to the Owner, in writing, no later than the Contractor’s first Application for Payment and shall be revised and submitted with each Application for Payment.

§ 15.2.5 The Owner shall authorize preparation of revisions to the Contract Documents that incorporate the agreed-upon assumptions contained in the Control Estimate. The Owner shall promptly furnish such revised Contract Documents to the Contractor. The Contractor shall notify the Owner and Architect of any inconsistencies between the Control Estimate and the revised Contract Documents.

### **§ 15.3 Applications for Payment**

§ 15.3.1 At least ten days before the date established for each progress payment, the Contractor shall submit to the Architect an itemized Application for Payment prepared in accordance with the schedule of values, if required under Section 15.1, for completed portions of the Work. The application shall be notarized, if required; be supported by all

data substantiating the Contractor's right to payment that the Owner or Architect require; shall reflect retainage if provided for in the Contract Documents; and include any revised cost control information required by Section 15.2.4. Applications for Payment shall not include requests for payment for portions of the Work for which the Contractor does not intend to pay a Subcontractor or supplier, unless such Work has been performed by others whom the Contractor intends to pay.

**§ 15.3.2** With each Application for Payment where the Contract Sum is based upon the Cost of the Work, or the Cost of the Work with a Guaranteed Maximum Price, the Contractor shall submit payrolls, petty cash accounts, receipted invoices or invoices with check vouchers attached, and any other evidence required by the Owner to demonstrate that cash disbursements already made by the Contractor on account of the Cost of the Work equal or exceed progress payments already received by the Contractor plus payrolls for the period covered by the present Application for Payment, less that portion of the progress payments attributable to the Contractor's Fee.

**§ 15.3.3** Payments shall be made on account of materials and equipment delivered and suitably stored at the site for subsequent incorporation in the Work. If approved in advance by the Owner, payment may similarly be made for materials and equipment stored, and protected from damage, off the site at a location agreed upon in writing.

**§ 15.3.4** The Contractor warrants that title to all Work covered by an Application for Payment will pass to the Owner no later than the time of payment. The Contractor further warrants that upon submittal of an Application for Payment all Work for which Certificates for Payment have been previously issued and payments received from the Owner shall, to the best of the Contractor's knowledge, information and belief, be free and clear of liens, claims, security interests or other encumbrances adverse to the Owner's interests.

#### **§ 15.4 Certificates for Payment**

**§ 15.4.1** The Architect will, within seven days after receipt of the Contractor's Application for Payment, either issue to the Owner a Certificate for Payment, with a copy to the Contractor, for such amount as the Architect determines is properly due, or notify the Contractor and Owner of the Architect's reasons for withholding certification in whole or in part as provided in Section 15.4.3.

**§ 15.4.2** The issuance of a Certificate for Payment will constitute a representation by the Architect to the Owner, based on the Architect's evaluations of the Work and the data in the Application for Payment, that, to the best of the Architect's knowledge, information, and belief, the Work has progressed to the point indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment in the amount certified. The foregoing representations are subject to an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, to results of subsequent tests and inspections, to correction of minor deviations from the Contract Documents prior to completion and to specific qualifications expressed by the Architect. However, the issuance of a Certificate for Payment will not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work; (2) reviewed construction means, methods, techniques, sequences, or procedures; (3) reviewed copies of requisitions received from Subcontractors and suppliers and other data requested by the Owner to substantiate the Contractor's right to payment; or (4) made examination to ascertain how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

**§ 15.4.3** The Architect may withhold a Certificate for Payment in whole or in part, to the extent reasonably necessary to protect the Owner, if in the Architect's opinion the representations to the Owner required by Section 15.4.2 cannot be made. If the Architect is unable to certify payment in the amount of the Application, the Architect will notify the Contractor and Owner as provided in Section 15.4.1. If the Contractor and the Architect cannot agree on a revised amount, the Architect will promptly issue a Certificate for Payment for the amount for which the Architect is able to make such representations to the Owner. The Architect may also withhold a Certificate for Payment or, because of subsequently discovered evidence, may nullify the whole or a part of a Certificate for Payment previously issued, to such extent as may be necessary in the Architect's opinion to protect the Owner from loss for which the Contractor is responsible, including loss resulting from acts and omissions described in Section 9.2.2, because of

- .1 defective Work not remedied;
- .2 third-party claims filed or reasonable evidence indicating probable filing of such claims unless security acceptable to the Owner is provided by the Contractor;
- .3 failure of the Contractor to make payments properly to Subcontractors or suppliers for labor, materials or equipment;
- .4 reasonable evidence that the Work cannot be completed for the unpaid balance of the Contract Sum;
- .5 damage to the Owner or a Separate Contractor;

- .6 reasonable evidence that the Work will not be completed within the Contract Time and that the unpaid balance would not be adequate to cover actual or liquidated damages for the anticipated delay; or
- .7 repeated failure to carry out the Work in accordance with the Contract Documents.

§ 15.4.4 When either party disputes the Architect's decision regarding a Certificate for Payment under Section 15.4.3, in whole or in part, that party may submit a Claim in accordance with Article 21.

#### § 15.5 Progress Payments

§ 15.5.1 The Contractor shall pay each Subcontractor, no later than seven days after receipt of payment from the Owner, the amount to which the Subcontractor is entitled, reflecting percentages actually retained from payments to the Contractor on account of the Subcontractor's portion of the Work. The Contractor shall, by appropriate agreement with each Subcontractor, require each Subcontractor to make payments to sub-subcontractors in a similar manner.

§ 15.5.2 Neither the Owner nor Architect shall have an obligation to pay or see to the payment of money to a Subcontractor or supplier except as may otherwise be required by law.

§ 15.5.3 A Certificate for Payment, a progress payment, or partial or entire use or occupancy of the Project by the Owner shall not constitute acceptance of Work not in accordance with the Contract Documents.

§ 15.5.4 Provided the Owner has fulfilled its payment obligations under the Contract Documents, the Contractor shall defend and indemnify the Owner from all loss, liability, damage or expense, including reasonable attorney's fees and litigation expenses, arising out of any lien claim or other claim for payment by any Subcontractor or supplier of any tier. Upon receipt of notice of a lien claim or other claim for payment, the Owner shall notify the Contractor. If approved by the applicable court, when required, the Contractor may substitute a surety bond for the property against which the lien or other claim for payment has been asserted.

#### § 15.6 Substantial Completion

§ 15.6.1 Substantial Completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the Work for its intended use.

§ 15.6.2 When the Contractor considers that the Work, or a portion thereof which the Owner agrees to accept separately, is substantially complete, the Contractor shall prepare and submit to the Architect a comprehensive list of items to be completed or corrected prior to final payment. Failure to include an item on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

§ 15.6.3 Upon receipt of the Contractor's list, the Architect will make an inspection to determine whether the Work or designated portion thereof is substantially complete. When the Architect determines that the Work or designated portion thereof is substantially complete, the Architect will issue a Certificate of Substantial Completion which shall establish the date of Substantial Completion; establish responsibilities of the Owner and Contractor for security, maintenance, heat, utilities, damage to the Work and insurance; and fix the time within which the Contractor shall finish all items on the list accompanying the Certificate. Warranties required by the Contract Documents shall commence on the date of Substantial Completion of the Work or designated portion thereof unless otherwise provided in the Certificate of Substantial Completion.

§ 15.6.4 The Certificate of Substantial Completion shall be submitted to the Owner and Contractor for their written acceptance of responsibilities assigned to them in the Certificate. Upon such acceptance and consent of surety, if any, the Owner shall make payment of retainage applying to the Work or designated portion thereof. Such payment shall be adjusted for Work that is incomplete or not in accordance with the requirements of the Contract Documents.

#### § 15.7 Final Completion and Final Payment

§ 15.7.1 Upon receipt of the Contractor's notice that the Work is ready for final inspection and acceptance and upon receipt of a final Application for Payment, the Architect will promptly make such inspection and, when the Architect finds the Work acceptable under the Contract Documents and the Contract fully performed, the Architect will promptly issue a final Certificate for Payment stating that to the best of the Architect's knowledge, information and belief, and on the basis of the Architect's on-site visits and inspections, the Work has been completed in accordance with the Contract Documents and that the entire balance found to be due the Contractor and noted in the final Certificate is due and payable. The Architect's final Certificate for Payment will constitute a further representation that conditions stated in Section 15.7.2 as precedent to the Contractor's being entitled to final payment have been fulfilled.

§ 15.7.2 Final payment shall not become due until the Contractor has delivered to the Owner a complete release of all liens arising out of this Contract or receipts in full covering all labor, materials and equipment for which a lien could be filed, or a bond satisfactory to the Owner to indemnify the Owner against such lien. If such lien remains unsatisfied after payments are made, the Contractor shall refund to the Owner all money that the Owner may be compelled to pay in discharging such lien, including costs and reasonable attorneys' fees.

§ 15.7.3 The making of final payment shall constitute a waiver of claims by the Owner except those arising from

- .1 liens, claims, security interests or encumbrances arising out of the Contract and unsettled;
- .2 failure of the Work to comply with the requirements of the Contract Documents;
- .3 terms of special warranties required by the Contract Documents; or
- .4 audits performed by the Owner, if permitted by the Contract Documents, after final payment.

§ 15.7.4 Acceptance of final payment by the Contractor, a Subcontractor or supplier shall constitute a waiver of claims by that payee except those previously made in writing and identified by that payee as unsettled at the time of the final Application for Payment.

## ARTICLE 16 PROTECTION OF PERSONS AND PROPERTY

### § 16.1 Safety Precautions and Programs

The Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the performance of the Contract. The Contractor shall take reasonable precautions for safety of, and shall provide reasonable protection to prevent damage, injury, or loss to

- .1 employees on the Work and other persons who may be affected thereby;
- .2 the Work and materials and equipment to be incorporated therein, whether in storage on or off the site, under care, custody, or control of the Contractor, a Subcontractor, or a Sub-subcontractor; and
- .3 other property at the site or adjacent thereto, such as trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation, or replacement in the course of construction.

The Contractor shall comply with, and give notices required by, applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities bearing on safety of persons and property and their protection from damage, injury, or loss. The Contractor shall promptly remedy damage and loss to property caused in whole or in part by the Contractor, a Subcontractor, a sub-subcontractor, or anyone directly or indirectly employed by any of them, or by anyone for whose acts they may be liable and for which the Contractor is responsible under Sections 16.1.2 and 16.1.3. The Contractor may make a claim for the cost to remedy the damage or loss to the extent such damage or loss is attributable to acts or omissions of the Owner or Architect or by anyone for whose acts either of them may be liable, and not attributable to the fault or negligence of the Contractor. The foregoing obligations of the Contractor are in addition to the Contractor's obligations under Section 9.15.

### § 16.2 Hazardous Materials and Substances

§ 16.2.1 The Contractor is responsible for compliance with the requirements of the Contract Documents regarding hazardous materials or substances. If the Contractor encounters a hazardous material or substance not addressed in the Contract Documents, and if reasonable precautions will be inadequate to prevent foreseeable bodily injury or death to persons resulting from a material or substance, including but not limited to asbestos or polychlorinated biphenyl (PCB), encountered on the site by the Contractor, the Contractor shall, upon recognizing the condition, immediately stop Work in the affected area and notify the Owner and Architect of the condition. When the material or substance has been rendered harmless, Work in the affected area shall resume upon written agreement of the Owner and Contractor. By Change Order, the Contract Time shall be extended appropriately and the Contract Sum shall be increased in the amount of the Contractor's reasonable additional costs of shutdown, delay, and start-up.

§ 16.2.2 To the fullest extent permitted by law, the Owner shall indemnify and hold harmless the Contractor, Subcontractors, Architect, Architect's consultants, and agents and employees of any of them from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work in the affected area, if in fact, the material or substance presents the risk of bodily injury or death as described in Section 16.2.1 and has not been rendered harmless, provided that such claim, damage, loss, or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), except to the extent that such damage, loss, or expense is due to the fault or negligence of the party seeking indemnity.

§ 16.2.3 If, without negligence on the part of the Contractor, the Contractor is held liable by a government agency for the cost of remediation of a hazardous material or substance solely by reason of performing Work as required by the Contract Documents, the Owner shall indemnify the Contractor for all cost and expense thereby incurred.

## ARTICLE 17 INSURANCE AND BONDS See Insurance Requirements

### § 17.1 Contractor's Insurance

§ 17.1.1 The Contractor shall purchase and maintain insurance of the types and limits of liability, containing the endorsements, and subject to the terms and conditions, as described in this Section 17.1 or elsewhere in the Contract Documents. The Contractor shall purchase and maintain the insurance required by this Agreement from an insurance company or insurance companies lawfully authorized to issue insurance in the jurisdiction where the Project is located. The Contractor shall maintain the required insurance until the expiration of the period for correction of Work as set forth in Section 18.4, unless a different duration is stated below:

§ 17.1.2 Commercial General Liability insurance for the Project written on an occurrence form with policy limits of not less than (\$ ) each occurrence, (\$ ) general aggregate, and (\$ ) aggregate for products-completed operations hazard, providing coverage for claims including

- .1 damages because of bodily injury, sickness or disease, including occupational sickness or disease, and death of any person;
- .2 personal and advertising injury;
- .3 damages because of physical damage to or destruction of tangible property, including the loss of use of such property;
- .4 bodily injury or property damage arising out of completed operations; and
- .5 the Contractor's indemnity obligations under Section 9.15.

§ 17.1.3 Automobile Liability covering vehicles owned by the Contractor and non-owned vehicles used by the Contractor, with policy limits of not less than (\$ ) per accident, for bodily injury, death of any person, and property damage arising out of the ownership, maintenance, and use of those motor vehicles along with any other statutorily required automobile coverage.

§ 17.1.4 The Contractor may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess or umbrella liability insurance, provided such primary and excess or umbrella insurance policies result in the same or greater coverage as those required under Section 17.1.2 and 17.1.3, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.

§ 17.1.5 Workers' Compensation at statutory limits.

§ 17.1.6 Employers' Liability with policy limits not less than (\$ ) each accident, (\$ ) each employee, and (\$ ) policy limit.

§ 17.1.7 If the Contractor is required to furnish professional services as part of the Work, the Contractor shall procure Professional Liability insurance covering performance of the professional services, with policy limits of not less than (\$ ) per claim and (\$ ) in the aggregate.

§ 17.1.8 If the Work involves the transport, dissemination, use, or release of pollutants, the Contractor shall procure Pollution Liability insurance, with policy limits of not less than (\$ ) per claim and (\$ ) in the aggregate.

§ 17.1.9 Coverage under Sections 17.1.7 and 17.1.8 may be procured through a Combined Professional Liability and Pollution Liability insurance policy, with combined policy limits of not less than (\$ ) per claim and (\$ ) in the aggregate.

§ 17.1.10 The Contractor shall provide certificates of insurance acceptable to the Owner evidencing compliance with the requirements in this Section 17.1 at the following times: (1) prior to commencement of the Work; (2) upon renewal or replacement of each required policy of insurance; and (3) upon the Owner's written request. An additional certificate evidencing continuation of liability coverage, including coverage for completed operations, shall be submitted with the final Application for Payment and thereafter upon renewal or replacement of such coverage until the expiration of the period required by Section 17.1.1. The certificates will show the Owner as an additional insured on the Contractor's Commercial General Liability and excess or umbrella liability policy.

§ 17.1.11 The Contractor shall disclose to the Owner any deductible or self-insured retentions applicable to any insurance required to be provided by the Contractor.

§ 17.1.12 To the fullest extent permitted by law, the Contractor shall cause the commercial liability coverage required by this Section 17.1 to include (1) the Owner, the Architect, and the Architect's Consultants as additional insureds for claims caused in whole or in part by the Contractor's negligent acts or omissions during the Contractor's operations; and (2) the Owner as an additional insured for claims caused in whole or in part by the Contractor's negligent acts or omissions for which loss occurs during completed operations. The additional insured coverage shall be primary and non-contributory to any of the Owner's general liability insurance policies and shall apply to both ongoing and completed operations. To the extent commercially available, the additional insured coverage shall be no less than that provided by Insurance Services Office, Inc. (ISO) forms CG 20 10 07 04, CG 20 37 07 04, and, with respect to the Architect and the Architect's Consultants, CG 20 32 07 04.

§ 17.1.13 Within three (3) business days of the date the Contractor becomes aware of an impending or actual cancellation or expiration of any insurance required by this Section 17.1, the Contractor shall provide notice to the Owner of such impending or actual cancellation or expiration. Upon receipt of notice from the Contractor, the Owner shall, unless the lapse in coverage arises from an act or omission of the Owner, have the right to stop the Work until the lapse in coverage has been cured by the procurement of replacement coverage by the Contractor. The furnishing of notice by the Contractor shall not relieve the Contractor of any contractual obligation to provide any required coverage.

**§ 17.1.14 Other Insurance Provided by the Contractor**

*(List below any other insurance coverage to be provided by the Contractor and any applicable limits.)*

**Coverage**

**Limits**

**§ 17.2 Owner's Insurance**

**§ 17.2.1 Owner's Liability Insurance**

The Owner shall be responsible for purchasing and maintaining the Owner's usual liability insurance.

**§ 17.2.2 Property Insurance**

§ 17.2.2.1 The Owner shall purchase and maintain, from an insurance company or insurance companies lawfully authorized to issue insurance in the jurisdiction where the Project is located, property insurance written on a builder's risk "all-risks" completed value or equivalent policy form and sufficient to cover the total value of the entire Project on a replacement cost basis. The Owner's property insurance coverage shall be no less than the amount of the initial Contract Sum, plus the value of subsequent Modifications and labor performed or materials or equipment supplied by others. The property insurance shall be maintained until Substantial Completion and thereafter as provided in Section 17.2.2.2, unless otherwise provided in the Contract Documents or otherwise agreed in writing by the parties to this Agreement. This insurance shall include the interests of the Owner, Contractor, Subcontractors, and Sub-subcontractors in the Project as insureds. This insurance shall include the interests of mortgagees as loss payees.

§ 17.2.2.2 Unless the parties agree otherwise, upon Substantial Completion, the Owner shall continue the insurance required by Section 17.2.2.1 or, if necessary, replace the insurance policy required under Section 17.2.2.1 with property insurance written for the total value of the Project that shall remain in effect until expiration of the period for correction of the Work set forth in Section 18.4.

§ 17.2.2.3 If the insurance required by this Section 17.2.2 is subject to deductibles or self-insured retentions, the Owner shall be responsible for all loss not covered because of such deductibles or retentions.

§ 17.2.2.4 If the Work involves remodeling an existing structure or constructing an addition to an existing structure, the Owner shall purchase and maintain, until the expiration of the period for correction of Work as set forth in Section 18.4, “all-risks” property insurance, on a replacement cost basis, protecting the existing structure against direct physical loss or damage, notwithstanding the undertaking of the Work. The Owner shall be responsible for all co-insurance penalties.

§ 17.2.2.5 Prior to commencement of the Work, the Owner shall secure the insurance, and provide evidence of the coverage, required under this Section 17.2.2 and, upon the Contractor’s request, provide a copy of the property insurance policy or policies required by this Section 17.2.2. The copy of the policy or policies provided shall contain all applicable conditions, definitions, exclusions, and endorsements.

§ 17.2.2.6 Within three (3) business days of the date the Owner becomes aware of an impending or actual cancellation or expiration of any insurance required by this Section 17.2.2, the Owner shall provide notice to the Contractor of such impending or actual cancellation or expiration. Unless the lapse in coverage arises from an act or omission of the Contractor: (1) the Contractor, upon receipt of notice from the Owner, shall have the right to stop the Work until the lapse in coverage has been cured by the procurement of replacement coverage by either the Owner or the Contractor; (2) the Contract Time and Contract Sum shall be equitably adjusted; and (3) the Owner waives all rights against the Contractor, Subcontractors, and Sub-subcontractors to the extent any loss to the Owner would have been covered by the insurance had it not expired or been cancelled. If the Contractor purchases replacement coverage, the cost of the insurance shall be charged to the Owner by an appropriate Change Order. The furnishing of notice by the Owner shall not relieve the Owner of any contractual obligation to provide required insurance.

**§ 17.2.2.7 Waiver of Subrogation**

§ 17.2.2.7.1 The Owner and Contractor waive all rights against (1) each other and any of their subcontractors, sub-subcontractors, agents, and employees, each of the other; (2) the Architect and Architect’s consultants; and (3) Separate Contractors, if any, and any of their subcontractors, sub-subcontractors, agents, and employees, for damages caused by fire, or other causes of loss, to the extent those losses are covered by property insurance required by this Agreement or other property insurance applicable to the Project, except such rights as they have to proceeds of such insurance. The Owner or Contractor, as appropriate, shall require similar written waivers in favor of the individuals and entities identified above from the Architect, Architect’s consultants, Separate Contractors, subcontractors, and sub-subcontractors. The policies of insurance purchased and maintained by each person or entity agreeing to waive claims pursuant to this Section 17.2.2.7 shall not prohibit this waiver of subrogation. This waiver of subrogation shall be effective as to a person or entity (1) even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, (2) even though that person or entity did not pay the insurance premium directly or indirectly, or (3) whether or not the person or entity had an insurable interest in the damaged property.

§ 17.2.2.7.2 If during the Project construction period the Owner insures properties, real or personal or both, at or adjacent to the site by property insurance under policies separate from those insuring the Project, or if after final payment property insurance is to be provided on the completed Project through a policy or policies other than those insuring the Project during the construction period, to the extent permissible by such policies, the Owner waives all rights in accordance with the terms of Section 17.2.2.7.1 for damages caused by fire or other causes of loss covered by this separate property insurance.

§ 17.2.2.8 A loss insured under the Owner’s property insurance shall be adjusted by the Owner as fiduciary and made payable to the Owner as fiduciary for the insureds, as their interests may appear, subject to requirements of any applicable mortgagee clause. The Owner shall pay the Architect and Contractor their just shares of insurance proceeds received by the Owner, and by appropriate agreements, written where legally required for validity, the Architect and Contractor shall make payments to their consultants and Subcontractors in similar manner.

**§ 17.2.3 Other Insurance Provided by the Owner**

*(List below any other insurance coverage to be provided by the Owner and any applicable limits.)*

**Coverage**

**Limits**

### **§ 17.3 Performance Bond and Payment Bond**

**§ 17.3.1** The Owner shall have the right to require the Contractor to furnish bonds covering faithful performance of the Contract and payment of obligations arising thereunder as stipulated in the Contract Documents on the date of execution of the Contract.

**§ 17.3.2** Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract, the Contractor shall promptly furnish a copy of the bonds or shall authorize a copy to be furnished.

## **ARTICLE 18 CORRECTION OF WORK**

**§ 18.1** The Contractor shall promptly correct Work rejected by the Architect or failing to conform to the requirements of the Contract Documents, whether discovered before or after Substantial Completion and whether or not fabricated, installed, or completed. Costs of correcting such rejected Work, including additional testing and inspections, the cost of uncovering and replacement, and compensation for the Architect's services and expenses made necessary thereby, shall be at the Contractor's expense, unless compensable under Section A.1.7.3 in Exhibit A, Determination of the Cost of the Work.

**§ 18.2** In addition to the Contractor's obligations under Section 9.4, if, within one year after the date of Substantial Completion of the Work or designated portion thereof or after the date for commencement of warranties established under Section 15.6.3, or by terms of an applicable special warranty required by the Contract Documents, any of the Work is found to be not in accordance with the requirements of the Contract Documents, the Contractor shall correct it promptly after receipt of notice from the Owner to do so unless the Owner has previously given the Contractor a written acceptance of such condition. The Owner shall give such notice promptly after discovery of the condition. During the one-year period for correction of Work, if the Owner fails to notify the Contractor and give the Contractor an opportunity to make the correction, the Owner waives the rights to require correction by the Contractor and to make a claim for breach of warranty.

**§ 18.3** If the Contractor fails to correct nonconforming Work within a reasonable time, the Owner may correct it in accordance with Section 8.3.

**§ 18.4** The one-year period for correction of Work shall be extended with respect to portions of Work first performed after Substantial Completion by the period of time between Substantial Completion and the actual completion of that portion of the Work.

**§ 18.5** The one-year period for correction of Work shall not be extended by corrective Work performed by the Contractor pursuant to this Article 18.

## **ARTICLE 19 MISCELLANEOUS PROVISIONS**

### **§ 19.1 Assignment of Contract**

Neither party to the Contract shall assign the Contract without written consent of the other, except that the Owner may, without consent of the Contractor, assign the Contract to a lender providing construction financing for the Project if the lender assumes the Owner's rights and obligations under the Contract Documents. The Contractor shall execute all consents reasonably required to facilitate such assignment.

### **§ 19.2 Governing Law**

The Contract shall be governed by the law of the place where the Project is located, excluding that jurisdiction's choice of law rules. If the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 21.6.

### **§ 19.3 Tests and Inspections**

Tests, inspections, and approvals of portions of the Work required by the Contract Documents or by applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities shall be made at an appropriate time. Unless otherwise provided, the Contractor shall make arrangements for such tests, inspections, and approvals with an independent testing laboratory or entity acceptable to the Owner, or with the appropriate public authority, and shall bear all related costs of tests, inspections, and approvals. The Contractor shall give the Architect timely notice of when and where tests and inspections are to be made so that the Architect may be present for such procedures. The Owner shall bear costs of tests, inspections, or approvals that do not become requirements until after bids are received or negotiations concluded. The Owner shall directly arrange and pay for tests, inspections, or approvals where building codes or applicable laws or regulations so require.

**§ 19.4** The Owner's representative:  
(Name, address, email address and other information)

James Matteson  
316 N. 26th Street  
Billings, MT 59102  
jmatteson@yellowstonecountymt.gov

**§ 19.5** The Contractor's representative:  
(Name, address, email address and other information)

Mike Jones  
26 S. 24th Street  
Billings, MT 59101  
mbjones@star-serviceinc.com

**§ 19.6** Neither the Owner's nor the Contractor's representative shall be changed without ten days' prior notice to the other party.

## **ARTICLE 20 TERMINATION OF THE CONTRACT**

### **§ 20.1 Termination by the Contractor**

If the Architect fails to certify payment as provided in Section 15.4.1 for a period of 30 days through no fault of the Contractor, or if the Owner fails to make payment as provided in Section 4.1.3 for a period of 30 days, the Contractor may, upon seven additional days' notice to the Owner and the Architect, terminate the Contract and recover from the Owner payment for Work executed, including reasonable overhead and profit, costs incurred by reason of such termination, and damages.

### **§ 20.2 Termination by the Owner for Cause**

#### **§ 20.2.1** The Owner may terminate the Contract if the Contractor

- .1 repeatedly refuses or fails to supply enough properly skilled workers or proper materials;
- .2 fails to make payment to Subcontractors for materials or labor in accordance with the respective agreements between the Contractor and the Subcontractors;
- .3 repeatedly disregards applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of a public authority; or
- .4 otherwise is guilty of substantial breach of a provision of the Contract Documents.

**§ 20.2.2** When any of the reasons described in Section 20.2.1 exists, the Owner, upon certification by the Architect that sufficient cause exists to justify such action, may, without prejudice to any other remedy the Owner may have and after giving the Contractor seven days' notice, terminate the Contract and take possession of the site and of all materials, equipment, tools, and construction equipment and machinery thereon owned by the Contractor and may finish the Work by whatever reasonable method the Owner may deem expedient. Upon request of the Contractor, the Owner shall furnish to the Contractor a detailed accounting of the costs incurred by the Owner in finishing the Work.

**§ 20.2.3** When the Owner terminates the Contract for one of the reasons stated in Section 20.2.1, the Contractor shall not be entitled to receive further payment until the Work is finished.

**§ 20.2.4** If the unpaid balance of the Contract Sum exceeds costs of finishing the Work, including compensation for the Architect's services and expenses made necessary thereby, and other damages incurred by the Owner and not expressly waived, such excess shall be paid to the Contractor. If such costs and damages exceed the unpaid balance, the Contractor shall pay the difference to the Owner. The amount to be paid to the Contractor or Owner, as the case may be, shall be certified by the Architect, upon application, and this obligation for payment shall survive termination of the Contract.

### § 20.3 Termination by the Owner for Convenience

The Owner may, at any time, terminate the Contract for the Owner's convenience and without cause. The Owner shall pay the Contractor for Work executed; and costs incurred by reason of such termination, including costs attributable to termination of Subcontracts; and a termination fee, if any, as follows:

*(Insert the amount of or method for determining the fee payable to the Contractor by the Owner following a termination for the Owner's convenience, if any.)*

## ARTICLE 21 CLAIMS AND DISPUTES

§ 21.1 Claims, disputes, and other matters in question arising out of or relating to this Contract, including those alleging an error or omission by the Architect but excluding those arising under Section 16.2, shall be referred initially to the Architect for decision. Such matters, except those waived as provided for in Section 21.11 and Sections 15.7.3 and 15.7.4, shall, after initial decision by the Architect or 30 days after submission of the matter to the Architect, be subject to mediation as a condition precedent to binding dispute resolution.

### § 21.2 Notice of Claims

§ 21.2.1 Claims by either the Owner or Contractor, where the condition giving rise to the Claim is first discovered prior to expiration of the period for correction of the Work set forth in Section 18.2, shall be initiated by notice to the Architect within 21 days after occurrence of the event giving rise to such Claim or within 21 days after the claimant first recognizes the condition giving rise to the Claim, whichever is later.

§ 21.2.2 Claims by either the Owner or Contractor, where the condition giving rise to the Claim is first discovered after expiration of the period for correction of the Work set forth in Section 18.2, shall be initiated by notice to the other party.

### § 21.3 Time Limits on Claims

The Owner and Contractor shall commence all claims and causes of action against the other and arising out of or related to the Contract in accordance with the requirements of the final dispute resolution method selected in this Agreement, whether in contract, tort, breach of warranty, or otherwise, within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Contractor waive all claims and causes of action not commenced in accordance with this Section 21.3.

§ 21.4 If a claim, dispute or other matter in question relates to or is the subject of a mechanic's lien, the party asserting such matter may proceed in accordance with applicable law to comply with the lien notice or filing deadlines.

§ 21.5 The parties shall endeavor to resolve their disputes by mediation which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with their Construction Industry Mediation Procedures in effect on the date of this Agreement. A request for mediation shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the mediation. The request may be made concurrently with the binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order. If an arbitration is stayed pursuant to this Section, the parties may nonetheless proceed to the selection of the arbitrator(s) and agree upon a schedule for later proceedings.

§ 21.6 If the parties have selected arbitration as the method for binding dispute resolution in this Agreement, any claim, subject to, but not resolved by, mediation shall be subject to arbitration which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association, in accordance with the Construction Industry Arbitration Rules in effect on the date of this Agreement. Demand for arbitration shall be made in writing, delivered to the other party to the Contract, and filed with the person or entity administering the arbitration. The award rendered by the arbitrator or arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

§ 21.7 Subject to the rules of the American Arbitration Association or other applicable arbitration rules, either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).

§ 21.8 Subject to the rules of the American Arbitration Association or other applicable arbitration rules, any party to an arbitration may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of a Claim not described in the written Consent.

§ 21.9 The foregoing agreement to arbitrate and other agreements to arbitrate with an additional person or entity duly consented to by parties to this Agreement shall be specifically enforceable under applicable law in any court having jurisdiction thereof.

**§ 21.10 Continuing Contract Performance**

Pending final resolution of a Claim, except as otherwise agreed in writing, the Contractor shall proceed diligently with performance of the Contract and the Owner shall continue to make payments in accordance with the Contract Documents.

**§ 21.11 Waiver of Claims for Consequential Damages**

The Contractor and Owner waive claims against each other for consequential damages arising out of or relating to this Contract. This mutual waiver includes

- .1 damages incurred by the Owner for rental expenses, for losses of use, income, profit, financing, business and reputation, and for loss of management or employee productivity or of the services of such persons; and
- .2 damages incurred by the Contractor for principal office expenses including the compensation of personnel stationed there, for losses of financing, business and reputation, and for loss of profit except anticipated profit arising directly from the Work.

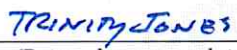

This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination in accordance with Article 20. Nothing contained in this Section 21.11 shall be deemed to preclude an award of liquidated damages, when applicable, in accordance with the requirements of the Contract Documents.

This Agreement entered into as of the day and year first written above.

\_\_\_\_\_  
OWNER (Signature)

\_\_\_\_\_  
(Printed name and title)

  
\_\_\_\_\_  
CONTRACTOR (Signature)

   
\_\_\_\_\_  
(Printed name and title)

**CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.**

**2.3 The Contractor shall achieve Substantial Completion by September 4, 2024. Punch list items shall be complete by September 11, 2024.**

**6.1.5** Drawings are each one-page, titled Metra Complex Domestic Water Improvements and are dated 04/25/2024 unless noted.

<i>No.</i>	<i>Title</i>
CVR	COVER
M1.1	FLOOR PLAN - PLUMBING
M2.1	LEGEND AND SPECIFICATION
E1.1	FLOOR PLAN – ELECTRICAL
E2.1	LEGEND AND SPECIFICATION

**13.5** In determining the changes in the contract sum because of changes in the work, the Contractor's allowance for overhead and profit combined is here by limited to the following:

- a. Ten percent (10%) for the work performed by Contractor.
- b. Five percent (5%) for work performed by Subcontractor.

**16.2.2** Strike entire paragraph.

**17.1.15** Contractor shall not commence work under this agreement until such insurance has been obtained and certificates of insurance with binders or certified copies of the insurance policy have been filed with the Owner and the Architect/Engineer.

**17.1.16** Contractor agrees to assume responsibility for compliance with all applicable Federal and State laws with regard to health, safety and accident prevention, including, but not limited to, the Federal Construction Safety Act and Occupational Safety and Health Act of 1970 and rules, regulations and standards relating to the work to be performed by Contractor under this subcontract and the employment of labor, equipment and materials here in.

**17.2.2.7.2** The Owner does **not** waive all rights.

**17.3.3** The Contractor shall secure and pay for Performance Bond and Payment Bond, issued by bonding company licensed to transact business in the locality of the project. Liability under each of the bonds shall be 100% of the contract sum.

**17.3.4** The Contractor shall deliver the required bonds to the Owner not later than three days following the date of the execution of the contract: or if the work is commenced prior thereto in response to a letter of intent the Contractor shall, prior to the commencement of the work, submit evidence satisfactory to the Owner that such bonds will be furnished.

**17.3.5** The Contractor shall require the Attorney-In-Fact who executes the required bonds on behalf of the surety, to affix thereto a certified and current copy of his Power-of-Attorney.

***END OF EXHIBIT "B"***



## **INSURANCE REQUIREMENTS**

### **INSURANCE REQUIREMENTS**

Contractor shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County as additional insured for this project against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence during the project and for which Yellowstone County sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain for this project at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with the project by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the project. Contractor shall name on the Certificate of liability insurance Yellowstone County and Con'eer Engineering, as additional insured throughout the project. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County, are named as an additional insured under the Contractors insurance policy for this project. Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work on the project.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence during this project. And for which Yellowstone County, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph shall not be limited by any assertions or finding that Yellowstone County, is liable for any damages by reason of a non-delegable duty.

### **WORKERS COMPENSATION**

Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County. Workers Compensation insurance or the exemption from the workers compensation obligation must be valid for the entire period of the project.





May 13, 2024

Yellowstone County  
James Matteson, Purchasing  
316 N. 26<sup>th</sup> Street  
Billings, MT 59101

RE: MetraPark  
Indoor Sewer Lines Domestic Water & Ventilation  
Con'eer #24016

Dear James:

We solicited bids from Star Service, Inc. and G&T Plumbing for the domestic water project at MetraPark. We received (1) bid and that was from Star Service, Inc. Therefore, I am recommending the board accept the bid from Star Service, Inc. in the amount of \$97,890.00 (Ninety-Seven Thousand Eight Hundred Ninety and 00/100) for the base bid.

Please contact me with any questions or concerns.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Gruizenga', is written over a light blue horizontal line.

Jeffrey A. Gruizenga, PE



# Star Service, Inc.

## Mechanical Contractors

Est. 1961



May 10, 2024

TO: Con'eer Engineering  
ATTN: Jeff Gruizenga  
RE: Metra Arena – Domestic Water Improvements

In accordance with plans and specifications provided by Con'eer Engineering, Star Service Inc is pleased to offer the following proposal to include:

- Demo existing domestic hot water boiler
- Demo existing horizontal hot water storage tank
- Demo existing hot water tempering valve
- Provide and Install new high efficiency water heater
- Provide and Install (2) new vertical pre-insulated hot water storage tanks
- Provide and Install new backflow preventer
- Provide and Install new stainless steel electronic thermostatic mixing valve
- Electrical complete
- Temperature Controls complete
- Pipe Insulation
- Permit
- GRT
- Payment and Performance Bonds
- Certified Payroll

**Base Bid: \$97,890.00**

Pricing Valid for 30days From Date of Proposal

Respectfully Submitted,

Mike B. Jones, Project Estimator  
STAR SERVICE, INC.

B.O.C.C. Regular

3. g.

Meeting Date: 06/04/2024

Title: Certification Regarding Lobbying - EDA Grant

Submitted By: Anna Ullom, Senior Accountant

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TOPIC:

Certification Regarding Lobbying

BACKGROUND:

Certification Regarding Lobbying - for EDA Grant on Lockwood TEDD Water/Sewer Service Extension Project

RECOMMENDED ACTION:

Sign

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Attachments

Form CD-512 Certification Regarding Lobbying - EDA Grant

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## CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

### LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

**As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.**

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

B.O.C.C. Regular

4. a.

Meeting Date: 06/04/2024

Title: Request for Qualifications - DESIGN, CONSTRUCTION ENGINEERING and  
CONSTRUCTION MANAGEMENT for Lockwood Sidewalk Project

Submitted By: Monica Plecker

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**TOPIC:**

Request for Qualifications - DESIGN, CONSTRUCTION ENGINEERING and CONSTRUCTION  
MANAGEMENT for Lockwood Sidewalk Project

**BACKGROUND:**

The Public Works Department of Yellowstone County, Montana is requiring the services of a competent Engineering Consultant to provide Design, Construction Engineering and Construction Management for the Lockwood Sidewalk Project. The Scope of Work includes providing survey, design, environmental documentation and review, construction engineering and construction management for the Lockwood Sidewalk Project. The County will utilize the selected consultant(s) or individual(s) for the duration of the project. The Lockwood Sidewalk Project is more specifically referred to as the Old Hardin Road Connector that will address the gap in sidewalk facilities between Woodland Road and Rykken Circle. This is approximately 2,200 feet. The conceptual design contemplates a 6' wide boulevard sidewalk. The intent of the design will maintain all existing driveways and street approaches. This project is federally funded through the Transportation Alternatives program. The project is being administered locally by Yellowstone County, but must be coordinated through the Montana Department of Transportation. This project is subject MDT's Local Agency Guidelines. To be considered for this Work, all Proposals must be received, and date stamped no later than June 24th, 2024 at 4:00PM at the above address. Late submittals will not be considered. All timely submittals will be acknowledged at 9:30 a.m. June 25th, 2024 in the Commissioners Board Room, Room 3108, located on the third (3rd) floor of the Stillwater Building.

**RECOMMENDED ACTION:**

Approve.

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Attachments

RFQ

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# **YELLOWSTONE COUNTY**

## **REQUEST FOR QUALIFICATIONS**

**DESIGN, CONSTRUCTION ENGINEERING and CONSTRUCTION MANAGEMENT  
Services for the Lockwood Sidewalk Project**

**June 2024**

## **Article I. REQUEST FOR QUALIFICATIONS**

### **DESIGN, CONSTRUCTION ENGINEERING and CONSTRUCTION MANAGEMENT Services for the Lockwood Sidewalk Project**

The Public Works Department of Yellowstone County, Montana, (the "County"), is requiring the services of a competent Engineering Consultant to provide Design, Construction Engineering and Construction Management for the Lockwood Sidewalk Project

The County will utilize the selected consultant(s) or individual(s) for the duration of the project. The County will negotiate the agreement and payment terms with the selected offeror.

#### **SUBMITTAL OF INFORMATION:**

Three (3) hard copies of each RFQ must be placed in a sealed package. The package must be clearly marked RFQ. The written response to this Proposal must follow submittal instructions, and be received at:

**Board of County Commissioners Stillwater Building  
Room 3101  
216 North 26th Street Billings, MT 59101**

NOTE: CAREFULLY READ SUBMITTAL INSTRUCTIONS. The separate RFQ responses will be placed together in a single, sealed package.

All questions regarding this Request must be submitted in writing (Email/facsimile acceptable) to:

Public Works Department Stillwater Building  
Attention: Monica Plecker  
316 North 26th Street  
Room 3201  
P.O. Box 35024 Billings, MT 59101  
[mplecker@yellowstonecountymt.gov](mailto:mplecker@yellowstonecountymt.gov)  
406-245-7946 (fax)

To be considered for this Work, all Proposals must be received, and date stamped no later than June 24th, 2024 at 4:00PM at the above address. Late submittals will not be considered.

All timely submittals will be acknowledged at 9:30 a.m. June 25th, 2024 in the Commissioners Board Room, Room 3108, located on the third (3<sup>rd</sup>) floor of the Stillwater Building. All Proposals received that are time date stamped later than June 24th, 2024 4:00 p.m. will not be opened.

The costs for developing and delivering responses to this RFQ and any subsequent presentations of the proposal as requested by the County are entirely the responsibility of the offeror. The County is not liable for any expense incurred by the offeror in the preparation and presentation of their proposal or any other costs incurred by the offeror prior to execution of a contract. All materials submitted become the property of the County.

### **SCOPE OF WORK**

Provide survey, design, environmental documentation and review, construction engineering and construction management for the Lockwood Sidewalk Project. The County will utilize the selected consultant(s) or individual(s) for the duration of the project.

The Lockwood Sidewalk Project is more specifically referred to as the Old Hardin Road Connector that will address the gap in sidewalk facilities between Woodland Road and Rykken Circle. This is approximately 2,200 feet. The conceptual design contemplates a 6' wide boulevard sidewalk. The intent of the design will maintain all existing driveways and street approaches.

**You can review the Transportation Alternatives application which includes conceptual designs:**  
[https://www.yellowstonecountymt.gov/publicworks/Forms/Yellowstone County Lockwood TA Grant Application.pdf](https://www.yellowstonecountymt.gov/publicworks/Forms/Yellowstone_County_Lockwood_TA_Grant_Application.pdf)

### **PROJECT FUNDING**

This project is federally funded through the Transportation Alternatives program. The project is being administered locally by Yellowstone County, but must be coordinated through the Montana Department of Transportation. This project is subject MDT's Local Agency Guidelines which can be found here: [Local Project Administration | Montana Department of Transportation \(MDT\) \(mt.gov\)](#)

**The consultant will be required to follow the activities flowchart found here:** [Federal Aid Local Project Administration Preliminary Engineering Flowchart \(mt.gov\)](#)

### **INDIRECT COST RATE REQUIREMENTS**

Proof of the firm's Indirect Cost Rate (overhead rate) is not required with this proposal submittal. However, an Indirect Cost Rate may be required prior to executing a contract according to MDT's Indirect Cost Rate Requirements:

All submitted indirect cost rates must be calculated in accordance with 23 CFR 172 for the cost principles of 48 CFR part 31 and include the required items identified in the MDT Indirect Cost

Rate Policy located in Appendix A of the Consultant Services Manual on the MDT Internet website.

[http://www.mdt.mt.gov/other/webdata/external/cdb/consultant\\_manual/consultant-design-manual\\_combined.pdf](http://www.mdt.mt.gov/other/webdata/external/cdb/consultant_manual/consultant-design-manual_combined.pdf)

Do not show any actual numerical financial information such as the overhead rate or personnel rates within your proposal. Specific cost information of the firm or team should not be part of the proposal.

#### **AGREEMENT REQUIREMENTS**

Contract agreements will generally be administered on a cost plus fixed fee basis. The contracts will have negotiated cost ceilings. If a consulting firm is selected for a specific project and a contract agreement is successfully negotiated, certain financial information will be required as part of the contract agreement. As described in the Indirect Cost Rate Requirements section above, all Consultants and subconsultants must provide the County with an Indirect Cost Rate (as applicable) audited (when applicable) in accordance with 23 CFR 172 for the cost principles of 48 CFR Part 31 and based on the firm's latest completed fiscal year's costs. Personnel rates, profit, and direct expenses must be clearly outlined and provided to the County. The standard MDT agreement can be found at the following address:

<http://www.mdt.mt.gov/other/webdata/external/cdb/forms/pdf/General-Terms-and-Conditions.pdf>

**Do not submit actual numerical financial information within this proposal.**

#### **SELECTION PROCEDURE**

The County intends to evaluate and award a contract for the project without conducting discussions. However, the County reserves the right to conduct discussions if determined by the County to be in the best interest of the County at any time leading up to contract award.

#### **EVALUATION**

The evaluation of Consultants' proposals may include, but is not limited to, the following criteria:

- Consultant's experience with sidewalk projects.
- Availability (timetable) for completion of the scope of work.
- Past performance on Yellowstone County contracts.

#### **EVALUATION CRITERIA**

The proposals being requested will be scored on the following criteria:

##### **Qualifications and Ability to Perform Requested Services (100 Points Total)**

Montana professional engineering licensure is required for this work and must be in-hand at the time your proposal is submitted. If this requirement is not met and clearly identified in the proposal, your proposal will be considered non-responsive.

- Staff Qualifications

30

	Points	
•	Past Experience and Performance on Transportation Alternatives Projects	30
	Points	
•	Proposal Methodology and Approach	40 Points
<b>Total Points</b>		<b>100 points</b>

## **Article II. APPLICABLE STANDARDS, SPECIFICATIONS, AND POLICIES.**

Work is expected to follow MDT's various Manuals, Guides, and Policies. These items may be found on MDT's Design Consulting web page at: <http://www.mdt.mt.gov/business/consulting/>.

## **Article III. COMPLIANCE WITH LAWS**

The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, and regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects Subcontractors to the same provisions. In accordance with Section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing under the contract.

## **Article IV. INSURANCE – WORK ON A COUNTY FACILITY**

The Consultant shall, at its own expense, provide and maintain during the entire performance of this contract, at least the kinds and minimum amounts of insurance required in the Schedule or elsewhere in the contract.

Before commencing work under this contract, the Consultant shall notify the County in writing that the required insurance has been obtained. The Consultant shall insert the substance of this clause, including this paragraph, in Subcontracts under this contract that require work on a County installation and shall require Subcontractors to provide and maintain the insurance required in the Schedule or elsewhere in the contract. The Consultant shall maintain a copy of all subcontractors' proofs of required insurance and shall make copies available to the County upon request.

Consultant shall carry the following insurance and shall provide the County with certificates verifying coverage for the following:

### **INSURANCE REQUIREMENTS**

The following insurance coverage must be in force throughout the project. Coverage may be obtained through either a general liability policy or excess liability umbrella coverage.

#### General Liability

Commercial General Liability – General Aggregate	\$2,000,000
Products-Comp OP AGG	\$2,000,000
Occurrence – Personal & Adv Injury	\$1,000,000
Each Occurrence	\$1,000,000
Fire Damage (any one fire)	\$100,000
Med Exp (any one person)	\$5,000

Automobile Liability (hired and non-owned autos)

\$1,000,000

Worker's Compensation  
State  
Federal  
Employer's Liability

Statutory  
Statutory  
\$500,000

## **Article V. INSTRUCTIONS TO PROPOSERS**

Proposals Must:

1. Follow the format outlined in the Selection Procedure, above.
2. Be signed by an officer or principal of your firm.
3. Be contained in a document not to exceed four (4) pages total (single- or double-sided printing is acceptable) including whatever pictures, charts, graphs, tables, and text the firm deems appropriate to be part of the review of the firm's qualifications. A separate transmittal letter, cover page, cover sheets, sample schedules, and dividers are exempted from the page limit. The page size is limited to 8.5 x 11 inches, with basic text information reasonably legible.
4. Include a proposed project schedule, which does not count toward the page limit.

End of this Request for Qualifications

Done by order of the Board of County Commissioners of Yellowstone County, Montana, this 4<sup>th</sup> day of June, 2024.

Board of County Commissioners  
Yellowstone County, Montana

---

John Ostlund, Chairman

(Seal)  
Attest:

---

Jeff Martin, Clerk and Recorder

B.O.C.C. Regular

4. b.

Meeting Date: 06/04/2024

Title: IFB 56th & Hesper Roundabout

Submitted For: Tim Miller, Public Works Director

Submitted By: Tim Miller, Public Works Director

---

**TOPIC:**

Invitation for Bid 56th & Hesper Roundabout

**BACKGROUND:**

Invitation for bid for the construction of a traffic roundabout at the intersection of 56th & Hesper to improve safety and traffic flow.

**RECOMMENDED ACTION:**

Approve the Invitation for Bid

---

**Attachments**

Bids

---

**INVITATION TO BID  
YELLOWSTONE COUNTY, MONTANA  
56TH ST WEST AND HESPER RD ROUNDABOUT**

Yellowstone County will receive sealed bids for the **56th St West and Hesper Rd Roundabout** project (herein after "project") per the enclosed specifications until **4:00 PM on June 24, 2024**. All bids must be submitted in triplicate (1 original and 2 copies) to the Board of County Commissioners, P.O. Box 35000, Billings, MT 59107 or delivered to their office in the Stillwater Building, Room 3101, 316 North 26th Street, Billings, MT 59101. Envelopes containing bids must be marked "56th St West and Hesper Rd Roundabout" in the lower right-hand corner.

All Bids received will be time and date stamped. The time and date stamped on each bid must indicate that it was received no later than 5:00 PM on June 24, 2024.

All timely bids will be opened and read aloud at 9:30 AM on June 25, 2024 in the Commissioners Board Room, Room 3108, located on the third floor of the Stillwater Building 316 North 26th Street. All bids received that are time and date stamped later than 4:00 PM on **June 24, 2024** will not be opened.

All bids must include a bid bond made in favor of Yellowstone County in an amount equal to 10% of the total bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, or a bank draft. The security must be: a) drawn and issued by a federally chartered or state chartered bank or savings and loan association that is insured by or for which insurance is administered by the Federal Deposit Insurance Corporation; b) drawn and issued by a credit union insured by the National Credit Union Share Insurance Fund c) a bid bond or bonds, original only, no copies, executed by a surety company authorized to do business in the State of Montana. Personal checks, business checks, and facsimiles will not be accepted for bid security.

No bid may be withdrawn prior to sixty (60) days after the scheduled time for receipt of the bids.

Each bidder must have a current Montana Public Contractor's Registration number when submitting their bid. The number must appear on the bid. All subcontractors, if any, must obtain a registration number prior to beginning any work on the project. Bid-only registrations are acceptable for the bidding process.

All contractors and subcontractors performing work pertaining to the construction, reconstruction, or improvement of any public road, street, or intersection, or a bridge construction repair or maintenance project awarded by any government agency, must obtain and maintain a Special Fuel User Permit from the Montana Department of Transportation.

The successful bidder will be required to provide the County with a performance bond and labor and materials bond, both for 100% of the contract amount, within ten (10) days of the execution of the contract and prior to starting any work on the project. The selected Contractor will also be required to provide a copy of their commercial liability insurance certificate and workers compensation coverage prior to beginning the project.

The successful bidder will be required to follow all the directives included in section 18-2-422 of the Montana Code Annotated concerning Montana Prevailing Wages. Those directives are as follows:

- (1) the contractor and any subcontractors are required to pay the standard prevailing wage rate, including fringe benefits, for each job classification as stated in the current prevailing wage rate schedules. This information is included in the four (4) prevailing wage rate schedules that are being provided to each bidder as part of this bid package. The current schedules are also available at the State of Montana web-site (<https://erd.dli.mt.gov/labor-standards/state-prevailing-wage-rates/>). It is the responsibility of the contractors to obtain and use the applicable Wage Rate Schedules.
- (2) each contractor and subcontractor is required to maintain payroll records in a manner readily capable of being certified for submission under statute 18-2-423, for not less than three (3) years after the contractor's and subcontractor's completion of work on the project;
- (3) each contractor is required to post a statement of all wages and fringe benefits in compliance with statute 18-2-423.

Statute 18-2-423 is as follows: If a complaint is filed with the department alleging noncompliance with 18-2-422, the department may require the project to submit to it certified copies of the payroll records for workers employed on that project. A contractor or a subcontractor shall pay employees receiving an hourly wage on a weekly basis. If a wage violation complaint is filed with the department, the contractor or subcontractor shall provide the employee's payroll records to the department within 5 days of receiving the payroll request from the department.

The successful bidder will be required to give preference to the employment of bona fide Montana residents in the performance of the work on this project.

All state laws pertaining to Resident Bidders, both State and County will be adhered to if applicable.

A 5% retainage fee will be withheld from all progress payments made to the successful bidder. The fee will be returned to the contractor upon completion of the project and acceptance of the project by the County. The successful bidder will be required to pay the State of Montana a sum equal to 1% of the gross receipts from the public contract. The County will withhold this amount and forward it to the State of Montana.

The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects subcontractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing under the contract.

Requests for information relating to the bid package (plans and specifications) should be addressed to Seth Neuhoﬀ of Sanderson Stewart at (406) 656-5255. Questions concerning the bid procedure may be addressed to James Matteson of Yellowstone County at (406) 256-2717.

The Board of County Commissioners will award the project to the lowest and/or the best responsible bidder. The Board reserves the right to reject any or all bids received, to waive informalities to evaluate the bids submitted, and to accept the bid which best serves the interests of Yellowstone County.

Done by order of the Board of County Commissioners of Yellowstone County, MT this 4th day of June, 2024.

Board of County Commissioners  
Yellowstone County, Montana

(Seal)  
Attest:

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

## **INSURANCE REQUIREMENTS**

The successful bidder (herein after "Contractor") shall maintain, at its sole cost and expense, commercial general liability insurance naming Yellowstone County/Yellowstone County Public Works as additional insured for this project against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars (\$1,500,000.00) in the aggregate arising from incidents which occur as the result of Contractors negligence during the project and for which Yellowstone County/Yellowstone County Public Works sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain for this project, at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with the project by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the project.

Contractor shall name on the Certificate of Liability Insurance Yellowstone County/Yellowstone County Public Works as additional insured throughout the project. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County/Yellowstone County Public Works are named as an additional insured under the Contractors insurance policy for this project. Contractor agrees to furnish both the Certificate of Insurance and policy endorsement at least ten (10) days prior to beginning work on the project.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County /Yellowstone County Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur from the result of Contractor negligence during this project and for which Yellowstone County/Yellowstone County Public Works' sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/Yellowstone County Public Works is liable for any damages by reason of a non-delegable duty.

## **WORKERS COMPENSATION**

Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor are Contractor's workers, employees of Yellowstone County / Yellowstone County

Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period of the project.

## **CHECK LIST**

Please be sure you have completed the following prior to submitting your bid:

- 1.) Read and understand the specifications and bid procedure.
- 2.) Enclose the required ten (10) percent bid bond.
- 3.) Make yourself familiar with any State or County laws that pertain to this bid.
- 4.) Ask and receive answers to any questions regarding the bid procedure, bid package (plans and specifications), or of a general nature.
- 5.) Address and mail or deliver by hand your bid to be received at the correct address by the time and date indicated in the Invitation to Bid.

## **GENERAL INFORMATION**

The Yellowstone County Public Works Department is currently requesting bids for the 56th St West and Hesper Rd Roundabout project.

The following is a description of the project with key details:

The primary purpose of the project is to construct a single-lane roundabout at the intersection of 56th St West and Hesper Rd. The associated roadway improvements will extend approximately 500 feet along each leg from the center of the intersection. Curb and gutter will be installed along the roadway shoulders in the roundabout and for varying distances each leg of the intersection. Where curb and gutter is not needed, 4-ft paved shoulders will be constructed. Within the roundabout circle, there is a landscaped central island, a (colored and stamped) 9-inch thick concrete truck apron with 2-ft spill curb and gutter at the top and a 1-ft mountable curb at the bottom, and asphalt circulating lanes. On each leg of the intersection, there are splitter island medians consisting of 1-ft concrete pin-down curb with a 3-inch thick concrete cap (over a crushed aggregate course). The standard asphalt paving section in all locations is 5 inches of asphalt (PG 70-28, Type B-Modified) to be installed in 2 lifts over 7 inches of 1-1/2 inch minus crushed base course. In all locations where the roadway is being widened compared to the existing roadway footprint, the standard pavement section is to be underlain with 2 feet of 3-inch minus sub-base course material as specified in the bid package.

All intersecting private approaches with paving shall be paved to a setback distance as shown in the contract plans. Unpaved private approaches shall be extended (blended back) to tie to the existing surfaces to provide a smooth driving surface with minimal grade breaks.

Roadway/intersection striping and pavement markings shall be of epoxy paint to provide enhanced durability. Various signs are to be removed and/or relocated and there are several new sign and (telespar) post installations to be made as shown in the plans.

There are no pedestrian-related improvements being installed with this project, either at the intersection or adjacent to the intersection legs. Intersection lighting will be installed, consisting of a 12 LED luminaires on 40-ft poles with 15-ft mast arms.

Existing drainage and/or irrigation culverts will be replaced. Ditch alignments will be re-routed around the intersection and addition culverts will be installed where berms are necessary for foundation stabilization at streetlight locations. It may be necessary to temporarily re-route active irrigation ditches to install culverts or make other modifications. It will be the responsibility of the Contractor coordinate with ditch companies and users regarding any interruptions to irrigation service that may be required.

A construction traffic control plan(s) is required and must be submitted by the Contractor to Seth Neuhoﬀ of Sanderson Stewart for review and approval a minimum of one (1) calendar week prior to when the associated traffic control measures would be implemented. Full closure of the intersection and associated roadway segments will be allowed for the duration of the project (through substantial completion), but the Contractor shall make very effort to minimize the overall length of the roadway closure to avoid extended impacts to the traveling public. Signed detour routes must be provided and accounted for in the traffic control plan.

All work must meet the Montana Public Works Standard Specifications requirements. SK Geotechnical will be performing materials testing services on behalf of the County and the Engineer. The contract duration is 75 calendar days from notice to proceed (NTP) to award of substantial completion. Final completion must be awarded within 30 calendar days after the date of substantial completion. All labor and material used during the course of the project must be warranted for a period of one (1) year after acceptance by Yellowstone County.

Any questions concerning this project should be directed to Seth Neuhoﬀ, Consultant Project Manager with Sanderson Stewart at (406) 656-5255.

**56TH ST WEST AND HESPER ROAD ROUNDABOUT  
BID SHEET**

To: Yellowstone County Commissioners  
PO Box 35000  
Billings, MT 59107-5000

THE UNDERSIGNED BIDDER, having familiarized himself/herself with the work required by the bid documents, the site(s) where the work is to be performed, local labor conditions, and all laws, regulations, and other factors affecting performance of the work, and having satisfied himself/herself of the expense and difficulties attending performance of the work,

HEREBY PROPOSES and agrees, if this bid is accepted, to perform all work, including the assumption of all obligations, duties, and responsibilities necessary to the successful completion of the work and the furnishing of all labor, materials and equipment, supplies, permits, bonds, insurance for the total bid of:

\_\_\_\_\_  
Words

\_\_\_\_\_  
Figures

SIGNATURE OF BIDDER \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

MONTANA PUBLIC CONTRACTORS' REGISTRATION NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

I acknowledge receiving the following addenda, if applicable.

#1 \_\_\_\_\_  
Initials Date

#2 \_\_\_\_\_  
Initials Date

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: YCDF-CML Security Maintenance Agreement

Submitted By: Carol Redler

---

TOPIC:

Maintenance/Service/Support Agreement between YCDF & CML Security for Period 7/1/24-6/30/25

BACKGROUND:

Renewal of existing annual agreement.

RECOMMENDED ACTION:

Consent & sign.

---

Attachments

YCDF-CML FY25

---

## **PREVENTIVE MAINTENANCE/SERVICE/SUPPORT AGREEMENT**

This agreement is made between Yellowstone County, Montana on behalf of the Yellowstone County Detention Facility (hereinafter called the Facility), and CML Security, Broomfield Colorado, (hereinafter called Contractor).

Contractor's principal place of business is Broomfield, Colorado. The purpose of this Agreement is to provide semiannual (every six months), onsite maintenance, service and support for the Facility security electronics and detention hardware.

The Facility and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

### **1. Scope of Work**

#### Semi Annual Service

Contractor shall provide on a semiannual basis, (every six months), 48 man-hours of service, and preventive maintenance for the Facility security electronics and detention hardware

#### Inventory Management

Contractor will inventory parts and will recommend appropriate replacement components. Contractor's pricing for parts shall be 10% below the manufacturer's suggested retail price.

#### Preventive Maintenance

8-hour days, On-site technician(s) to perform any immediate troubleshooting concerns identified by the Facility. Preventive maintenance actions to include as follows:

##### Security Control Systems:

- Verify device communication to panel
- Verify control action
- Confirm security notification of alarms
- Review panel components operation and functionality
- Confirm cooling capacity in equipment cabinets
- Check for and install manufacturing software updates
- Confirm spare equipment meets current specifications
- Verify functionality of PLC's
- Clean and vacuum equipment cabinets
- Troubleshoot issues as they arise

##### Closed Circuit Television Monitoring Systems:

- Cleaning Camera domes as required

Intercom System and Voice Paging:

- Verify audio operation at all stations and connection to control
- Confirm wire connections
- Confirm call-in and call-up functionality
- Trouble-shoot poor audio quality
- Clean and vacuum equipment cabinets
- Troubleshoot issues as they arise

Uninterruptible Power Supply:

- Verify load capacity
- Verify battery functionality
- Verify emergency switching without interruption
- Troubleshoot issues as they arise

Detention Doors & Associated Hardware:

- Maintain accurate log of all detention doors
- Conduct thorough inspection of detention doors
- Verify lock functionality of all detention doors
- Clean, adjust and lube any locks per manufactures recommendations
- Troubleshoot issues as they arise

Remote maintenance access

As part of this Agreement, Contractor install at the Facility a remote maintenance device for emergency troubleshooting of software related services.

**2. Agreement Price**

The Facility shall pay Contractor \$14,500.00 for security electronics and detention hardware maintenance as described above for the duration of this Agreement. Payment of \$7,250.00 shall be made on a semiannual basis in conjunction with the semiannual site visits by Contractor to the Facility. Materials necessary for the purpose of this Agreement will be purchased by the Facility and billed separately by Contractor with payment due within 30 days of invoice.

**3. Contractors Representation**

- 3.1 Contractor represents that replacement components to be purchased by the Facility and installed by Contractor under this Agreement shall be subject to Contractor's warranty. This shall warrant products and labor for a period of one year from the date of install.
- 3.2 Contractor has examined and reviewed the agreement documents and other related paperwork.
- 3.3 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

- 3.4 Contractor is familiar with and is satisfied as to all federal, state, and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

#### **4. Agreement Documents**

The Agreement Documents, which comprise the entire agreement between the Facility and Owner consist of the following:

- 4.1 This Agreement.
- 4.2 July 1, 2024, through June 30, 2025, Preventive Maintenance/ Service/Support proposal.

#### **5. Miscellaneous**

- 5.1 No assignment by a party hereto of any rights under or interests in the Agreement Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Agreement Documents.
- 5.2 The Contractor agrees to defend, indemnify, and hold harmless the Facility against claims for injuries to person or damages to property occurred from or in connection with the Contractor's performance under the Agreement. The indemnification and defense obligations under this paragraph of the Agreement shall not be limited by any assertion or finding that the Facility or Yellowstone County is liable for any damages by reason of a non-delegable duty.
- 5.3 The Contractor agrees to perform the labor and terms of this contract as an Independent contractor and nothing herein contained shall be construed to be inconsistent with this relationship or status. Nothing in this contract shall be in any way construed to constitute the Contractor or any of his (or her, or its) agents or employees as the agent, employee or representative of Yellowstone County or the Facility for any purpose, or to be recipients of any benefits, pensions, insurance plans, payroll taxes, worker's compensation or State or Federal withholding taxes.
- 5.4 Owner and Contractor each binds itself, its partners, successors, assign and legal representative to the other party hereto, its partners, successors, assign and legal representative to respect to all covenants, agreements and obligations contained in the Agreement Documents.
- 5.5 The Parties agree that the laws of the State of Montana shall govern this Agreement and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County,

Montana.

- 5.6 In the event of litigation, the prevailing party shall be entitled to reimbursement of Court costs and reasonable Attorney fees by the non-prevailing party.
- 5.7 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state, or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects subcontractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing under the contract.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate.

One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Agreement

Documents have been signed, initialed, or identified by OWNER and CONTRACTOR.

This Agreement will be effective July 1, 2024 through June 30, 2025.

FACILITY:  
Yellowstone County Detention Facility  
3165 King Avenue East  
Billings, MT 59101  
(406)256-6900

CONTRACTOR:  
CML Security  
1785 W. 160<sup>th</sup> Ave, Ste 700  
Broomfield, CO 80023  
(720) 466.3650

  
\_\_\_\_\_  
YCDF Designee

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
John Ostlund  
Chairman, Yellowstone County Commissioner

\_\_\_\_\_  
Jeff Martin, Clerk & Recorder  
Yellowstone County

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: Abatement of Property Taxes Delinquent for Five or More Years

Submitted For: Marci Shafer, Treasurer

Submitted By: Hank Peters

---

TOPIC:

Abatement of Property Taxes Delinquent for Five or More Years

BACKGROUND:

N/A

RECOMMENDED ACTION:

Approve

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Attachments

Abatement List

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# County of Yellowstone

TREASURER

June 3, 2024

Yellowstone County  
Board of Commissioners

Dear BOCC:

Please find attached the lists of Real Estate, Mobile Home, and Business Personal Property taxes that have been delinquent for five + years.

*Pursuant to MCA 15-16-701, (1) (a) The county treasurer shall prepare and submit to the board of county commissioners of the county, on or before the first Monday in June of each year, a list of personal property taxes that are not a lien on real estate and that have been delinquent for 5 years or more. And (2) (a) a list of the real property taxes that have been delinquent for 5 years or more.*

This list contains 2018 Tax Year Real Estate Taxes. It also contains 2016 & 2017 Tax Year Real Estate Taxes and 2018 Tax Year Mobile Homes and Business Personal Property Taxes.

*Pursuant to MCA 15-16-702: (1) Within 30 days of receiving any list prepared under 15-16-701, the board of county commissioners shall examine the list and make any necessary corrections. After examining the list, the board shall make its order canceling all personal property taxes and contractual obligations contained in the list or lists, as corrected, that are required by this part to be canceled and, subject to subsection (2), canceling real property taxes.*

*(2) The board may cancel any or all delinquent real property taxes contained in the list prepared under 15-16-701 as corrected under subsection (1) of this section. If the board cancels any real property taxes under this subsection, the cancellation must be included in the order provided for in subsection (1).*

*(3) The order made under subsection (1) must be included in the board's minutes. The order and minutes may include only a reference for the proper identification of any list included in the order. When the order is made, the original or a copy of the list or lists, as corrected, must be filed with the records of the board. One legible copy of any list included in the order must be filed with the county clerk and recorder as a public record, and one legible copy of any list included in the order must be filed with the county treasurer as a permanent record of the treasurer's office.*

*Pursuant to MCA 15-16-703: Adjustment of accounts after cancellation. Upon notification of the order for cancellation, the county clerk and recorder and county treasurer shall adjust their taxes-receivable accounts to conform to the order of cancellation.*

Respectfully,



Marci Shafer  
Yellowstone County Treasurer



(406) 256-2802  
(406) 254-7928 (fax)  
P.O. Box 35010  
Billings, MT 59107-5010

Oper: hpeters

# REAL ESTATE

## RANGES

## OPTIONS

DELINQ. AS OF DATE:	06/03/2024
REPORT SORT ORDER:	A
REPORT TYPE:	DI
COMPLETE LEGAL?:	N
INCLUDE P&I?:	N
ASSESSMENT YEAR:	A
INCL RANGES/OPTIONS?:	Y
INCLUDE BANKRUPTCIES:	Y
OPEN EXCEL FILE:	

1. **Introduction**  
 2. **Background**  
 3. **Methodology**  
 4. **Results**  
 5. **Discussion**  
 6. **Conclusion**  
 7. **References**  
 8. **Appendix**  
 9. **Index**  
 10. **Table of Contents**  
 11. **Figure 1**  
 12. **Figure 2**  
 13. **Figure 3**  
 14. **Figure 4**  
 15. **Figure 5**  
 16. **Figure 6**  
 17. **Figure 7**  
 18. **Figure 8**  
 19. **Figure 9**  
 20. **Figure 10**  
 21. **Figure 11**  
 22. **Figure 12**  
 23. **Figure 13**  
 24. **Figure 14**  
 25. **Figure 15**  
 26. **Figure 16**  
 27. **Figure 17**  
 28. **Figure 18**  
 29. **Figure 19**  
 30. **Figure 20**  
 31. **Figure 21**  
 32. **Figure 22**  
 33. **Figure 23**  
 34. **Figure 24**  
 35. **Figure 25**  
 36. **Figure 26**  
 37. **Figure 27**  
 38. **Figure 28**  
 39. **Figure 29**  
 40. **Figure 30**  
 41. **Figure 31**  
 42. **Figure 32**  
 43. **Figure 33**  
 44. **Figure 34**  
 45. **Figure 35**  
 46. **Figure 36**  
 47. **Figure 37**  
 48. **Figure 38**  
 49. **Figure 39**  
 50. **Figure 40**  
 51. **Figure 41**  
 52. **Figure 42**  
 53. **Figure 43**  
 54. **Figure 44**  
 55. **Figure 45**  
 56. **Figure 46**  
 57. **Figure 47**  
 58. **Figure 48**  
 59. **Figure 49**  
 60. **Figure 50**  
 61. **Figure 51**  
 62. **Figure 52**  
 63. **Figure 53**  
 64. **Figure 54**  
 65. **Figure 55**  
 66. **Figure 56**  
 67. **Figure 57**  
 68. **Figure 58**  
 69. **Figure 59**  
 70. **Figure 60**  
 71. **Figure 61**  
 72. **Figure 62**  
 73. **Figure 63**  
 74. **Figure 64**  
 75. **Figure 65**  
 76. **Figure 66**  
 77. **Figure 67**  
 78. **Figure 68**  
 79. **Figure 69**  
 80. **Figure 70**  
 81. **Figure 71**  
 82. **Figure 72**  
 83. **Figure 73**  
 84. **Figure 74**  
 85. **Figure 75**  
 86. **Figure 76**  
 87. **Figure 77**  
 88. **Figure 78**  
 89. **Figure 79**  
 90. **Figure 80**  
 91. **Figure 81**  
 92. **Figure 82**  
 93. **Figure 83**  
 94. **Figure 84**  
 95. **Figure 85**  
 96. **Figure 86**  
 97. **Figure 87**  
 98. **Figure 88**  
 99. **Figure 89**  
 100. **Figure 90**  
 101. **Figure 91**  
 102. **Figure 92**  
 103. **Figure 93**  
 104. **Figure 94**  
 105. **Figure 95**  
 106. **Figure 96**  
 107. **Figure 97**  
 108. **Figure 98**  
 109. **Figure 99**  
 110. **Figure 100**  
 111. **Figure 101**  
 112. **Figure 102**  
 113. **Figure 103**  
 114. **Figure 104**  
 115. **Figure 105**  
 116. **Figure 106**  
 117. **Figure 107**  
 118. **Figure 108**  
 119. **Figure 109**  
 120. **Figure 110**  
 121. **Figure 111**  
 122. **Figure 112**  
 123. **Figure 113**  
 124. **Figure 114**  
 125. **Figure 115**  
 126. **Figure 116**  
 127. **Figure 117**  
 128. **Figure 118**  
 129. **Figure 119**  
 130. **Figure 120**  
 131. **Figure 121**  
 132. **Figure 122**  
 133. **Figure 123**  
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Date: 05/23/2024  
Time: 15:09:06

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

Oper: hpeters

*PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.*  
*AS OF 06/03/2024* *REAL ESTATE*

**TOTALS PAGE**

Year	Spec Dist/ Levy	Sub	Description	Total	1st Half	2nd Half
2016	2 T4		EAST BILLINGS URBAN RENEW	252.33	126.17	126.16
2016	2T14		2T14 EAST BILLINGS URBAN	133.90	66.95	66.95
2016	BACF		BACF BLGS ARTERIAL CONST FEE	35.22	17.61	17.61
2016	BLSW		BLSW BILLINGS STORM SEWER	30.96	15.48	15.48
2016	BS#2		BS#2 BLGS STREET MAINT #2	233.14	116.57	116.57
2016	L220		0220 BLGS LIGHT MAINT	88.62	44.31	44.31
2016	PD01		BILLINGS PARK DISTRICT	6.36	3.18	3.18
2016	SOIL		SOIL SOIL CONSERVATION	0.21	0.11	0.10
2016	TIDU		TIDU TID - UNIVERSITY MILLAGE	1.18	0.59	0.59
	SUBTOT			781.92	390.97	390.95
	GRAND TOTAL			\$781.92	\$390.97	\$390.95

Date: 05/23/2024  
Time: 15:35:17

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

**SAVE AS: ABATEMENT REAL**

**RANGES**

TAX YEAR: (R) 2017 - 2017  
TAX TYPE: (R) RE - RE  
LEVY DISTRICT: (A)  
TOWNSHIP: (A)  
RANGE: (A)  
SECTION: (A)  
LOT: (A)  
BLOCK: (A)  
PARCEL#: (A)  
BANK CODE: (A)  
MISC CODE: (A)

**OPTIONS**

DELINQ. AS OF DATE: 06/03/2024  
REPORT SORT ORDER: A  
REPORT TYPE: DI  
COMPLETE LEGAL?: N  
INCLUDE P&I?: N  
ASSESSMENT YEAR: A  
INCL RANGES/OPTIONS?: Y  
INCLUDE BANKRUPTCIES: Y  
OPEN EXCEL FILE: Y

Name & Address	Tax Cert#	Property Description (First 4 Lines)	Year	Spec Dist/ Levy Dist	Tax Amount	1st Half	2nd Half
Tax Code A33796 UNITED STATES OF AMERICA PO BOX 25546 DENVER, CO 80225-0546	761111	03-1033-33-3-01-01-6001 S33 Twn:01 N Rng:26 E BILLINGS ORIGINAL TOWNSITE, S33, T01 N, R26 E, BLOCK 59, Lot 1 - 8,	2017	BLSW	1,262.54	631.27	631.27
Not abating, only City of Billings charge on statement					1,262.54	631.27	631.27
TOTAL					1,262.54	631.27	631.27
Tax Code D05868 GAUGER'S SALES CORPORATION 5440 RIVER RD LAUREL, MT 59044-8885	761547	03-1033-33-1-25-05-0000 S33 Twn:01 N Rng:26 E S33, T01 N, R26 E, C.O.S. 141, PARCEL 002, LT 2 COS 141 IN NENE4	2017	2T4	190.40	95.20	95.20
					125.60	62.80	62.80
					36.50	18.25	18.25
					32.02	16.01	16.01
					261.88	130.94	130.94
					101.60	50.80	50.80
					5.04	2.52	2.52
					0.20	0.10	0.10
					1.10	0.55	0.55
					754.34	377.17	377.17
TOTAL					754.34	377.17	377.17

Date: 05/23/2024  
Time: 15:42:26

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

Oper: hpeters

*PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.*  
*AS OF 06/03/2024* *REAL ESTATE*

**TOTALS PAGE**

Year	Spec Dist/ Levy	Sub	Description	Total	1st Half	2nd Half
2017	2 T4		EAST BILLINGS URBAN RENEW	190.40	95.20	95.20
2017	2T14		2T14 EAST BILLINGS URBAN	125.60	62.80	62.80
2017	BACF		BACF BLGS ARTERIAL CONST FEE	36.50	18.25	18.25
2017	BLSW		BLSW BILLINGS STORM SEWER	1,294.56	647.28	647.28
2017	BS#2		BS#2 BLGS STREET MAINT #2	261.88	130.94	130.94
2017	L220		0220 BLGS LIGHT MAINT	101.60	50.80	50.80
2017	PD01		BILLINGS PARK DISTRICT	5.04	2.52	2.52
2017	SOIL		SOIL SOIL CONSERVATION	0.20	0.10	0.10
2017	TIDU		TIDU TID - UNIVERSITY MILLAGE	1.10	0.55	0.55
	SUBTOT			2,016.88	1,008.44	1,008.44
GRAND TOTAL				\$2,016.88	\$1,008.44	\$1,008.44
ABATEMENT TOTAL				\$754.34		

Oper: hpeters

# REAL ESTATE

## RANGES

## OPTIONS

DELINQ. AS OF DATE:	06/03/2024
REPORT SORT ORDER:	A
REPORT TYPE:	DI
COMPLETE LEGAL?:	N
INCLUDE P&I:	N
ASSESSMENT YEAR:	A
INCL RANGES/OPTIONS?:	Y
INCLUDE BANKRUPTCIES:	Y
OPEN EXCEL FILE:	

This property has an assignment with the redemption period expiring this year. We should be able to collect this in August.

Date: 05/23/2024  
Time: 15:57:23

YELLOWSTONE COUNTY  
DELINQUENT TAX REPORT  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code C03563 HERMELINK, THOMAS J & SIMONA PO BOX 1527 COLUMBUS, MT 59019-1527	180468 03-1322-16-2-02-01-0000 Sht:16 Twn:04 N Rng:23 E BROADVIEW ORIGINAL TOWNSITE, S16, T04 N, R23 E, BLOCK 40, ALL	2018 21		51.81	25.91	25.90
		2018 BFD3		0.05	0.03	0.02
		2018 SOIL		0.04	0.02	0.02
				51.90	25.96	25.94
		TOTAL		51.90	25.96	25.94
Tax Code C05531 BOSS, DAVID M 126 GARDEN AVE BILLINGS, MT 59107-5724	180495 03-1034-21-1-07-06-0000 Sht:21 Twn:01 N Rng:27 E FROM THE 2000 1ST FILING, S21, T01 N, R27 E, BLOCK 1, Lot 20 - 21, (	2018 26		404.67	202.34	202.33
		2018 L&L		40.00	20.00	20.00
		2018 L&K		25.00	12.50	12.50
		2018 L&P		94.64	47.32	47.32
		2018 SOIL		0.36	0.13	0.13
				564.57	282.29	282.28
		TOTAL		564.57	282.29	282.28
Tax Code C05390B GUARDIAN TAX MT LLC 1423 GRANDVIEW AVE PAPILLION, NE 68046-5842	180531 03-1131-12-4-17-10-0000 Sht:12 Twn:02 N Rng:24 E ACTION ORIGINAL TOWNSITE 004, S12, T02 N, R24	2018 021		61.50	30.75	30.75
		2018 BFD3		0.08	0.04	0.04
		2018 SOIL		0.06	0.03	0.03
				61.64	30.82	30.82
		TOTAL		61.64	30.82	30.82
Tax Code D01629A ACORD, SHERMAN D & ERNESTENE B 20 BONITA LN ROUNDUP, MT 59072-6359	180660 03-0927-09-4-27-14-0000 Sht:09 Twn:01 S Rng:26 E S09, T01 S, R26 E, C.O.S. 312, PARCEL 1, AMND (UNDEDICATED	2018 2 T5		29.29	14.65	14.64
		2018 PD01		0.70	0.35	0.35
		2018 SBT5		19.83	9.92	9.91
		2018 SOIL		0.03	0.02	0.01
		2018 TIDU		0.17	0.09	0.08
				50.02	25.03	24.99
		TOTAL		50.02	25.03	24.99
Tax Code D05759 JUROVICH, DEREK 626 SE 46TH AVE PORTLAND, OR 97215-1704	180739 03-1033-32-2-30-01-0000 Sht:32 Twn:01 N Rng:26 E S32, T01 N, R26 E, 895, PARCEL 000, COS 895 AMEND IN NW4(LESS 245 SF	2018 2		66.43	33.22	33.21
		2018 BACF		1.28	0.64	0.64
		2018 BLSW		1.12	0.56	0.56
		2018 BS#2		9.10	4.55	4.55
		2018 L226		118.38	59.19	59.19
		2018 PD01		0.94	0.47	0.47
		2018 SOIL		0.04	0.02	0.02
				197.29	98.65	98.64
		TOTAL		197.29	98.65	98.64

This property has an assignment with the redemption period expiring this year. We should be able to collect this in August.

Date: 05/23/2024  
Time: 15:57:23

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code D05759 (Continued)						
Tax Code D12343 FELLER, DIANA C (ETAL) LANDRIE, LEROY A 830 8TH ST IDAHO FALLS, ID 83401-4954	180847 03-0726-17-1-01-01-6000 Sn:17 Twn:03 S Rng:26 E S17, T03 S, R26 E, UNDIV 5/5184 % INT IN S2NE4 80 AC (97) (02)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	197.29 98.65	98.65	98.64 0.45 2.05 2.50
Tax Code D12344 FELLER, DIANA C (ETAL) RED WOLF, VERNON & 2034 MONAD RD BILLINGS, MT 59102-6315	180848 03-0726-20-1-90-01-6000 Sn:20 Twn:03 S Rng:26 E S20, T03 S, R26 E, UNDIV 1/72 % INT IN NW4NE4 40 AC (97)	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.51	2.50	2.50 0.22 2.27 2.49
Tax Code D12345 FELLER, DIANA C (ETAL) LANDRIE, LEROY A 830 8TH ST IDAHO FALLS, ID 83401-4954	180849 03-0726-33-3-01-01-6000 Sn:33 Twn:03 S Rng:26 E S33, T03 S, R26 E, UNDIV 1/324 % INT IN SW4 160 AC (97)	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.51	2.51	2.49 0.22 2.27 2.49
Tax Code D12346 FELLER, DIANA C (ETAL) RED WOLF, VERNON & 2034 MONAD RD BILLINGS, MT 59102-6315	180850 03-0727-07-2-90-01-6000 Sn:07 Twn:03 S Rng:27 E S07, T03 S, R27 E, UNDIV 2/729 % INT IN E2NW4 80 AC (02)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 2.51	2.51	2.49 0.45 2.05 2.50
Tax Code D12347 FELLER, DIANA C (ETAL) LANDRIE, LEROY A 2034 MONAD RD BILLINGS, MT 59102-6315	180851 03-0727-31-4-01-02-6000 Sn:31 Twn:03 S Rng:27 E S31, T03 S, R27 E, UNDIV 5/5184 % INT IN E2SE4 80 AC (02)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 2.50	2.50	2.50 0.45 2.05 2.50
Tax Code D12349 FELLER, DIANA C (ETAL) RED WOLF, VERNON & 2034 MONAD RD	180853 03-0929-20-4-01-01-6000 Sn:20 Twn:01 S Rng:28 E S20, T01 S, R28 E, UNDIV 1/729 % INT IN SE4	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 2.50	2.50	2.50 0.45 2.05 2.50

Date: 05/23/2024  
Time: 15:57:24

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address		Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code D12349 (Continued) BILLINGS, MT 59102-6315							
Tax Code D12350 FELLER, DIANA C (ETAL) RED WOLF, VERNON & 830 8TH ST IDAHO FALLS, ID 83401-4954		180854 03-0929-21-3-01-01-6000 Sn:21 Twn:01 S Rng:28 E S21, T01 S, R28 E, UNDIV 13/5832 % INT IN NW4SW4 & S2SW4	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.50 0.23 2.28 2.51	2.50 0.22 2.27 2.49	
Tax Code D12351 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692		180855 03-0825-20-1-01-01-6000 Sn:20 Twn:02 S Rng:28 E S20, T02 S, R28 E, UNDIV 1/360 % INT IN S2S2NE4 & N2SE4	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.51 0.23 2.28 2.51	2.49 0.22 2.27 2.49	
Tax Code D12352 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692		180856 03-0825-21-1-01-01-6000 Sn:21 Twn:02 S Rng:28 E S21, T02 S, R28 E, UNDIV 1/360 % INT IN ALL	2018 17 2018 AF	TOTAL 0.91 4.09 5.00	5.00 2.51 0.46 2.05 2.51	2.49 0.45 2.04 2.49	
Tax Code D12354 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692		180857 03-0726-11-2-01-01-6000 Sn:11 Twn:03 S Rng:26 E S11, T03 S, R26 E, UNDIV 5/8748 % INT IN NW4 160 AC (97)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 2.51 0.45 2.05 2.50	2.49 0.45 2.05 2.50	
Tax Code D12355 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692		180858 03-0726-23-3-01-01-6000 Sn:23 Twn:03 S Rng:26 E S23, T03 S, R26 E, UNDIV 1/1350 % INT IN SW4 160 AC (97)	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.50 0.23 2.28 2.51	2.50 0.22 2.27 2.49	
Tax Code D12385 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692		180861 03-0632-03-2-80-01-6000 Sn:03 Twn:04 S Rng:27 E S03, T04 S, R27 E, UNDIV 5/1944 % INT IN LOTS 5 & 12 80 AC, (02)	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 2.51 0.23 2.28 2.51	2.49 0.22 2.27 2.49	

Date: 05/23/2024  
Time: 15:57:24

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
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Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code D12385 (Continued)						
Tax Code D12386 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692	180862 03-0632-04-1-30-01-6000 Sn:04 Twn:04 S Rng:27 E S04, T04 S, R27 E, UNDIV 5/1944 % INT IN LOTS 8 & 9 80 AC., (02)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 0.45 2.05 2.50	2.51 0.45 2.05 2.50	2.49 0.45 2.05 2.50
Tax Code D12387 REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692	180863 03-0632-05-1-30-01-6000 Sn:05 Twn:04 S Rng:27 E S05, T04 S, R27 E, UNDIV 1/18 % INT IN LTS 9,10 & 11 120 AC, (02)	2018 17 2018 AF	TOTAL 3.18 1.82 5.00	5.00 1.59 0.91 2.50	2.50 1.59 0.91 2.50	2.50 1.59 0.91 2.50
Tax Code D12388A REYES, EUSTAQUIO SEPEDA & ANSELMO M 1753 E GEMINI PL CHANDLER, AZ 85249-3692	180864 03-0727-32-2-01-01-6000 Sn:32 Twn:03 S Rng:27 E S32, T03 S, R27 E, UNDIV 1/108 % INT IN SW4NW4,NW4SW4 USA 3 80 AC	2018 17 2018 AF	TOTAL 0.45 4.55 5.00	5.00 0.23 2.28 2.51	2.50 0.23 2.28 2.51	2.50 0.22 2.27 2.49
Tax Code D12537 MORNING GUN, TERESA GOMEZ MONTANA BIA 2021 4TH AVE N BILLINGS, MT 59101-1405	180866 03-0726-32-4-01-01-6002 Sn:32 Twn:03 S Rng:26 E S32, T03 S, R26 E, UNDIV 39/21600 INTEREST IN SE4 (2000)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 0.45 2.05 2.50	2.51 0.45 2.05 2.50	2.49 0.45 2.05 2.50
Tax Code D12537A GOMEZ, TERESA 326 WESTGATE DR BILLINGS, MT 59101-7026	180867 03-0726-32-4-01-01-6003 Sn:32 Twn:03 S Rng:26 E S32, T03 S, R26 E, 13/7200 INT IN SE4 (2005)	2018 17 2018 AF	TOTAL 0.90 4.10 5.00	5.00 0.45 2.05 2.50	2.50 0.45 2.05 2.50	2.50 0.45 2.05 2.50
Tax Code D12691 LAHTI, RVI ARMAS 299 STAGECOACH TRL FLORENCE, MT 59833-6915	180872 03-0725-25-4-04-01-6000 Sn:25 Twn:03 S Rng:25 E S25, T03 S, R25 E, UNDIV 1/27 % OF LTS 4,5 59.56 AC (02)	2018 17 2018 AF	TOTAL 2.27 2.73 5.00	5.00 1.14 1.37 2.51	2.50 1.13 1.36 2.49	2.50 1.13 1.36 2.49

Date: 05/23/2024  
Time: 15:57:24

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code D12691 (Continued)		TOTAL		5.00	2.51	2.49
Tax Code 100008 AMERICAN PULSES LTD 1111 ALBERNI ST UNIT 4202 VANCOUVER BC V6E 4V2 CANADA	180880 03-1322-16-2-02-02-4001 Snr:16 Twn:04 N Rng:23 E S16, T04 N, R23 E, IMPS @ D11975 BN LEASE #BF40623	2018 21 2018 CRED 2018 SOIL		142.60 20.00 0.11 162.71	71.30 10.00 0.06 81.36	71.30 10.00 0.05 81.35
Tax Code 100607 STOCKTON OIL CO STOCKTON, MYKEL PO BOX 1756 BILLINGS, MT 59103-1756	180887 03-0927-05-2-01-05-0001 Snr:05 Twn:01 S Rng:26 E VAN ORNUM SUBD, S05, T01 S, R26 E, BLOCK 1, Lot 5, KWIK WAY #7-UNDER	TOTAL 2018 2 2018 PD01 2018 SOIL		162.71 568.56 7.97 0.35 576.88	81.36 284.28 3.99 0.18 288.45	81.35 284.28 3.98 0.17 288.43
Tax Code 100608 STOCKTON OIL CO PO BOX 1756 BILLINGS, MT 59103-1756	180888 03-1032-36-4-01-03-0001 Snr:36 Twn:01 N Rng:25 E PARTINGTON PARK SUB 6TH FILING, S36, T01 N, R25 E, Lot 6, UNDER	TOTAL 2018 2 2018 PD01 2018 SOIL		576.88 666.41 9.34 0.41 676.16	288.45 333.21 4.67 0.21 338.09	288.43 333.20 4.67 0.20 338.07
Tax Code 100615 STOCKTON OIL CO PO BOX 1756 BILLINGS, MT 59103-1756	180889 03-0926-12-3-01-01-0001 Snr:12 Twn:01 S Rng:25 E LAMPMAN SUBD, S12, T01 S, R25 E, BLOCK 17A, Lot 2, UNDERGROUND TANK	TOTAL 2018 2 2018 PD01 2018 SOIL		676.16 857.84 12.03 0.53 870.40	338.09 428.92 6.02 0.27 435.21	338.07 428.92 6.01 0.26 435.19
Tax Code 100706 SIEWERT, PAUL 204 HOGAN RD HUNTLEY, MT 59037-9323	180891 03-1035-19-3-01-01-4001 Snr:19 Twn:01 N Rng:28 E S19, T01 N, R28 E, SFR ON LAND OWNED BY OTHERS 204 HOGAN RD 037	TOTAL 2018 24 2018 SOIL		870.40 157.42 0.12 157.54	435.21 78.71 0.06 78.77	435.19 78.71 0.06 78.77
Tax Code 101005 BOSHART, NATHAN 102 8TH AVE APT E	180894 03-0927-08-2-25-20-4001 Snr:13 Twn:1S Rng:25 E CENTERVIEW SUBD 2ND FILING, S13,	TOTAL 2018 2 2018 PD01 2018 SOIL		157.54 192.85 2.70 0.12	78.77 96.43 1.35 0.06	78.77 96.42 1.35 0.06

Date: 05/23/2024  
Time: 15:57:24

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

REAL ESTATE

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code 101005 (Continued) LAUREL, MT 59044-2950	TIS, R25E, BLOCK 9, Lot 7, COFFEE			195.67	97.84	97.83
		TOTAL		195.67	97.84	97.83
Tax Code 101150 HARRIS BROADCASTING CO INC HARRIS, STEPHEN R 417 W PLUMB LN RENO, NV 89509-3766	180903 03-0927-03-1-38-05-4001 Sht:03 Twn:01 S Rng:26 E TOWER IMPS @ A00804	2018 2T3A 2018 2T3A 2018 BID1 2018 PD01 2018 TIDU		40.00 30.46 3.19 0.99 0.26 74.90	20.00 15.23 1.60 0.50 0.13 37.46	20.00 15.23 1.59 0.49 0.13 37.44
		TOTAL		74.90	37.46	37.44
Tax Code 101151 CHURCH FOR VETERANS 8105 HOFFERBER RD SHEPHERD, MT 59079	180904 03-1134-03-3-01-16-4001 Sht:03 Twn:02 N Rng:27 E IMPS ON D07251	2018 37		441.08 441.08	220.54 220.54	220.54 220.54
		TOTAL		441.08	220.54	220.54
Tax Code 101155 CHRISTIAN, SHAWN 1003 PENN CIR LAUREL, MT 59044-3515	180905 03-0821-11-2-13-24-4001 Sht:11 Twn:02 S Rng:24 E S11, T02 S, R24 E, IMPS@B027370 (SHED)	2018 7		37.48 37.48	18.74 18.74	18.74 18.74
		TOTAL		37.48	18.74	18.74

Date: 05/23/2024  
Time: 15:57:24

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

Oper: hpeters

PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.  
AS OF 06/03/2024 REAL ESTATE

**TOTALS PAGE**

Year	Spec Dist/ Levy	Sub	Description	Total	1st Half	2nd Half
2018	17		PRYOR STAR ROUTE	16.71	8.40	8.31
2018	2 T5		SOUTH BILLINGS BLVD URBAN	29.29	14.65	14.64
2018	2		BILLINGS	2,352.09	1,176.06	1,176.03
2018	21		BROADVIEW INSIDE	241.76	120.89	120.87
2018	24		HUNTLEY/WORDEN/BALLANTINE	157.42	78.71	78.71
2018	26		LOCKWOOD AREA	404.67	202.34	202.33
2018	2T3A		2008 EXPANDED N 27TH URBA	30.46	15.23	15.23
2018	2T3A		2008 EXPANDED N 27TH URBA	40.00	20.00	20.00
2018	37		SHEPHERD	441.08	220.54	220.54
2018	4		CANYON CREEK/DUCK CREEK	588.32	294.16	294.16
2018	7		LAUREL INSIDE	37.48	18.74	18.74
2018	AF		AF ADMINISTRATION FEE	73.29	36.69	36.60
2018	BACF		BACF BLGS ARTERIAL CONST FEE	1.28	0.64	0.64
2018	BFD3		BFD3 BROADVIEW FIRE DISTRICT 3	0.18	0.10	0.08
2018	BID1		Business Improv Dist 1	3.19	1.60	1.59
2018	BLSW		BLSW BILLINGS STORM SEWER	1,308.08	654.04	654.04
2018	BS#2		BS#2 BLGS STREET MAINT #2	9.10	4.55	4.55
2018	CRED		CRED COUNTY REFUSE DISTRICT	20.00	10.00	10.00
2018	DAND		DAND DANFORD DRAINAGE	5.00	2.50	2.50
2018	L226		0226 BLGS LIGHT MAINT	118.38	59.19	59.19
2018	lckb		LCKB LOCKWOOD BOND PYMT	40.00	20.00	20.00
2018	LCKS		LCKS LOCKWOOD SEWER	25.00	12.50	12.50
2018	LFD8		LFD8 LOCKWOOD RURAL FIRE #8	94.64	47.32	47.32
2018	O21		BROADVIEW OUTSIDE	61.50	30.75	30.75
2018	PD01		BILLINGS PARK DISTRICT	34.67	17.35	17.32
2018	SBT5		SOUTH BILLINGS BLVD URBAN	19.83	9.92	9.91
2018	SOIL		SOIL SOIL CONSERVATION	2.57	1.31	1.26
2018	TIDU		TIDU TID - UNIVERSITY MILLAGE	0.43	0.22	0.21
	SUBTOT			6,156.42	3,078.40	3,078.02
	GRAND TOTAL			\$6,156.42	\$3,078.40	\$3,078.02
	ABATEMENT TOTAL			\$4,237.45		

Date: 05/23/2024  
Time: 16:10:55

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

SAVE AS: ABATEMENT MH

**RANGES**

TAX YEAR: (R) 2018 - 2018  
TAX TYPE: (R) MH - MH  
LEVY DISTRICT: (A)  
TOWNSHIP: (A)  
RANGE: (A)  
SECTION: (A)  
LOT: (A)  
BLOCK: (A)  
PARCEL#: (A)  
BANK CODE: (A)  
MISC CODE: (A)

**OPTIONS**

DELINQ. AS OF DATE: 06/03/2024  
REPORT SORT ORDER: A  
REPORT TYPE: DI  
COMPLETE LEGAL?: N  
INCLUDE P&I?: N  
ASSESSMENT YEAR: A  
INCL RANGES/OPTIONS?: Y  
INCLUDE BANKRUPTCIES: Y  
OPEN EXCEL FILE: N

**Name & Address**  
Tax Code 1000254  
DAVIS, CAROL M  
DAVIS, MARK A  
4119 LONG LN  
BILLINGS, MT 59105-4916

**Tax Property Description**  
**Cert#**  
03-1134-21-2-11-24-0001  
Srn:21 Twn:02 N Rng:27 E  
S21, T02 N, R27 E, 73 FALCON S/N  
10510 14X66 TITLE: M598684 4119

Spec Dist/ Levy	Year	Tax Amount	1st Half	2nd Half
37	2018	51.35	25.68	25.67
CRED	2018	20.00	10.00	10.00
POST	2018	100.00	0.00	100.00
SFSA	2018	90.00	45.00	45.00
WRIT	2018	25.00	0.00	25.00
		286.35	80.68	205.67

TOTAL

286.35	80.68	205.67
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Tax Code 1000746  
LONSBERRY, DORA &  
CUSKER, NOELA  
37 WASHINGTON ST TRLR 19  
BILLINGS, MT 59101-5216

03-1134-03-3-01-16-8002  
Srn:12 Twn:2N Rng:27 E  
Make: SKYLINE  
Model: UNKNOWN

37	2018	32.79	16.40	16.39
POST	2018	100.00	0.00	100.00
SFSA	2018	90.00	45.00	45.00
WRIT	2018	25.00	0.00	25.00
		247.79	61.40	186.39

Tax Code 1001268  
TAYLOR, LUCINDA R  
MAIL TO: IDSTROM, CHRISTOPHER  
7655 HUNTINGTON LN  
SHEPHERD, MT 59079-3603

03-1133-12-2-03-01-8002  
Srn:12 Twn:02 N Rng:26 E  
S12, T02 N, R26 E, 1974 CHAMPION  
12X56 TITLE: M714345 SN: S2728

TOTAL	247.79	61.40	186.39
37	8.66	4.33	4.33
CRED	20.00	10.00	10.00
POST	100.00	0.00	100.00
SFSA	90.00	45.00	45.00
WRIT	25.00	0.00	25.00

Date: 05/23/2024  
Time: 16:11:12

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Code	Tax Property Description Cert# (First 4 Lines)	Spec Dist/ Levy	Year	Tax Amount	1st Half	2nd Half
Tax Code 1001268 (Continued)							
Tax Code 1001713							
TAUSCHER, FRANK C & MARILYN	03-0927-09-3-01-01-9049	Sn:09 Twn:01 S Rng:26 E	TOTAL		243.66	59.33	184.33
MAIL TO: FRAMPTON, ALLEN	STAR SUBD, S09, T01 S, R26 E,						
737 S BILLINGS BLVD # 49	BLOCK 001, Lot 001, 1977 CLIFTON						
BILLINGS, MT 59101-4754							
Tax Code 1001806							
HILL, KEVIN	03-1133-12-2-03-01-8001	Sn:12 Twn:02 N Rng:26 E	TOTAL		243.40	59.21	184.19
MAIL TO: IDSTROM, CHRISTOPHER	Make: DMH						
7655 HUNTINGTON LN	Model: DETROITER						
SHEPHERD, MT 59079-3603							
Tax Code 1001976							
SIEMSEN, CLAY D	03-1034-21-2-13-01-8001	Sn:21 Twn:IN Rng:27 E	TOTAL		278.93	76.97	201.96
MAIL TO: MALSTROM, TODD	Make: REDMAN						
4053 OLD HARDIN RD	Model: KIRKWOOD						
BILLINGS, MT 59101-7141							
Tax Code 1002034							
KENNEDY, DONNA	03-1034-17-4-12-22-8001	Sn:17 Twn:01 N Rng:27 E	TOTAL		153.83	14.42	139.41
MAIL TO: HEINRICH, RICKY	Make: TRAVELO						
1907 CANARY AVE	S17, T01 N, R27 E, SERIAL # 25608,						
BILLINGS, MT 59101-7441							

Date: 05/23/2024  
Time: 16:11:12

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
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Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code 1002034 (Continued)		TOTAL		182.53	28.77	153.76
Tax Code 1002185 PLUM, WESLEY A & WILLIS, MARIA M 250 ANDERSON RD LAUREL, MT 59044-8025	03-0821-30-2-02-01-8001 Srt:30 Twn:02 S Rng:24 E S30, T02 S, R24 E, 1978 BENDIX 14X56 TITLE: K131816 SN: KC969A	2018 O7L 2018 CRED 2018 LFD7 2018 POST 2018 WRIT		80.37 20.00 2.33 100.00 25.00	40.19 10.00 1.17 0.00 51.36	40.18 10.00 1.16 100.00 25.00 176.34
Tax Code 1002818 BELTRAN, MARY 634 RADFORD SQ S BILLINGS, MT 59105-3396	03-1033-22-4-11-21-8001 Srt:22 Twn:01 N Rng:26 E Make: REDMAN Model: NEW MOON	TOTAL 2018 2 2018 POST 2018 WRIT		227.70 39.46 100.00 25.00 164.46	51.36 19.73 0.00 0.00 19.73	176.34 19.73 100.00 25.00 144.73
Tax Code 1002982 GUSLER, GLENNE 2595 CARLIN ST LAUREL, MT 59044-9773	03-0821-30-2-05-26-8982 Srt:30 Twn:2S Rng:24 E ANDERSON MHP, S30, T2S, R24E, SERIAL # 4070, TITLE # M633792,	TOTAL 2018 O7L 2018 CRED 2018 LFD7 2018 POST 2018 WRIT		164.46 24.65 20.00 0.72 100.00 25.00 170.37	19.73 12.33 10.00 0.36 0.00 22.69	144.73 12.32 10.00 0.36 100.00 25.00 147.68
Tax Code 1003504 NEVILLE, MARGE MAIL TO: MCCUNE, JEREMY PO BOX 30292 BILLINGS, MT 59107-0292	03-1134-21-2-11-20-9007 Srt:21 Twn:2N Rng:27 E Make: FLEETWOOD LONG LN MHP, S21, T2N, R27E,	TOTAL 2018 37 2018 POST 2018 SFSA 2018 WRIT		170.37 9.90 100.00 90.00 25.00 224.90	22.69 4.95 0.00 45.00 0.00 49.95	147.68 4.95 100.00 45.00 25.00 174.95
Tax Code 1003711 BEAR CLAW, RAMONA 12222 PRYOR RD BILLINGS, MT 59101-9017	03-0727-17-1-01-02-8003 Srt:17 Twn:03 S Rng:27 E S17, T03 S, R27 E, SERIAL # 47993000261, TITLE # E400012, 1999	TOTAL 2018 17 2018 CRED 2018 POST 2018 WRIT		224.90 174.71 20.00 100.00 25.00 319.71	49.95 87.36 10.00 0.00 97.36	174.95 87.35 10.00 100.00 25.00 222.35

Date: 05/23/2024  
Time: 16:11:12

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Code	Tax Property Description Cert# (First 4 Lines)	Spec Dist/ Levy	Year	Tax Amount	1st Half	2nd Half
Tax Code 1003711 (Continued)							
Tax Code 1003842 SCHWEITZER, JULIE BALLANTYNE 231 JIM ST BILLINGS, MT 59101-9214		03-0927-20-3-01-01-9231 Srt:20 Twn:01 S Rng:26 E Make: LIBERTY Model: LIBERTY	TOTAL		319.71	97.36	222.35
			2018 O2		46.10	23.05	23.05
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
			2018 WRIT		25.00	0.00	25.00
Tax Code 1003888 DEVEAU, MICHAEL MAIL TO: HEYD, JEFF 2705 HIGHWAY 312 WORDEN, MT 59088-2335		03-1236-30-1-10-01-8001 Srt:30 Twn:3N Rng:30 E Make: CHIEF IND Model: BELLAVISTA	TOTAL		191.10	33.05	158.05
			2018 24		80.82	40.41	40.41
			2018 CRED		20.00	10.00	10.00
			2018 HFSA		50.00	25.00	25.00
			2018 POST		100.00	0.00	100.00
Tax Code 1003893 PIPPIN, NORMAJEAN & DONALD 1036 RIVERSIDE DR BILLINGS, MT 59101-5746		03-0927-15-1-14-03-0002 Srt:15 Twn:01 S Rng:26 E RIVERSIDE ACREAGE TRACTS SUBD, S15, T01 S, R26 E, Lot 002, 75	TOTAL		275.82	75.41	200.41
			2018 O2		42.64	21.32	21.32
			2018 BUFM		89.00	44.50	44.50
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
Tax Code 1004134 HOFER, DAVID & RITA MAIL TO: FOLEY, JEFF 4018 T BAR J WAY BILLINGS, MT 59101-7460		03-1034-16-3-01-10-8001 Srt:16 Twn:1N Rng:27 E Make: GALLATIN S16, T1N, R27E, SERIAL # 203,	TOTAL		276.64	75.82	200.82
			2018 26		42.18	21.09	21.09
			2018 CRED		20.00	10.00	10.00
			2018 LFD8		11.53	5.77	5.76
			2018 POST		100.00	0.00	100.00
Tax Code 1004134 HOFER, DAVID & RITA MAIL TO: FOLEY, JEFF 4018 T BAR J WAY BILLINGS, MT 59101-7460		03-1034-16-3-01-10-8001 Srt:16 Twn:1N Rng:27 E Make: GALLATIN S16, T1N, R27E, SERIAL # 203,	TOTAL		198.71	36.86	161.85
			2018 26		42.18	21.09	21.09
			2018 CRED		20.00	10.00	10.00
			2018 LFD8		11.53	5.77	5.76
			2018 POST		100.00	0.00	100.00

Date: 05/23/2024  
Time: 16:11:12

YELLOWSTONE COUNTY  
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Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code 1004680 HARRIS, VICKIE L DELAWARE, FRANK * 2423 POLY DR BILLINGS, MT 59102-1536	03-0925-11-3-04-09-8004 Sn:11 Twn:01 S Rng:24 E S11, T01 S, R24 E, SERIAL # 227237, TITLE # M437328, 1971 NEW MOON	2018 8 2018 CRED 2018 LUFS 2018 POST 2018 WRIT		7.17 20.00 35.00 100.00 25.00 187.17	3.59 10.00 17.50 0.00 0.00 31.09	3.58 10.00 17.50 100.00 25.00 156.08
	TOTAL			187.17	31.09	156.08
Tax Code 1004901 DELAWARE, FRANK 2423 POLY DR BILLINGS, MT 59102-1536	03-0925-11-3-04-09-8005 Sn:11 Twn:01 S Rng:24 E S11, T01 S, R24 E, SERIAL # 04561379G, TITLE # K346837, 1973	2018 8 2018 LUFS 2018 POST 2018 WRIT		6.14 35.00 100.00 25.00 166.14	3.07 17.50 0.00 0.00 20.57	3.07 17.50 100.00 25.00 145.57
	TOTAL			166.14	20.57	145.57
Tax Code 1004916 CLINE, KODY L MAIL TO: CRAIG, TIM 7935 BURLINGTON AVE BILLINGS, MT 59106-1941	03-0925-01-2-15-02-8001 Sn:01 Twn:01 S Rng:24 E Make: LIBERTY HOMEWOOD PARK SUBD, S01, T01S,	2018 8 2018 CRED 2018 POST 2018 WRIT		41.98 20.00 100.00 25.00 186.98	20.99 10.00 0.00 0.00 30.99	20.99 10.00 100.00 25.00 155.99
	TOTAL			186.98	30.99	155.99
Tax Code 1005579 RODRIGUEZ, RANDY MAIL TO: FOLEY, JEFF 4078 PINE HILLS RD BILLINGS, MT 59101-7426	03-1034-16-3-01-10-8002 Sn:16 Twn:01 N Rng:27 E Make: RICHARDSON HOME S16, T01 N, R27 E, SERIAL #	2018 26 2018 CRED 2018 LFD8 2018 POST 2018 WRIT		30.63 20.00 8.37 100.00 25.00 184.00	15.32 10.00 4.19 0.00 0.00 29.51	15.31 10.00 4.18 100.00 25.00 154.49
	TOTAL			184.00	29.51	154.49
Tax Code 1006898 DELAWARE, FRANK 2423 POLY DR BILLINGS, MT 59102-1536	03-0925-11-3-04-09-8001 Sn:11 Twn:01 S Rng:24 E S11, T01 S, R24 E, SERIAL # UNKNOWN, TITLE # UNKNOWN, 1973	2018 8 2018 CRED 2018 LUFS 2018 POST 2018 WRIT		71.67 20.00 35.00 100.00 25.00 251.67	35.84 10.00 17.50 0.00 0.00 63.34	35.83 10.00 17.50 100.00 25.00 188.33

Date: 05/23/2024  
Time: 16:11:12

YELLOWSTONE COUNTY  
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Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Code	Tax Property Description Cert# (First 4 Lines)	Spec Dist/ Levy	Year	Tax Amount	1st Half	2nd Half
Tax Code 1006898 (Continued)							
Tax Code 1007036 DOWN, KENDRA F 12215 PRYOR RD BILLINGS, MT 59101-9017		03-0727-17-1-01-02-8009 Sn:17 Twn:3S Rng:27 E Make: UNKNOWN S17, T3S, R27E, SERIAL # UNKNOWN,	TOTAL		251.67	63.34	188.33
			2018 17		316.28	158.14	158.14
			2018 POST		100.00	0.00	100.00
			2018 WRIT		25.00	0.00	25.00
					441.28	158.14	283.14
Tax Code 1007245 LARSON, LEONARD STANLEY HEINZMAN, JOHNNY & BOBBI 3905 HOMER DAVIS RD SHEPHERD, MT 59079-4102		03-1134-17-4-01-18-8001 Sn:17 Twn:2N Rng:27 E Make: MAGNOLIA S17, T2N, R27E, SERIAL # 9691,	TOTAL		441.28	158.14	283.14
			2018 37		11.14	5.57	5.57
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
			2018 SFSA		90.00	45.00	45.00
Tax Code 1007331 CAULFIELD, LESLIE BEARCLAW & ROY LEE 12592 PRYOR RD BILLINGS, MT 59101-9017		03-0727-17-1-01-02-8005 Sn:17 Twn:3S Rng:27 E Make: SHAR LO HOMES Model: BENDEX	TOTAL		246.14	60.57	185.57
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
			2018 WRIT		25.00	0.00	25.00
					145.00	10.00	135.00
Tax Code 1008258 JONES, STEPHANIE LEE 10600 RENO LN SHEPHERD, MT 59079		03-1233-24-3-02-01-8008 Sn:24 Twn:3N Rng:27 E S24, T3N, R27E, SERIAL # 87A8078, TITLE # AA1532297, 1978 BONNAVILLA	TOTAL		145.00	10.00	135.00
			2018 37		126.84	63.42	63.42
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
			2018 SFSA		90.00	45.00	45.00
Tax Code 1009220 WALTER, RALEIGH F 5530 CERKONEY LN SHEPHERD, MT 59079-4334		03-1134-15-1-14-08-8003 Sn:15 Twn:02 N Rng:27 E Make: ROLLOHOME Model: EXECUTIVE	TOTAL		361.84	118.42	243.42
			2018 37		111.99	56.00	55.99
			2018 CRED		20.00	10.00	10.00
			2018 POST		100.00	0.00	100.00
			2018 SFSA		90.00	45.00	45.00

Date: 05/23/2024  
Time: 16:11:13

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
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Oper: hpeters

AS OF 06/03/2024

MOBILE HOMES

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy	Tax Amount	1st Half	2nd Half
Tax Code 1009220 (Continued)		2018	WRIT	25.00	0.00	25.00
				346.99	111.00	235.99
			TOTAL	346.99	111.00	235.99
Tax Code 1009582	03-1235-31-4-04-10-8001	2018	24	33.14	16.57	16.57
JAMES, JIMMIE	Sn:31 Twn:3N Rng:29 E	2018	CRED	20.00	10.00	10.00
1556 PACIFIC AVE	Make: REDMAN	2018	HFSA	50.00	25.00	25.00
BALLANTINE, MT 59006-9713	Model: NEW MOON	2018	POST	100.00	0.00	100.00
		2018	WRIT	25.00	0.00	25.00
				228.14	51.57	176.57
			TOTAL	228.14	51.57	176.57

Date: 05/23/2024  
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YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

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AS OF 06/03/2024 MOBILE HOMES

**TOTALS PAGE**

Year	Spec Dist/ Levy Dist	Sub	Description	Total	1st Half	2nd Half
2018	17		PRYOR STAR ROUTE	490.99	245.50	245.49
2018	2 T5		SOUTH BILLINGS BLVD URBAN	69.24	34.62	34.62
2018	2		BILLINGS	39.46	19.73	19.73
2018	24		HUNTLEY/WORDEN/BALLANTINE	113.96	56.98	56.98
2018	26		LOCKWOOD AREA	109.21	54.62	54.59
2018	37		SHEPHERD	396.60	198.32	198.28
2018	8		ELDERGROVE	126.96	63.49	63.47
2018	BUFM		BLGS URBAN FIRE SERV-MOB	89.00	44.50	44.50
2018	CRED		CRED COUNTY REFUSE DISTRICT	420.00	210.00	210.00
2018	HFSA		HFSA HUNTLEY FIRE SERVICE AREA	100.00	50.00	50.00
2018	LFD7		LFD7 LAUREL FIRE DISTRICT #7	3.05	1.53	1.52
2018	LFD8		LFD8 LOCKWOOD RURAL FIRE #8	29.86	14.94	14.92
2018	LUFS		LUFS LRL URBAN FIRE SERV AREA	105.00	52.50	52.50
2018	O2		BILLINGS OUTSIDE	88.74	44.37	44.37
2018	O7L		LAUREL OUTSIDE W/PLANNING	105.02	52.52	52.50
2018	POST		POST (SHERIFF)	2,700.00	0.00	2,700.00
2018	SBT5		SOUTH BILLINGS BLVD URBAN	48.73	24.37	24.36
2018	SFSA		SFSA SHEPHERD FIRE SERV	720.00	360.00	360.00
2018	TIDU		TIDU TID - UNIVERSITY MILLAGE	0.43	0.22	0.21
2018	WRIT		WRIT FEE (County)	675.00	0.00	675.00
	SUBTOT			6,431.25	1,528.21	4,903.04
GRAND TOTAL				\$6,431.25	\$1,528.21	\$4,903.04

Date: 05/23/2024  
Time: 16:12:41

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

Oper: hpeters

PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

AS OF 06/03/2024

PERSONAL PROPERTY

**SAVE AS: ABATEMENT PP**

**RANGES**

TAX YEAR: (R) 2018 - 2018  
TAX TYPE: (R) PP - PP  
LEVY DISTRICT: (A)  
TOWNSHIP: (A)  
RANGE: (A)  
SECTION: (A)  
LOT: (A)  
BLOCK: (A)  
PARCEL#: (A)  
BANK CODE: (A)  
MISC CODE: (A)

**OPTIONS**

DELINQ. AS OF DATE: 06/03/2024  
REPORT SORT ORDER: A  
REPORT TYPE: D1  
COMPLETE LEGAL?: N  
INCLUDE P&I?: N  
ASSESSMENT YEAR: A  
INCL RANGES/OPTIONS?: Y  
INCLUDE BANKRUPTCIES: Y  
OPEN EXCEL FILE: N

Name & Address	Tax Property Description Cert# (First 4 Lines)	Year	Spec Dist/ Levy Dist	Tax Amount	1st Half	2nd Half
Tax Code 2023361 ANTELOPE RESOURCES INC RYE, BECKY 27 N 27TH ST STE 2102 BILLINGS, MT 59101-2347	MOSSER DOME WELLS 27 N 27TH ST	2018	07	313.89	313.89	0.00
				313.89	313.89	0.00
		TOTAL		313.89	313.89	0.00
Tax Code 2024091 RJD INC 1110 MAGGIE LN BILLINGS, MT 59101-6348	SD 23T5 1110 MAGGIE LN	2018	23T5	2,588.67	2,588.67	0.00
		2018	SBT5	1,808.96	1,808.96	0.00
		2018	TIDU	19.27	19.27	0.00
				4,416.90	4,416.90	0.00
		TOTAL		4,416.90	4,416.90	0.00
Tax Code 2024095 BEAUTIFUL GROUP MANAGEMENT LLC TBG 97201 WILSHIRE BLVD 6TH FL BEVERLY HILLS, CA 90212	SD 2 RIMROCK MALL STE F-1 STORE # 2600 300 S 24TH ST W	2018	2	157.86	157.86	0.00
				157.86	157.86	0.00
		TOTAL		157.86	157.86	0.00
Tax Code 2024095A BEAUTIFUL GROUP MANAGEMENT LLC TBG	SD 2 RIMROCK MALL STE A03 , STORE # 2606 (MASTERCUTS) 300 S 24TH ST W	2018	2	91.39	91.39	0.00
				91.39	91.39	0.00
		TOTAL		91.39	91.39	0.00

Date: 05/23/2024  
Time: 16:12:44

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**  
PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.

Oper: hpeters

AS OF 06/03/2024

PERSONAL PROPERTY

Name & Address		Tax Property Description Cert# (First 4 Lines)		Spec Dist/ Levy Dist	Tax Amount		1st Half	2nd Half
				Year				
Tax Code 2024095A (Continued)								
97201 WILSHIRE BLVD 6TH FL								
BEVERLY HILLS, CA 90212								
TOTAL					91.39		91.39	0.00

Date: 05/23/2024  
Time: 16:12:44

YELLOWSTONE COUNTY  
**DELINQUENT TAX REPORT**

Oper: hpeters

*PENALTIES, INTEREST, AND COSTS WILL BE ADDED TO DELINQUENT TAXES.*  
*AS OF 06/03/2024* *PERSONAL PROPERTY*

**TOTALS PAGE**

Year	Spec Dist/ Levy Dist	Sub	Description	Total	1st Half	2nd Half
2018	2		BILLINGS	249.25	249.25	0.00
2018	23T5		SOUTH BILLINGS BLVD URBAN	2,588.67	2,588.67	0.00
2018	O7		LAUREL OUTSIDE	313.89	313.89	0.00
2018	SBT5		SOUTH BILLINGS BLVD URBAN	1,808.96	1,808.96	0.00
2018	TIDU		TIDU TID - UNIVERSITY MILLAGE	19.27	19.27	0.00
	SUBTOT			4,980.04	4,980.04	0.00
GRAND TOTAL				\$4,980.04	\$4,980.04	\$0.00

B.O.C.C. Regular

7. a.

Meeting Date: 06/04/2024

Title: Stealth Partner Group, LLC Agreement

Submitted By: Teri Reitz, Board Clerk

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TOPIC:

Stealth Partner Group, LLC Agreement

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

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Attachments

Stealth Partner Group LLC Agreement

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## SERVICES CONTRACT

This Services Contract (the “**Agreement**”) is entered into between Stealth Partner Group, LLC (“**Company**”), and Yellowstone County [Group Name], [which may include a self-funded group health plan or plans] (“**Group**”) and any such certain self-funded group health plan. Company and Group are sometimes referred to individually as a “**Party**” and collectively as the “**Parties**.” This Agreement is effective July 1, 2024 [Month XX] (the “**Effective Date**”).

### RECITALS

WHEREAS, Company provides certain cell and gene therapy related benefits pursuant to a performance guarantee, as set forth in this Agreement (the benefits and structure provided herein are the “Program”);

WHEREAS, Group is establishing and maintaining a self-funded group health plan (“GHP”) for its employees and dependents;

WHEREAS, Company has contracted with, and may in the future contract with, one or more insurers selected by Company or its affiliates from time to time, to provide coverage to Company under contractual liability insurance policies to indemnify Company for certain of its liabilities associated with the performance guarantee provided under this Agreement (individually and collectively, as applicable, the “Insurer”);

WHEREAS, Company may also offer and sell certain contractual liability insurance policies (“CLIPs”) issued by insurers selected by Company or its affiliates from time to time including, without limitation, through a liability risk purchasing group, that will reimburse employers and/or their self-funded group health plans, as applicable, for certain cell and gene therapy risk exposures that are assumed by contract by the employers and/or their self-funded group health plans, as applicable (the “Amwins CLIP Program”);

WHEREAS, Group would like to participate in the Program; and

THEREFORE, in consideration of the mutual agreements and covenants contained in this Agreement and other good and valuable consideration the receipt of which is acknowledged, the Parties agree to the following:

### AGREEMENT

#### **SECTION 1: DEFINITIONS**

The following are definitions of terms used in this Agreement. Other terms are defined in Exhibit B to this Agreement or where they are first used in this Agreement. Defined terms are capitalized when used in the defined context.

- 1.1 “**Claim**” means a covered expense that is (i) the responsibility of Company with respect to a Participant under the terms of this Agreement; and (ii) a Participant is diagnosed with a Covered Disease; and (iii) Covered Pharmaceuticals are prescribed with an intent to treat a Covered Disease; and (iv) a covered expense has been approved and Paid by the GHP or its third-party administrator within the Claims Period, and submitted to Company within the Claims Period; and (v) Covered Pharmaceuticals are administered within the Benefit Period, and proof of administration, including date, are submitted to Company.

- 1.2 **“Participant(s)”** means an individual entitled to receive benefits for services under the terms of the GHP at the time services are performed.
- 1.3 **“Paid Claims”** means the amount that Group’s third-party administrator has (i) adjudicated pursuant to the terms of the Group’s SPD and paid for a Participant’s Claim in response to a request for payment of benefits under the GHP; and (ii) the funds are actually disbursed by the GHP prior to the end of the Claims Period. Paid Claim must be unconditional and directly made to the Participant’s health care provider(s). Payment will be deemed made on the date the payment is tendered by mailing (or by other form of delivery) a draft or check; and the account upon which the payment is drawn contains, and continues to contain, sufficient funds to permit the check or draft to be honored by the institution upon which it is drawn.
- 1.4 **“Proprietary Materials”** means Company’s proprietary and confidential records, documents, lists, books, recorded information, data stored on data processing media, trade secrets, symbols, trademarks, service marks, systems, formats, programs, procedures, protocols, contract forms, pricing data, deidentified data, utilization information, fee schedules, reasonable and customary charges profiles, designs, and business plans.
- 1.5 **“SPD”** means summary plan description and is a written summary of the terms and benefits of the GHP available to Participants. An SPD will not be prepared by Company. A GHP with different benefit plan options may describe those options in one SPD or in separate SPDs for each alternative benefit plan option.
- 1.6 **“Term”** means the period of time this Agreement remains in effect. The initial Term is defined in Section 4.1 of this Agreement, and the Agreement may renew for subsequent twelve (12) month periods, each of which is referred to as a Term. If the Agreement is terminated early for any reason prior to the expiration of a full twelve (12) month period, the shorter period between the first day of the Term and the date the Agreement terminates is the Term.

## **SECTION 2: RELATIONSHIP OF THE PARTIES**

- 2.1 **Company Acting in Ministerial Capacity Only.** Except as may otherwise be expressly provided in this Agreement, the Parties acknowledge and agree that Company is acting solely in a ministerial capacity in performing Company’s duties and obligations under this Agreement and will have no fiduciary duties with respect to the administration of the Group’s health plan. While Company may facilitate and coordinate the various relationships, Company does not have discretionary authority over the Program. Company will not be responsible for advising Group with respect to their fiduciary duties under the Agreement or from making any recommendations with respect to the investment of GHP assets.
- 2.2 **Company is Not Insuring any Group Liabilities.** Company does not insure or underwrite any liability associated with the GHP and will have no financial risk or liability with respect to the provision of benefits under the GHP, subject to the delivery and acceptance of the Specified Specialty Pharmaceutical Performance Guarantee (defined below).
- 2.3 **Authority.** Group grants Company the authority to serve as an agent of the Group in performing Company’s duties under this Agreement, but only those Company duties that are expressly stated in this Agreement or as mutually agreed in writing by the Parties.

- 2.4 **Company is an Independent Contractor.** Company is and will remain an independent contractor with respect to the services being performed under the terms of this Agreement and will not for any purpose be deemed an employee of Group, and Company will not be deemed to be a partner or to be governed by any legal relationship other than that of independent contractor. Company does not assume any responsibility for the general policy design of the GHP, the adequacy of the funding thereof, nor any act, omission, or breach of duty by Group.

### **SECTION 3: COMPENSATION AND ADOPTION OF BENEFIT DISBURSEMENT TERMS**

- 3.1 **Specified Specialty Pharmaceutical Benefit Disbursement Terms.** The Parties hereby incorporate the terms of the Specified Specialty Pharmaceutical Benefit Disbursement Terms ("Disbursement Terms") attached to this Agreement as Exhibit B. The terms of the Disbursement Terms will control the terms of Program and the ability for the Group to receive payment for any Covered Expenses. Group acknowledges that to participate in the Program, Group must place its commercial employer stop-loss policy through Company, and that policy may not exclude or otherwise limit reimbursements for the therapies outlined in Exhibit B.
- 3.2 **Compensation.** Group will pay to Company \$1.99 per covered employee per month to participate in the Program.

### **SECTION 4: TERM OF AGREEMENT**

- 4.1 **Term.** The initial term of this Agreement will commence on the Effective Date and terminate after twelve (12) months, unless terminated sooner as outlined under Section 5.
- 4.2 **Renewal.** After the completion of the initial twelve (12)-month period, this Agreement may renew for an additional twelve (12) month period subject to the execution of a new Agreement

### **SECTION 5: TERMINATION AND MODIFICATION**

- 5.1 **Termination Without Cause.**
- (a) A Party may terminate this Agreement without cause by giving the other Party at least sixty (60) days' prior written notice to the other Party prior to the start of a new Term.
  - (b) Company may terminate this Agreement upon thirty (30) days' written notice to Group if Company has implemented an Amwins CLIP Program, in which case, the Parties will work cooperatively to transition Group over to the Amwins CLIP Program.
- 5.2 **Termination For Cause.** This Agreement terminates, and Company's obligations will cease upon such termination, in accord with any of the following:
- (a) Thirty (30) days after written notice has been given by Company to Group, or by Group to Company, of the breach of any material obligations under this Agreement; provided that such breach has not been cured within such thirty (30) day period. Notwithstanding the foregoing, Group's default in any payment under this Agreement will be subject to termination under Section 5.2(c).

- (b) immediately if Group ceases to be a client of Company in relation to the placement of any purchased stop-loss policy. The termination of this Agreement will be the last day that Company is the general agent for the Group's stop-loss policy.
- (c) upon thirty (30) days' written notice, in Company's sole discretion, if the Group fails to pay:
  - a. Any payment due under this Agreement or any other agreements that are a part of the Program.
  - b. Any administrative fees, charges, or other amounts due to Company under the terms of this Agreement.
- (d) Upon five (5) business days written notice, in Company's sole discretion:
  - a. if the Group assigns this Agreement, unless such assignment had Company's prior approval in writing; or
  - b. if Group is sold (including a sale of substantially all assets of Group) or merges, unless such sale or merger had Company's prior approval in writing. Company will not unreasonably withhold any such approval.
- (e) As of the effective date of any law, regulation, or interpretation of any law or regulation is enacted which prohibits the continuance of this Agreement, as interpreted by Company.
- (f) Immediately, if Group terminates the GHP.
- (g) Within ten (10) days following the occurrence of any of the following if not reversed or cured prior to the expiration of the ten (10) day period:
  - a. a finding or admission that Group or the GHP is insolvent;
  - b. the date that Group or GHP files for protection provided under any bankruptcy law;
  - c. the date that Group or GHP's creditors seek to have Group or GHP declared bankrupt or placed under the protection of a Bankruptcy Court; or
  - d. the date that Group or Group's creditors seek to have a receiver appointed to manage Group's business.

5.3 **Other Rights to Terminate.** Company's right to terminate under this Section 5 will be in addition to and not a limitation of any right to terminate (or right to offset) under any other provisions of this Agreement.

5.4 **Late Payment and Reinstatement.** Any payment received by Company after termination of this Agreement will be deposited for security purposes only and will not be deemed to have been accepted for reinstatement or as an accord and satisfaction. This Agreement will be reinstated only upon the written endorsement of Company and Insurer.

- 5.5 **Modification.** Except as otherwise specifically provided in this Agreement, this Agreement may be modified only by a written agreement signed by an authorized representative of each Party.

## **SECTION 6: SERVICES**

During the Term of this Agreement and any period of run out, Company will support the Group in various stop-loss procurement services and reimbursement of certain gene therapy treatments as set forth in Exhibit A of this Agreement, which includes: (a) stop-loss policy placement; (b) evaluate new drugs; (c) work with program managers and/or actuaries; (d) coordinate with Company on applicable disbursements and reimbursements; and (e) premium collection/remittance. Company's services under this agreement are contingent on the Group procuring a stop-loss policy that does not exclude or otherwise limit access to the treatments and therapies outlined in Exhibit B to this Agreement.

## **SECTION 7: GENERAL**

- 7.1 **Licenses.** Each Party will maintain in good standing, at its own cost, licenses required by all applicable statutes, regulations, and local jurisdictions. Each Party will notify the other Party of its knowledge of any event which might lead to the suspension or revocation of any licenses which relate to this Agreement, or its knowledge of the actual suspension, revocation, lapse or non-renewal of any licenses required of a Party by applicable state law. If a Party fails to obtain and maintain the appropriate licenses or fails to comply with the applicable statutes, the Parties will work in good faith to ensure that any impact to an insured is minimized.
- 7.2 **Compliance with Laws.** Each Party will comply with all applicable federal and state laws, regulations, and local rules that apply to this Agreement, and shall indemnify, defend, and hold the other party harmless for its failure to do so. Further, Each Party will comply with all applicable federal and state laws, rules and regulations governing privacy security, confidentiality, integrity and/or data protection, including but not limited to, as applicable, the Gramm-Leach-Bliley Act of 1999 (GLBA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and regulations issued thereunder, the Health Information Technology for Economic and Clinical Health Act (the "HITECH ACT"), as incorporated in the American Recovery and Reinvestment Act of 2009 and regulations issued thereunder, the Insurance Information and Privacy Protection Act, (IIPPA), any applicable state privacy law. Neither Party shall be liable to the other party for reimbursement of any regulatory or compliance related fine or penalty assessed against the other Party unless such fine and/or penalty is the direct result of a wrongful act of that Party.
- 7.3 **Indemnification.** Each Party hereto agrees to indemnify, defend, and hold harmless the other Party, their directors, officers, and employees from any loss or damage, including reasonable attorney's fees, which solely result from, arise out of or are caused by the indemnifying party's negligence, misconduct, or breach of this Agreement, or from the failure of the indemnifying party to comply with any applicable federal or state laws, rules, or regulations, except to the extent any such loss, damage, or expense is found in a final judgment by a court of competent jurisdiction (not subject to further appeal) to have resulted directly and solely from the failure of the non-indemnifying Party to act in good faith or its fraud, criminality, or willful misconduct. Each Party hereto agrees to immediately notify the other Party upon receipt of service of process or other notice for any suit or claim. The Party which is to be indemnified shall have the right to approve counsel used to defend said indemnified Party pursuant to this paragraph.

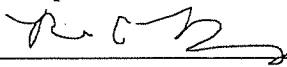
- 7.4 **Limitation of Liability.** Notwithstanding anything in this Agreement to the contrary and any Business Associate Agreement provisions for indemnification and hold harmless related to HIPAA, Group agrees that in no event will it seek to hold Company liable or responsible for amounts related to (i) any claims, for incidental, lost profits, consequential, or any similar damages or lost profits related to the services provided by Company under this Agreement of any kind or (ii) any damages, whether directly in contract, tort or otherwise, or through a claim for indemnity or contribution, in excess of the annual aggregate amount of any fees paid to Company for this engagement in the year the action or inaction leading to the loss first occurs, even if Company has been advised of the possibility of such damages. Notwithstanding the preceding, nothing will prohibit a group from making any claim as against the Performance Guarantee provided in Exhibit B.
- 7.5 **Insurance.** Each Party will obtain, at its own cost, and keep in force adequate policies providing comprehensive general liability and other insurance in amounts consistent with industry standards as may be necessary to insure the Party and its agents and employees against any claim or claims for damages arising out of the performance of its obligations under this Agreement. If any Party procures one or more claims-made policies to satisfy its obligations under this Agreement, the Party will obtain any extended reporting endorsement (“tail coverage”) required to continuously maintain such coverage in effect for all acts, omissions, events, or occurrences during the Term of this Agreement, without limit or restriction as to the making of the claim or demand. Evidence of the insurance coverage required under this Section will be made available to a Party upon request.
- 7.6 **Joint Ownership of Records; Confidentiality.** The Parties agree that records and documents that include proprietary information from both Parties and that constitute “protected health information” as that term is defined in 45 CFR 160.103 and that pertain to administration of the GHP will be and remain the joint property of the GHP and Company. All Company Proprietary Materials are the sole property of Company, and all Group and GHP Proprietary Materials are the sole property of the Group and GHP. Each Party will have the right to protect the confidentiality of the Proprietary Materials and will not be required to make such Proprietary Materials available to anyone. Each Party agrees to maintain the confidentiality of any Proprietary Materials the other Party provides, and the Party will not provide any Proprietary Materials to any other person, including any data extracts or summary information, except to the extent such Proprietary Materials have been made available to the public without fault of the Party. In the event of a termination of this Agreement, Company will cooperate with the Group to provide copies of certain requested jointly owned information. Group agrees to reimburse Company for the reasonable cost of such assistance and copies.
- In performing its obligations pursuant to this Agreement, each Party may have access to and receive certain non-public information about the other Party and its affiliates which are considered confidential or proprietary to the disclosing Party.
- 7.7 **Records Retention.** Each Party agrees to maintain adequate books and records concerning the services provided hereunder in accordance with applicable laws and prudent standards of insurance record keeping, and further agrees to provide the other Party with necessary reports regarding the services it performs.
- 7.8 **Entire Agreement.** This Agreement, its Addenda and Exhibits supersede and replace all prior oral or written agreements, if any, between Group and Company and is the entire agreement between the Parties.

- 7.9 **Non-Waiver.** The failure or refusal of any Party to enforce or enjoin any breach or violation of any provision of this Agreement will not be a waiver of that Party's right to enforce any subsequent breach.
- 7.10 **Severability.** In the event any one or more of the terms, conditions, or provisions contained in the Agreement or any application thereof is declared invalid, illegal, or unenforceable in any respect by any arbitrator or court of competent jurisdiction, the validity, legality, or enforceability of the remaining terms, conditions, or provisions of this Agreement and any other application thereof will not in any way be affected or impaired thereby, and this Agreement will be construed as if such invalid, illegal, or unenforceable provisions were not contained herein.
- 7.11 **Restriction on Assignment.** No Party will assign or transfer any of its rights, or delegate any of its duties or obligations hereunder, directly or indirectly, without the prior written consent of the other Parties. A Party may, with the prior written consent of the other Parties, assign this Agreement in its entirety to any person or entity, other than a direct competitor of a Party, which acquires the business of the assigning Party or with which the Party merges or is consolidated or affiliated, provided that the permitted assignee agrees in writing to be bound by the terms of this Agreement. Any attempted assignment, transfer, or delegation in violation of this paragraph will be null and void.
- 7.12 **Notices.** Except for endorsements or amendments to this Agreement (which would be effective on the endorsement or amendment effective date), all notices, requests, demands, and other communications required or permitted to be given or made under the Agreement will be in writing and will be effective on the date of actual hard copy receipt (including by confirmed email receipt), and will be sent to Group or Company, as the case may be, to such address, person, or entity as set forth below, or as any Party will designate by notice to the other Parties in accordance herewith.
- 7.13 **Binding Effect.** This Agreement shall be binding on the Parties and their respective heirs, executors, administrators, successors, and assigns. Neither Party may assign its rights or obligations hereunder without the prior written consent of the other party, which consent shall not be unreasonably withheld, delayed, or conditioned.
- 7.14 **Disaster Recovery Plan.** While this Agreement is in effect, each Party, or their designated agent, shall have in place a disaster recovery plan that a Party will implement after a disaster occurs. The plan must outline the necessary steps that the Party will take to completely restore all data related to and business applications needed to resume a Party's responsibilities under this Agreement. The plan must also indicate the number of times a comprehensive test-run will occur annually.
- 7.15 **Choice of Law.** This Agreement is governed by and shall be construed and enforced under the laws of North Carolina. In the event that a Party brings an action under this Agreement, the parties agree that such action will be vested exclusively in the United States District Court for the Western District of North Carolina, or should federal jurisdiction not attach, courts in Mecklenburg County, North Carolina.
- 7.16 **No Third-Party Beneficiaries.** Nothing in this Agreement, express or implied, is intended to confer on any person, other than the Parties hereto, any right or remedy of any nature whatsoever; and nothing in this Agreement will create, or be deemed to create, any rights, obligations, or legal relationship between Company and any Participant.

7.17 **Force Majeure.** No Party will be deemed to be in violation of this Agreement if it is prevented from performing its obligations by events beyond its control including, without limitation, acts of God, war or insurrection, terrorism, flood or storm, strikes, or rule or action of the government or agency. The Parties will make a good faith effort, however, to assure Participants have access to services under the Program.

7.18 **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and all of which together will constitute one and the same instrument.

**Stealth Partner Group, LLC:**

Signature:  \_\_\_\_\_

Name and Title: Riva Dumeny, COO, Amwins Group Benefits

Date: May 28, 2024

Address: 4725 Piedmont Row Drive, Ste. 600  
Charlotte, NC 28210

**Group:**

Signature: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT A**

### **Schedule of Services**

Company's services consist of the following:

- Conduct strategic planning sessions to review performance of Group's stop-loss coverage and establish future objectives and strategies to manage Group's stop-loss coverage to which this Agreement applies.
- Meet with the Group's key designated representatives to discuss strategy and open items.
- Develop mutually agreeable renewal action plan and timeline that meets the Group's stated objectives.
- Keep the Group informed of significant changes and/or trends in the stop-loss marketplace.
- Analyze factors driving Group's stop-loss costs, and review utilization reports to determine causes of cost increases and develop mitigation strategies for the same.
- Benchmark various gene therapy treatments and evaluate the addition of new drugs and therapeutics for inclusion within the program.
- Coordinate with actuaries to ensure accurate and appropriate pricing for the therapies and program costs.
- Collect, validate, and submit all payments under the Program to Company per the terms of the contractual liability insurance policies and this Agreement. The Company will then remit payment, minus retail broker compensation and Company fees, to Insurer.
- Lead Program claim presentation process. Prior to submission of a Paid Claim to Company for payment, Company will review the claim to ensure that it is accurate and appropriate for submission. Company may work with the GHP and its third-party administrator to ensure that each claim is appropriate for submission.
- Ensure proper distribution of reimbursement under the Program. Only after Company receives a payment from the Insurer, will Company remit payment to the appropriate beneficiary (typically the Group or the Group's stop-loss carrier). Company will not be responsible for any distributions or reimbursements unless the same are received from the Insurer. Company makes no representation as to the financial viability or security of Insurer.

## **EXHIBIT B**

### **Specified Specialty Pharmaceutical Benefit Disbursement Terms**

Capitalized terms used herein shall have the same meaning as contained in the Services Contract or, if not defined therein, as defined in this Exhibit B.

#### **DATE OF COVERAGE :**

July 1, 2024 \_\_\_\_\_ [Month XX, 2024]

#### **Group Health Plan Name and Address:**

Yellowstone County  
217 North 27th Street  
Billings, MT 59101

[Group Name]  
[Group HQ Street]  
[Group HQ City, State, Zip Code]

#### **PREPARED BY:**

Stealth Partner Group, LLC

#### **PROGRAM STRUCTURE**

Where Group Health Plan ("Group") funds the program as outlined herein.

#### **PROPOSED AGREEMENT TERM AND CONDITIONS:**

The term will begin on July 1, 2024 [Month XX, 2024] for a twelve-month period at the principal address of the Group. The term will utilize a first dollar risk structure and allow for a run out period equal to twelve (12) months from the date that the Group attaches to the underlying Agreement.

#### **CLAIM BASIS:**

Eligible "Covered Expenses" are:

- a. Covered Pharmaceuticals that are prescribed and administered to a Participant Diagnosed with a Covered Disease with the intent to treat the Covered Disease and the Covered Pharmaceutical is dispensed from a pharmacy and provider both approved by the Insured for a Covered Plan and is initially administered during the applicable Treatment Period;
- b. Prescribed and administered to a Participant born within the Agreement Period or Run-In Period, if applicable, provided they do not have an existing diagnosis for a Covered Disease;
- c. Insured, approved, and funded by the GHP during the applicable Benefit Period; and
- d. Submitted to Company within the Claims Period.

The Benefit Period for a Covered Pharmaceutical shall be based on the following: Agreement Year; and Treatment Period; and Claims Period:

The Treatment Period in the case of Covered Pharmaceutical Zolgensma® will commence on the first day of the Agreement Year and will end twelve (12) months following the expiration of the Agreement Year, provided that the Participant is born within the Agreement Year and the Covered Pharmaceutical is initially administered to a Participant within the Treatment Period.

The Treatment Period in the case of Covered Pharmaceutical Luxturna® will commence on the first day of the Agreement Year and will end twelve (12) months following the expiration of the Agreement Year, provided that the Participant is diagnosed within the Agreement Year and the Covered Pharmaceutical is initially administered to a Participant within the Treatment Period.

The Treatment Period in the case of Covered Pharmaceutical Spinraza® will commence on the first day of an Agreement Year and will end twenty-four (24) months following the expiration of the Agreement Year, provided that the Participant is born within the Agreement Year and the Covered Pharmaceutical is initially administered to a Participant within the Treatment Period.

The Treatment Period in the case of Covered Pharmaceutical Zynteglo® will commence on the first day of the Agreement Year and will end twelve (12) months following the expiration of the Agreement Year, provided that the Participant is diagnosed within the Agreement Year and the Covered Pharmaceutical is initially administered to a Participant within the Treatment Period.

The Treatment Period in the case of Covered Pharmaceutical Skysona® will commence on the first day of the Agreement Year and will end twelve (12) months following the expiration of the Agreement Year, provided that the Participant is diagnosed within the Agreement Year and the Covered Pharmaceutical is initially administered to a Participant within the Treatment Period.

The Claims Period will commence on the first day of the Agreement Year and will end twenty-four (24) months following the expiration of the Agreement Year. Claims for Covered Pharmaceuticals administered in the applicable Treatment Period must be paid and submitted to Company within the Claims Period.

Solely with respect to individuals treated with the Covered Pharmaceutical Zolgensma or Spinraza, Participants shall also include individuals born within the Run-In Period; provided they do not have an existing diagnosis for Covered Diseases, in which case, each of the Agreement Year, Treatment Period and Claims Period are deemed to include the period between the Run-In Period and the date of such Participant's birth. The "Run-In Period" is the ninety (90) day period immediately prior to (1) the commencement for the initial Agreement Year or (2) the date a Participant is first covered by a Covered Plan during the Agreement Year.

#### **COVERED PLANS:**

As used herein, "Covered Plans" means Commercial Employer Stop Loss Policies that include coverage for the Covered Pharmaceuticals (and are produced by Stealth Partner Group, LLC)

All other population types are excluded unless specifically listed above.

#### **RETENTION AND LIMITS**

100% of Net Loss per Participant

Spinal Muscular Atrophy ("SMA") Type 1 and Type 2

#### **COVERED DISEASES, COVERED PHARMACEUTICALS & MAXIMUMS**

COVERED DISEASES	COVERED PHARMACEUTICALS	MAXIMUM PAYABLE PER PARTICIPANT PER BENEFIT PERIOD
Spinal Muscular Atrophy ("SMA") Type 1 and Type 2	<ul style="list-style-type: none"> <li>Zolgensma</li> <li>Spinraza</li> </ul>	\$2,200,000
Leber Congenital Amaurosis ("LCA")	<ul style="list-style-type: none"> <li>Luxturna</li> </ul>	\$850,000
Cerebral adrenoleukodystrophy ("CALD")	<ul style="list-style-type: none"> <li>Skysona</li> </ul>	\$3,000,000
Transfusion Dependent Beta Thalassemia ("TDT")	<ul style="list-style-type: none"> <li>Zynteglo</li> </ul>	\$2,800,000

**EXCLUSIONS:**

1. Liabilities for a Covered Disease diagnosed and prescribed a Covered Pharmaceutical prior to the Agreement Year.
2. Solely with respect to Covered Pharmaceuticals Zolgensma and Spinraza, Covered Expenses for a Participant born prior to the Agreement Year or, if applicable, the Run-In Period.
3. Solely with respect to Covered Pharmaceuticals Luxturna®, Zynteglo® and Skysona®, Covered Expenses for a Covered Person Diagnosed with a Covered Disease prior to Agreement Year.
4. Expenses for Covered Pharmaceuticals that are administered "off-label" or outside of the proposal approved by the Food & Drug Administration (FDA). Approved indications are defined as the following and additional exclusions may apply:
  - a. Zolgensma - FDA U.S. Food and Administration Vaccines, Bloods and Biologics. Zolgensma Prescribing Information. Version: May 2019 <https://www.fda.gov/media/126109/download> [Accessed July 2020].
  - b. Luxturna - FDA U.S. Food and Drug Administration Vaccines, Bloods and Biologics. Luxturna Prescribing Information. <https://www.fda.gov/media/109906/download> [Accessed July 2020].
  - c. Spinraza - FDA US Food and Drug Administration. Drugs@FDA FDA-Approved Drugs. Spinraza Prescribing Information. Version: June 2020 [https://www.accessdata.fda.gov/drugsatfda\\_docs/label/2020/209531s0101bl.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/label/2020/209531s0101bl.pdf) [Accessed July 2020].
  - d. Zynteglo® - FDA U.S. Food and Administration Vaccines, Bloods and Biologics. ZYNTGLO® Prescribing Information. Version: August 2022 <https://www.fda.gov/media/160991/download> [Accessed April 2023].
  - e. Skysona® - FDA U.S. Food and Administration Vaccines, Bloods and Biologics. SKYSONA® Prescribing Information. Version: September 2023 <https://www.fda.gov/media/161640/download> [Accessed April 2023].
5. Expenses for Spinraza® initially approved for a Participant over two years of age.
6. Covered Expenses incurred while the Covered Plan is not in force for the Participant, or for a person not covered under the Covered Plan.
7. Deductibles, co-payment amounts, or any other expenses which are not payable under the terms of the Covered Plan or expenses which are payable by the Covered Plan, or to the Covered Plan from any other source.
8. Extra-contractual Obligations / Expenses resulting from any extra or non-contractual damages or legal fees and expenses for the defense thereof, or any fines or statutory penalties.
9. Legal expenses of any kind or description, including legal expenses related to or incurred for the confinement of a Participant or any compulsory process to adopt, abstain from, or cease to continue a particular mode of treatment, care, or therapy.
10. Expenses arising out of, caused by, contributed to or in consequence of war, declared or undeclared, or any act or hazard of such war.
11. Claim payments not administered or paid according to the Covered Plan, or for which there is no documented proof of loss, unless the payment was authorized in writing by the Company.

12. Unless approved by Insurer, business derived from any pool, association, including joint UW associations, syndicate, exchange, plan, or other facility directly as a member, subscriber, or participant, or indirectly by way of insurance or assessments, unless otherwise indicated in the Covered Plan section above.
13. Solely with respect to Covered Plans providing benefits pursuant to Medicaid, amounts otherwise included in the definition of Covered Expenses by virtue of the inclusion of the "Run-In Period" to the definition of the Agreement Year, Benefit Period, Claims Period, Covered Person, and/or Treatment Period.
14. Assumed Insurance
15. Excess Policy Limits
16. Ex-Gratia Payments
17. Covered Expenses incurred after a GHP stop loss policy terminates due to non-payment of premium unless the Insurer authorizes reinstatement of the policy in writing.
18. Covered Expenses that constitute reimbursable benefits under a separate stop loss or excess loss policy between the Insurer and covered plan.

**Specified Specialty Pharmaceutical Performance Guarantee**

1. **In consideration of the benefits and obligations of the respective Parties under this Agreement, Company guarantees that Group's funding of its Specified Pharmaceutical Benefit Plan as described herein shall not require additional funding from what is specified in Section 3 of the Services Contract to which this Exhibit B is also attached.**
2. This Performance Guarantee is subject to cancellation or revision prior to the acceptance of the guarantee pursuant to Section 7 below.
3. Company will collect such appropriate fees and costs as outlined in this Agreement and will distribute such disbursements and applicable reimbursements as necessary for the administration of the Program. Company will distribute any applicable disbursements and reimbursements only after it receives such disbursements and reimbursements from the Insurer as they are defined in the Agreement and will not be liable or responsible to any party for such disbursements and reimbursements unless they are actually received.
4. After diligent and complete review, all the information provided and/or to be provided as requested in this Performance Guarantee to evaluate the risk is true and complete; that any agreement issued is in reliance upon the truth of such statements, declarations, and representations; and that such statements, declarations, and representations will form a part of the Agreement.
5. Group will cooperate in any requests for information including, but not limited to, the validation of any claim or request for disbursement. Any inaccuracy known by the Group or the Group's broker at the time of providing such information or failure to disclose any such known information, including all claims or potential claims, paid or pending, can change the terms, conditions, or premiums, or can void applicability.
6. Nothing herein, express or implied, is intended to confer to any person, other than the parties hereto, any right or remedy of any nature whatsoever; and nothing will create, or be deemed to create, any rights, obligations, or legal relationship between the parties.
7. The receipt of the first month's funding and deposit of any check drawn in connection with this Performance Guarantee shall constitute an acceptance of liability.

Upon receipt and acceptance of the following items, the guarantee will be effective for all Participants not explicitly excluded by the Exclusion criteria herein:

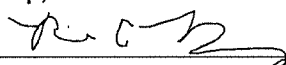
1. First month's funding, and
2. Fully executed copy of this Performance Guarantee

All Participants enrolled in the Covered Plan and meeting the eligibility definitions are covered.

The guarantee provided herein is based upon information provided by the Group or the Group's broker. Upon signing this Performance Guarantee, the guarantee is effective as of the beginning of the Agreement Term. In the event of any differences in terms between the Performance Guarantee and the Agreement, the Agreement language will supersede this Performance Guarantee. This Performance Guarantee will become part of the Agreement when issued.

By signing below, the Group's representative agrees to the terms as stated herein and warrants they are duly authorized to execute this acceptance on behalf of the Group:

**Stealth Partner Group, LLC:**

Signature:  \_\_\_\_\_

Name and Title: Riva Dumeny, COO, Amwins Group Benefits

Date: \_\_\_\_\_

**Group:**

Signature: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

B.O.C.C. Regular

7. b.

Meeting Date: 06/04/2024

Title: PARS

Submitted By: Teri Reitz, Board Clerk

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TOPIC:

**PERSONNEL ACTION REPORTS - Sheriff's Office** - 2 Appointments; **County Attorney** - 1 Appointment; **Metra** - 1 Appointment

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.


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Attachments

PARS

PARS1

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 Employer logo

Yellowstone County Commissioners  
RECEIVED

MAY 28 2024

# Hire/Personnel Action Form

## Employee Information

Employee

Theresa Brown

## Hire Information

Position Details

Sheriff's Clerk (C) (5010)

Hire Req#

202300189

Job Type

Full-Time Regular

Person ID

57711697

Job Class

Sheriff's Clerk (C)

Pay Rate

\$17.34

Department

Sheriff's Office

Job Class#

5010

HireDate

6/7/24

Division

Sheriff Records

## Comments

Funding: 2300.134.420170.111 @ 100%

replaces : Eustice

## Approvals

HUMAN RESOURCES

DWIGHT

5/24/24 8:20 AM

VIGNESS

FINANCE

JENNIFER

5/27/24 9:55 AM

JONES

Commissioners Action  
Approve Disapprove

Chair  \_\_\_\_\_

Member  \_\_\_\_\_

Member  \_\_\_\_\_

Employer logo

Yellowstone County Commissioners  
RECEIVED

MAY 28 2024

# Hire/Personnel Action Form

## Employee Information

Employee

Ashley Crase

## Hire Information

Position Details

Sheriff's Clerk (C) (5010)

Hire Req#

202300189

Job Type

Full-Time Regular

Person ID

57863756

Job Class

Sheriff's Clerk (C)

Pay Rate

\$17.34

Department

Sheriff's Office

Job Class#

5010

HireDate

6/17/24

Division

Sheriff Records

## Comments

Funding: 2300.134.420170.111 @100

replaces: Jaramillo

## Approvals

HUMAN RESOURCES

DWIGHT

5/24/24 8:20 AM

VIGNESS

FINANCE

JENNIFER

5/27/24 9:55 AM

JONES

Commissioners Action  
Approve Disapprove

Chair  \_\_\_\_\_

Member  \_\_\_\_\_

Member  \_\_\_\_\_

Employer logo

Yellowstone County Commissioners  
RECEIVED

MAY 30 2024

# Hire/Personnel Action Form

## Employee Information

Employee

Colby Sturgeon

## Hire Information

Position Details

Senior Deputy County  
Attorney (K) (3075)

Hire Req#

202300181

Job Type

Full-Time Regular

Job Class

Senior Deputy County  
Attorney (K)

Pay Rate

\$90,640.00

Person ID

57134804

HireDate

7/15/24

Department

County Attorney's Office

Job Class#

3075

Division

N/A

## Comments

2301.122.411100.111 100% Replaces Sarah Hyde

## Approvals

HUMAN RESOURCES

DWIGHT  
VIGNESS

5/30/24 1:42 PM

FINANCE

JENNIFER  
JONES

5/30/24 1:54 PM

Commissioners Action

Approve Disapprove

Chair



\_\_\_\_\_

Member



\_\_\_\_\_

Member



\_\_\_\_\_

Employer logo

Yellowstone County Commissioners  
RECEIVED

MAY 29 2024

# Hire/Personnel Action Form

## Employee Information

Employee

Shannon Conklin

## Hire Information

Position Details	Hire Req#	Job Type
Events Manager (I) (6076)	202300184	N/A
Person ID	Job Class	Pay Rate
57823520	Events Manager (I)	\$72,000.00
Department	Job Class#	HireDate
MetraPark	6076	6/3/24
Division		
MetraPark Production		

## Comments

5810.554.460442.111 New budgeted position 100%

## Approvals

HUMAN RESOURCES	Kassandra Hazen	5/29/24 8:51 AM
FINANCE	JENNIFER JONES	5/29/24 9:25 AM

Commissioners Action  
Approve Disapprove

Chair



Member



Member



B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: Board Minutes

Submitted By: Teri Reitz, Board Clerk

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TOPIC:

**Board Minutes** - Yellowstone Conservation District Minutes July 2018 to May 2024

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

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Attachments

Yellowstone Conservation District Minutes

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# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT MAY BOARD MEETING MINUTES July 22, 2019 - 7:00 AM Land Design Conference Room 1720 48<sup>th</sup> St. W Billings MT

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Leroy Gabel, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** Clint Peck, Vice-Chair

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Seanna Torske & Shalaine Watson - NRCS;  
Darin Swenson - Floodplain; Callie Coolie – Yellowstone Co. Extension;  
Sterling Spilinek - NRCS, YCD, PF; Lance Clark - DNRC  
310 applicants: Phillips 66 representative Jean Ramer - Terracon Engineering;  
Dawn Calderwood - landowner

**Chair Sedgwick called meeting to order at 7:06 a.m.**

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** none

**Minutes:** Gabel made a motion to amend minutes to reflect spelling change and approve the May 22, 2019 YCD Board Meeting Minutes as printed and distributed, second by Robinson, motion passed.

**YCD Supervisor Area 5 board member resignation:** Robinson made a motion to accept Jerry Williams May 31, 2019 resignation from the YCD board due to personal business time constraints, second by Wagner, motion passed.

**FY20 Annual Plan of Operations:** FY19 APO was edited reflecting current updates, new projects and programs to guide YCD through FY20. Gabel made a motion to accept FY20 APO as written with changes made today, specifically in the Water Quality section, second by Robinson, motion passed. The accepted plan is attached to these Minutes.

**FY20 Budget:** Peck and Ivie presented the draft FY20 budget to the County Commissioners on June 21, 2019. The County Finance Department estimates YCD will receive approximately \$114,000 in county collections. To augment the collections, YCD will receive \$4,000 for county education programs and \$5,000 for the YR salt cedar spraying project allocated from PILT funds. In addition to the budget presentation an overview of projects and programs was distributed. The Commissioners had several questions and comments about the Salt Cedar spraying project, 310 program and the NILE Ag-Ed program. Peck invited them to join YCD on the Yellowstone River 310 tour this summer to which they readily agreed to attend if their schedules allow.

**New employee Sterling Spilinek** introduced himself to the board, gave a brief outline of his background in natural resources as well as a few facts of his personal life. He will be housed in the Billings NRCS FO and work on projects for NRCS, YCD, Pheasants Forever and a few other partners. Work products will crossover with all partners natural resource concerns and objectives.

### **310 Applications**

- **YE-01-20 – Phillips 66, Yellowstone River abandoned pipeline removal** – Inspection date and team: 7/16/19; Sedgwick, Peck, Gabel, Robinson, Ivie, Jean Ramer, Swenson, K.C. Williams, Calderwood. Ramer provided the project description: In July 2019, a 60 ft section of the idle pipeline became exposed and is not suspended in the YR channel. The pipeline is not operational and was taken out of service, emptied, and cleaned in 2011.

The exposed section of pipe will be removed as soon as flows recede enough to conduct the in-channel work safely. Excavation work will begin about 25 ft to the west of the exposure and progress east toward the bank along the right-of-way on the upstream side of the exposure. The section of pipe to be removed will be daylighted in the uplands and pulled laterally (to the west) without disturbing the bank. **Board decision:** Gabel made a motion to accept and approve the 310 application as proposed, second by Robinson, motion passed.

- **Last meeting Minutes reported: -- Triple H, LLC, Yellowstone River** approved application issued in 2015. Due to financial constraints, construction did not occur, and the applicant is asking if the permit is still valid in 2019. Many emails between agencies, engineering firm and landowner have taken place all relaying the same message – a new application must be submitted because the same conditions today do not exist as they did in 2015. **Board discussion:** Peck attested to that fact by observing the bank erosion as it currently stands. One trailer is on the verge of falling in the river and another residence is threatened. However, once again, the owner of the trailer park is stating he doesn't have the financial resources to stabilize the bank and is looking for outside help. At this point there is nothing YCD can do.  
**This month:** An application was submitted, given a number but because the river runoff caused extensive damage to the project site, the owner has decided to hold off until high water recedes, when he and his engineer can assess the damage and update the application if need be. **Board decision:** Wagner made a motion to table YE-37-19 with no further action required by the YCD board until an updated design is submitted, second by Robinson, motion passed.
- **YE-38-19 – Phil Fleming/Broken Arrow Ranch, Yellowstone River** – previously approved permit YE-14-19 is replaced by this updated design/plan. Due to ACOE mitigation requirements, the project will encompass 300 ft of riprapped bank centered on home. Inspection date: 12/06/18; Team: Gabel, Ivie, Frazer. **Board decision:** Gabel made a motion to approve the reduced length of the riprap project, second by Robinson, motion passed.
- **YE-39-19 – Vermillion Ranch, Yellowstone River - Gabel** made a motion to table a decision on the application until an inspection is conducted after highwater, second by Robinson, motion passed.
- **YE-40-19 – Northwestern Energy, Yellowstone River** – Inspection date and team: 7/16/19; Sedgwick, Peck, Gabel, Robinson, Ivie, Swenson, K.C. Williams, Calderwood. Project description on application: NEW proposes to excavate two bell holes on each end of the out of service pipeline, cut the pipe, and pull the pipe out of the river. It may be necessary to walk an excavator into the river to assist with cutting and pulling the pipe. **Board discussion:** Would like to see the application amended to go back from the river to dig the hole so that the least amount of impact to the bank is achieved by pulling the pipe away from the bank. NWE permit specialist was contacted during the inspection and she stated that the application would be amended and submitted for consideration today. No amendment has been received by the YCD office. **Board decision:** Gabel made a motion to table YE-40-19 until an amended application is received, second by Robinson, motion passed.
- **YE-41-19-E – BNSF, Yellowstone River** -- Emergency notice reads: High water levels and increased discharge in the Yellowstone River caused erosion of the riverbank along approx. 380 ft. of the BNSF railroad track. An additional 100 ft at the SW end of the eroded segment was in imminent danger of eroding. Erosion of the riverbank and railroad embankment caused loss of railroad track shoulder and threatened to undermine the track. It became necessary to perform emergency bank stabilization to protect the railroad infrastructure and maintain safe operating conditions for trains. Placement of crushed rock riprap to restore eroded riverbank and embankment material for approximately 485 ft. **Board discussion and decision:** Board reviewed the before and after pictures of the project site and deemed the project to be constructed properly. Wagner made a motion to approve with no further action required by BNSF, second by Robinson, motion passed.
- **Dawn Calderwood, Yellowstone River** – While on Phillips 66 and Northwestern Energy's 310 inspection on the Calderwood property, concrete rubble piles were observed a few feet from where the Yellowstone River has eroded to. Calderwood stated the piles were quite a ways from the river up to this runoff season and while the inspection team was on-site, agreed to remove all the questionable material, dispose of any that does not meet DEQ specs and place the remainder a safe distance from the river. The removal has been completed and before and after pictures were provided for board review. Chair Sedgwick asked that Calderwood fill out an Emergency Notice so that the YCD has a paper trail for the work done.

#### Other 310 issues & Projects

- **Yellowstone River CD Council Report** – Gabel stated no recent meetings have been held.
- **Yellowstone River 310 tour** – August 7<sup>th</sup> was set as the tour date; Bill Jones will provide his boat that holds 4 additional people, FWP will provide a boat that can carry 5 people, and the Sheriff will be contacted and asked for his boat to be utilized to carry the three County Commissioners. Invitations will be sent to agency reps and Commissioners and boat numbers will be dependent upon how many can attend.

## Agency Reports

- **Administrator's Report** – provided to board members prior to today's meeting outlining workload accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner was unable to attend the last meeting
- **DNRC** – Jeff Bollman unable to attend today's meeting
- **Fish Wildlife and Parks** – Mike Ruggles unable to attend today's meeting
- **USDA NRCS** – Seanna Torske, Shalaine Watson & Sterling Spilinek
  - **Yellowstone County Long Range draft plan** was sent to YCD prior to today's meeting for the board to review and edit. It is still in draft form and the board was asked to get revisions in to the Billings FO soon.
  - **RCPP tour** –held June 25<sup>th</sup>. YCD hosted in conjunction with all participating partners (and all attended the tour). A news release was generated post tour and distributed to media outlets.
- **Yellowstone County**
  - **Yellowstone County Extension** – Callie Coolie has been busy with hay certifications. The weed department helps when she is unavailable.

The NILE AG-ED program was discussed at this time. YCD will not have the streamtables at the event this year, instead we will sponsor presentations by NRCS (a segment on soils utilizing the soil tunnel) and the weed department (interactive session on weeds). YCD will be the over-all coordinator of the 3-day event and make a financial contribution towards bussing of the students.

Organizing small landowner workshops throughout the week in conjunction with the NILE board was discussed but due to the late request, NILE couldn't not fit the workshops in. Consideration will be given to next year's event.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – Jerry Williams' resignation from the YCD board included resignation from both planning boards. No current Supervisor has the time to fill either spot.
  - **Yellowstone County Floodplain** – Darin Swenson said the new DES Coordinator is learning the floodplain program. Until his training is complete, and he can take over the program, Swenson will continue to invite him on 310 inspections.
  - **Yellowstone County Weed Department** – Joe Lockwood unable to attend due field workload.
- **Old Business**
  - **Plant Materials Center tour** – was scheduled for July 16<sup>th</sup> but the PMC manager called and said the fields were too wet to access and suggested another date to tour if the attendees want to access the fields. Board members were notified of the change in plans and all agreed they wanted to have access to the fields. A new tour date of July 31<sup>st</sup> will be proposed to PMC staff.
- **New Business - none**
- **Board Meeting Absences:** Gabel made a motion to accept Peck's absence from today's meeting, second by Robinson, motion passed.
- **Treasurer's Report:** Robinson made a motion to approve May and June's Treasurer's report as presented and reviewed, second by, motion passed.
  - **Travel and Meetings:** 7/31 – PMC tour; 8/7 – 310 YR tour
  - **MACDEO health insurance** opportunity for CD Supervisors and employees to join. Everyone reviewed and stated there is no interest in the program at this time.
- **Standing Committee Reports**
  - **MT Range Tour** – the flyer was presented for review. All agreed that is looked like a great line-up of topics and tour sites. YCD board members are going to have a tough time clearing their schedules to attend but will try.
  - **Website** – since YCD cannot get the original designer to return phone calls or emails requesting the website be finished, a new designer will be researched. Due to the length of today's meeting, Gabel made a motion to table discussion until the next board meeting, second by Robinson, motion passed.
- **Unscheduled Matters** – None
- **Next YCD Board Meeting** – Date to be determined considering Board members work schedules.
- **Robinson made a motion to adjourn the meeting at 9:28 a.m., second by Gabel.**

# **YELLOWSTONE CONSERVATION DISTRICT**

## **FY20 ANNUAL WORK PLAN**

Conservation Districts are:

- Locally elected volunteers whose role is to oversee and positively affect natural resource management.
- The conduit for accessing federal dollars and technical assistance to make state dollars go farther.
- The voice for private lands that benefit our environment and our economy.
- Educate our state's youth in understanding plant, animal, soil, and water resources and their relationships to each other and our communities.

This annual work plan was developed to provide financial, technical, and educational assistance to land users in the district and to promote the proper management of soil and water resources. It is for helping the Yellowstone Conservation District meet its obligations in a timely manner and will serve as a major guide through fiscal year 2020.

### **CONSERVATION ACTIVITY AREAS:**

**EDUCATION**

**NATURAL RESOURCES**

**DISTRICT MANAGEMENT**

**YELLOWSTONE CONSERVATION DISTRICT BOARD OF SUPERVISORS:**

CHAD SEDGWICK, CHAIR, ELECTED SUPERVISOR

CLINT PECK, VICE-CHAIR, URBAN SUPERVISOR - BILLINGS

LEROY GABEL, ELECTED SUPERVISOR

STACEY ROBINSON, ELECTED SUPERVISOR

BARBAR WAGNER - URBAN SUPERVISOR -- LAUREL/BROADVIEW

LEE LANE, ASSOCIATE SUPERVISORFOR MT SALINITY CONTROL ASSOCIATION

LaVERNE IVIE, ADMINISTRATOR

## CONSERVATION EDUCATION

### PROMOTION OF AGRICULTURE IN MONTANA (Schools and General Public)

- Plan an agricultural public awareness campaign as issues arise by printing articles in the area media outlets
- Make financial contribution to Agriculture in MT Schools when invoiced

### EDUCATION PROGRAMS at the NILE

- General sponsorship of the 4<sup>th</sup> grade Agriculture Education portion of the NILE program with emphasis on conservation/agriculture for 2200 4<sup>th</sup> graders during the 3-day event
- Coordinate and assist with partner agencies - Yellowstone- Yellowstone County Weed District, NRCS, & Area CD's with soil tunnel and noxious weed education sessions during the 4<sup>th</sup> grade portion
- Provide Conservation District recyclable bags to teachers filled with educational materials from each demonstration booth
- Coordinate with NILE board and staff to develop a workshop for small acreage livestock owners highlighting proper soil management, animal husbandry techniques, noxious weed control

### CONSERVATION CORPS DAY(S)

- Partner with Conservation Corps senior crews to accomplish:
  - Living Snow Fence maintenance
  - Identify areas where CC donated days can be utilized (if available)
- IF another natural disaster happens in Yellowstone County, YCD will act as the liaison between landowners and government entities by providing educational materials and/or sponsoring grants to hire senior CC crews to rehabilitate lost natural resources.

### CONSERVATION EDUCATION CENTER

- "Adopt a Reach" -- Look for ways to develop a joint education program with Conservation Education Center, Josephine Crossing Subdivision and Grey Eagle Irrigation Ditch Company on a side channel of the Yellowstone River

### CONSERVATION AT THE ZOO

- Promote viewing of the 223 grant funded stream bank stabilization project by 310 applicants at Zoo MT
- Explore ways to cooperate with Zoo officials on conservation projects
- Explore ways to assist the new Zoo MT Foundation as opportunities develop

### SCHOOL PROGRAMS

- Provide assistance to City, County, and Home schools with resource programs
- Continue encouraging and helping sponsor conservation education scholarships to natural resource camps as deemed worthy
- Promote the Montana Envirothon program at the county level and continue to offer sponsorship of one team per county high school
- Continue sponsoring DNRC mini-grants
- Cooperate with city and county schools, surrounding counties' conservation field days by providing stream table
- Offer natural resource scholarships as budget allows
- Partner with Rocky Mountain College, MSU-B, MBMG and Yellowstone County Weed District to provide stream table training, presentations at schools and YCD outreach events
- Evaluate the feasibility of an additional conservation day in the spring possibly at ZooMontana

### YCD GOES GREEN

- Promote the following projects:
  1. Promote the use of YCD's grocery bags by distributing at educational events
  2. As electrical coops transition to solar and wind power look for opportunities in Yellowstone County to partner up with worthwhile projects

## NATURAL RESOURCES

### EROSION

#### ➤ WATER

- Administer the Natural Streambed and Land Preservation Act (310 Law)
- Monitor incomplete permits and repeated violators
- Post- project inspection by conducting a Yellowstone River tour
- Mass educational stream permitting mailing to landowners adjacent to perennial stream in county
- Support YCD playing an active role in conflict resolution between affected user groups and federal regulatory agencies

#### ➤ WIND

- Address and work with parties concerned with erosion problems as needed

### FOSSIL FUELS

- Support coal industry in Colstrip and the State of Montana
- Encourage maintaining current levels and/or increased production of Montana's fossil fuels

### LOCAL WORK GROUP

- Continue to cooperate with the Local Work Group for NRCS cost/share programs. Take an active role in identifying priority resource concerns and look for projects in the targeted areas
- Work on getting the Russian Olive Initiative reinstated in the NRCS cost/share program

### RANGE

- Inform cooperators of Rangeland Resource Loan Program
- Inform cooperators through the Extension and NRCS offices of the following:
  - Total range acres in Yellowstone County, condition of the acres and trend for range management

### SMALL TRACT LAND OWNERSHIP

#### ➤ Land Management

- Identify and educate the public on the following: Yellowstone River Recommended Practices and available equipment
- Continue to look for opportunities to educate small landowners living in urban settings how to manage their private working lands and care for their resources
- Offer a small landowner workshop during the NILE
- Inform cooperators through the Extension and NRCS offices of various levels of land management available

#### ➤ Backyard and Urban Conservation

- Continue promoting the program through media outlets, public meetings
- Promote native landscape information by acting as a conduit/liaison for the general public to access information with agencies and other entities on specific problems
- Help sponsor Rain Garden demonstration site

### SPECIAL PROJECTS

#### 1. YELLOWSTONE RIVER CONSERVATION DISTRICTS COUNCIL

- 100% involvement with Yellowstone River Conservation Districts Council
- Provide technical and related support within available capability and established priorities
- Continue to support Council activities with Russian Olive & Salt Cedar eradication

#### 2. HECTOR PORTAGE PATH

- Follow-thru on the feasibility of constructing path and signage

#### 3. URBAN CONSERVATION ISSUES

- Cooperate with various agencies concerning problems in City or County
- Look for sites to install urban conservation projects in Billings, Laurel and Broadview; specifically, Rain Garden demonstration sites and Community Gardens

#### **4. HUNTLEY PROJECT IRRIGATION DISTRICT FISH PASSAGE**

- Follow-up to completion of fish passage construction:
  1. Construct a sign recognizing contributing entities
  2. Work with FWP to provide accurate fish counts to public
  3. Help facilitate clearing the fish passage of debris buildup in conjunction with FWP
  4. Schedule and organize a tour inviting ExxonMobil personnel

#### **NATURAL RESOURCES (continued)**

#### **5. LANDOWNER WORKSHOPS/MEETINGS – possible topics:**

1. Apply training methods learned during CD Summit workshop for better landowner participation
2. Support Regional Conservation Program informational meetings by hosting a bus tour of project sites in Yellowstone and Big Horn Counties

#### **SOIL HEALTH**

- Support and continue to provide soil health information to Yellowstone County landowners
- Work with and support NRCS Soil Health program
  - Sponsor one or more demonstrations sites through 223 grant funding
  - Work with NRCS for summer/fall tour of crops in Yellowstone County

#### **TREES**

- **LIVING SNOW FENCE**
  - Ensure total maintenance of the Rehberg Living Snowfence site by replacing trees in spring, mechanically tilling site, needed fence repair, and working with Yellowstone County Weed Department on weed control.
  - Schedule work day(s) for Conservation Corps if needed
- **TREE PLANTING PROGRAM**
  - Work closely with the County Extension office for expansion of tree plantings possibly through landowner workshops and/or schools
  - Arbor Day Tree Give-a-Way program: Purchase 300-400 trees to provide to Yellowstone County residents and develop maintenance guidelines.
  - Work with landowners to plant LSF through CRP

#### **WATER QUALITY/ QUANTITY**

- **SALINITY CONTROL**
  - Continue support of the Montana Salinity Control Association
- **WATER QUANTITY**
  - Promote irrigation water management in Yellowstone County thru water measuring device & RCPP
  - Aggressively promote off-stream storage in potential sites in the County
  - Look for educational opportunities at the proposed West Billings Water Treatment Plant Water Learning Center --Lay groundwork as it relates to funding water quality opportunities

#### **WATER RESERVATIONS**

- If issues arise - Continue cooperation with and maintain membership with the Yellowstone River Basin Water Reservation Council
- Promote off-stream storage utilizing a portion of YCD reserved water right
- Continue to promote YCD's reserved water to eligible irrigation projects

#### **WEED CONTROL**

- Cooperate with the Weed Board
- Administer 223 Salt Cedar pass-thru grant for salt cedar control
- Look for opportunities to involve weed department in various projects

## DISTRICT MANAGEMENT

### BUDGET

- YCD budgets for the following programs as funds become available and at the discretion of the Board:
  - MT Range Tour, Rocky Mountain College
  - Organization Dues: NACD; Ag in Montana Schools; Soil & Water Conservation Society; Plant Materials Center; Beartooth RC&D; Billings Chamber of Commerce; Employees Association; NILE; Yellowstone River Parks Assoc.
- YCD administers the following pass-thru grants
  - DNRC - Mini Grants
  - DNRC – 223; Renewable Resource Grant; Resource and Development Grants
  - Yellowstone County PILT grants

### COOPERATING AGENCIES and/or ORGANIZATIONS

- Montana Department of Natural Resources & Conservation
- National Association of Conservation Districts
- USDA Natural Resources & Conservation Service and Farm Service Agency
- Montana Department of Fish, Wildlife & Parks
- Yellowstone County Offices: Commissioners, Weed Board, Floodplain, City/County Planning, Extension
- Billings Chamber of Commerce
- Beartooth RC&D
- Bureau of Mines & Geology
- All County Schools
- FFA, 4-H Chapters
- Ag in Montana Schools
- US Forest Service
- Montana Salinity Control Association
- Rocky Mountain College
- Montana State University - Billings
- Yellowstone River Parks Association
- Yellowstone River Basin Water Reservation Council
- Review MOU's with above agencies when applicable and check on updating to current status

### STATE COMMITTEES

- Support Future Fisheries Panel appointee Clint Peck with special emphasis on Yellowstone County projects

### PUBLIC AWARENESS

- Increase public relations efforts
  - Post all Board meeting notices for public review
  - Annual Plan distributed to all cooperating agencies
  - Radio and television spots, news releases for special projects/tours
  - YCD information posted on the YRCDC website and City of Billings
  - YCD Stream Table available for educational training – promote/highlight public awareness
  - Hire/contract with promotion firm to develop a website and establish presence on social media

### TRAVEL of SUPERVISORS and/or ADMINISTRATOR

- Board members and Administrator attend Area, State, Regional, and National meetings as budget allows

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

YELLOWSTONE CONSERVATION DISTRICT  
August/September Board Meeting Minutes  
September 11, 2019 - 7:00 AM  
DNRC Conference Room  
1371 Rimtop Drive Billings MT

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Barb Wagner

**BOARD MEMBERS ABSENT:** Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson - Floodplain;  
Sterling Spilinek - NRCS, YCD, PF; Jeff Bollman, DNRC;  
310 applicants representative: Sara Sanderson, Terracon

**Chair Sedgwick called meeting to order at 8:00 a.m. A moment of silence in memory of 911 victims was honored.**

## **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** none

**Minutes:** Gabel made a motion to accept as published and approve the July 22, 2019 YCD Board Meeting Minutes as presented, second by Peck, motion passed.

## **310 Applications**

- **YE-39-19 – Vermilion Ranch, Yellowstone River side channel**– Inspection date and team: 8/22/19; Sedgwick, Wagner, Rome, Ivie, Radonski. Terracon engineer Sara Sanderson explained that the proposed project is rock coverage on an existing rock revetment that has thinned, increasing bank erosion concerns at the project location. The project will involve approximately 175' of the rock revetment to stabilize while still accommodating the return flow to the river during high water. Team member report: Sedgwick stated the project is more maintenance of an existing riprapped section. **Board decision:** Wagner made a motion to accept and approve the 310 application as proposed, second by Gabel, motion passed.
- **YE-03-20 – Goggins-Vermilion Ranch, Twelve Mile Creek** – Inspection date and team: 9/10/20; Gabel, Ivie, Rome. Project description as provided by Gabel: Erosion on the south bank of Twelve Mile Creek has resulted in minimal separation between the top of bank and edge of existing gravel roadway at this location. A barb-wire fence line has been undercut at two locations by the erosion. The proposed project will involve bank stabilization by installation of a rock revetment along approximately 130 linear feet of the south bank. Board decision: Gabel made a motion to approve project as proposed, second by Wagner, motion passed.
- **YE-40-19 – Northwestern Energy, Yellowstone River –**  
**July Minutes:** Inspection date and team: 7/16/19; Sedgwick, Peck, Gabel, Robinson, Ivie, Swenson, K.C. Williams, Calderwood. Project description on application: NEW proposes to excavate two bell holes on each end of the out of service pipeline, cut the pipe, and pull the pipe out of the river. It may be necessary to walk an excavator into the river to assist with cutting and pulling the pipe. **Board discussion:** Would like to see the application amended to go back from the river to dig the hole so that the least amount of impact to the bank is achieved by pulling the pipe away from the bank. NWE permit specialist was contacted during the inspection and she stated that the application would be amended and submitted for consideration today. No amendment has been received by the YCD office. **Board decision:** Gabel made a motion to table YE-40-19 until an amended application is received, second by Robinson, motion passed.  
**Today's meeting:** Sady Babcock, NWE submitted the following amendment to permit YE-40-19: ' NEW will be removing the exposed pipeline as detailed in our application with the exception of having equipment in the

river. After consulting with our Construction Engineer, we will not have equipment in the river, we will cut the exposed pipe and pull it through bell holes that will be excavated 20-30' back from the edge of the bank on both ends. It is our intention to complete the work in 2 or 3 weeks as crews become available.' **Board decision:** Peck made a motion to accept and approve the amendment as submitted and issue a permit for YE-40-19, second by Gabel, motion passed.

- **YE-04-20-E – Western Sugar Cooperative, Yellowstone River** -- Emergency notice reads: 'The Western Sugar Cooperative needs to clear river debris from the inlet structure at the Yellowstone River. Accumulated debris around WSC's intake structure at the Yellowstone River were removed. Before and after photos are attached as YCD requested.' **Board decision:** After reviewing the before and after photos and discussing what attendees on the Yellowstone River 310 tour observed when they stopped to view the inlet structure site, Peck made a motion to approve the emergency work with no further action required by applicant, second by Gabel, Motion passed.
- **YE-02-20- Western Sugar Cooperative, Yellowstone River 5-year annual maintenance permit.** Application reads: 'This permit application is to renew the existing 310 permit, which expired April 10, 2018. The purpose of this renewal is to allow WSC to conduct annual (or less) minor maintenance that is needed to clear the intake structure at the Yellowstone River. The intake structure usually accumulates river carried debris (tree branches, etc.) during months when the factory does not use the intake structure; generally, Feb/Mar through July/Aug. WSC will utilize a track-hoe (or similar equipment) in late August, in order to remove the accumulated debris. The process typically occurs in one day or less.' **Board decision:** Gabel made a motion to accept and approve a 5-yr maintenance plan as described in the application, second by Peck, motion passed.
- **FWP employee Earl Radonski** submitted an Official Complaint for what he perceives as unauthorized dumping close to the Yellowstone River. After receiving the Complaint, Radonski's supervisor Mike Ruggles was contacted and informed that this same complaint was submitted by Radonski in 2016 to which Ken Frazer, FWP Regional Biologist at the time, determined it was not a 310 violation but rather a DEQ violation and turned it over to DEQ. Ruggles agreed with Frazer's determination. Ruggles instructed Radonski to turn in the Complaint but also turn it into DEQ because it is more of a solid waste violation than a 310. Ruggles suggested YCD table the complaint pending DEQ response. **Board decision:** Gabel made a motion to table the Official Complaint until further information and discussion is involved, second by Wagner, motion passed.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel informed the board that a conference call is scheduled for 9/13 and a regular meeting will be convened in October.
- **Yellowstone River 310 tour** – August 7<sup>th</sup> – Those in attendance: YCD: Peck, Wagner, Robinson, Ivie, Spilinek; County Commissioners: Denis Pitman, Don Jones; Yellowstone Co. Sheriff: Kent O'Donnell; FWP: Ruggles, Radonski, Giordano; Yellowstone County Floodplain: KC Williams and our yearly boat captain, Bill Jones, retired Yellowstone County Sherriff.  
Tour agenda: Past and current 310 projects were viewed from Laurel to Pompey's Pillar. Special emphasis was given to Yellowstone CD/ County Weed District Salt Cedar spraying project that has been ongoing since 2007. YCD budgets yearly for the tour with additional monetary assistance from DNRC. YCD Board suggested conducting next year's tour on two half, non-consecutive days instead of one whole day.

9:15 a.m. – Peck made a motion to close the meeting to the public to discuss the Arlene and Jim Hein alleged violation that has been turned over to EPA, second by Gabel, motion passed.

9:40 a.m. – Gabel made a motion to reopen the meeting to the public, second by Wagner, motion passed.

#### **Agency Reports**

- **Administrator's Report** – provided to board members prior to today's meeting outlining workload accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner will try and attend the September meeting
- **DNRC** – Jeff Bollman – quiet on the river but he has lots of other work projects to keep him busy.
- **Fish Wildlife and Parks** – Mike Ruggles unable to attend today's meeting
- **USDA NRCS/PF/YCD** – Sterling Spilinek
  - #1 priority that he is working on is range and range health. Gabel asked for Spilinek to put together a work plan and present to the board at our next meeting.
- **USDA NRCS RCPP:** Gabel attended the partner meeting on 9/9/19 and provided the following update:
  - Syngenta is pulling out of the project; Western Sugar Cooperative is still a partner but is not very active; Coors has concerns about amount of time employees are dedicating. Coors will still honor their 5-yr time commitment but cannot promise anything after that.

- Because reluctance to future commitment by partners was voiced, the group decided to maintain the current area and not expand.
- YCD's responsibility for this reporting period (due Sept. 30, 2019): in-kind by Supervisors and Administrator; dollar amount for the bus YCD provided for the tour. Ivie will put together and submit to the group.
- **Yellowstone County**
  - **Yellowstone County Extension** – Callie Coolie unable to attend meeting
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – No Supervisor volunteer to fill the vacant spots.
  - **Yellowstone County Floodplain** – Darin Swenson reported with water levels down, not a lot of activity going on. No new news on the Mulowney Lane trailer park erosion situation.
  - **Yellowstone County Weed Department** – Joe Lockwood unable to attend because he has started the salt cedar spraying on the Yellowstone.
- **Old Business**
  - **Plant Materials Center 7/31/19 tour** – YCD attendees: Robinson, Peck, Gabel, Wagner, Ivie. PMC manager Joe Scianna, along with farm manager Darren Zentner, provided a great overview of PMC plants grown, harvesting of crops, how to utilize seed grown and to whom the seed is provided to. For YCD to tour the center, the board thinks it showed PMC folks CD's are interested and want to be more involved with what the PMC is doing.
- **New Business**
  - **Rocky Mountain College** annual Yellowstone River clean-up donation request: Peck made a motion to donate \$500 for the annual clean-up event, second by Gabel, motion passed.
- **Board Meeting Absences:** Peck made a motion to accept Robinson's absence from today's meeting, second by Wagner, motion passed.
- **Treasurer's Report:** Gabel made a motion to approve the July and August Treasurer's report as published and reviewed, second by Wagner, motion passed.
  - **Travel and Meetings:** 9/16/19 – Area IV meeting in Hardin – no YCD attendance; Ivie was instructed not to send a YCD activity report.
- **Standing Committee Reports**
  - **MT Range Tour** – went off without a hitch. Those representing YCD: Wagner, Ivie, Spilinek. Attendees liked the variety of information presented and the different tour sites including individual ranches, farms, urban issue and the Hutterite colony.
  - **NILE** – YCD has lined up NRCS and the Yellowstone County Weed District to provide soils and weed education to the AG-ED 4<sup>th</sup> graders during YCD's 35 minute time slot. Ivie will again this year be the main contact for the schools during the 3-day event. YCD will provide the canvas CD bags for the teacher packet materials.
  - **Website** – Board instructed Ivie to follow thru with designer needs, check with other businesses. Wagner volunteered her son's expertise as a website designer to look at what we currently have and how to we get to the next step.
  - **MACD** – the board instructed Ivie to keep sending them information regarding MACD's progress to get the organization back on track financially and personnel wise. Until YCD receives the information requested for the past 10+ years, YCD will not be an active member.
- **Unscheduled Matters** – None
- **Next YCD Board Meeting** – Gabel suggested November 13, 2019 as the next meeting date, to which everyone concurred.
- **Peck made a motion to adjourn the meeting at 10:10 a.m., second by Gabel.**

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

**YELLOWSTONE CONSERVATION DISTRICT**  
**December/January Board Meeting Minutes**  
USDA Conference Room, 1400 S. 24<sup>th</sup> St. W. Suite 8C, Billings, MT  
**January 28, 2020**  
8:00 am

**BOARD MEMBERS PRESENT:** Clint Peck, Vice-chair Leroy Gabel, Barb Wagner (via phone);  
Stacey Robinson (communicated his voice vote by phone)

**BOARD MEMBERS ABSENT:** Chad Sedgwick, Chair

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson - Floodplain; Callie Coolie,  
Yellowstone County Extension; Sterling Spilinek - NRCS, YCD, PF;  
Sierra Berry, NRCS  
Kenny Winkler – 310 applicant contractor

**Vice-Chair Peck called meeting to order at 8:17 a.m.**

## **Roll Call**

Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

Peck also informed attendees that because of the nature of attendance by board members at the meeting only necessary business will be addressed at today's meeting.

**Agenda Changes:** Exxon Mobil Corp. Emergency Notice

**Minutes:** Gabel made a motion to approve the September 11, 2019 YCD Board Meeting Minutes as published, second by Robinson, motion passed.

**310 Model Rules legislative changes & set public meeting date to adopt changes** – The Yellowstone Conservation District will revise Natural Streambed and Land Preservation Act rules governing the administration of the district's stream permitting program). The revision will include changing the time frame for an applicant to appeal a Board's decision from 15 days to 30 days per HB383 that become law during the 2019 legislative session. **Board decision:** Wagner made a motion to accept the revision and schedule a public meeting to formally adopt the rule change after consideration is given to any comments received in the open comment period. The public meeting will take place on January 15, 2020 at the beginning of YCD's regular meeting. Second to the motion by Gabel, motion passed. Ivie will develop a public notice to be placed in the Billings Times public notice section and published 30 days and 14 days prior to Jan. 15<sup>th</sup>.

## **310 Applications**

- **YE-05-20 – ExxonMobil Refinery, Yellowstone River** – notice received informing YCD the annual dredging of the inlet to the refinery's river pump house was completed on Oct. 3, 2019. The maintenance was performed in accordance to ExxonMobil Refinery's annual plan of operation maintenance permit. A 273 form was signed by the YCD for Exxon's records.
- **YE-06-20 – Hydrometrics, INC, Yellowstone River flood fringe** – Excavate sediment from two former industrial ponds and perform basic regrading in one of the ponds. Drainage patterns outside of the pond area will not be affected by the work. The site is within the floodplain but does not include any earthwork in the river channel or banks. **Board decision:** Robinson made a motion to declare a not project because it does not impact the immediate bed or banks of the Yellowstone River, second by Gabel, motion passed.
- **YE-07-20 – NorthWestern Energy, Yellowstone River side channel** – Inspection date and team: 10-08-19; Sedgwick, Swenson, Gilbert, NWE reps, Ivie. Sedgwick explained the proposed project to remove a concrete

foundation with two culverts from a side channel of the YR. After the team inspection, the board received the application and pictures via email to verbally vote whether to approve or not. The verbal vote was needed to insure work could be completed during low flows and before the ice builds up. **Board decision:** By email and verbal vote, the board approved the project as proposed. Form 273 was signed.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel was unable to attend the last meeting because he was digging sugar beets. YCD received a written report that may be found at the end of these Minutes.
- **Yellowstone River 310 tour** – A report generated by the YCD office was presented for board review. The board accepted and instructed it to be made available to YCD's partners.
- **Portage Path** further discussion: A decision was made to install a very large sign explaining all areas of the YR island adjacent to the Huntley Project Irrigation Dam. Special tribute will be given to former board member Bob Hector. Robinson and Ivie will work on the wording and have a draft for review at the next YCD board meeting.

#### **Agency Reports**

- **Administrator's Report** – provided to board members prior to today's meeting outlining workload accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner provided a written report prior to today's meeting which may be found at the end of these Minutes.
- **DNRC** – Jeff Bollman – unable to attend today's meeting
- **Fish Wildlife and Parks** – Brian Giordano reported he has been transferred to the Columbus FWP office. His position in the Billings office will be filled by Shannon Blackburn.
  - The MSU Bozeman students reported they tagged over 1800 fish at the HP fish by-pass this past season. 270 were found in the channel itself. 16 different species have been recorded in passage.
- **USDA NRCS** -Shalaine Watson, Seanna Torske
  - Four staff members helped with the soil tunnel and soil microscope portion of the NILE 4th grade Ag Ed.
  - Two staff members helped set up and work a booth at the MFBF Convention in Billings.
  - **2019 Program summary** (at the January meeting NRCS will present in detail each conservation plan and have the Chairman sign for the district during which time the meeting has to be closed to the public due to the sensitive financial information that is contained in each contract):
    - **CSP GCI** (Conservation Stewardship Program Grassland Conservation Initiative) 7 contracts on 949.3 acres for \$85,449 (over the next 5 years) - Land that was once farmed and seeded back to grass;
    - **CSP** (Conservation Stewardship Program) 5 contracts on 20,487 acres for \$812,865 (over the next 5 years): 3 dry cropland, 1 irrigated cropland, 1 mixed crop and grazing;
    - **EQIP** (Environmental Quality Incentive Program) 5 new contracts on 21,016.5 acres for \$862,122: 1 AFO/CAFO, 3 Grazing, 1 Pollinator
  - Sierra Berry will be at Farm Bill training in Billings next week. She plans to attend the January meeting to meet the board. Shalaine will present to Rocky Mountain college students Plan) proposed for 2020 funding, focusing resources on expiring CRP to facilitate grazing rotations.
  - **NRCS/PF/YCD** – Sterling Spilinek submitted a FY20 1st quarter work accomplishments report (also on file in the YCD office). Report will be submitted to DNRC for reimbursement through the 223 grant obtained for this position.
    - will be going to MACD convention in Kalispell and attending the Soil Health Workshop in Billings (YCD will charge the PF grant for registration)
    - Gabel asked for Spilinek to put together a work plan and present to the board at our next meeting.
- **Yellowstone County**
  - **Yellowstone County Extension** – Callie Coolie emailed: I have to be in Great Falls tomorrow, so will be unable to attend the meeting. Please share with the board that I am back part-time and will be back full-time the second week in December. If you need anything, please let me know.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – No report
  - **Yellowstone County Floodplain** – Darin Swenson reported water levels are back up in the Yellowstone River. His office is busy but not with stream permitting work.
  - **Yellowstone County Weed Department** – Joe Lockwood
    - Presented the 2019 Salt Cedar final report (may be found in its' entirety at end of these Minutes)
    - 2020 Salt Cedar grant discussion: The spraying needs to continue for years to come because we are seeing great strides in previous years spraying reaches. The board wants to be part of a thorough job and will continue to sponsor grants and commit Yellowstone County taxpayer dollars to the project. Robinson made a motion to apply for a \$25K 223 grant to help pay for chemical, second by Gabel, motion

passed. With the \$5K PILT money approved from the County Commissioners and the \$5K from YCD's budget, YCD's contribution for 2020 will be \$34,500.

- Stream Table discussion: Lockwood has been maintaining the table and has or will incur these costs: \$115.76 – personally paid; new tonto cover – approximately \$300. Gabel made a motion to reimburse Lockwood for these two items, second by Robinson, motion passed. Other issue: Lockwood has an education person that is willing to use the table in education presentations, but she needs training. Ivie will provide training to Megan, Robinson and Spilinek this spring.

➤ **Old Business**

- **Yellowstone River Water Reservation ownership transfer:** Wagner made a motion to approve the transfer of YE-01-19 from MV Farms to Scott Bradec, second by Robinson, motion passed.
- **Website** – Board discussion: Website is partially done, web designer will not return emails since receiving his last check, YCD has not received requested items: written instructions for accessing, updating, maintaining the site.
  - Genia Castro Waller, Graphic Finesse (website designer) presented an overview of what her company could/would provide if YCD abandons the current website and starts over. Robinson made a motion to employ this company to get the website up and running, second by Gabel, the chair called for discussion: Wagner would have liked for YCD to call for bids on the website; to hire a new company is putting the cart before the horse without getting other website issues resolved; not enough information and too many questions to grant a contract at this time. Gabel made a motion to table the previous motion for further discussion at a later meeting, Robinson seconded, motion passed.
  - Action: Robinson and Ivie will put together a plan of action which will include a draft letter to be sent to Patrick Parker of Beartooth Designs outlining YCD's demands. Both action items will be reviewed at the January YCD board meeting for board edits and approval.
- **Rocky Mountain College** – annual Yellowstone River cleanup report was received and reviewed. YCD partially funds the river friendly endeavor.

➤ **New Business**

- **DNRC survey** – Board members opted to fill the survey out individually and email back to the office to consolidate responses for DNRC.
- **Oil and Gas Summit sponsorship Feb. 12, 2020** – Per board direction YCD offered to host social event and still intends to do so but would like a figure as to how much it will cost and then decide at the Jan. YCD board meeting how much YCD will financially sponsor of the total cost (sponsorship will not be paid for with taxpayer money).
- **Twine Recycling update:** Yellowstone Valley Audubon Society officially opened their twine and recycling site June 1<sup>st</sup> two miles north of Laurel. Their current inventory is 9,000 lbs. of 90% clean twine – approximately one-fourth of what is needed for a full shipment.

➤ **Board Meeting Absences:** Robinson made a motion to accept Peck's absence from today's meeting due to work commitments, second by Wagner, motion passed.

➤ **Treasurer's Report:** Gabel made a motion to approve the September and October Treasurer's reports as published and reviewed, second by Robinson, motion passed.

- **Travel and Meetings:** none

➤ **Standing Committee Reports**

- **MT Range Tour** – went off without a hitch. Those representing YCD: Wagner, Ivie, Spilinek. Attendees liked the variety of information presented and the different tour sites including individual ranches, farms, urban issue and the Hutterite colony.
- **NILE** – YCD Administrator assumed duties of overseer of the 3 day event. NRCS and Yellowstone Co. Weed Department split YCD's allotted session time and both presentations were a big hit with the teachers. As plans stand now, YCD will not be quite so active in the over-all running of the event next year – it's time for another entity to step up and take over. YCD will keep their session slot and topics for next year's program will be discussed during YCD's FY21 annual planning meeting.

➤ **Unscheduled Matters** – update provided by Robinson on the water project city reservoir: Land deal with Knife River Concrete and city is complete; dedicated intake will be located at 48<sup>th</sup> St West; cost estimate is between \$120 ~ 160 million right now; the water interpretive component at the water treatment plant is the amenity that Robinson is working on, not the engineering side - roughly \$10 million in amenities but Robinson feels the budget numbers need to be more realistic; total land grab is 400 acres.

➤ **Administrator job performance evaluation:** Conducted by board members. Robinson made a motion to approve an hourly raise based on an excellent job performance and to bring the Administrator's wage up to a more realistic figure taking into consideration the multiply aspects of the job, second by Gabel, motion passed.

➤ **Next YCD Board Meeting** – January 15, 2020 is the next meeting date and will be held in the Land Design conference room. **Robinson made a motion to adjourn the meeting at 11:45 a.m., second by Wagner.**

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

**Ripples from the River from the Council:**

The Council met in Miles City on Friday, October 18<sup>th</sup>. Twenty-five attendees heard updates and reports on Council activities including strategic planning, partner agency reports and the Irrigation Water Management work group. Representatives from Montana Fish, Wildlife & Parks, Bureau of Reclamation, USDA -Natural Resources & Conservation and Montana Department of Natural Resources & Conservation were on hand and gave reports. NRCS, DNRC & Bureau of Reclamation representatives highlighted a wide array of programs their respective agencies offer to improve irrigation efficiency and production agriculture.

-Terry Heck, NRCS Area Conservationist for the Miles City region, updated the group on his agencies program changes and funding opportunities following passage of the new Farm Bill.

-Ryan Colloton, Bureau of Reclamation program specialist, noted the many opportunities for irrigation system improvements available through his agencies Water Smart program.

-Ann Kulczyk, DNRC's Resource Development Division program specialist highlighted the opportunities offered by her agency for irrigation improvement and development program.

-Lance Clark, DNRC's Conservation District Bureau's program specialist updated the group on programs benefitting Conservation Districts.

The Council's steering committee has developed a strategic plan framework for projects, outreach and education in the future. Many of these goals can be attained by using the resources of our partner agencies.

-Caleb Bollman, Montana FWP's area fisheries biologist updated the group on the telemetry findings of their pallid sturgeon monitoring program

The Irrigation Water Management work group has been busy with two resource inventory and assessment projects for the Hammond Irrigation District near Forsyth and the T & Y Irrigation District near Miles City. When completed, these two assessments will provide a comprehensive report on the two irrigation systems resources and recommendations for improvement projects. These reports are critical as irrigation districts seek funding through agencies like DRNC, Bureau of Rec's Water Smart program and NRCS programs. Following lunch, meeting attendees toured some key features of the T & Y Canal which more than 100 years old.

A quorum was not present for the meeting, so No action was taken, and no meeting date was set for the next meeting.

Member districts who were not represented at the meeting: Park, Stillwater, Yellowstone, Prairie, Dawson, Richland and McKenzie County, ND

**Beartooth RC& D from Barb:**

Meeting – September 19, 2019

Old Roosevelt School Conference Room

Red Lodge MT

Food/Ag Program updates by Joel Bertolino

Yellowstone Region Ag Sustainability Project-RCPP

Had a meeting 9/9/19 to set annual deadlines for applications and complete reporting.

Seanna Torske with NRCS announced that the new farm bill allows for a 5 year extension on this project, we are determining interest in applying for an extension to allow for another round of funding and 5 more years to develop regional conservation projects related to sugar beet and barley producers. This project received applications from all three counties mostly for water conservation projects.

Economic Director's Report by Steve Simonson

Yellowstone: New \$80M water treatment proposal on west end (EDA), Coulson Park, South-side Grocery store, Coal Country Coalition. Business development referral From SBDC to Beartooth.

Regional Roundup – News & updates from regional members on projects and activities in key CEDS categories

Billings Airport to add 8 gates by 2023

Pryor Mountain Wind Farm approved – 114 wind turbines, 300 workers (Bridger)

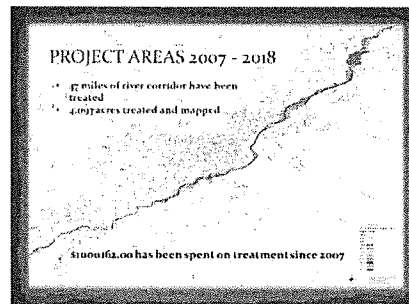
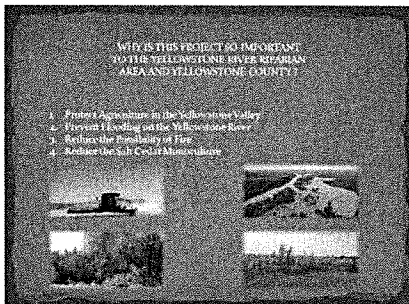
Don Jones – Yellowstone Co Commissioner –said they are talking about a 10 Year Masterplan with the Metra: Take down existing Grandstands; Redo the grounds; Amphitheatre?; Team up with School District on a track

Red Lodge Historic Pea Cannery Building Tour followed meeting

Yellowstone River Salt Cedar Project Overview

2019 Yellowstone River Salt Cedar Project is a continuing grant project taking place along the Yellowstone River Riparian Corridor in Yellowstone County. This project started in 2007 at the Stillwater/Yellowstone County Line and we left off at Road 11 North in the Huntley Project Area and at the Cabin Creek Ranch in the Shepherd Area after the 2018 Project. The Yellowstone River Salt Cedar Project has 4 main objectives; 1. Protect Agriculture - What is the number one important factor in agriculture? Water!!! Salt Cedar is called the Thirsty Tree, 1 solid acre of Salt Cedar can use up to 7.7 acre feet of water which is equivalent to 2.8 million gallons of water. With agriculture being the number one driver of the Montana Economy I feel it's important to reduce this threat along the Yellowstone River in Yellowstone County. Salt cedar can also take over valuable grazing lands to thus reducing the economic profits for farmers and ranchers. 2. Prevent Flooding along the Yellowstone River - Salt Cedar trees are a main threat to the old oxbow floodplain areas along the Yellowstone River and if left unchecked these areas are going to become overloaded with overgrowth of Salt Cedar infestations. These old oxbow areas act as relief valve during the high-water season thus reducing the chance of flooding elsewhere. The number of Salt Cedar trees that we are finding in these areas is incredibly astronomic and require a large amount of herbicide and man hours to control. 3. Reduce the threat to native habitat and native species - Salt Cedar infestations that become dense and saturated cause vegetation loss of your more desirable plant species and degradation of native habitats that are critical in maintaining a healthy functioning ecosystem. 4. Reduce the potential for fire - monocultures of salt cedar create dense brush like growth with lots of ground duff which is very flammable. Fires that occur in areas that is dense with salt cedar burn with the same types of fire behavior which is very characteristic of large forest fires.

As we head eastward into the old oxbow areas of the Yellowstone River, we are finding that these areas are becoming more concentrated with Salt Cedar trees. These old oxbow areas are a very important part of the floodplain of the Yellowstone River. If these concentrations of Salt Cedar trees continue to increase without any control efforts, we are going to see an increase in flooding in areas downriver where the high-water is pushed due to choked off floodplain areas. We will also experience a river channel that will be cut deeper and deeper. These old oxbow areas act as relief valve during the high-water season. The number of Salt Cedar trees that we are finding in these areas is incredibly astronomic and require a large amount of herbicide and man hours to control. The island sizes are going to vary as we continue downriver but one thing for sure is that the density on the smaller islands is a lot larger compared to some of the bigger islands from past years. With this type of density starting to occur it really slows down the project and the amount of herbicide used increases drastically on these areas. Without this project and the funding that we receive through the trust fund grant we would be looking at some very detrimental effects from not controlling salt cedar along the Yellowstone River.



**Project year 2016**

• NWTF Trust Fund Grant - \$40,388
• DNRC 223 Grant - \$24,500.00
• Total money spent on project - \$64,888.00
• Total Herbicide Cost - \$74,656.92
• YCWD MATCH - \$49,687.94
• Total Acres Treated - 585 acres
• Total Acres Surveyed - 730 acres
• Total number of Salt Cedar Trees Treated - 400,000

**Project year 2017**

• NWTF Trust Fund - \$43,000.00
• DNRC 223 Grant - \$24,500.00
• Total Money Spent on Project - \$67,500.00
• Total Herbicide Cost - \$75,120.00
• YCWD MATCH - \$49,687.94
• Total Acres Treated - 610 acres
• Total Acres Surveyed - 740 acres
• Total number of Salt Cedar Trees Treated - 420,000

**Project Year 2018**

• NWTF Trust Fund - \$43,000.00
• DNRC 223 Grant - \$24,500.00
• Total Money Spent on Project - \$67,500.00
• Total Herbicide Cost - \$75,120.00
• YCWD MATCH - \$49,687.94
• Total Acres Treated - 640 acres
• Total Acres Surveyed - 780
• Total number of Salt Cedar Trees Treated - 480,000

All cooperating agencies agree that this project needs to be continued for several years to insure eradication of the Salt Cedar infestation. Future treatment areas have been visited and the Salt Cedar population is growing at an alarming rate. With the kind of population increases and densities that we are encountering this project will continue to become more challenging in future years. Upstream and downstream counties are intending to use Yellowstone County's model for additional Salt Cedar projects.

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

**YELLOWSTONE CONSERVATION DISTRICT**  
**February Board Meeting Minutes**  
Land Design Conference Room, 1720 48<sup>th</sup> Street West, Billings  
**February 19, 2020**  
8:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Shalaine Watson, NRCS; Sterling Spilinek - NRCS, YCD, PF; Joe Lockwood, Yellowstone County Weed Dept.

**Chair Sedgwick called meeting to order at 8:03 a.m.**

**Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** Mini-grant consideration from National Wildlife Federation was withdrawn pending further information.

**Minutes:** Peck made a motion to approve November 13, 2019 and January 28, 2020 YCD Board meeting minutes as written, second by Leroy, motion passed.

**310 Model Rules legislative changes & public meeting to adopt changes –**

The following was noticed in the Billings Times for three weeks:

‘The Yellowstone Conservation District will revise Natural Streambed and Land Preservation Act rules governing the administration of the district’s stream permitting program (more commonly referred to as the ‘310 Law’). The revision will include changing the time frame for an applicant to appeal a Board’s decision from 15 days to 30 days per HB383 that become law during the 2019 legislative session. A public hearing will be held February 19, 2020 beginning at 8:00 a.m., in the Land Design conference room located at 1720 48<sup>th</sup> St. West, Billings, MT 59106. The public meeting will provide an opportunity to present views and submit written comments on the proposed rules. Copies of the draft rules are available by contacting the district at 1371 Rimtop Drive, Billings, MT 59105 or by calling 406.247.4420.’

Chair Sedgwick asked if comments were received by the YCD office for the board to address. Ivie answered that no verbal or written comments were received as of today. Sedgwick read the proposed resolution for adoption:

WHEREAS, pursuant to 75-7-116, MCA, the Board of Supervisors of each conservation district may revise rules setting standards and guidelines for projects in natural perennial-flowing streams in the district; and

WHEREAS, the standards and guidelines must meet or exceed the Administrative Rules of Montana, 36.2.401 through 410, adopted by the Department of Natural Resources and Conservation; and

WHEREAS, a public hearing on the revision of proposed rules to reflect HB383, extended time period for appeals from 15 to 30 days was held as required by law on Feb. 19, 2020, after due notice was given.

NOW, THEREFORE, BE IT RESOLVED that the Yellowstone Conservation District having considered all the comments received at said public hearing, hereby adopts the rules attached hereto as Appendix A.

DONE and dated this 19th day of February, 2020.

Gabel made a motion to adopt 310 Model Rules change to extend the time period for appeals from 15 to 30 days, second by Peck, motion passed.

### **310 Applications** - None

### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel report there has been no meeting since the last one. Council Executive Director Dan Rostad will provide an update on 2019 activities at YCD's March Board meeting.
- **Portage Path** further discussion: Edits to the draft sign design were incorporated by Land Design. The board viewed options for sign materials, construction and installation. Gabel made a motion to accept sign materials and construction with approved changes made today: place pictures of correct fish species but leave out fish descriptions, aluminum sign with stand and ask Donnes to install. Second by Peck, motion passed.

### **Agency Reports**

- **Administrator's Report** – provided to board members prior to today's meeting outlining workload accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner provided the following report:  
REGIONAL ROUNDUP:  
Wind Farm (25mi to Bridger; 25 mi to Powell) 300 people by March  
FOOD & AG:  
Plant Protein Extraction Business, Yellowstone Co  
Yellowstone Valley Farms – Laurel Greenhouse  
ECONOMIC DIRECTOR REPORT:  
Yellowstone – Big Sky EDA to purchase a building downtown  
Lockwood EDD issue over water/sewer district  
Inner belt loop project  
CEDs:  
Laurel Aquatic Recreation Center, phase one design  
Coulson Park, city of Billings finalizing Master Plan
- **DNRC** – Jeff Bollman – unable to attend today's meeting
- **Fish Wildlife and Parks** – unable to attend today's meeting
- **USDA NRCS** – Shalaine Watson and Sterling Spilinek reported:
  - The Billings FO attended a Farm Bill training in January. We are learning more as we go. Staff also attended the Soil Health Symposium in Billings. The event was enlightening and exciting and of course, mentally challenging too.
  - Watson is part of the State Leadership Development Program (like Austin was). Her group project is on how the agency can calculate return on investment and show the impact to local communities. So, if you have any ideas on that please share
  - Next week staff will be in Bozeman for two days to learn our new assessment software and how we will process applications, requests for technical assistance and more.
  - Asked for board feedback on the new agreements (Memorandum of Agreements) sent out previously. Shalaine explained the process at the meeting. Sedgwick commented that in his brief review of the MOU it seems quite a bit of what is included does not pertain to YCD since we are not co-located. The Board was provided draft copies of the MOU and requested to get comments/edits back to YCD or NRCS. In the meantime, Watson and Ivie will meet to pare the document down to what actually pertains to Yellowstone County
  - Decisions made at the last RCPP meeting: This year's tour will be in Carbon County; signup will start soon; going into the last year of the 3-county project.
  - **Local Work Group** action items as decided upon today: Since 2021 proposals are due in June, a LWG meeting should be held fairly soon. Spilinek put together a poster and postcard advertising the event for board review and edits -- all that is missing is the March 18<sup>th</sup> date (which was decided by the board and NRCS personnel today). Spilinek will develop a Monkey Survey as an avenue for people to submit their suggestions for natural resource priorities in Yellowstone County. YCD will utilize the NRCS mailing list along with YCD's list, have MTS print and mail invitations. Information will be included in the printing on how to access the Monkey Survey. The meeting will be held in the FWP conference room 10:00am ~ noon on 3/18/20.
  - **RCPP** committee held a meeting and agreed to hold the tour in Carbon County this year (YCD sponsored the tour held last year in Yellowstone County). Signup for the last year of the project will start soon.

## **Yellowstone County**

- **Yellowstone County Extension** – Callie Coolie provided a written report prior to meeting since she was unable to attend today's meeting:

I will be hosting private applicator training classes at the MATE Show on February 20 and 21. Pre-registration is not required. I am also working on developing the South Central Legacy Program – a program that will focus not only on succession and estate planning, but also on two features that help make succession successful – communication and business management/development. More details to come. Joe Lockwood and I are finalizing speakers and other details for the November 10 private applicator training.

- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – unable to attend meeting
- **Yellowstone County Weed Department** – Lockwood thanked the board for applying for and supporting the Salt Cedar 223 grant and also for the financial and technical guidance throughout the many years the project has been active. The Noxious Weed Trust Fund grant will be heard at the beginning of March.

### ➤ **Old Business-** none

### ➤ **New Business**

- **Living Snowfence expansion** – the time is right to work with nontraditional partners to expand the length of the current LSF on Highway #3. The board gave permission for Ivie to gauge interest for expansion with the landowner, State Lands and DOT and report back next month whether there is interest or not.
- **DNRC RRG & RDG** project funding opportunities through grants. Robinson provided the information to the City of Billings to maybe utilize these grant sources for the new west-end water development project. They expressed interest and will have further discussion with Land Design on possibilities. Robinson would specifically like to pursue funding possibilities for the connecting canal between the two water bodies to be utilized for recreation.

### ➤ **Board Meeting Absences:** Everyone present

### ➤ **Board Oath of Candidacy Forms** – Gabel and Robinson will fill out the forms and submit to Yellowstone County Election department

### ➤ **Treasurer's Report:** Robinson made a motion to approve the January Treasurer's reports as published and reviewed, second by Wagner, motion passed.

- **Travel and Meetings:** Last month: **Oil and Gas Summit sponsorship Feb. 12, 2020** – Early attendance estimates for the event are between 20~30 people, possibly more. Sponsorship will pay for the meeting venue and light snacks (sponsorship will not be paid for with taxpayer money). Wagner made a motion to approve sponsorship of \$10/per person, second by Leroy, motion passed. **Update:** Very low registration numbers made it necessary to cancel the summit.

### ➤ **Standing Committee Reports**

- **MACD** requested action items – Board reviewed several of the items and conducted a very long discussion on past history with the group and how YCD may agree to go forward with restructuring plans proposed by MACD. Board members voiced that the structure of MACD needs more reorganization than what the survey is asking for (seems skewed to getting the answers that are wanted). Decision was tabled pending further information from MACD.
- **Website** – no news on DNRC's training module

### ➤ **Unscheduled Matters** – none

### ➤ **Next YCD Board Meeting** – March meeting will be held March 18, 2020. **Peck made a motion to adjourn the meeting at 10:17 a.m., Robinson seconded.**

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RJM TOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## YELLOWSTONE CONSERVATION DISTRICT Conference Call Meeting Minutes March 18, 2020 1:00 PM

**Board Members Present:** Chad Sedgwick, Chair; Clint Peck, Vice-Chair;  
Leroy Gabel, Stacey Robinson, Barb Wagner

**Non-Board Present:** LaVerne Ivie, YCD Administrator; Marena Gilbert, ACOE; Mike Ruggles, FWP  
Billings Bench Water Association reps: Gary Davis, Allen Workman, Christina

**RE: Consideration of BBWA's 310 application #YE-12-20**

Chair Sedgwick called the meeting to order at 1:00 pm and asked conference call attendees to identify themselves.

For a complete description of the project and pictures of the site, Chair Sedgwick suggested everyone refer to application #YE-12-20 received prior to today's conference call. He then provided the **Team Member report:**

On March 9, 2020 Sedgwick, Ivie, Workman, landowners Kim & Jeremiah Thompson and Will Bishop, construction contractor met on-site to view the early stages of construction on BBWA's flume that crosses above 5-Mile Creek. Sedgwick informed the attendees that the minimal amount of dredging of the creek, while albeit minor, was initiated without obtaining permits from permitting agencies that have jurisdiction over the waterbody. He recommended to halt all construction until permits are obtained.

**BBWA Chair Gary Davis** explained the purpose and scope of the project: Repair existing infrastructure/maintenance of the flume. The flume is 120' long and spans 5-Mile Creek which is running about 3' wide between 2 of the 4 piers supporting the flume which stands 13' above the creek. The old concrete will be removed from the piers and encased with rebar and new concrete. To achieve construction, 50' of creek bank will be impacted. Small equipment will place a temporary culvert in the stream so that construction vehicles can drive over the creek to achieve minimal disturbance to the creek without decreasing flow in creek. After construction, the area will be restored to pre-existing conditions which will include grass seeding and weed control. Alternative to the proposed project would be to install a siphon and remove the flume which at this point is too costly for BBWA to undertake.

Chair Sedgwick first asked each YCD Board member to voice comments/concerns with the application then asked agency representatives on the call. After everyone weighed in on the project and hearing no negative feedback other than BBWA began construction without securing permits, Chair Sedgwick called for a motion. **Board decision:** Peck made a motion to approve BBWA's application #YE-12-20 as proposed, second by Robinson, motion passed. ACOE & FWP will issue permits today and email to BBWA.

Chair Sedgwick thanked the participants on the call and adjourned at 1:18 p.m.

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Chad Sedgwick, YCD Chairman

LaVerne Ivie, YCD Administrator

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

### April/May Board Meeting Minutes

Land Design Conference Room, 1720 48<sup>th</sup> Street West, Billings

May 12, 2020

8:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Shalaine Watson & Seanna Torske, NRCS (called in); Joe Lockwood - Yellowstone County Weed Dept., Darin Swenson – Floodplain, Callie Coolie – Extension, Shawn Sullivan – Briarwood Golf Course, Jim Stott & Gary Davis – BBWA, Dan Rostad & Aaron Kolb – Yellowstone River Council

**Vice-Chair Peck called meeting to order at 8:07 a.m.**

### **Roll Call**

Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** None

**Minutes:** Gabel made a motion to accept and approve the February 19, 2020 minutes as presented, second by Wagner, motion passed. Gabel made a motion to approve the March 18, 2020 conference call minutes as presented, second by Robinson, motion passed.

### **310 Program**

#### ➤ **Complaints:**

- **YE-01-20-C -- Briarwood Golf Course, Blue Creek** – A complaint was received by DEQ from a private citizen relative to stream stabilization work conducted on Blue Creek located on the Briarwood Golf Course. DEQ requested YCD respond because of COVID-19 travel has been suspended for DEQ. Personnel from YCD, FWP, ACOE and Briarwood representative Sullivan conducted an on-site inspection April 29, 2020. Sean Sullivan, in attendance at today's meeting explained the course of events that prompted riprapping the bank. 2019 flood event took out a vertical bank and with all of the people on the golf course right now he felt it was a safety issue to stabilize the bank before someone got hurt. 71' at a 13' slope was impacted by placing cobble riprap on the slope. He conducted the work under the assumption that a previous permit from 2011 was still viable. Team members voiced their concern with the finished product not following specs so therefore suggested an engineer be consulted by Briarwood. Sullivan stated he has contacted a few firms but hasn't met with any on-site. **Board discussion:** At this point no decision can be reached until further information is presented.

**\*\*Chair Sedgwick arrived at meeting and chaired from this point on.**

- **YE-02-20-C – Richard Christiansen, Yellowstone River** – Complaint received from a private citizen indicating weirs were installed without a permit. YCD is in the process of setting up an on-site inspection.
- **YE-03-20-C – Gene Klamert, Yellowstone River** – Complaint received from a private citizen claiming streambank stabilization has occurred without permits. YCD is in process of setting up an on-site inspection.
- **YE-04-20-C -- Gen Rudio, LLL, Yellowstone River** - Complaint received from a private citizen claiming bank stabilization occurring without permits. YCD is in process of setting up an on-site inspection.

**Board decision:** To gain a better understanding of each site's specific details, Robinson displayed satellite images on his large wall computer screen for the board to get a general overview of each site and

discuss individually within the confines of today's meeting. Gabel made a motion to set up site inspections, include agencies, within the next 10 days, second by Wagner, motion passed.

➤ **310 Applications:**

- **YE-11-20 – Henry Pike, Canyon Creek riprap project** – Application to rock riprap 700+ feet of bank in various eroded areas. Inspection date, team and recommendation: 3/12/20; Sedgwick, Wagner, Ruggles, Gilbert, Ivie, Pike. Team member report states: 'Site inspection was not completed due to onsite agencies being asked to leave. The landowner was quoted saying "forget it, I'm not doing anything". We took that as meaning he was withdrawing his 310 application.' Sedgwick and Wagner elaborated on what transpired with this landowner when he was encouraged to pull large rocks out of the stream to augment the riprap and to better identify the erosion areas rather than stating 700', which is the length of his property, not the length of erosion. **Board decision:** Peck made a motion to deny application # YE-11-20 based on team member report of verbal withdrawal by applicant of the project during the on-site inspection, second by Gabel, motion passed. Pike will be notified of the board's decision and the willingness of the board to revisit another application if he chooses to submit one.
- **YE-13-20 – Morgan Contractors, LLC** – After reviewing the application, Wagner made a motion to declare application a non-project because it does not impact a perennial flowing stream, second by Peck, motion passed.

**Other 310 issues & Projects**

- **Billings Bench Water Association** representatives Jim Stott and Gary Davis attended today's meeting to request YCD support in applying for grants to pursue funding for siphon installation on 5-Mile Creek. After much discussion, identifying priorities within the ditch route Peck made a motion to support BBWA in any grants and sponsor DNRC applicable grants, second by Gabel, motion passed. Peck made a motion for Wagner to inquire whether Beartooth RC&D can assist with finding grants and other avenues of funding, second by Wagner, motion passed. BBWA's official request may be found at the end of these Minutes.
- **Yellowstone River CD Council Report** – Gabel asked Dan Rostad, YRCDC Executive Director, to update YCD on Council activities and current projects. Rostad spoke specifically on the irrigation component of Council work going forward, his involvement with natural resource groups throughout the state, Council personnel and future outlook for the Council.
  - Aaron Kolb, Council employee, has assisted other CD's with the 310 database and is willing to help YCD. Peck made a motion to reimburse YRCDC (Custer Co. CD as the Council's fiscal agent) for Kolb's work to enter Yellowstone CD's 310's in the state database, second by Gabel, motion passed.
- **Portage Path** – Ivie reported the sign will be ready for Donnes Construction to install immediately following YR high-water.

**Agency Reports**

- **Administrator's Report** – provided to board members prior to today's meeting outlining workload accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner – no meeting held since last YCD board meeting
- **DNRC** – Jeff Bollman – unable to attend today's meeting
- **Fish Wildlife and Parks** – unable to attend today's meeting
- **USDA NRCS** – Shalaine Watson via conference call:
  - NRCS has been teleworking, with one person in the office per day, field work continues to go forward as needed.
  - Local Work Group input was gleaned from Sterling's' survey monkey. The majority of feedback was in and around the Fly Creek drainage. We have 2 TIPs (Targeted Implementation Plans) proposed for 2021. Those will be reviewed next month.
  - The field office has been busy with CSP Renewals (5 applications). EQIP 2020 (8 applications ranked) and implementation of existing contracts.
  - We also have quite a few CRP applications we will work with FSA and the producer on.
  - The PF partner position employee resigned and the position opening advertisement is set to close May 21. Interviews will take place after that. End of June would be the anticipated start date. Note: YCD Board appointed Ivie to represent YCD in the interviews.
  - I have not heard anything back from the State Office about when we'll need to sign the MOA, but I will keep you informed when I do.
  - Making plans for 2021 priority areas. Fly Creek area is the biggest project in Yellowstone County with focus on sulfates.

## **Yellowstone County**

- **Yellowstone County Extension** – Callie Coolie (note - Callie had to leave meeting early so provided this written report):
  - Will be hosting a webinar series, Ripening Eastern Montana: The ABCs of Fruit Production, each Thursday evening in June at 5:30 PM. The presentations will focus on beginning fruit production, specifically for those on the eastern side of Montana. There will also be an optional tour of F Bar 3 Vineyard on June 13. More details to come.
  - Received a Western SARE grant with Tommy Bass to host the Montana Meat School. The Montana Meat School is a hybrid in-person and online learning experience for farmers and ranchers to reduce marketing, financial, and legal risk and strength local meat supply chains. This will be rolled out in fall 2020.
  - Also received an MSUE Innovation grant with Nikki Bailey and Jennifer Fosjord for the South Central Ag Legacy Program. The purpose of the workshop series is to provide educational programming across SC MT to secure the legacy of family farms and ranches. Sessions will focus on things like communication, estate planning, financial planning, and risk assessment. The workshops will begin September 29.
  - Working on planning the Ranch to Ribeye tour. The tour is designed to be a professional development opportunity for Extension agents. We will be visiting ranches and other beef and ag-related businesses in Yellowstone County.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – Darin Swenson – Jim Hein contacted the floodplain office indicating he wants to protect buildings by Bundy Road. As far as Swenson can tell, the project area does not impact the immediate bed or banks of the YR.
- **Yellowstone County Weed Department** – Joe Lockwood reported:
  - Stream table: All fixed up with the exception of new tires. Gabel made a motion to buy tires for the stream table for up to \$600, second by Peck, motion passed.
  - South Central Area Noxious Weed Education Trailer report: Because of COVID-19 education events have been cancelled. The trailer is still in need of maintenance funding. Gabel made a motion to approve \$200 to SCWE trailer fund for maintenance purposes, second by Peck, motion passed.

## ➤ **Old Business**

- **Living Snowfence expansion** – From last month's Minutes: 'the time is right to work with nontraditional partners to expand the length of the current LSF on Highway #3. The board gave permission for Ivie to gauge interest for expansion with the landowner, State Lands and DOT and report back next month whether there is interest or not.' **Update:** DNRC State Lands, Montana Dept. of Transportation – Billings office and the DNRC Conservation District Bureau has indicated willingness to work on expansion of the current Snowfence. Peck made a motion for YCD to pursue a DNRC planning grant to determine scope of project, second by Wagner, motion passed.
- **Proposed Ranching for Profit Workshop** hosted by Area 4 CD's – Peck made a motion to table discussion until people can move freely throughout the state, second by Gabel, motion passed.

## ➤ **New Business**

## ➤ **Board Meeting Absences:** Everyone present

## ➤ **Treasurer's Report:** Peck made a motion to approve February, March and April's Treasurer's reports as published and reviewed, second by Wagner, motion passed.

- **MT Bumper Sticker contest** – The contest was held but winners were not able to travel to Helena for the luncheon. Sponsors were asked if they wanted their donation refunded or carry the funds over to next year's program? Peck made a motion to carry-over the money YCD donated to next year's program, second by Wagner, motion passed.

## ➤ **Standing Committee Reports**

- **Mesonet Weather station** – Ivie reported: Maintenance fee has not been assessed to YCD because the Mesonet group secured other funding for this past year. If the funding source dries up, YCD will be invoiced for \$500. Another station will be installed approximately 100' north of the Broadview station. The new station will be able to measure and report data the current one cannot; however, both will be operational.
- **Arbor Day Tree Give-a-Way** update: Planned, then postponed. Need to decide a new date so we can get it up and running again. The trees are in cold storage and ready to be shipped just as soon as we give them

the date. Board discussed and would like to hold in the fall, if the trees can stay in cold storage that long, if not, plan for later June.

- **Unscheduled Matters** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held June 17, 2020. Gabel motion to adjourn meeting at 11:05 a.m.

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

On behalf of the Billings Bench Water Association (BBWA), WWC would like to request a meeting with the Yellowstone County Conservation District (CD). The purpose of the meeting is to request the CDs sponsorship of grant applications. The following provides the general details of the grant application request. Please note, the timing of these grant cycles is anticipated to be this fall and as such, a meeting can be held at a later date once the Stay At Home Directive has been lifted.

- **Grants:**
  - Irrigation Development Grant (IDG) and Renewable Resource Grant and Loan Program (RRGL) Preliminary Engineering Report (PER) Grant
- **Submittal Timeline:**
  - Both grants have an application cycle of approximately August/September of this year that would be targeted.
- **Grant Amounts:**
  - The IDG would have an application of \$15,000 submitted and the RRGL PER would also have an application of \$15,000 submitted. The PER Grant would not be reduced by the granting authority based on need as it is a pass/fail granting award. The IDG has a likely chance of being reduced some. It is understood that the CD requires 10% of the grant fees to stay with the CD related to administration of the grant.
- **Project:**
  - The BBWA would like to replace their Five-Mile Creek Flume with a Siphon. However, due to several other emergency repair projects, they do not have funding to consider design or construction of this project right now. To begin the process, the BBWA would like to have a preliminary design completed including a cost estimate for them to plan around such that they may schedule this project into their future improvements. In addition, the BBWA would like to complete a PER and submit an application for RRGL construction funds the next biennium. The replacement of this flume is necessitated as frequently in the past large storm events have caused significant damage to the flume requiring emergency repairs and shut down of the canal during irrigation season. By replacing the flume with a siphon, these frequent repairs to the flume could be stopped and those O&M costs could be expended elsewhere on the canal.
- **Process:**
  - With CD approval, WWC will prepare the grant applications prior to the deadlines in August/September. Following WWC's preparation, the grants will be provided to both the CD and BBWA for approval final to submittal.

Thanks,

Greg

**Greg Reid, P.E. | Billings Branch Manager**

550 S 24<sup>th</sup> St. W, Ste. 201 | Billings, MT 59102

Tel 406-894-2210 | Cell 406-799-1415

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

### July Board Meeting Minutes

Land Design Conference Room, 1670 48<sup>th</sup> Street West, Billings

July 22, 2020

8:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft  
Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson, Yellowstone County Floodplain,  
Mike Ruggles, FWP (called in), Swade Hammond, ACOE, Gary Rome, Terracon

**Chairman Sedgwick called meeting to order at 8:02 a.m.**

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** None

**Minutes:** Peck made a motion to accept and approve the June 17, 2020 Minutes as presented, second by Robinson, motion passed.

**Urban Supervisor Appointment:** Billings, Laurel and Broadview City Councils appointed Brad Kraft to fill the Urban Supervisor vacancy on the YCD Board. Chair Sedgwick read the appointment letter from Billings Mayor Bill Cole. Gabel made a motion to accept the appointment of Brad Kraft as Urban Supervisor on the YCD Board representing the Laurel and Broadview areas, second by Wagner, motion passed unanimously. Kraft read the Oath of Office and will sign in front of a notary and return to the YCD office for filing with the Yellowstone County Clerk and Recorder's office.

### **310 Program**

#### **➤ Complaints:**

- **YE-01-20-C -- Briarwood Golf Course, Blue Creek** – Update: Gary Rome reported that Terracon has been hired to bring the project into compliance. Briarwood has stopped all work until a design is submitted and approved by all agencies.
- **YE-03-20-C – Gene Klamert, Yellowstone River** –  
**June 17, 2020 Minutes read:** Complaint received from a private citizen claiming streambank stabilization has occurred without permits. Note: the complainant did not specify a date the alleged violation took place. YCD representatives Sedgwick, Peck, Gabel, Wagner, Ivie, Floodplain representative Swenson, Army Corps of Engineers representatives Gilbert and Hammond and landowner Gene Klamert viewed the alleged violation site on May 22, 2020. Inspecting team observed a project that was initiated without permits. Klamert offered details of when and why the riprap was placed: The riprap was put in during high water in the spring of 2019 and he did not apply for permits because he thought since he was reinforcing the riprap that was already there, he would not need permits. After agencies identified stream permitting laws, Mr. Klamert agreed to address the violation with all agencies involved to bring the unauthorized streambank work into compliance. **Board decision:** Peck made a motion based on the site inspection and concurrence with other permitting agencies, the complaint submitted is valid and a violation has occurred. Mr. Klamert was advised to and is addressing violation under 310 Rules violation protocol. YCD will monitor process until an engineer's design is submitted and approved by agencies to bring project into compliance, second by Wagner, motion passed unanimously.

**Today's meeting:** Emergency Notice was received from Klamert on June 30, 2020 stating: Added riprap to the bank in one spot to keep the river from washing through the bank. Emergency action done on June 7, 2020. Board decision: Gabel made a motion to accept emergency notice as stated and schedule an on-site inspection, second by Peck, motion passed.

- **YE-04-20-C -- Gen Rudio, LLL, Yellowstone River** - Complaint received from a private citizen claiming bank stabilization has occurred without permits. Note: the complainant did not specify a date the alleged violation took place. Update: Elaine Rudio, one of the current landowners was contacted. She stated no work has taken place on her property since the late 1990's. She agreed to meet with the board and view the site during the Yellowstone River 310 tour.
- **YE-05-20-C – Driscoll Family, Yellowstone River side channel** – Complaint received from a private citizen indicating a riprap project has taken place without permits. Note: The complainant witnessed the work being done spring 2019 and 2020.

**Update:** Landowner Jerry Driscoll attended today's board meeting to discuss the unpermitted project. On July 20, 2020 YCD met with landowner Jerry Driscoll. Team members: Peck, Kraft, Swenson, Ruggles, Ivie. Team members report: Clear and obvious violation of the 310 Law utilizing unpermitted material which does not meet DEQ riprap specifications. Driscoll admitted to conducting the work without permits but was worried that if the materials he placed this year were not put in before highwater, the river would have overtaken the other stockpiled materials onsite that also do not meet specs. Dramatic changes have occurred in that area in recent years where the river has migrated and overtaken an abandoned city drain ditch and Driscoll believes it is not a side channel of the Yellowstone River so therefore he does not need permits. The board acknowledged the natural migration of the river to where there is now an active side channel of the Yellowstone River during high water events running parallel to his property. Even though it is a side channel, it does not change the status of the need to obtain permits. After thoroughly discussing the situation, Peck made the following motion: YCD has a complaint in front of them, YCD conducted an inspection and the inspection team determined the site to be in violation of the 310 Law. Activity has been initiated on a perennial flowing stream without a valid permit. Second to the motion by Robinson, motion passed. Note: YCD will send Driscoll a letter outlining the discussion held today. The letter will recommend steps for him to take to come into compliance with stream permitting laws, including hiring an engineer to develop a design which addresses removal of unacceptable materials, proper contouring of the streambank and the stipulation the engineer must provide oversight to the contractor during construction to insure the design is followed. When the design is finalized, permitting agencies will again view the site to ensure the design will achieve compliance.

➤ **310 Applications:**

- **YE-17-20 – Jim & Arlene Hein**, canal adjacent to Yellowstone River dike reinforcement application.  
**Last month's minutes:** The board reviewed the application and determined the information provided was inadequate to decide as to whether YCD has jurisdiction or not. Gabel made a motion to schedule an on-site inspection to determine 310 eligibility, second by Peck, motion passed.  
**Today's meeting:** An onsite inspection was conducted 7/7/20; Team: Sedgwick, Wagner, Ivie, Ruggles, Swenson, Hammond, Jim Hein, Roger Perkins. Team member report: project activity is in the floodway and flood fringe of the Yellowstone River so therefore does not impact the immediate bed or banks of the YR. Board decision: Peck made a motion to declare YE-17-20 a non-project, second by Robinson, motion passed.
- **YE-20-20 – Vermilion Ranch-** Yellowstone River riprap maintenance application – inspection date and team: 7/7/20; Gabel, Sedgwick, Wagner, Ivie, Ruggles, Swenson, Hammond, Gary Rome, Jeff Mosher. Team member report: Riprap has been placed over the years on this stretch of the Vermilion Ranch. Their contractor always does a good job, but a few minor areas need more reinforcement. **Board decision:** Wagner made a motion to approve and grant a 2-year maintenance permit for YE-20-20, second by Kraft, motion passed.
- **YE-21-20 – Pryor Creek, LLC** – Pryor Creek bridge replacement – application withdrawn
- **YE-01-21 – Pryor Creek, LLC** – Application for removal of old bridge that includes stabilizing the impacted banks of Pryor Creek and installation of a new bridge downstream of the bridge to be removed. Inspection date and team: 7/7/20; Gabel, Sedgwick, Wagner, Ivie, Ruggles, Swenson, Hammond, Gary Rome, Jeff Mosher. Team member report: Gabel, Sedgwick, Wagner, and Rome gave a brief project overview to the Supervisors that were not in attendance on the inspection. **Board decision:** Gabel made a motion to approve YE-01-21 as submitted, second by Wagner, motion passed.

**Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel reported the Council held a meeting on July 20<sup>th</sup> which was their first meeting since Nov. 2019.

- The Yellowstone River Conservation District Council met on Monday, July 20th at the Big Horn Resort Conference Center in Billings.
- With Corona Virus concerns and restrictions, most of the Council members participated via conference call, but a quorum of nine members recorded as present for the meeting.
- The Council approved the Annual Report and the 2020-2021 FY Operating Budget. Don Youngbauer and John - Moorhouse were reelected as Chair & Vice-Chair, respectively.
- Most of the meeting dealt with review of Council business items including minutes of the previous meeting, financial reports, annual report, and proposed budget.
- The Irrigation Water Management Work group reported on their activities assisting area irrigation districts including T&Y Canal Irrigation District, Hammond Irrigation District, Kinsey Irrigation Company and Yellowstone Irrigation District. Two other Irrigation Districts have requested assistance from the Council's Irrigation Water Management work group.
- The Steering Committee will meet in August to plan work group and coordinator activities for the coming months.
- **310 Database progress** – Aaron Kolb is progressing on YCD's 310 database. To date he has 14 hrs. into the project.
- **Portage Path** – Sign was delivered to Donnes Construction for placement on the island north of the HPID.
- **Yellowstone River 310 tour** – July 30<sup>th</sup> & August 6<sup>th</sup> are the dates of this year's YR tour and each day will be approximately 3-4 hrs. on the river.

### Agency Reports

- **Administrator's Report** – provided to board members prior to today's meeting outlining work accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Swade Hammond reported he is working with YCD on several 310 applications/complaints/emergencies. He or Marena Gilbert will try and clear their schedules to go on the YCD 310 tour.
- **Beartooth RC&D** – Wagner – no meeting held
- **DNRC** – Jeff Bollman – unable to attend today's meeting
- **Fish Wildlife and Parks** – Mike Ruggles reported that with the Governor's COVID-19 mandates, most Region 5 FWP employees are telecommuting.
- **USDA NRCS** – Shalaine Watson provided the following written report prior to today's meeting: I will be out of town for my leadership class and Seanna will be on leave, but if we need to address anything please feel free to reach out to us. I promise I'll make it to a meeting sometime soon!
  - The office is still in Phase 2 of re-opening; meaning we are not open to the public, but staff are in the office and can meet with producers in the parking lot or in the field.
  - The new Pheasants Forever employee, Tori Chulyak, will start July 27<sup>th</sup>.
  - Nothing new on EQIP to report and thus far now CSP plans have been pre-approved.
  - WaterSMART is calling for EQIP proposals to coincide with projects they have funded. A draft plan has been drawn up if BBWA would like to proceed with submission, that needs to be decided by the end of the month for 2021. The draft plan would focus irrigation improvements on farms that are serviced by BBWA.
  - In the next month staff will be making field visits for finished projects, as well as working on planning new projects with producers.

### **Yellowstone County**

- **Yellowstone County Extension** – Callie Coolie unable to attend
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – Darin Swenson participated in the 310 portion of the meeting and had nothing else to report
- **Yellowstone County Weed Department** – Joe Lockwood unable to attend today's meeting
- **Old Business** - none
- **New Business** - none
- **Board Meeting Absences:** Everyone present
- **Treasurer's Report:** Gabel made a motion to accept June's Treasurer's report as published and reviewed, second by Robinson, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**

- **Arbor Day Tree Give-a-Way** – Peck and Ivie reported the event was held June 27<sup>th</sup> from 10:00 am ~ 1:00 pm in the parking lot located at 1335 Holiday Circle and was a great success. In addition to Peck and Ivie, Audubon volunteers, FWP volunteers, Jessica Ivie were part of the crew handing out the trees and the Mountainview Colony had a small farmer's market onsite. With increased program momentum generated each year, maybe next year the board should offer more trees.
- **City Reservoir** – Robinson provided an update on the status of the design of the reservoirs and status of the proposed amenities portion. With the resignation of Mumfort, who was a champion of enhancing public usage of the area, Robinson is not sure if the amenities portion will be included in the construction of the site.

YCD sent a letter of support for the project to Billings City Council with copies to the Public Works Department. In that letter, YCD offered to assist with the conservation educational opportunities the new site could offer. To further the YCD message/offer, Peck, as YCD Urban Supervisor, offered to meet with key individuals to outline where YCD would like the project to go. Chair Sedgwick appointed Peck to represent YCD in that endeavor.

- **MACD** – MACD state director Gayla Wortman continues to offer an open discussion on the current plans for moving forward with the organization and what efforts/steps are being taken to address YCD's concerns with accountability issues with past MACD board members and staff. September's YCD meeting may have extra time for her to report on the progress MACD has made.

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: August 12, 2020.

➤ **Annual Plan** – After 2 months of drafting, the board finalized FY21's APO. Kraft made a motion to approve FY21's APO as drafted and edited today, second to the motion by Peck, motion passed. To be emailed with the August YCD Board meeting notice.

➤ **Annual Budget** – Peck and Ivie presented the draft budget to the Yellowstone County Commissioners on June 24<sup>th</sup>. This year YCD did not request \$4000 PILT funds for the NILE AG-ED program because bussing the students is no longer needed because of COVID-19. \$5000 was requested for the Salt Cedar Spraying project, to which the Commissioners agreed to provide in addition to YCD's regular mill collections of \$112,000 for a total \$117,000. After Supervisor review and acceptance of the draft budget Peck made a motion to formally accept the FY21 budget in the amount of \$124,000 with \$7,000 to be taken from reserves to augment the budget, second by Robinson, motion passed.

➤ **Chair Sedgwick adjourned the meeting at 11:13 p.m.**

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

**YELLOWSTONE CONSERVATION DISTRICT**  
**September Board Meeting Minutes**  
Land Design Conference Room, 1670 48<sup>th</sup> Street West, Billings MT  
**September 16, 2020**  
8:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft  
Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson, Yellowstone County Floodplain;  
Mike Ruggles, FWP & Shalaine Watson (called in) & Tori Chuylak, NRCS  
310 attendees: none

Chairman Sedgwick called the meeting to order at 8:00 a.m.

**Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda.

**Agenda Changes:** None

**Minutes:** Peck made a motion to accept and approve the August 19, 2020 Minutes as presented, second by Kraft, motion passed.

**310 Program**

▶ **310 Applications:**

- **YE-02-21 - Billings Bench Water Association** – Yellowstone River project description: Maintain BBWA Bendway Weirs annually to control the erosion of the bank at BBWA canal which would include 100 feet of riprap on the bank and 5-6 feet into the water of the Yellowstone River. Team inspection: 8/25/20; Team – Wagner, Kraft, Swenson, Ivie, BBWA representatives, and WWC engineer Greg Reid. **Board discussion and decision:** The maintenance needs to be done because the river is coming quite close to the main canal (only a 2-track road separates the two). The application states 'yearly' and not a specific time frame. Gabel made a motion to approve the application and grant a 2-year maintenance permit (which aligns with other permitting agency time frames), second by Peck, motion passed.
- **YE-07-21 – Project Telephone** – Yellowstone River Horizontal Directional Drill project. After reviewing the application, board members had questions about the scope of the HDD. A telephone call and subsequent design edit submitted by the engineering firm today clarified the HDD would be a minimum of 30' below the bed of the YR. **Board decision:** Robinson made a motion to accept and approve YE-07-21 as proposed and clarified today, second by Kraft, motion passed.

▶ **Complaints:**

- **YE-01-20-C-- Briarwood Golf Course, Blue Creek** - Update: Contracted engineer sent a draft Joint Application. The plan drawings and final numbers on slopes, distance, quantity of fill, etc. are being worked on and will be ready for review in the next few weeks. Peck requested the board view the site once again upon receipt of the final design to make sure compliance is accomplished.
- **YE-03-20-C- Gene Klamert, Yellowstone River -**  
- **August 19, 2020 Minutes read YE-03-21-E- emergency riprap** placed to protect feedlot bank from overtopping during YR highwater in June 2020. Inspection date and team: 8/12/20; Sedgwick, Peck, Robinson, Ivie, Swenson. Team member Robinson made a motion to accept the emergency work done this spring as long as the scope of the work is included within the engineering design that brings the violation

area into compliance, second by Peck, motion passed.

- **YE-03-20-C** - Mr. Klamert attended today's meeting to work with the YCD Board on a realistic time to bring the violation area into compliance. Klamert indicated he has contacted Chuck Strum Interstate Engineering to develop a preliminary design to discuss with permitting agencies, but Strum was unable to attend today's YCD meeting. **Board discussion and decision:** **Board discussion and decision:** The willingness of Klamert to work with permitting agencies, bring in a preliminary design and develop a timeframe for compliance demonstrates his sincerity. Gabel made a motion to address Complaint # YE-03-20-C Klamert needs to have an engineering design that will bring the area into compliance with the 310 Law within one year of today's date, second by Peck. Peck amended the motion to include in that timeframe, Klamert must have a preliminary engineering plan ready for board review in 60 days from today's date, amendment seconded by Robinson, original motion and amendment passed. Ivie will draft and send a letter recapping in detail decisions reached today with Klamert's concurrence and Chair Sedgwick will sign.

**Today's meeting:** YCD received correspondence from engineer Chuck Strum outlining basic project concepts. After review, the board determined the proposed scope of the project is far less than the scope of the violation. The Strum letter identified 300-350' as the dimensions of the project area which is significantly less than the length of the violation area as discussed with Klamert during the August 19, 2020, YCD Board meeting. The area the letter identified only covers the emergency work done in June 2020 and is significantly less than the total violation area. A well-defined plan for removal of the unacceptable materials and re-sloping/reshaping the disturbed bank was also missing from the proposed work. **Board decision:** Gabel made a motion to request Klamert and Strum to attend the October YCD Board meeting to discuss compliance with the 310 Law. In addition, invite the other agencies to the meeting so that concurrence is reached by all parties concerned and straighten out the miscommunication between parties. Second to the motion by Peck, motion passed.

- o **YE-05-20-C - Driscoll Family, Yellowstone Riverside channel** - Complaint received from a private citizen indicating a riprap project has taken place without permits Note: The complainant witnessed the work being done spring 2019 and 2020.

**Reported August 16<sup>th</sup>:** Ivie reported Mr. Driscoll contacted an engineering firm but relayed to the YCD office that he cannot afford the fees. **Board discussion:** To remain consistent, the board must treat all complaints, verifying that a violation has taken place, in accordance with the 310 Law. **Board decision:** Having not received a preliminary design, Gabel made the following motion: In the matter of Complaint #YE-05-20-C, Jerry Driscoll must provide a preliminary engineering plan to address compliance violation within 60 days of the Yellowstone Conservation District's August 22, 2020 Board meeting. Second to the motion by Peck, motion passed. Ivie will draft a letter for Chair Sedgwick to sign.

**Today's meeting:** Letter was drafted, signed by YCD Chair, and sent to Driscoll. No formal communication from Driscoll updating the status has been received.

### Other 310 issues & Projects

- **Yellowstone River CD Council Report** - Gabel reported no recent meeting
- **Hector Portage Path** – Donnes Construction installed the portage path sign and provided pictures of the area. When asked for an invoice, Donnes replied they did the installation as a community service. Gabel asked for the pictures to be sent to the YR Council informing them of project completion. Pictures will also be sent to Hector's widow.

### Agency Reports

- **Administrator's Report** - provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** - Unable to attend today's meeting but has been in contact with the YCD office on projects of mutual interest.
- **Beartooth RC&D** - Wagner – next meeting will be held in Bridger tomorrow.
- **DNRC** - Jeff Bollman - unable to attend today's meeting
- **Fish Wildlife and Parks** - Mike Ruggles unable to attend today's meeting
- **USDA NRCS** –
  - o Shalaine Watson provided the following program summary of funded contracts for 2020 before today's meeting:
    - 2020 EQIP: \$896,246 total dollars obligated with a total of 10 contracts on 14,564 acres, 1 RCPP flood to pivot, 3 irrigation TIP flood to pivot, 1 sage grouse initiative cropland seeding, 3 sage grouse initiative grazing, 1 high tunnel, 1 CRP grazing TIP. These conservation plans will need to be signed by YCD either at a meeting or have a board member stop at the NRCS office.

- CRP Summary: \$18,995 for 9 contracts with 6 producers on 1,033 acres. These plans will also need to be signed by YCD
- Staff continues to work on field checkouts of practices being installed and are starting to meet with producers for CSP Renewals for 2021.
- Staff is working on getting a powerpoint with videos ready for NILE education.
- In September Watson will travel to Bismarck to present her group's final project for the Tri-State leadership development class. She is presenting on how the agency can quantify outcomes and return on investment for the projects we do with private landowners.
- o Seanna Torske submitted the RCPP meeting report:
  - For the FY2020 EQIP RCPP funding, we were able to fund one EQIP contract that is a flood to pivot conversion. After this contract is obligated, it left us with about \$31,000 of remaining EQIP dollars. We still have a signup in FY2021, although the chance of us getting additional dollars in this fund pool is very slim, but the field offices will keep this in mind as we are planning out applications.
  - Working on putting together an infographic of what we have accomplished throughout RCPP EQIP projects.
  - Partner Miller/Coors requested the local NRCS Field Offices to get the IWM reporting data together for the contracts.
  - The partners need to submit any items worth reporting from this past fiscal year in time to get the report that is due 10/30/20 put together.
- o Tori Chulyak – working on the video for the NILE AG-ED program. Asked about tasks and reporting deadlines for her multi-agency position. Ivie will send expected work products as outlined in the grant contract and past reports for her to use as an example.
- **Yellowstone County**
  - **Yellowstone County Extension** - Callie Coolie unable to attend
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
  - **Yellowstone County Floodplain** - Darin Swenson reported the County has received a request to take Dry Creek out of the Floodplain. He will keep YCD informed of developments.
  - **Yellowstone County Weed Department** - Joe Lockwood unable to attend today's meeting

## Business Meeting

### ► **Old Business**

- **City Reservoir** - Robinson reported now that the safety levy has passed work will begin again on the reservoir. He is very hopeful about conservation education opportunities. \$10 million is dedicated to doing inland work. The City is holding to that cost but the other component work items are not.
- **YR Water Reservation ownership transfer:** YE-03-13 – Hibbard Creek Angus INC in the process of being transferred to Wade Keller.

### ► **New Business**

- **Legislator Event** – Board began planning a Legislator informational meeting to be held at the Yellowstone Cellars and Winery after the election. Program/presentations will emphasize 310 workload, community grants awarded and legislative issues that might arise during the session. Further discussion will take place during the October board meeting.
- **Realtor Training** – It has been several years since YCD has held a stream permitting CE class for local realtors and the board discussed their potential role in hosting a meeting. Gabel made a motion to develop a plan to host a class after the first of the year, second by Peck, motion passed.

### ► **Board Meeting Absences:** All present

### ► **Treasurer's Report:** Kraft made a motion to accept the August Treasurer report as presented and reviewed, second by Wagner motion passed.

- **CARES ACT** – YCD has submitted invoices through the county finance department for items purchased due to the COVID pandemic. The county will include in their county-wide government submittal to the state and hopefully, we will get reimbursed.
  - Discussion ensued about the Chair needing a laptop to work on YCD business and a new printer for YCD's home office. Both are needed due to restrictions imposed at the Government office level. Gabel made a motion to purchase a new printer. Discussion and amendment: Kraft amended the motion for a laptop to be included in the purchase and submitted to the CARES ACT, second to both by Peck, motion passed.
- **Rocky Mountain College YR cleanup** – YCD sent a \$500 grant/donation to assist with the cleanup but are very willing to broaden the scope of support. To discuss potential opportunities Prof. Ostovar will be invited to attend a future YCD meeting.

- **Standing Committee Reports**
- **Unscheduled Matters – none**
- **Next YCD Board Meeting - Next YCD meeting date: late October**
- **Chair Sedgwick closed the meeting at 10:15 am to discuss a potential legal issue. The meeting was reopened at 10:40.**
  
- **Meeting adjourned at 10:43 a.m.**

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

### October Board Meeting Minutes

Land Design Conference Room, 1720 48<sup>th</sup> Street West, Billings

October 28, 2020

10:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Seanna Torske, NRCS (called in)  
Callie Coolie – Extension, Mike Ruggles, FWP

Chairman Sedgwick called meeting to order at 8:02 a.m.

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item not on the agenda.

**Agenda Changes:** None

**Minutes:** Peck made a motion to accept and approve the May 12, 2020 Minutes as presented, second by Gabel, motion passed.

### **310 Program**

#### **Complaints:**

- **YE-01-20-C -- Briarwood Golf Course, Blue Creek** – Update: hired Terracon Engineering firm to develop a design to bring the violation area in compliance with stream permitting laws.
- **YE-02-20-C – Richard Christiansen, Yellowstone River** – Complaint received from a private citizen on May 7, 2020 indicating barbs were installed without a permit on Richard Christiansen's Yellowstone River property. Written on Complaint Form 274: 'several barbs w/rock, concrete and trees have been made that are pushing the force of the river to the other side of the river and causing erosion'. The complainant wrote he has personally viewed the violation and attached photos taken recently from across the river. Note: The complainant did not specify a date he observed the alleged violation taking place.

On May 22, 2020 YCD representatives Sedgwick, Peck, Gabel, Wagner, Ivie, Floodplain representative Swenson, Army Corps of Engineers representatives Gilbert and Hammond and landowner representative Warren Roberts viewed the alleged violation site located at Section 8, 2S, 25E adjacent to the Yellowstone River. The ACOE researched photos dating back approximately 15 years which showed the questionable materials were present before the earliest photo available. The inspecting agencies could not find physical evidence of recent activity.

After verbal review of the findings gathered during the on-site inspection, the Yellowstone Conservation District Board made an official determination. Peck made a motion to write a letter informing Mr. Christiansen upon investigation of Complaint #YE-02-20-C, the YCD board verified no violation of the 310 Law has taken place as evidenced in the historical maps and by the onsite inspection so therefore determined the complaint to be invalid. A copy of the letter is to be sent to the complainant. Second to the motion by Gabel, motion passed unanimously.

- **YE-03-20-C – Gene Klamert, Yellowstone River** – Complaint received from a private citizen claiming streambank stabilization has occurred without permits. Note: the complainant did not specify a date the alleged violation took place.

YCD representatives Sedgwick, Peck, Gabel, Wagner, Ivie, Floodplain representative Swenson, Army Corps of Engineers representatives Gilbert and Hammond and landowner Gene Klamert viewed the alleged

violation site on May 22, 2020. Inspecting team observed a project that was initiated without permits. Klamert offered details of when and why the riprap was placed: The riprap was put in during high water in the spring of 2019 and he did not apply for permits because he thought since he was reinforcing the riprap that was already there, he would not need permits. After agencies identified stream permitting laws, Mr. Klamert agreed to address the violation with all agencies involved to bring the unauthorized streambank work into compliance. **Board decision:** Peck made a motion based on the site inspection and concurrence with other permitting agencies, the complaint submitted is valid and a violation has occurred. Mr. Klamert was advised to and is addressing violation under 310 Rules violation protocol. YCD will monitor process until an engineer's design is submitted and approved by agencies to bring project into compliance, second by Wagner, motion passed unanimously.

- **YE-04-20-C -- Gen Rudio, LLL, Yellowstone River** - Complaint received from a private citizen claiming bank stabilization has occurred without permits. Note: the complainant did not specify a date the alleged violation took place. YCD will continue to try and reach the current landowner to set up an inspection.
- **YE-05-20-C – Driscoll Family, Yellowstone River side channel** – Complaint received from a private citizen indicating a riprap project has taken place without permits. Note: The complainant witnessed the work being done spring 2019 and 2020. YCD is having trouble contacting the landowner but will continue to try and set up an inspection once highwater recedes enough to see the alleged violation area.

➤ **310 Applications:**

- **YE-16-20 – Brad Strecker**, Yellowstone River riprap application. Inspection date and team: 5/19/20; team: Sedgwick, Gabel, Ivie, Swenson, Ruggles, Gilbert, Hammond, Strecker, Donnes, engineer, Blackburn. Project description on application: The project proposes to stabilize 300 linear feet of riverbank along the Yellowstone River. The stabilization will utilize riprap to prevent further erosion. The proposed project's impact will not extend into the riverbed but will begin at the toe of the bank slope. It is proposed to remove approximately 5.5' of bank, 300 ft long, approximately 12 ft tall and install the riprap along the newly exposed bank at a 2:1 slope. The finish grad of the riprap at existing grade from the top to the bottom of the existing bank. Class III riprap, filter fabric underlayment will be used. **Board decision:** Gabel made a motion to approved project as submitted, second by Peck, motion passed.
- **YE-17-20 – Jim & Arlene Hein**, canal adjacent to Yellowstone River dike reinforcement application. The board reviewed the application and determined the information provided was inadequate to decide as to whether YCD has jurisdiction or not. Gabel made a motion to schedule an on-site inspection to determine 310 eligibility, second by Peck, motion passed.
- **YE-19-20 – Talen Montana, LLC** – Reclamation related to former industrial activity at the J.E. Corrette Plant site. The project will not impact the river and does not encroach in the mapped floodway. **Board decision:** Wagner made a motion to declare the application a non-project because it does not impact the immediate bed or bank of the Yellowstone River, second by Gabel, motion passed.
- **YE-20-20 – Vermilion Ranch**- Yellowstone River riprap maintenance application – inspection to be scheduled before next YCD board meeting.
- **YE-21-20 – Pryor Creek, LLC** – Pryor Creek bridge replacement – inspection to be scheduled before next YCD board meeting.
- **Project Completion Forms received:** Mark Jones – YE-09-20; Vermilion Ranch -YE-39-19 & YE-03-20

**Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel reported no meeting has recently been held.
- **Portage Path** – Ivie reported the sign will be ready for Donnes Construction to install immediately following YR high-water. Peck made a motion to reimburse Stacey Robinson, Land Design in the amount \$1000 for creating, designing and ordering the sign, second to the motion by Gabel, motion passed. After reimbursing Robinson, amount spent on the sign to date is \$1750 with the installation charge yet to be determined.
- **Yellowstone River 310 tour** – Board discussed possible dates and instructed Ivie to schedule. During the annual budget review Peck and Ivie will invite the County Commissioners to join YCD on the tour again this year. Boats: Bill Jones will be contacted, Yellowstone County Sheriff's boat and Ruggles offered FWP's boat. Peck made a motion to invite the County Commissioners, second by Wagner, motion passed.

## **Agency Reports**

- **Administrator's Report** – provided to board members prior to today's meeting outlining work accomplished since the last board meeting. No comments or questions received.
- **Army Corps of Engineers** – Unable to attend today's meeting
- **Beartooth RC&D** – Wagner – BBWA's need for potential funding was provided to the RC&D. They will review and write a letter of support.
- **DNRC** – Jeff Bollman – unable to attend today's meeting
- **Fish Wildlife and Parks** – Mike Ruggles report:
  - Asked the board if jurisdiction is taken on any mining activities on the Yellowstone River to which the board replied YCD has never received an application indicating mining nor has a complaint been turned in. He has gotten a call and warned the board it might become an issue in the future.
  - Future Fisheries program granted the Lake Elmo project \$40K to do work at the park. The lake must be drained to make it a good fishery.
  - FWP will remove the tree buildup on the HPID Fish Passage channel soon
- **USDA NRCS** – Seanna Torske via conference call:
  - NRCS hired a new soil conservationist to assist in the Big Horn field office
  - Conservation mentor program is being offered for new NRCS employees to get on the ground experience with producers. YCD recommends producer Mitch Auer as a Yellowstone County mentor.
  - Billings FO approved new CRP applications
  - Shalaine Watson provided the following written report prior to today's meeting:

The FO is working on getting three preapproved EQIP applications ready for signature, one of which is an RCPP. No CSP Renewals were offered a contract in Yellowstone County, therefore those applicants are eligible to compete with the CSP 2020 Classic applications. The FO has 16 applications, 5 of which were renewals that are competing for the second time this year.

The list of Pheasants Forever applicants have been paired down and interviews will take place later this month.

Next week a video and photo crew will be making a tour of MT, they plan to stop at two Yellowstone County producers' places and highlight the work done through RCPP.

## **Yellowstone County**

- **Yellowstone County Extension** – Callie Coolie reported:
  - Listed the many workshops and seminars she is either hosting or working on. The applicator program with the weed department is still on for this fall. The FFA program at the fair is still on with other segments of the usual fair still being evaluated.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – Darin Swenson unable to attend today's meeting
- **Yellowstone County Weed Department** – Joe Lockwood unable to attend today's meeting

## ➤ **Old Business**

- **Pollinator Workshop** – YCD hosted a pollinator workshop June 16<sup>th</sup> for Area 4 Administrators and other interested individuals. The program offers multitudes of opportunities for a pollinator component to be incorporated into projects.
- **YCD Supervisor positions:**
  - **Area 5:** As reported prior to today's meeting Wagner's Urban Supervisor appointment expires June 30, 2020. She resides in Area 5 so therefore expressed her desire to fill the Area 5 vacancy. Gabel made a motion effective July 1, 2020 YCD appoints Barb Wagner to the Area 5 Supervisor position, second by Robinson, motion passed unanimously.
  - **Urban Supervisor:** With Barb stepping into the Area 5 Supervisor position and the Laurel/Broadview Urban Supervisor spot vacant effective July 1, 2020. Billings Mayor Bill Cole, in cooperation with the YCD office advertised the vacancy and will appoint one of the applicants to the position.

## ➤ **New Business - none**

## ➤ **Board Meeting Absences:** Everyone present

- **Treasurer's Report:** Gabel made a motion to accept May's Treasurer's report as published and reviewed, second by Wagner, motion passed.
  - **Travel & Meetings** – none

- **Computer** – YCD purchased a new laptop costing \$1049.99

➤ **Standing Committee Reports**

- **Arbor Day Tree Give-a-Way** – Will be held June 27<sup>th</sup> from 10:00 am ~ 1:00 pm in the parking lot located at 1335 Holiday Circle. Supervisors will try and attend. Since it is being held on a Saturday it is very doubtful agency people will want to give up a day off to help except for FWP – Ruggles will be there.
- **Future Fisheries meeting** report by Peck: Held a face-to-face June meeting but due to COVID-19 the field tours were canceled with hopes to conduct in early fall. Peck was elected Chairman of the state committee. Lake Elmo educational component grant request was partially funded, and Billings FWP people were encouraged to include more information for the next round of grants for possible further funding of the project. Peck made a motion for YCD to write a support letter for the Lake Elmo project, second by Robinson, motion passed.
- **City Reservoir** – Robinson provided an update on the status of the design of the reservoirs and what amenities are being planned. YCD offered to be involved with the educational opportunities the new area will generate.

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: July 15, 2020 with July 22<sup>nd</sup> being the backup date.

➤ **Annual Plan** – Ivie will draft FY21's APO and the board will add/subtract/edit projects at the July YCD Board meeting.

➤ **Chair Sedgwick adjourned the meeting at 11:04pm.**

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

**YELLOWSTONE CONSERVATION DISTRICT**  
**November/December Board Meeting Minutes**  
Land Design Conference Room, 1720 48<sup>th</sup> Street West, Billings  
**December 17, 2020**  
9:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson - Yellowstone County Floodplain; Joe Lockwood, Weed District; Shannon Blackburn & Mike Ruggles – FWP; Ray Beck ( Zoom). Gayla Wortman (Zoom); NRCS: Shalaine Watson, Seanna Torske, Tori Chulyak (conference call); Joe Holzworth, DNRC  
310 applicants and/or representatives: Chuck Strum, Interstate Engineering; Erica Lowe, Triangle Communications (Zoom)

**Chairman Sedgwick called the meeting to order at 9:00 a.m.**

## **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda.

**Agenda Changes:** Addition of Lake Elmo discussion during FWP report

**Minutes:** Peck made a motion to accept and approve the October 28, 2020 Minutes as presented, second by Gabel, motion passed.

## **310 Program**

### **➤ Applications:**

- **YE-29-21 – Huntley Project Irrigation District, Yellowstone River.** Project description: maintenance and repair to the existing concrete headgate structure that is crucial for the continued operation of irrigation facilities within HPID and to secure continued access to the structure by repairing the access road. Team inspection: 11/02/2020; Sedgwick, Ivie, Holzworth, Swenson, Performance Engineering, and HPID reps. **Board decision:** The project application was approved as submitted by a vote of the board on 12/02/2020.
- **YE-30-21 – Huntley Project Irrigation District, Pryor Creek** – Project description: Request a 3-yr maintenance permit to help limit the extent of channel migration of Pryor Creek by reinforcing riprap in vulnerable areas. Team inspection: 11/02/20; Sedgwick, Ivie, Holzworth, Swenson, Performance Engineer, and HPID reps. **Board decision:** The project application was approved as submitted and HPID was granted a 3-yr maintenance permit by a vote of the board on 12/02/2020.
- **YE-31-21 – Billings Bench Water Association, 12 Mile Creek** – Project description: Replacement of an aging siphon structure (1916) on the BBWA main canal which runs under 12 Mile Creek. Team inspection: 12/02/2020; Sedgwick, Wagner, Ivie, Giordano, BBWA reps. **Board decision:** Kraft made a motion to approve siphon replacement as proposed, second by Peck, motion passed.
- **YE-32-21 – River Grove Estates, Yellowstone River** – Project description – Recover lost/eroded riverbank, stabilize/prevent further loss of riverbank, homes, and access road to homes. Applicant's engineer, Chuck Strum, Interstate Engineering, was in attendance and stated the ACOE submitted several comments/concerns that he is currently addressing. Once he has completed the revised changes, an updated application will be submitted to the YCD for the January board meeting.
- **YE-11~28-21 – Triangle Communications** multiple HDD sites along Canyon Creek, west of Billings. Erica Lowe representing the applicant joined the meeting via Zoom and explained the over-all project as well as

answering questions board members voiced about individual HDD sites; specifically, site #3 which Ms. Lowe agreed with the board in that the bore should be extended a few more feet on each side of the creek. The HDD work will stay away from the highwater mark and will reseed all disturbed sites as soon as HDD is completed. **Board decision:** Peck made a motion to determine all site's non-projects for purposes of the 310 Law, second by Wagner, motion passed.

- **YE-33-21 – Pryor Creek Ranch, Pryor Creek** – Project description: Removal of the former bridge abutments at the crossing site. Following the removals, the bank areas will then be sloped using the native materials to an approximate 1.5H:1V slope to conform to the contours of the adjacent bank areas. Team member inspection waived because it is the same site on which YCD approved a new bridge earlier this year and board members indicated familiarity with the site does not warrant another inspection. **Board decision:** Gabel made a motion as a team member on the original inspection date, to approve as proposed, second by Kraft, motion passed.

➤ **Complaints:**

- **YE-03-20-C – Gene Klamert, Yellowstone River** – Applicant's engineer, Chuck Strum, Interstate Engineering, provided a progress update: The field survey has been completed and he anticipates a design will be available for the January YCD board meeting.
- **YE-05-20-C – Driscoll Family, Yellowstone Riverside channel** – Both Driscoll and Perkins have been in contact with the YCD office. Communication difficulties between parties are apparent but hopefully will be resolved within the timeframe the board gave Driscoll to submit a final design. Board discussion: Ivie is to call both parties to remind them of the upcoming January deadline. If a final design is not submitted by then, the matter will be turned over to the County Attorney's office to begin legal action.

**Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel reported he will be attending a meeting between YRCDC delegates and the Bureau of Reclamation on Jan. 7, 2021, to discuss infrastructure and establish a working relationship between the two entities.
- **Consider future presentation by Montana Aquatic Resources Services** – Entity that is partially responsible for implanting the ACOE mitigation requirement for permitted projects. Peck made a motion for Ivie to invite the group to give a program presentation at a future YCD meeting, second by Kraft, motion passed.

**Agency Reports**

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend today's meeting
- **Beartooth RC&D** – Wagner reported a meeting was held on November 19<sup>th</sup> via Zoom. Most of the meeting was Covid related concerning help given to obtain grants and loans.
- **DNRC** – Joe Holzworth – participated during the 310 discussions.
- **Fish Wildlife and Parks** – Shannon Blackburn and Mike Ruggles:
  - **Alkali Creek** – FWP informed YCD that unpermitted activity has taken place on Alkali Creek that appears to be restricting water flow and impeding fish movement within the stream. The board will act upon the activity once an Official Complaint is submitted by FWP.
  - FWP is hoping to drain **Lake Elmo** in late September-October to rid the waterbody of invasives. The project has been partially funded by the Future Fisheries Program but is far from reaching the dollar amount to see the project to completion. Peck stated from a CD perspective, this project is a great conservation program. Gabel made a motion for YCD to write a letter of support for the project. Peck amended to add: as funding sources arise YCD direct needs toward specific funds, second by Peck, motion passed. When the 223 grant program is accepting applications once more, FWP personnel were encouraged to write a grant for YCD sponsorship.
  - Ruggles is transitioning Blackburn to be the main FWP contact for the 310 program.
- **NRCS – Watson, Torske, Chulyak**
  - **Watson:** Will start in her new position in Forsyth on Jan. 4, 2021. The board again thanked her for her service while assisting landowners in Yellowstone County and wished her well in her new endeavor. She provided the following written report before today's meeting:
    - Landon Krogstad, out of the Roundup office, will be Acting DC starting in January for Billings.
    - Staff have been working on getting CSP Renewal applications ranked. Those will be reviewed this week by the area office technical staff.
    - Shalaine started working on an RCPP summary infographic with state office public relations staff, the goal would be to share this with Beet & Barley Symposium participants in January.
    - Irrigation projects continue to be installed with the open weather we have been having.
    - After the holiday's staff will focus on planning EQIP projects for 2021 and CSP Classic 2021.

- The office has gone back to phase 2, meaning staff are in the office on a rotational basis and telework the remainder of the time. We cannot have non-staff in the office, even by appointment but we can meet in the parking lot, or on the farm or ranch.

- o **Torske:** MT Focus Conservation – The state office wants more well testing on the TIP proposal on Fly Creek. Eleven (11) wells tested but MBMG is short-staffed so it will be tight to get enough information for funding for this year.

➤ **Yellowstone County**

- **Yellowstone County Extension** – Callie Coolie unable to join the meeting but sent this report:
  - The South Central Ag Webinar I hosted on December 1 was successful with 123 attendees. Topics included grasshopper management and alfalfa weevil biology and resistance. If anyone is interested in getting a link to the recording, please let me know.
  - The last Western Meat School session wrapped up last night. There were approximately 500 attendees, with nearly 100 from Montana.
  - The Malt Barley and Sugar Beet Symposium will take place via webinar on the originally scheduled dates of January 13 and 14. Day 1 will feature Lester Jones – The U.S. Beer Market: Past, Present & Future and Howard Neibling – Crop Stage-Specific Water Management for Malting Barley. Day 2 will feature Rebecca Larson – Sustainably Sweet: Western Sugar's Sustainability Story, and Scott Herndon – Strategies on Key Issues that Impact Sugarbeet growers in a Changed Political Landscape.
  - Lastly, I will likely have to alter the way I typically hold pesticide training during the MATE Show. Please let me know if you have ideas for topic needs.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – Darin Swenson contributed during the 310 discussions. Also mentioned it has been extremely slow in his department.
- **Yellowstone County Weed Department** – Joe Lockwood
  - 2020 Salt Cedar Management Project final report was provided to board members and YCD has submitted it to DNRC for payment. All weeds are sprayed in the area defined in the 223 grant contract. It took a little longer to finish spraying because the spray crews resprayed new infestation areas upstream and a little way into Stillwater County; not areas that were missed in past years but areas of new growth.
  - 2021 Salt Cedar Management Project 223 grant application was presented for approval. Peck made a motion to apply for a 223 grant if and when the program becomes available, second by Kraft, motion passed.

➤ **Old Business**

- **City Reservoir** – Robinson provided an update:
  - Looking at alternative funding sources, however, all initial money is there to build the reservoir and water plant but not the second reservoir.
  - ZooMT waterfowl exhibit – Robinson is working on making it happen. Hopefully using the project to educate planners for the City Reservoir project which all will (could) tie together and make for a great conservation education site.
- **Realtors Workshop** – Continuing to work with local realtors to schedule when safe to do so.
- **2021 MT Legislative Session**

Last month's Minutes read: The board discussed the need for YCD to have a presence at the 2021 Legislative Session to keep the board informed of bills and activities that may impact YCD. Although personally board members do not have the time to scour every bill, they think it is very important that YCD has someone to do that. They do not want DNRC or CD's to face what has happened in previous sessions with other entities making a run for CD funding sources. To achieve a presence in Helena during the session, Ivie is to contact Ray Beck and inquire if he would do that for YCD – either as a lobbyist or temporary employee. If he agrees to be, the details will be finalized at the next YCD board meeting.

**Today's meeting:** discussion with Ray Beck and sitting in on the Zoom call was Gayla Wortman.

- Overall discussion of the need for YCD to have a presence in Helena during the Session, deliverables expected from YCD's lobbyist, timeliness of testimony, and when to call in Supervisors for action. The consensus amongst the Supervisors: Personal business makes it almost impossible for individuals to keep track of all the bills presented to the Legislature so therefore to stay on top of everything and have representation in Helena during the session, YCD needs a lobbyist and Ray Beck is the logical choice.

YCD invited Cascade CD to participate in funding and/or cooperating with the employment of Ray Beck as a part-time employee. Wortman indicated she was on the call for informational purposes only but would relay today's discussions and present them to her board for consideration.

**YCD decision:** Peck made a motion to hire Ray Beck as a YCD temporary employee for the duration of the Legislative Session, with 100 work hours initially approved and the option to revisit if the need arises, second by Robinson, motion passed. Beck thanked the board for the opportunity (not that he was looking for employment but sees potential issues that may arise that YCD needs to act upon and he is in a position to offer guidance).

Beck outlined the initial bills he will be keeping track of --- HB2 Budget Bill, specifically DNRC's budget; HB3, HB4, HB6, HB7, HB8, HB24, HB30, HB40, HB42, SB13, SB20, SB40, SB52. Communication from Beck will mostly be to Ivie but regular Zoom calls with Supervisors will be scheduled.

➤ **New Business**

- **Conservation Education series proposal** – Ivie provided a handout explaining how a new educational program could be developed in cooperation with conservation partners (agencies, Audubon, etc.). A series of different conservation topics could be held, possibly at the Audubon Center over several weeks during the summer. The first contact made was with Joe Lockwood and resulted in a positive response to cooperate. Ivie was approved to inquire with other partners and report results back to the board.

➤ **Board Meeting Absences:** Everyone present

➤ **Treasurer's Report** - Kraft made a motion to accept the October and November Treasurer's reports as written and reviewed, second by Gabel, motion passed.

- **Travel & Meetings** – none
- **CARES Act update** - YCD's invoice for equipment needs was funded through the county's submission. A check was issued by the county to YCD for full reimbursement.

➤ **Standing Committee Reports**

- **Arbor Day Tree Give-a-Way** – All trees are ordered and will be delivered the week of April 20<sup>th</sup>.
- **MACD** – survey for CD's to support or oppose MACD investigating whether to pursue as a revenue source, financial support for CD's with marijuana tax money if the opportunity to do so arises. The survey and supporting letter were provided to the board before today's meeting for them to inquire within their supervisor areas whether to support or not. All agreed it is a political issue but wanted no part of the tax revenue generated and opposed pursuing it. Except for Stacey and his opinion was purely personal not revenue generated because of the marijuana shop next to his business and the shady business dealings associated with the illegal substance (if legal, the profit would drop out thus eliminating illegal activity). In all reality, the voters approved it so it is here. Peck made a motion to go on record at this time that YCD will not be endorsing the revenue stream, second by four board members but Gabel will be the recorded second, motion passed.

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: 3<sup>rd</sup> week in January

➤ **Chair Sedgwick called for adjournment at 12:05 pm.**

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT February Board Meeting Minutes Land Design Conference Room, 1720 48<sup>th</sup> Street West, Billings February 16, 2021 8:30 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft (via Zoom)  
Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Darin Swenson - Yellowstone County Floodplain;  
Swade Hammond, ACOE; Roger Perkin (engineer), Scott Aspenlieder (engineer),  
Gayle & Dale Frey (landowners)

Chairman Sedgwick called the meeting to order at 9:00 a.m.

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda.

A new protocol was set in place that outlines specific meeting structure. Vice-Chair Peck explained the reasoning for the new rules for all board meetings and 310 inspections: Too many side conversations limits meeting participants to hear the proceedings, especially anyone on Zoom or on the open conference call line.

**Agenda Changes:** None

**Minutes:** Peck made a motion to accept and approve the December 17, 2020 Minutes as presented, second by Gabel, motion passed.

### **310 Program**

#### ➤ **Applications:**

- **YE-37-21 – Dan Reyer Group, Yellowstone River** bendway weir 3-year maintenance plan. Team inspection: 11/02/2020; Sedgwick, Ivie, Swenson, Holzworth, 5 landowners. Reyer provided an overview of the maintenance plan: Use natural rock to repair three bendway weirs and to fill in the few areas of the armored bank that were washed thin. The three weirs partially eroded due to last winter's ice jam and this year's spring snow melt flooding. Up to 300 lineal feet of bank will be impacted; armoring would impact approximately 20 feet from bank to toe. A multi-year maintenance permit would allow the landowners to address damage from ice and spring floods each year to repair the armoring. **Board decision:** Gabel made a motion to approve and issue a 3-year maintenance plan to perform necessary repairs, second by Robinson, motion passed.
- **YE-35-21 Jim Hudson, Managing Member, Triple H, LLC (AKA River Grove Estates) and YE-36-21– Jolene Borg, Yellowstone River** – Project description – Adjacent landowners are applying for permits to recover lost/eroded riverbank, stabilize/prevent further loss of riverbank, homes, and access road to homes. Applicant's engineer, Chuck Strum, Interstate Engineering presented a brief description to place fill to restore lost upland area, install approximately 230 lineal feet of rock riprap along the existing bank edge below the ordinary highwater mark, install Flexamat Erosion Blanket above the OHW to the Base Flood elevation. The completed bank restoration will be laid back at maximum 1.5:1 slope to the approximate 100 yr flood water elevation. A small portion of riprap will be installed below the low water level in the river, this portion of the bank requires putting riprap in the river. **Board decision:** Robinson made a motion to approve applications YE-35 and YE-36-21 as submitted, second by Peck, motion passed.

#### ➤ **Complaints:**

- **YE-03-20-C – Gene Klamert, Yellowstone River** – Applicant's engineer, Chuck Strum, Interstate Engineering, provided a 310 application to address the violation:

**YE-39-21 – Mr. Gene Kamert, Yellowstone River** application to stabilize/prevent further loss of riverbank. Remove debris and foreign objects from the riverbank. Project description as stated on application: Remove existing, unapproved riprap section 330 LF in length, regrade bank slope to increase stability, salvage as much existing concrete riprap as possible while removing all rebar from bank. Construct new riprap section complete with bedding layer beneath, native soil fill of riprap surface voids and seed with native grasses and willow shoots for increased erosion control. Current bank is lined with trash, chunk concrete of variable size and shape. Existing concrete also presents areas of exposed iron rebar. Bank slopes vary along work section from 1.6:1 to 3:1. Ordinary high-water mark is generally 8-10 feet below top of bank. There are no existing structures or established trees in conflict with the proposed work area. Due to the property in question being a cattle feedlot, there is no established vegetation along the riverbank. Riverbank rehabilitation will cover 330 LF along the outside of bend in the main channel of the YR. The total width of work area will vary as a function of existing bank height and slope requirements but could be generalized as being 15-30 feet in width. In areas where existing chunk concrete extends below water surface, concrete will be removed with equipment. Upon completion of bank rehabilitation, no impactful changes will have been made to the overall elevations or contouring of the riverbank. Proposed project start date: 07/01/2021 with a proposed finish date of 09/01/2021. Engineers Chuck Strum and Tyler Lindbloom further explained the intent of the design. **Board discussion and decision:** Any unauthorized materials must be removed and the board would like to see an attempt made to fence off the cattle from the river but is not making this suggestion a modification of the approved plan. Wagner made a motion to approve as proposed, second by Robinson, motion passed.

- o **YE-34-21 Matt Larsen, Alkali Creek complaint filed from FWP.** Complaint received by YCD: 12-22-2020 from Shannon Blackburn, FWP biologist complaint location: Section 28, T 1N, R 26E; nature of the complaint: Immediately adjacent to the property there have been approximately 150 linear feet of rock rip-rap installed along the bank of Alkali Creek below the ordinary high watermark. Additionally, the stream channel has been altered from the construction of two rock weirs/dams, installed in the creek. The rock weirs/dams are likely blocking fish from moving upstream. Blackburn viewed the site on 10/23/20 from the nearby walking path, additionally saw heavy operating equipment adjacent to the creek near the construction site below the ordinary high water mark on 11/06/2020. Inspection date and team: 01/15/2021; Sedgwick, Ivie, Blackburn, Gilbert, Matt, and Teresa Larsen. Sedgwick provided a written report: Minor disturbances to the immediate bank could be fixed relatively easy and since there are very few boulders constituting a dam, some form of fish passage could be designed to accommodate the fish and aesthetics of the creek. The irrigation hose that was put across the creek should be removed and attached to the footbridge. Larsen attended today's board meeting to reiterate he did not know he needed permits to conduct the work and indicated he will work with permitting agencies to remedy the situation. **Board decision:** Peck made a motion to declare a violation as defined by the 310 Law because activity was initiated on a perennially flowing stream with first obtaining permits, second by Gabel. **Discussion:** YCD and other permitting agencies will work with Larsen to submit a design to bring the violation area into compliance. Motion passed.
- o **YE-05-20-C – Driscoll Family, Yellowstone Riverside channel –** Applicant's engineer, Roger Perkins, Aquoneering, provided a 310 application to address the violation:  
**YE-38-21 – Driscoll Family, Yellowstone River –** Landowner Jerry Driscoll and Perkins agreed on a design to submit to the YCD and other permitting agencies. Permit states: Three (3) off OHW weirs, using the processed concrete salvaged and onsite. Concrete slabs will be sized to 6 to 9 inches and steel removed to waste. Basic dimensions are marked in figure 12-1 from the USBR Design Guidelines report. The field plan view is shown in Exhibit 9. Spacing will be approximately 100 feet. The upstream weir length will depend upon the availability of material. **Open meeting discussion:** Perkins further explained his vision for the project. Swade Hammond, ACOE stated he needed to view on-site with plans in hand to get a better in-depth idea of the project scope and how the design will accomplish bringing the site into compliance. **Board discussion:** Bringing in a design today shows the project is moving forward however, YCD wants to make sure all agencies are in agreement on what is best for the resource while keeping the landowner in mind so as not to cause an undue hardship but bring the area into compliance. **Board decision:** Peck made a motion to table a decision on the design submitted thus allowing other permitting agencies to coordinate efforts. The application will be revisited at the next YCD Board meeting, second by Gabel, motion passed.

#### Other 310 issues & Projects

- **Yellowstone River CD Council Report –** No new activity to report.

- **Professor Kayhan Ostovar**, RMC provided the board a report on studies being conducted by his students, specifically the turtle study and stream water measuring utilizing YCD's equipment. He gave a summary for the 14-year Yellowstone River cleanup that YCD donates to each fall. The board thanked him for the Zoom presentation and offered to consider their assistance in any new projects he might need financial help with.

#### Agency Reports

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – Swade Hammond participated in the 310 portion of the meeting.
- **Beartooth RC&D** – Wagne's term expires soon and she indicated she would like to be YCD's representative for another term. Chair Sedgwick appointed Wagener to another term.
- **DNRC** – Joe Holzworth – unable to attend today's meeting.
- **Fish Wildlife and Parks** – Shannon Blackburn and Mike Ruggles unable to attend today's meeting but Ruggles provided this report:
- **NRCS – Torske, Chulyak** – unable to attend today's meeting due to previous meeting commitments
- **Yellowstone County**
  - **Yellowstone County Extension** – Unable to attend the meeting, Callie Coolie provided the following report:
    - The Yellowstone Winter Applicator Update will be held February 18 & 19 from 1-4 PM each day. Three private applicator recertification credits will be offered per day. Day 1 topics include blister beetle management, alfalfa weevil management and insecticide resistance, house mice, and herbicide resistance. Day 2 topics include invasive annual grass management, drift mitigation strategies, and roadside invader identification and threat assessment. If anyone needs more details, give me a call at 406-256-2828 or email me at [callie.coolie@montana.edu](mailto:callie.coolie@montana.edu).
    - The Spring Agricultural Economics Conference will be held virtually on March 5. If you're interested, visit <https://www.ampc.montana.edu/fallconference/agendamarch2021.html> [ampc.montana.edu].
    - The state nursery is still accepting seedling orders. The inventory is low and limited compared to past years, so if you know anyone interested in ordering seedlings, encourage them to do it sooner than later. I have not been notified with a delivery date yet.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
  - **Yellowstone County Floodplain** – Darin Swenson contributed during the 310 discussions. Also mentioned it has been extremely slow in his department.
  - **Yellowstone County Weed Department** – Joe Lockwood unable to attend today's meeting.
- **Old Business**
  - **City Reservoir** – Robinson provided an update:
    - The 2<sup>nd</sup> reservoir will not move ahead just yet, maybe 2022 before significant work will start.
    - The Lake Elmo project, ZooMT, and the City Reservoir are all great projects that Robinson is fortunate to work on and will keep YCD updated on progress.
  - **Realtors Workshop** – Continuing to work with local realtors to schedule when safe to do so.
- **New Business**
  - **HB223 Grant application** submitted by FWP for work on invasive species components of the Lake Elmo project. The board reviewed the draft application before the board meeting and requested a narrower project scope be developed with a tighter, more finalized budget. Once those components are achieved, the board will review the final grant at a future YCD board meeting for the grant to be submitted in the next round of 223 funding.
- **Board Meeting Absences:** Everyone present
- **Treasurer's Report** – Peck made a motion to accept the December report as written and reviewed, second by Robinson, motion passed.
  - Billings Chamber of Commerce dues – Last year when paying the dues request, the board asked that a discussion happen before paying the request this year. Board members Gabel, Peck, and Robinson all weighed in with very positive comments on how the Chamber is responding to business needs better. Gabel made a motion to pay the \$435 dues invoice, second by Robinson, motion passed.

- Equipment purchase: Peck made a motion to purchase a new cell phone for the Administrator, second by Robinson, motion passed.
- **Travel & Meetings** – none

➤ **Standing Committee Reports**

- **Arbor Day Tree Give-a-Way** – All trees have been ordered and will be shipped the week of April 26<sup>th</sup>. The Board agreed to hold the event again this year in the parking lot next to the Yellowstone Cellars & Winery.
- **DNRC Survey** – The Board filled out the survey and asked Ivie to submit on behalf of YCD.
- **2021 MT Legislative Session** – Ray Beck provided a written activities report relative to duties performed as YCD's lobbyist. He continues to monitor and testify on bills YCD has an interest in as well as making contacts with Legislators and key people for each bill. Within the next two-week period HB6,7,8,14 will be heard which are the grant and loan bills including Huntley and Lockwood projects. Beck will plan to submit written testimony and testify by video for YCD. He is also working to get HB30 back on the table. DNRC Director Amanda Kaster will be invited to participate in the February YCD board meeting.

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: February 17, 2021.

➤ Robinson made a motion to adjourn the meeting at 11:48 am, second by Gabel.

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

# *YELLOWSTONE CONSERVATION DISTRICT*

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## YELLOWSTONE CONSERVATION DISTRICT

### March Board Meeting Minutes

Yellowstone Winery & Cellars Conference Room, 1335 Holiday Circle, Billings

March 17, 2021

9:00 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Brad Kraft, Barb Wagner

**BOARD MEMBERS ABSENT:** Leroy Gabel, Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Ray Beck, YCD's lobbyist (Zoom);  
DNRC Director Amanda Kaster & DNRC Deputy Director Kerry Davant (Zoom);  
Darin Swenson, Yellowstone County Floodplain; Mike Ruggles, Shannon Blackburn, FWP;  
Seanna Torske & Tori Chulyak, NRCS (Zoom); Joe Holzworth, DNRC; Jeff Ewelt, ZooMT;  
Jeremiah Thompson (landowner); Anthony Sammartano, Audubon Education Center;  
Steve Shanaman, Big Horn CD & Area 4 Director (Zoom);  
310 participants: Scott Aspenlieder, Performance Engineering; Roger Perkins, Aquoneering;  
Matt Robertson, Realtor; Dale Frey (landowner)

Chairman Sedgwick called the meeting to order at 9:00 a.m.

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign-in.

**Agenda Changes:** None

**DNRC Director Amanda Kaster and DNRC Deputy Director Kerry Davant** (Zoom) were invited to participate in today's meeting for the YCD Board to introduce themselves and get to know new Director Kaster and reaffirm the working relationship already established with Deputy Director Davant. After a brief exchange of backgrounds, the YCD board reiterated the support DNRC has and will continue to receive from YCD as evidenced by YCD hiring former Deputy Director Ray Beck as YCD's lobbyist, for DNRC and all MT CDs to benefit from. Another goal prompting the hire was to offer a level of support to the new Administration and Legislators thus insuring a smooth transition of power for conservation district programs.

Director Kaster outlined the vision she has for DNRC – Reshape CARDD programs by strategically hiring employees to be able to put funding and technical assistance where it is needed most – at the ground level. This will be a strategic and thoughtful plan, but the ultimate goal will be to push the funding down to CDs to where it will be utilized best for the benefit of Montana's natural resources and citizens. The YCD Board emphasized the need for continuing a strong and active CARDD.

The YCD Board expressed their appreciation for the exchange of ideas and a very productive relationship going forward and extended an invitation for Amanda and Kerry to attend YCD's annual Yellowstone River jet boat tour held in July.

**Minutes:** Peck made a motion to accept and approve the February 16, 2021 Minutes as presented, second by Kraft, motion passed.

**2021 MT Legislative Session Activity Report** - Ray Beck, YCD Lobbyist – Please see pages 4 & 5 for full report

### **310 Program**

#### ➤ **New applications:**

- **YE-42-21 – WBI Energy Transmission INC** – pipeline work outside the defined workspace of the Yellowstone River as indicated by project manager. The intention is to remove old pipe under Theil Road as much as they can, reseed disturbed areas. **Board decision:** Wagner made a motion to declare a non-project because it does not impact the immediate bed or bank of the Yellowstone River, second by Peck, motion passed.
- **ExxonMobil Refinery** – James Forsyth discussed options Exxon Mobil is considering for their annually dredged inlet on the Yellowstone River. Concern water levels will be too low to dredge in the usual manner, thus altering

water delivery and dredging operations. A final decision will be reached once he has presented the options to permitting agencies to address any modifications required. The Board was fine with what was presented today.

- **YE-41-21 – Dennis Mercer, Pryor Creek riprap project** – Inspection date and team: 3/02/21; Peck, Kraft, Ivie, Dennis Mercer, Shawn Thorson (engineer). Project description: Armor a total of 300 linear feet along the bank of Pryor Creek at three project sites (140', 90', 70') to save farmland. Team Member Report: approve as proposed but team members questioned whether mitigation would factor in consideration as the sites are significantly apart. **Board decision:** Kraft made a motion to approve YE-41-21 as proposed, second by Peck, motion passed.
- **YE-40-21 – Dusty Kautz, Pryor Creek riprap project** – Inspection date and team: 3/02/21; Peck, Kraft, Ivie, Dusty Kautz, Thorson. Project description: Armor 300 linear feet of channel along the bank of Pryor Creek. The armoring will utilize riprap to prevent further erosion to farm ground. **Team Member Report:** Kautz is aware this is a temporary fix looking to the future for restoration of the breached dike that took place in 2011. Team recommends approval as submitted. **Board decision:** Peck made a motion to approve as designed, second by Wagner, motion passed.

Next step: Board members discussed YCD taking the lead and convene a meeting with landowners and other concerned entities to begin the organizational process to restore the dike. The board will address at a future meeting when research on site history is completed by WWC Engineering.

➤ **Complaints:**

- **YE-38-21 – Driscoll Family, Yellowstone River** – Meeting attendees associated with this application: Scott Aspendaile, Matt Robertson, Roger Perkins. Aspendaile and Robertson addressed the board with the potential property buyer's intentions as related to clean-up efforts of the violation status of the land. Purchase is imminent but new owners will focus on the main channel, with the side channel cleaned up of unauthorized and unpermitted materials. **Discussion from board members:** Peck wants solid direction from the ACOE as to what they are requiring the current landowner to do. Wagner reminded everyone the violation goes with the land, not necessarily the landowner and only for the current violation, not past activity. Chair Sedgwick agreed and reiterated YCD's only immediate concern is to remedy the complaint received with consideration of what other permitting agencies are requiring. Floodplain needs a resolution to the problem to keep it moving forward. IF there is a new owner, that person will either move forward with Roger Perkin's design or withdraw the design and submit another one that meets the new owners' plans – either way, something must be done before high water. Too many unknowns at this point to make a decision, Supervisors will wait until the next board meeting.
- **YE-34-21 Matt Larsen, Alkali Creek complaint filed by FWP** – Marena Gilbert, ACOE is still researching the history of the site. Frustration was again voiced by Peck with the ACOE's aggressiveness to get problems and applications resolved in a timely manner.

**Other 310 issues & Projects**

- **Linda Hakert, President of River Ranch Retreat HOA, Yellowstone River irrigation intake structure** – ACOE employee Swade Hammond provided pictures of the structure that needs bank repairs due to erosion under and around the intake. The board will wait for a 310 application and then make an onsite inspection.
- **Yellowstone River CD Council Report** – Yellowstone CD's Council representative Gabel was unable to attend today's meeting, but Council Director Dan Rostad sent a report: Tentatively the next Council meeting will be held May 12<sup>th</sup>. Rostad has testified at Legislative hearings in support of CD and DNRC funding. The Council's Irrigation Water Management working group has completed one of the three Irrigation District strategic planning documents and is working on two others which are in Treasure & Rosebud Counties. Two more upcoming irrigation related projects in the river corridor including potentially the Huntley Irrigation District (depending on funding) and will be working with NRCS in Park County to assist them with implementation of their Targeted Implementation Projects in the Shields River Valley. Rostad and Beck both testified in support of HPID's project in the hearings.

**Agency Reports in addition to written reports on pages 3-5 in the Minutes**

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – Swade Hammond & Marena Gilbert unable to attend meeting
- **Beartooth RC&D** – Wagner reported the next meeting will take place 3/18/21
- **DNRC** – Joe Holzworth – participated during the 310 portion of the meeting
- **Fish Wildlife and Parks** – Shannon Blackburn and Mike Ruggles
  - Presented the revised final Lake Elmo 223 grant application to assist with modifying and improving an old head gate at the outlet of Lake Elmo State Park and eradicating invasive Golden Clams. **Board decision:** Peck made a motion for YCD submit the grant application to the 223 board for consideration, second by Kraft, motion passed.

- Discussion about coordinating calendars to better schedule 310 inspections. YCD will try and schedule far in advance but due to Supervisors schedules this may not always be possible.
- **NRCS –Seanna Torske & Tori Chulyak** – (see pages 5 & 6 for full report)
- The USDA Civil Rights document was reviewed and signed by YCD Supervisors
- **Yellowstone County**
  - **Yellowstone County Extension** – Callie Cooley –unable to attend today’s meeting but provided the following written report:
    - The Yellowstone Winter Applicator Update went well with approximately 60 applicators in attendance each day. I had about 25 attend in person and 35 attend virtually each day. The tentative delivery date for the state nursery seedlings is April 15. I will be there to unload the truck and distribute the trees. We have approximately 25 orders as of March 15.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
  - **Yellowstone County Floodplain** – Darin Swenson contributed during the 310 discussions.
  - **Yellowstone County Weed Department** – Joe Lockwood informed the board that the Noxious Weed Trust Grant Fund committee did not approve the Yellowstone County application because this year they reviewed all on-going grants. During that review it was determined the Salt Cedar grant does not meet landowner contributions criteria, even though most of the spraying takes place on YR islands owned by the State of Montana. **Discussion:** YCD does not want the spray program to cease because so much progress has been made to date and will be for naught if we miss a year of spraying. YCD will still apply for the 223 grant and contribute \$5000 out of YCD’s FY21 budget to help pay for chemical in addition to what the County Weed District has allocated out of their budget to conduct a scaled down project this year.
- **Old Business**
  - **City Reservoir** – Robinson unable to attend today’s meeting.
  - **Beverage Container Resolution submitted in 2010 by YCD** – decision to pursue or have MACD remove from the resolution list. Background: Because this was such a daunting task, MACD did not pursue beyond putting on their list. Peck made a motion to pull the Beverage Container Resolution YCD submitted in 2010 from the MACD resolution list, second by Sedgwick, motion passed.
- **New Business**
  - **ZooMT – Jeff Ewelt** presented for YCD’s sponsorship consideration a Sweet Grass Conservation District Water Projects Grant. Project description: In conjunction with Billings based Land Design, ZooMontana is designing a state-of-the-art waterfowl/conservation habitat within the center of the Zoo’s grounds. A unique concept, the habitat is designed to be a native fish refuge and a natural flythrough for migrating waterfowl, creating a much-needed urban escape for wildlife, in addition to a remarkable educational centerpiece to discuss wetland conservation and the importance of water quality. Complete with interpretive signage, a raised observation deck, underwater fish viewing, and boardwalks, this new habitat will be a multi-sensory, immersive experience for Zoo guests. This project will create vital educational opportunities to showcase wetland ecology to the Zoo’s 120,000 annual guests, providing them with unique natural encounters. **Board discussion and decision:** YCD Supervisors and Administrator participated in a March 3<sup>rd</sup> tour to fully understand the concept of the exhibit and how it ties in with watershed/wetland conservation. All were impressed with the plans and fund raising that has taken place to date. Wagner made a motion for YCD to support and sponsor a \$20,000 grant application to Sweet Grass CD Water Projects Grant program, second by Kraft, motion passed.
  - **Montana Women in Agriculture – Yellowstone County interview candidate** – Kraft reviewed the informational materials and suggested Sydney Gabel as YCD’s nominee due to her diverse agricultural background and media experience. Wagner made a motion to nominate Sydney Gabel as YCD’s candidate, second by Kraft, motion passed.
  - **Social Media Model Policy** – was noted and will be filed in YCD office for reference.
  - **2021 Support for the Songbird Community Garden** – Peck was contacted by the SCG Chair requesting financial support for the garden again this year. The garden continues to grow and offer new conservation measures in which YCD has contributed to in the past. Peck made a motion for YCD to contribute \$500 in support of the garden, second by Kraft, motion passed.
  - **YR Water Reservation Transfer in Water Use Authorization – Hibbard Creek Angus to Wade Keller** – Wagner made a motion to approve the transfer of the water use authorization, second by Kraft, motion passed. Signed documents will be sent to Miles City DNRC.
- **Board Meeting Absences:** Kraft made a motion to approve Gabel and Robinson’s absence from today’s board meeting, second by Peck, motion passed.

- **Treasurer's Report** – Kraft made a motion to accept the February Treasurer's Report as written and reviewed, second by Wagner, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Arbor Day tree give-a-way April 30<sup>th</sup>** – proceeding on schedule and as planned.
  - **Conservation Education Summer workshops**  
 Anthony Sammartano, Audubon Conservation Education Center, provided an overview of the scheduled Native Plant Symposium to be held virtually by Audubon and partners. Also, in the works holding in-person workshops in May and June for a variety of topics; two of which YCD could host or participate in – Soils Workshop to be held June 12<sup>th</sup> and a Pollinator workshop. The pollinator workshop might be more of a challenge because the plot requires quite a bit of prep work due to weather conditions last year. Board discussion and decision: YCD would like to help with the Soils workshop in tandem with Audubon, NRCS and others. Ivie will contact NRCS and schedule the Soil Tunnel for June 12<sup>th</sup> as well as asking NRCS personnel to help with presentations. The pollinator workshop – Ivie and Sammartano will convene a partner work group, assess the work to bring the pollinator plot to the point of planting, determine a date to hold the workshop. A preliminary budget will be presented at the next YCD board meeting. Peck made a motion for YCD to provide Audubon \$500 now to get the workshops underway and if there is a future need for more money, YCD will revisit the amount at a future board meeting, second by Wagner, motion passed.
  - **Realtors Workshop** – Continuing to work with local realtors to schedule when safe to do so.
- **Unscheduled Matters** – none
- **Next YCD Board Meeting** – Next YCD meeting date: April 14<sup>th</sup> Meeting adjourned at 12:47 pm.

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

**2021 MT Legislative Session Activity Report** - Ray Beck, YCD Lobbyist --Report date 2-28-21 thru 3-13-21 (This activity report as well as the ones going forward will be much briefer since we have met the transmittal of general bills. We will be dealing with appropriation bills but few if any new general bills)

**-Contacts**

-Calls/zoom/video, etc:

-A number of calls, emails and texts with Laverne

-The first week of the report I claimed 2 hours, this time included participating in the MACD call 3-2, continue to update the bill list and track legislation we are involved with. Submitted the lobby report information. Met with Kerry Davant to discuss district funding and support going forward.

-Week two was busier. Visited with Anna Miller a couple of times coordinating budget items with DNRC.

-Starting on 3-9, began preparing for HB2 (Appropriations Bill) testimony and getting YCD prepared to contact legislators. I also contacted Gayla to see if she would help support our effort and asked Jane Holzer if she would contact Appropriations Chairman Llew Jones and ask him for his support of our efforts. Jane has a personal relationship with Llew. Jane did contact Llew and Gayla came to Helena and testified 3-10 on HB2.

-Gayla and I met with Jim Keane to discuss strategy for testifying.

-Gayla and I also met the new DNRC Director for the first time 3-10, had a good visit with her. Gayla and I testified in support of DNRC's budget before the appropriations committee on behalf of YCD and Cascade CD.

-While at the Capitol on 3-10 I went up to the Senate President's office and reviewed the amendments that will be presented in Senate Finance and Claims on HB373 and HB374, 3-12.

-Had numerous visits with Representative Keane in reference to district funding and amendments in the House Appropriations Committee.

-Visits with Senator Ankney and Welborn on efforts moving forward with district funding.

### **-Legislative Bills**

-The majority of my time the second week was focused on HB2, HB373, HB374.

-HB2 hearing was 3-10-21. Hearing was supposed to start at 2:00 pm and we eventually got on stage around 4:30 pm. The Chairman hadn't realized I had retired and when he called for public testimony I stood up to testify and he wanted me to wait until public testimony was over thinking I was still going to speak on DNRC's behalf. We worked through it and I was able to testify on YCD's behalf.

-Executive Action on HB2, section C was scheduled for Thursday afternoon, but eventually was moved to Friday morning. The amendment we were working on to try to kill in House Approps passed out with the statement made that FWP will get the money to districts. The problem with this is first of all there is probably a good chance the funds won't be used for district cost. And also the reason to have district funds separate from FWP is they can be used for expenses FWP won't cover. Example being if the district needs to pay a higher wage to get employees in places such as Wibaux or Flowing springs. Also if the district feels the station needs to be open more hours, FWP may or may not pay for extended hours. Security cost is another item that some districts need if employees are working stations after dark. Etc.

-Prepared and submitted YCD testimony in favor of HB373 (Revise Natural Resource Operations funding, CARDD funding going forward). Bill passed out unanimously on Friday.

-Prepared and submitted YCD testimony in favor of HB374 (Amend Coal Severance Tax funding, provides funding for CARDD this fiscal year) Bill passed out unanimously on Friday.

### **-Coming up**

-Legislative work the second half will mainly be focused on bills we supported the first half that will be heard in the second chamber.

-There can still be new bills introduced that are appropriation, revenue or resolution bills. I will monitor these to see if we need to be involved.

**NRCS Report –Seanna Torske & Tori Chulyak** – Attended on YCD's conference call open line. The following report was submitted to the YCD Board prior to today's meeting and Torske mentioned several of the items again:

Billings FO Report March 17th, 2021

- Office Operations During COVID-19 – So, replacing our reopening phases, USDA has set the 25% staffing rates in Service Centers. I really feel that our current telework/office schedule is allowing this as much as practicable, so I don't see a problem at this time. Face masks are still required on USDA property Crow Field Office – We've moved the office supplies and equipment back to the Hardin FO; that just leaves the phones, server, and Xerox printer to be moved, which will be done by IT and Xerox. We've set up mail forwarding for the Crow FO address to go to the Hardin FO address.

- Billings District Conservationist – Ashlee Barker, currently the District Conservationist in Junction, Texas, will be starting April 11th as the District Conservationist in Billings. Due to COVID delays, it is quite possible she may have to telework from Texas until her relocation can be completed.

- CSP Renewals -Billings has had some delays in getting the two preapproved CSP Renewals obligated, but expect to get them completed by the end of this week. CSP FY2021 General Signup – Our deadline to get FY2021 General CSP's assessed and ranked has been moved into April (it was previously a March 1st deadline, but we ran into issues with our Assessment and Ranking system that NHQ needs to fix). Billings FO staff have been fitting in CSP visits as time allows, but CSP Renewals and FY2021 EQIP applications are a priority right now.

- EQIP Contracts – The change to nicer weather has started to see more participants gearing up again for construction work, and I'm hopeful that we'll start seeing more projects being completed in the next few weeks. EQIP Applications - We had contract reviews for our FY2021 EQIP applications on March 11th, so now we're working on completing the suggested edits from the reviews, as well as getting maps, planning documents, and job sheets completed.

- FY2023 Targeted Implementation Plan (TIP) Proposals – We'll need to have FY2023 TIP proposals ready by about November 2021, and so we're trying to work on new ideas for FY2023 this spring and summer. A few TIP projects we are currently working on:

- Fly Creek – We have been working on this TIP proposal since Spring 2020; our State Office wanted to see more research into the cause of the sulfate issues in Fly Creek, which has been determined to be largely geologic-influenced. Our state office has worked with MBMG on sampling existing wells in the watershed, and are leaning towards a need for deeper wells, or possibly looking into requesting a new practice component that allows for installing reverseosmosis systems. This TIP also proposed excluding livestock from access to Fly Creek.

- Huntley/Ballantine SWPPA – NHQ has designated the Huntley/Ballentine area as a Source Water Protection Project Area (SWPPA) due to the high nitrates in the Ballentine/Worden water system. While the actual Ag contributions to this water issue is iffy at best, we would like to work towards an irrigation improvement TIP that would improve irrigation systems and then require a high level of Irrigation Water Management as well as Precision Ag Nutrient Management.

- If the board has any others for proposals I would be totally open to it! I'm hoping once Ms. Barker starts, we can get her on board with the process for Montana Focused Conservation, and maybe she can work on a potential TIP proposal for Yellowstone County.

- Here is a list of our current TIP Projects: o Big Horn/Yellowstone County CRP to Grazingland TIP o Big Horn/Yellowstone County Irrigation Improvement FY2021

- Civil Rights/EEO Review – Enclosed is the annual Civil Rights/EEO Rev (will have copies at meeting)

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## **YELLOWSTONE CONSERVATION DISTRICT**

### **April Board Meeting Minutes**

Yellowstone County Commissioners Conference Room  
316 N. 26<sup>th</sup> St. (Old Federal Building) Room 3107, Billings MT  
April 14, 2021  
8:30 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft

**BOARD MEMBERS ABSENT:** Stacey Robinson, Barb Wagner

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Ray Beck, YCD's lobbyist (Zoom), Swade Hammond, ACOE; Darin Swenson, Yellowstone County Floodplain; Mike Ruggles,FWP; Joe Holzworth, DNRC; Seanna Torske, Ashlee Barker & Tori Chulyak, NRCS; Joe Lockwood, Weed District; Jeremiah Thompson (landowner); Callie Cooley Yellowstone County Extension;

310 participants: Linda Hakert; Tom Hauptman; Roger Perkins, Aquoneering;

**Chairman Sedgwick called the meeting to order at 8:35 a.m.**

### **Roll Call**

Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign-in.

**Agenda Changes:** None

**Minutes:** Peck made a motion to accept and approve the March 17, 2021 Minutes as written, second by Kraft, motion passed.

**2021 MT Legislative Session Activity Report** - Ray Beck, YCD Lobbyist – Please see pages 4 & 5 of these Minutes for the full report.

### **310 Program**

#### **➤ New applications:**

- **YE-44-21 – River Ranch Retreat HOA, Yellowstone River irrigation intake maintenance repairs** - represented by HOA president Linda Hakert. Project description on application: Stabilize irrigation intake structure and prevent further damage from the Yellowstone River. Place approximately 5 loads of rock riprap (75 ton) around the structure to a depth of approximately 10'x20' to the east. Approximately 20' of bank will be stabilized with riprap. Team inspection date and attendees: 4/6/21; Gabel, Peck, Kraft, Wagner, Ivie, Swenson, Holzwarth, Ruggles, Hakerts. Peck provided an overview of the team member report: Review considerations were deemed insignificant, no reasonable alternatives to reduce disturbance to stream or better accomplish the purpose of the project. Applicant agreed on site to clean up the small amount of existing debris and pay particular attention to 'toeing in' rock riprap. **Board decision:** Gabel made a motion to approve as proposed, second by Peck, motion passed.
- **YE-43-21- Yellowstone County Public Works** – The purpose of project is to replace the existing Alkali Creek Road Bridge, which has structural hydraulic deficiencies, with a new single span 95-foot span by 37' – 6" wide precast, prestressed bulb tee superstructure and a driven pile foundation. The alignment of the crossing will also be modified to allow for a safer horizontal and vertical alignment on Alkali Creek Road. **Board decision:** Kraft made a motion to declare a non-310 project because the application is a government entity, second by Gabel, motion passed.
- **Tom Hauptman representing T-K Farms, LLC** provided a complete description of the erosion that is taking place below his pumping station on the Yellowstone River. He asked for the YCD to declare an emergency for him to repair previous bank stabilization project between existing weirs and to prevent pump station from falling

into the river during upcoming high-water runoff. The board agreed that the situation is indeed an emergency and approved taking steps to rectify the situation, with a full report immediately following the work. An on-site inspection will be conducted if the information he provides warrants one.

➤ **Complaints & Violations:**

- **YE-38-21 – Driscoll Family, Yellowstone River** – Update from ACOE: Hammond explained the ACOE position in that issuing permit approval of the design Driscoll submitted, will keep pressure on Driscoll to keep the project rolling to address the outstanding violation.  
YCD discussion: Dialog with representatives of the pending buyer and Driscoll revealed the sale will be complete the first part of May and the new owners will have their own design, which will include an aggressive time frame to address the violation area. **Board action:** Gabel made a motion to recess the violation until YCD gets more input, second by Peck, motion passed. An on-site inspection will be scheduled with the new owners and their representatives as soon as sale is finalized.
- **YE-34-21 Matt Larsen, Alkali Creek complaint filed by FWP** – Swade Hammond reported Marena Gilbert, ACOE is still researching the history of the site as it pertains to a mitigation site for the City of Billings. Since it has turned out to be a City of Billings mitigation site, Larsen will most likely have to restore whatever areas he disturbed back to original contours and rock placement. YCD Board deferred action pending final report on the site from the ACOE.
- **Arlene & Jim Hein, Yellowstone River violation:** EPA's restoration draft plan review and additional compliance requirements. All permitting agencies have been given the opportunity to review and comment on the restoration plan by Terracon to address the violation area; YCD's review pertains to 310 Law applicability. **Board & others discussion:** Several concerns were raised as to leaving the dike, the proposed notch in the present dike, floodplain levels. Swenson has concerns with the proposed plan and is in the process of consulting Floodplain at the state level. YCD has been waiting for 1 ½ years for the restoration plan and needs more time to digest all material and the proposal submitted to insure all areas of the 310 Law are being addressed. **Board decision:** Gabel made a motion for Terracon to attend the May YCD Board meeting to make a presentation and fully explain the Hein restoration proposal, second by Kraft, motion passed. Decision will be relayed to the EPA with a request for more time to comment.

**Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel reported the scheduled Council meeting was postponed until 5/26. Good things are happening with Dan Rostad and Ray Beck working in tandem at the Legislative Session.

**Agency Reports in addition to written reports on pages 3-5 in the Minutes**

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – Swade Hammond participated throughout the meeting.
- **Beartooth RC&D** – Wagner submitted the following highlights from the last meeting:
- Joel Bertolino reported Food/Ag Program had record number of applicants. Meat packer/locally sourced meat got three MT Meat Processors grants. Applications due May 4 for Value-Added Producer grants.
  - Laurel has lots of public work projects in 2021. Refinery turn-around starts in April.
  - Starlink – internet is 5X faster according to Steve Simonson – Economic Development. Other counties are looking into it.
  - Pryor Wind Farm near Bridger – completion anticipated in May. All 114 turbines must be ready to go/commissioned before they can fire up the farm.
- **DNRC** – Joe Holzworth – participated during the 310 portion of the meeting. Also reported he is helping with the stream cleanups that are happening during the month.
- **Fish Wildlife and Parks** – Mike Ruggles participated throughout the meeting. Personnel news: he applied for and was chosen to be FWP Region 5 manager.
- **NRCS –Seanna Torske & Ashlee Barker** – YCD welcomed Barker to the Billings FO. In addition to the full NRCS report found on pages 6 in these Minutes, Torske discussed the status of the RCPP program: Might be time for another summer tour but this time in Big Horn County to look at results of changing irrigation practices. There are a few smaller projects that may be able to utilize what funds are left.

**Local Work Group convened at 9:50 am**

Agenda for Local Work Group Meeting

- Purpose of LWG

- How the LWG and Montana Focused Conservation work together – fact sheets were provided by Torske
- FY2021 Recommendations review – Fly Creek Salinity – Torske reported MBMG has been testing wells in the Fly Creek watershed and has determined the salinity is geologically influenced coming from shale formations, not from land use practices. She is working on getting RO systems added to the TIP proposal for cost share purposes.
- Review of resource concerns
  - Fly Creek salinity
  - Rangeland soil health
  - Weeds
- Recommendation for FY2022 LWG – keep the momentum going forward for the Fly Creek salinity problem. Peck made a motion to rank Fly Creek and its' resources as YCD's #1 resource concern. Second by Gabel, motion passed.
- Discussed the possibility of workshop/informational meeting for Fly Creek landowners presented by MT Salinity Control Assoc./ YCD/ Big Horn CD

#### ➤ **Yellowstone County**

- **Yellowstone County Extension** – Callie Cooley will be hosting a Small Acreage Stewardship program in May. Topics and dates are as following: Grazing Management for Irrigated and Dryland Pastures on May 4, Weed Identification and Strategies for Managing Common Yellowstone County Weeds on May 6, and Wildfire Preparedness for your Home and Land on May 13. The webinars will be held at 7:00 PM each night. The program targets 2–50-acre landowners. She is also helping LaVerne with the Pollinator Workshop and continuing preparation for the next Women Stepping Forward for Agriculture Conference, SARC CCA Training and Malt Barley and Sugar Beet Symposium.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** - none
- **Yellowstone County Floodplain** – Darin Swenson participated in discussions throughout the meeting.
- **Yellowstone County Weed Department** – Joe Lockwood and a YCD board member will defend the 2021 YR Salt Cedar Grant application during the grant hearing on 4/16/21. Lockwood discussed the unlikelihood of getting landowners to financially participate in the spray program because most of the infestation is on State owned islands.

#### ➤ **Old Business**

- **City Reservoir** – Robinson unable to attend today's meeting to provide an update.
- **Montana Women in Agriculture – Yellowstone County interview candidate** – YCD's selected candidate turned down the opportunity to be interviewed citing no time or interest to dedicate to the project. YCD Board expressed no interest in pursuing further.

#### ➤ **New Business**

- **Hibbard Creek Angus** requested consideration for a time extension to complete their YR Water Reservation approved project. Kraft made a motion to extend the completion date to January 1, 2025 as requested by Hibbard Creek Angus, second by Peck, motion passed.
- **St. Andrews Church Pollinator celebration week** – YCD was asked by Audubon if there was interest in manning a booth during the last day of the week-long celebration. Supervisors declined to participate this year because YCD is currently working on too many active programs to add this to the list.
- **Water Quality Sampling Proposal** – Rocky Mountain College & the Big Horn River Alliance – Funding proposal submitted to YCD from RMC Professor Kayhan Ostovar. Supervisors had questions that could not be answered from the 1-page project description, thus moving a decision to the next board meeting when Ostovar's schedule allows him to be present to answer the questions.

- **Board Meeting Absences:** Peck made a motion to approve Robinson and Wagner's absences from today's board meeting, second by Kraft, motion passed.

- **Treasurer's Report** – Gabel made a motion to accept the March Treasurer's Report as written and reviewed, second by Kraft, motion passed.
  - **Travel & Meetings** – none

#### ➤ **Standing Committee Reports**

- **Arbor Day tree give-a-way April 30<sup>th</sup>** – Gabel will conduct the TV interview; Mountain View Colony will be asked to have a 'farmer's market' truck, several people have volunteered to help, trees will be delivered on time, Ivie and Peck will organize the staging area; press release will be sent to YCD's news

outlets, Ivie will contact the Breakfast Flakes to be interviewed. It is great to see all our partners volunteering to help with the program by donating their time.

- **Conservation Education Summer workshops at the Audubon Center** – The soils workshop will be held in June, YCD reserved the NRCS soil tunnel to use as one of the educational tools. The pollinator workshop is tentatively planned for early June.
- **Realtors Workshop** – Working with the Realtor's Association for a May CE credit workshop focusing on stream permitting on private lands. Presenters confirmed: ACOE, Floodplain, Weed District, DNRC,

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting date: May 12<sup>th</sup> Meeting adjourned at 11:39 am.

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

Ray Beck Activity Report 3-28-21 thru 4-10-21

**-Contacts**

-Calls/zoom/video, etc:

-A number of calls, emails and texts with Laverne

-The first week of the reporting period was greatly focused on getting amendments drafted, supported and funded for funding of Conservation District AIS check stations, funding for Lake Elmo project and support for HB2, Section C which provides funding for Conservation Districts.

-Sent email to Director Kaster on YCD's behalf thanking her for stating in her meeting with MACD that DNRC will be providing assistance all districts and wanting all entities to work together

-Met with Senator Ankney to ask if he would carry an amendment to include \$100,000 each year in the next biennium budget for CD run AIS check stations, and \$50,000 per year for the Lake Elmo project, of which he agreed.

-Met with Rob Miller, Legislative Staff for Section C to prepare the amendments

-Met with Quinn Holzer, Head of Legislative staff, to discuss cd funding

-Participated on MACD legislative call

-Listened to Senate Finance and Claims when they heard Section C, of HB2. This is the section that we needed to get the amendments in during Executive Action

-Listened to Senate Fish and Game Committee when they heard SB382 and SB384. Both bills addressed invasive species funding

-Drafted amendment testimony for Senator Ankney to use when he presented the amendments during Senate Finance and Claims Executive hearing on Section C

-Met with Senator Ankney, Senator Welborn, Senator Ellis and Senator Cuffe before the hearing to ask for support of the amendments

- Attended the Senate Finance and Claims Executive hearing committee meeting. You can't present at this hearing but it's important to be present in case there are questions about the amendments and they asked me questions
- Senator Ankney did a great job presenting the amendments both passed unanimously.
- After the hearing I thanked a number of committee members for their support.
- Sat in on MACD Friday (4-2) call to discuss an amendment passed in Senate Finance and Claims that cut the CARDD division by \$4 million and an amendment to HB632 to allow conservation districts to potentially receive federal stimulus funding. Very few people were on the call so discussion was limited.
- Contacted Krista Evans (lobbyist representing water interest) about amendment to HB632 to include conservation districts. Had several discussions with her on this issue
- The legislature took an Easter break 4-2 thru 4-5
- Work continued on amendment to HB632 during the break
- Discussions with Dan Rostad, agency folks and Rebecca (MACD)
- Discussion with agency folks on SB384 (invasive species funding)
- Testimony sent to Senate Finance and Claims on behalf of YCD to show support for the St. Mary's irrigation project and to include language in HB632 to position conservation districts to receive federal stimulus funding if allowed by Federal guidelines
- Listened to the hearing of HB2 on Senate Floor to make sure funding for Lake Elmo and district run AIS stations remained in the bill

### **-Legislative Bills**

- The majority of my time this period was focused on HB2, HB632, SB382, SB384, plus monitoring and reviewing new legislation. With the large influx of Federal dollars coming to the legislature (\$900+ million) appropriation bills are coming out of the woodwork. Fortunately, time is running out and most bills are being tabled in committee.
- HB2 (Appropriation Bill) has cleared the Senate 4-8-21 and will be sent back to the House for the house to consider the Senate amendments. Normally the House will reject the Senate amendments so the bill can be sent to a Free Conference Committee. In free conference the bill can be changed in anyway.
- HB632 (bill to appropriate stimulus dollars to Montana entities) was heard in Senate Finance and Claims 4-7. Executive action hasn't been scheduled but could take place early the week of 4-12. An amendment has been drafted to change the local government definition in the bill to include conservation districts. This is important so districts will be eligible for stimulus funding if it is included in the Federal guidelines.
- SB382 and SB384, both bills either eliminated or greatly reduced the Hydro electric fees that help fund the Aquatic Invasive Species program. SB382 was tabled in committee. SB384 passed out of committee with amendments.

### **-Coming up**

-HB2 will be sent back to the House for action on Senate amendments. Once the bill is sent to a Free Conference Committee it will be important to monitor the committee to see if we can keep our amendments in the bill for Lake Elmo and CD run check stations

-HB632, Implement receipt of and appropriate federal stimulus and COVID recovery funds, will be heard in Senate Finance and Claims for executive action, on the Senate Floor and eventually sent back to the House to consider Senate amendments

## NRCS BILLINGS OFFICE REPORT

- Office Operations During COVID-19 – USDA was able to get a 50% staffing rate waiver to the 25% staff rate approved by the Whitehouse, so now we can have three employees in the Billings FO each day of the week. We are also finally able to have customers in our office by appointment only, and we have to ensure there's enough space to ensure social distancing.

- Crow Field Office – As of April 1st, the lease has officially ended with Little Big Horn College and the Crow FO is technically located at the Hardin FO address now.

- CSP FY2021 General Signup – Our deadline to get FY2021 General CSP's assessed and ranked has been moved into April. EQIP applications had taken priority in February and March, so now we're back to working on the CSP applications.

- EQIP Contracts – We are seeing some more EQIP projects going in this spring as the weather has allowed.

- EQIP Applications - We've completed all of our assessments for our EQIP applications and have had contract reviews completed on them and are working on any edits requested. We're just waiting to hear on application preapprovals and should be able to plug away on getting applications ready for obligation in the next week or two.

· April 2nd, 2021 – Ranking and Assessment Deadline

· April 16th, 2021 – Preapproval Deadline

· July 7th, 2021 – Obligation Deadline

# ***YELLOWSTONE CONSERVATION DISTRICT***

*1371 RIMTOP DRIVE, BILLINGS, MT 59105*

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## **YELLOWSTONE CONSERVATION DISTRICT May Board Meeting Conference Call Minutes**

May 13, 2021

7:30 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Barb Wagner

**BOARD MEMBERS ABSENT:** Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Jean Ramer, Terracon; Shannon Blackburn, FWP;  
Seanna Torske, NRCS

**Chairman Sedgwick called the conference call meeting to order at 7:30 a.m.**

Supervisors received a packet of all agenda materials prior to the conference call.

### **310's:**

**YE-45-21 – Vermilion Ranch, Yellowstone River side channel bank stabilization.** Project description provided by engineer Jean Ramer: Approximately 390 cubic yards of hard, durable, angular rock will be placed along approximately 271 feet of eroding bank. Approximately 320 cubic yards of this material will be placed below the ordinary high-water mark. There is some existing concrete rubble at intermittent locations on the existing bank. There is some existing concrete rubble at intermittent locations on the existing bank. Any rubble in the channel that is accessible from the bank will be retrieved and positioned along the existing/rebuilt bank. The proposed revetment will start at current top of bank and rock will be sloped at 2H:1V and minimum 2.5-foot thickness toward the river. For scour protection, rock will be keyed in approximately 3 feet below the channel bed elevation with a minimum 3-foot width. A key will be installed on the upstream end of the revetment to prevent flanking.

Inspection date and team: 5/06/21; Peck, Ramer (Terracon), Moser (landowner), Blackburn (FWP), Swenson (Floodplain Dept.), Ivie. Team member Peck reported impacts to the resource were deemed minimal. There is a possibility of energy transferred to the opposite bank thus causing the bare bank to erode. Moser stated the current project is necessary to protect the agricultural road and irrigation ditch and that he was not concerned with erosion on the opposite bank. Blackburn was concerned about the effects on fish and aquatic habitat with the increased rock bank cover but agreed that it was minimal.

**Board decision:** Peck made a motion to accept and permit YE-45-21 as submitted, second by Kraft, motion passed.

**James Hein – EPA/ACOE proposed restoration plan** as submitted by Terracon Engineering firm. Jean Ramer provided an in-depth explanation of the restoration plan: 8 bendway weirs upstream will be removed and bank will be sloped with no treatment follow-up. The downstream revetment proposed restoration is being re-analyzed by Terracon and Swenson to ensure floodplain guidelines and specifications are met. A notch in the dike will be armored with a V shape and flat bottom, approximately 60 feet wide to allow backwater behind the dike. Board members commented that the dike could turn into an island to which Ramer replied that the side channel provides high flow relief and will allow backwater behind the dike. It will be monitored before and after high water events as part of the restoration plan. Everything Terracon is doing addressed the board's concerns, but they still reserve the option to be involved if other agencies comments might result in modification of the proposed plan. Ivie will relay today's discussion to the EPA attorney assigned to the case.

**Driscoll Yellowstone River unpermitted work violation** – YCD and other permitting agencies are invited to meet onsite with the new owner's representatives to provide guidance on what cleanup of the violation area entails. Supervisors agreed upon May 17<sup>th</sup> at 1:00 pm to visit the site.

**YE-46-21-E -- T-K Farms (Tom Hauptman) Yellowstone River emergency riprap** repair to protect pump site. Emergency Notice reads: 'To repair previous bank stabilization project between existing weirs and to prevent pump station from falling into the river during upcoming high-water runoff. Enhance existing riprap between weirs, approximately 15 feet, utilizing one load of rocks which has been delivered to location.' **Supervisors' discussion and decision:** Minimal disturbance to the resource as evidenced by viewing the before and after pictures of the completed project. Kraft made a motion to approve the emergency action as submitted with no further work on applicants' part, second by Peck, motion passed.

**Realtor's Workshop – May 20<sup>th</sup> to be held in the Yellowstone Realtors Association conference room (the room can hold 100+ people)** – Supervisors reviewed the draft program for the 3-hr. workshop. Agency reps presenting include Army Corps of Engineers, Yellowstone County Floodplain, DNRC Conservation Districts Bureau, DNRC State Lands, Billings Floodplain and Yellowstone County Weed District (to discuss the YR Salt Cedar project).

Hearing no further business Chair Sedgwick adjourned the conference call at 8:20 a.m.

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

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## YELLOWSTONE CONSERVATION DISTRICT

June 9, 2021, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

8:30 am

**BOARD MEMBERS PRESENT:** Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Barb Wagner

**BOARD MEMBERS ABSENT:** Chad Sedgwick, Chair; Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie - YCD Administrator; Ray Beck, YCD's lobbyist (Zoom), Darin Swenson, Yellowstone County Floodplain; Joe Holzworth, DNRC; Ashlee Barker, NRCS; 310 participants: Scott Ruff, Waco-Custer Ditch Co. (conferenced call); Roger Perkins  
Funding requests: Kayhan Ostovar (Zoom), RMC; Nancy Rice, Mayflower Church

**Chairman Sedgwick called the meeting to order at 8:30 a.m.**

### **Roll Call**

Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign in.

**Agenda Changes:** None

**Minutes:** Gabel made a motion to accept and approve the April 14, 2021, meeting Minutes and the May 13, 2021, Conference call Minutes as written, second by Wagner, motion passed.

**2021 MT Legislative Session Activity Report** - Ray Beck, YCD Lobbyist – provided a final overview of the Session. Board discussion and decision: Beck will continue to be a part-time YCD employee on an as-needed basis for YCD projects he worked on securing funding for YCD during the session specifically Lake Elmo but possibly others.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-45-21** – Vermilion Ranch, YR side-channel riprap to save irrigation ditch and ranch road. Supervisors signed the verbally approved Form 273 during the May 13, 2021, conference call.
- **YE-47-21 – Cenex Pipeline Co. Canyon Creek** – Modification to two 8-inch refined pipeline support structures to ensure the integrity of the active pipelines by placing riprap where needed. Inspection date and team: 6-1-21; Peck, Wagner, Ivie, Swenson, Jean Ramer, Terracon. After a review of the submitted project design and hearing from the Team, Wagner made a motion to approve as proposed, second by Gabel, the motion passed.
- **YE-48-21-E – Waco Custer Ditch Co. – Yellowstone River emergency** action to keep high water from washing a ditch that runs parallel to the YR into the river and to protect the spillway concrete structure. After Supervisors reviewed before and after pictures of the emergency site, Gabel made a motion to approve the emergency action and follow-up with an onsite inspection. Second to the motion by Kraft, the motion passed.
- **YE-49-21 NorthWestern Energy** – YR HDD near Laurel, MT. Gabel made a motion to declare a non-project because the horizontal directional drilling does not impact the immediate bed or bank of the Yellowstone River, second by Kraft, motion passed.
- **YE-21-21 – Project Telephone Company – Yellowstone River HDD project.** Amendment to attach to bridge rather than HDD – both methods do no impact the immediate bed or bank of the YR. Gabel made a motion to amend YE-21-21 from HDD to attaching the fiber optics line to the Yellowstone River bridge, Wagner seconded, motion passed.
- **310 project Completion Forms received from** Vermilion Ranch, Pryor Creek Ranch, River Ranch Retreat HOA, Dan Reyer Group. YCD Supervisors reviewed and accepted as projects completed.

#### **➤ Complaints & Violations:**

- **Driscoll/Torgerson – Yellowstone River** – ongoing YCD diligence in bringing the unauthorized materials placed on side-channel into compliance with permitting agencies. YCD Board members Wagner, Peck, Gabel along with Ivie, Swenson, Blackburn, Aspenlieder, and contractor viewed the new owners' plan to bring the area into compliance. Questionable materials will be pulled back from the bank before high water and then

removed once high water is over. Aspenlieder indicated a complete engineering design will be submitted within a few months. Vice-Chair Peck thanked Perkins for his feedback throughout this process.

- o **YE-34-21 Matt Larsen, Alkali Creek complaint filed by FWP** – Still waiting on the ACOE to finish research into the mitigation plan that this area is part of. Supervisors expressed concern that the slow response is unfair to the landowners. Complaint table.

### **Other 310 issues & Projects**

- **Future Fisheries Panel future objectives:** Peck reported that if a project is submitted for funding to Future Fisheries and it is a part of a bigger project, the project's streambank stabilization component may get funded. Further discussion as to what will be funded or not funded will take place at the meeting next week. Peck believes it is a good policy moving forward to encourage softer approaches to streambank stabilization projects.
- **Yellowstone River CD Council Report** – Gabel reported the last meeting consisted mainly of reporting on the progress, alliances opportunities, and successes during this past Legislative Session. The council Coordinator joined forces with YCD's lobbyist Ray Beck to achieve success. Looking to fund an Irrigation Districts Liaison to assist smaller irrigation districts in the YR watershed.
- 310 tour tentatively scheduled for July 12 & 14<sup>th</sup> – depending on water levels in the Yellowstone River.

### **Agency Reports in addition to written reports on pages 3-5 in the Minutes**

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** –
- **Beartooth RC&D – Barb Wagner** provided the following report before today's meeting but touched on a few of the topics during today's meeting:  
Our first in-person meeting in a year! There weren't very many people but it worked out well for us. Wagner talked about the Realtor workshop and several of YCD's other projects. They took all the handouts brought! Beartooth would be interested in being part of another workshop to present loan capabilities, especially commercial opportunities if they ever fit into the program. Dan Lowe from Bighorn conservation sat next to me so after I gave our report, he said he was just going to piggyback on what I talked about and ended up giving a comprehensive history of everything conservation districts do. It was great and everybody was impressed and interested that we do so much!
  - Growth through Ag Projects:
    - Shepherd Mt – Charter Ranch has developed a regenerative vermicast soil amendment using the cultivation of worms adding non-chemical nutrients to the soil. Beartooth FADC assisted them with the development of a Growth Through Ag Grant that was funded for \$14,000 to expand their operation.
    - Billings Mt – Yellowstone Valley Food Hub is looking to expand its business and add space for aggregating locally produced foods. Beartooth FADC assisted them with applying for a Growth Through Ag Grant that was approved for \$20,000 to expand.
    - Laurel, Mt – F Bar 3 Vineyard growing hybrid grape varieties applied for a Growth Through Ag Grant to expand. The proposal was not funded.
    - Carbon County Pryor Mountain Wind Farm is complete May 1.
    - Laurel, Mt – 406 Bovine LLC nearing commercialization and launch of his Ag Tech Product, a facial recognition software that can be used on computers and iPhones to track livestock.
    - Yellowstone Co – Controlled Environments Construction - potential 300-500 head a day meat processing project. Met in August to discuss the project and initial steps and Beartooth FACD staff looking at potential MARP funding to assist with this project.
    - Economic Development: Yellowstone Co. – Laurel West interchange project was approved for a feasibility study on industrial/commercial development and infrastructure
- **DNRC** – Joe Holzworth – participated during the 310 portion of the meeting. Also reported he is helping with the stream cleanups that are happening during the month.
- **Fish Wildlife and Parks** – Unable to attend the meeting.
- **NRCS – Submitted from Seanna Torske:** Office Operations During COVID-19 – We're still at a flat 50% staff rate for all the field offices, BUUUUUT, recent guidance allows us to include CD board members in the total staffing count (FSA has already been doing this with their COC members).
  - CSP FY2021 General Signup – Our deadline to get FY2021 General CSP's assessed and ranked was April 26th. The Crow FO has one preapproved CSP application so far and it will likely be the only one in Hardin and Crow. The Billings FO has two preapproved CSP applications so far.
  - EQIP Contracts – Irrigation projects are at a standstill until following harvest, but our other projects (mainly stockwater projects) have been going in here and there.
  - EQIP Applications - We were able to get initial Sage Grouse Applications preapproved which didn't include any apps in Hardin and Crow (one was preapproved in Billings), but we've received verbal notification that has gotten additional SGI funds, and we're just waiting for these to actually be released to Montana. If that happens, we're

hopeful that at least three more EQIP apps should be preapproved for funding in Hardin and Crow, and two or three more EQIP apps should be preapproved in Billings.

- RCPP YRASP – We had a partner meeting at the Yellowstone Electric Coop in Huntley on Tuesday, May 11th. We are planning to organize a SDI field tour to Nedens' drip tape fields, possibly in August sometime. I need to get in touch with Mike Killen to try and solidify a date.

- NRCS Video Shoot – We have a tentative date of June 30th planned for a video shoot to highlight the Ventenata control that has been done out at Clayton Gregory's and Ryan Rigler's (both ranches west/southwest of Lodge Grass), as well as the GLCI monitoring project out at Mickey Steward and Randall Shinn's ranch (about 14 miles SW of Lodge Grass).

**Ashlee Barker, DC Billings FO:**

- NRCS State Conservationist Tom Watson and others including Barker, Torske, and Keri Bilbo met with the BBWA executive board to discuss issues, obstacles, and what studies need to be conducted to assist BBWA. Good start to assisting the ditch company.

- YCD Supervisors reviewed and signed all of the contracts Barker brought to the meeting for USDA programs.

➤ **Yellowstone County**

- **Yellowstone County Extension** – Callie Cooley submitted before today's meeting: I will be at 4-H Camp, but here's my update: Small Acreage Stewardship workshop went well approximately 32 attending each night. For anyone interested, the MSU SARC field day is June 30 at 3:00 PM.

- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – none

- **Yellowstone County Floodplain** – Darin Swenson reported the Clarks Fork River will be remapped for floodplain purposes in Yellowstone and Carbon Counties. The project is planned to begin in a few years.

- **Yellowstone County Weed Department** – Joe Lockwood unable to attend today's meeting.

➤ **Old Business**

- **Water Quality Sampling Proposal** – Rocky Mountain College & the Big Horn River Alliance – Funding proposal submitted to YCD from RMC Professor Kayhan Ostovar. Supervisors listened and asked questions of Ostovar, who participated via Zoom. Discussion: YCD is already financially supporting RMC with the Yellowstone River cleanup. This funding request for \$1000-2000 is not in YCD's budget. DEQ has sufficient funds available to fund the project. **Board decision:** Gabel made a motion to not fund the request from RMC, second by Kraft, motion passed.

➤ **New Business**

- **Songbird Habitat at Mayflower Church mini-grant request:** Nancy Rice, presenter provided an overview of the Church's new philosophy which is to support and provide programs for conservation with educational opportunities. Grant overview: The project will provide a safe place for birds to live. It will provide native plants for food, cover, and nesting sites. The songbirds will disperse seeds, pollinate plants and consume insects. The project will be an educational site for local schools and organizations. It will become an outdoor classroom for nature conservation and climate change education. In addition, Mayflower Church will reduce its carbon footprint and become a certified wildlife habitat. Plants to be purchased with grant funds: 1 Crabapple Tree - 7-gallon, 5 Aromatic Sumac - 2 gallon, 5 Nannyberry - 5 gallon, 1 Thunderberry - 2 gallon. **Board decision:** Gabel made a motion to approve the grant application and forward it to DNRC for funding consideration, second by Kraft, motion passed.
- **Brabec Water Reservation transfer to South 44 Farms (Randy and Nik Sian)** – Chair Sedgwick and Administrator Ivie signed the transfer forms earlier in the week and forwarded them to DNRC.
- **GWIP – proposal in the West Billings area** to "upgrade an existing groundwater model that could significantly contribute to the understanding of groundwater characteristics, provide solutions to minimize potential impacts on the local aquifer, and steer future development decisions". After YCD Supervisor discussion including the concern of the many groundwater studies that YCD has already been involved with over the years which resulted in solid conclusions but could not regulate landowner rights, a motion was made by Gabel: YCD to take no action in writing a support letter for this project, second by Kraft, motion passed.

➤ **Board Meeting Absences:** Kraft made a motion to approve Robinson and Sedgwick's absences from today's board meeting, second by Wagner, motion passed.

➤ **Treasurer's Report** – Kraft made a motion to accept the April & May Treasurer's Reports as written and reviewed, second by Gabel, motion passed.

- **PILT County funds:** There is an opportunity for YCD to apply to the County Commissioners for an additional allocation of \$5000 PILT money to be used for the YR Salt Cedar spraying project. Kraft made

a motion for YCD to request \$10,000 in PILT funds to augment the spray program, second by Wagner, motion passed.

- **Travel & Meetings** – Peck will be attending the Future Fisheries Panel meeting June 14-16<sup>th</sup>. FWP covers travel and per diem, YCD covers Peck's time.

➤ **Standing Committee Reports**

- **Arbor Day tree giveaway** – This was very successful partly due to YCD receiving great TV & paper coverage. In addition to YCD personnel, partner agencies included Yellowstone County Extension, NRCS, FWP, Audubon all helped with handing out trees.
- **City Reservoir** – Robinson unable to attend today's meeting to provide an update.
- **Lake Elmo**
  - YCD was awarded \$25,000 to fund the BBWA intake structure that draws water from Lake Elmo and is also used as an emergency drain for the Lake if needed. The structure will be rebuilt once the lake is drained in October '21.
  - \$100,000 AIS pass-thru DNRC grant provided to YCD from the Legislature. The money will be used to further efforts to eradicate invasive clams which have been found in the lake and the reason why it will be drained. Peck was disappointed to not have an FWP representative at today's YCD meeting to provide a progress report and give an overview of the scope of work needed to finalize the pass-thru grant with DNRC. Peck will contact Mike Ruggles and impress on him the importance of YCD getting regular reports.
- **Realtors Workshop** – was well attended by Yellowstone County realtors. Reviews were, for the most part, positive with a few negative comments relative to agency acronyms and too much detail about the permitting process. They would have preferred to hear and see what constitutes a project, what they should be looking for when showing property and where to direct their clients. Despite the constructive criticism, all said they would attend other workshops sponsored by YCD.
  - Supervisors discussed the next workshop topics: State Land easements, more on island ownership, types of stream projects that have been permitted in Yellowstone County.

➤ **Unscheduled Matters** – none

- **FY22 Annual Plan of Operations** – Gabel made a motion to approve the FY22 APO as edited, second by Kraft, motion passed. Final version on pages 5~9 of these Minutes.
- **Next YCD Board Meeting** – Next YCD meeting date: August 11<sup>th</sup>. Meeting adjourned at 11:55 am.

# **YELLOWSTONE CONSERVATION DISTRICT**

## **FY22 ANNUAL WORK PLAN**

Conservation Districts are:

- Locally elected volunteers whose role is to oversee and positively affect natural resource management.
- The conduit for accessing federal dollars and technical assistance to make state dollars go farther.
- The voice for private lands that benefit our environment and our economy.
- Educate our state's youth in understanding plant, animal, soil, and water resources and their relationships to each other and our communities.

This annual work plan was developed to provide financial, technical, and educational assistance to land users in the district and promote the proper management of soil and water resources. It is for helping the Yellowstone Conservation District meet its obligations in a timely manner and will serve as a major guide through fiscal year 2022.

### **CONSERVATION ACTIVITY AREAS:**

**EDUCATION**

**NATURAL RESOURCES**

**DISTRICT MANAGEMENT**

**YELLOWSTONE CONSERVATION DISTRICT BOARD OF SUPERVISORS:**

CHAD SEDGWICK, CHAIR, ELECTED SUPERVISOR

CLINT PECK, VICE-CHAIR, URBAN SUPERVISOR - BILLINGS

LEROY GABEL, ELECTED SUPERVISOR

BRAD KRAFT, URBAN SUPERVISOR -- LAUREL/BROADVIEW

STACEY ROBINSON, ELECTED SUPERVISOR

BARBARA WAGNER, ELECTED SUPERVISOR

LaVERNE IVIE, ADMINISTRATOR

## CONSERVATION EDUCATION

### PROMOTION OF AGRICULTURE IN MONTANA (Schools and General Public)

- Plan an agricultural public awareness campaign as issues arise by printing articles in the area media outlets
- Make financial contribution to Agriculture in MT Schools supporting the state bumper sticker contest

### EDUCATION PROGRAMS at the NILE

- General sponsorship of the 4<sup>th</sup> grade Agriculture Education portion of the NILE program with emphasis on conservation/agriculture for 2200 4<sup>th</sup> graders during the 3-day event (if COVID restrictions are lifted)
- Coordinate and assist with partner agencies - Yellowstone County Weed District, NRCS, & Area CD's with soil tunnel and noxious weed education sessions during the 4<sup>th</sup> grade portion via Zoom or other live streaming
- Provide Conservation District recyclable bags to teachers filled with educational materials from each demonstration booth and deliver to schools prior to event if COVID 19 allows.

### CONSERVATION CORPS DAY(S)

- Partner with Conservation Corps senior crews to accomplish:
  - Living Snow Fence maintenance
- IF another natural disaster happens in Yellowstone County, YCD will act as the liaison between landowners and government entities by providing educational materials and/or sponsoring grants to hire senior CC crews to rehabilitate lost natural resources.

### CONSERVATION EDUCATION CENTER

- "Adopt a Reach" -- Look for ways to develop a joint education program with Conservation Education Center, Josephine Crossing Subdivision and Grey Eagle Irrigation Ditch Company on a side channel of the Yellowstone River
- Support the mission of the Audubon Conservation Education Center

### CONSERVATION AT THE ZOO

- Promote viewing of the 223-grant funded stream bank stabilization project by 310 applicants at Zoo MT
- Explore ways to cooperate with Zoo officials on conservation projects
- Explore ways to assist the new Zoo MT Foundation as opportunities develop

### SCHOOL PROGRAMS

- Provide presentations to City, County, and Home schools with resource programs when requested
- Continue encouraging and helping sponsor conservation education scholarships to natural resource camps as deemed worthy
- Promote the Montana Envirothon program at the county level and continue to offer sponsorship of one team per county high school
- Continue sponsoring DNRC mini grants
- Cooperate with city and county schools, surrounding counties' conservation field days by providing stream table and NRCS soil activities
- Offer natural resource scholarships as budget allows
- Partner with Rocky Mountain College, MSU-B, MBMG and Yellowstone County Weed District to provide stream table training, presentations at schools and YCD outreach events
- Evaluate the feasibility of an additional conservation day in the spring possibly at ZooMontana

### YCD GOES GREEN

- Promote the following projects:
  1. Promote the use of YCD's grocery bags by distributing at educational events
  2. As electrical coops transition to solar and wind power look for opportunities in Yellowstone County to partner with worthwhile projects

## NATURAL RESOURCES

### EROSION

#### ➤ WATER

- Administer the Natural Streambed and Land Preservation Act (310 Law)
- Monitor incomplete permits, complaints, and repeated violators
- Post- project inspection by conducting a Yellowstone River tour
- Mass educational stream permitting mailing to landowners adjacent to perennial stream in county
- Support YCD playing an active role in conflict resolution between affected user groups and federal regulatory agencies

#### ➤ WIND

- Address and work with parties concerned with erosion problems as needed

### FOSSIL FUELS

- Support coal industry in Colstrip and the State of Montana
- Encourage maintaining current levels and/or increased production of Montana's fossil fuels

### LOCAL WORK GROUP

- Continue to cooperate with the Local Work Group for NRCS cost/share programs. Take an active role in identifying priority resource concerns and look for projects in the targeted areas
- Work on getting the Russian Olive Initiative reinstated in the NRCS cost/share program

### RANGE

- Inform cooperators of Rangeland Resource Loan Program
- Inform cooperators through the Extension and NRCS offices of the following:
  - Total range acres in Yellowstone County, condition of the acres and trend for range management

### SMALL TRACT LAND OWNERSHIP

#### ➤ Land Management

- Identify and educate the public on the following: Yellowstone River Recommended Practices and available equipment
- Continue to look for opportunities to educate small landowners living in urban settings how to manage their private working lands and care for their resources
- Offer a small landowner workshop during the NILE
- Inform cooperators through the Extension and NRCS offices of various levels of land management available

#### ➤ Backyard and Urban Conservation

- Continue promoting the program through media outlets, public meetings
- Promote native landscape information by acting as a conduit/liason for the public to access information with agencies and other entities on specific problems
- Help sponsor Rain Garden demonstration site possibly in Laurel area

### SPECIAL PROJECTS

#### 1. YELLOWSTONE RIVER CONSERVATION DISTRICTS COUNCIL

- 100% involvement with Yellowstone River Conservation Districts Council
- Provide technical and related support within available capability and established priorities
- Continue to support Council activities with Russian Olive & Salt Cedar eradication

#### 2. HECTOR PORTAGE PATH

- Check annually: sign condition in case of vandalism

#### 3. URBAN CONSERVATION ISSUES

- Look for sites to install urban conservation projects in Billings, Laurel and Broadview; specifically, Rain Garden demonstration sites and Community Gardens
- Take an active role in the City Reservoir education component
- Lake Elmo – Invasive Clams & BBWA structure replacement

## **NATURAL RESOURCES (continued)**

### **4. HUNTLEY PROJECT IRRIGATION DISTRICT FISH PASSAGE**

- Continue to monitor for fish species and fish usage
  - Work with FWP to provide accurate fish counts to public
  - Help facilitate clearing the fish passage of debris buildup in conjunction with FWP
  - Schedule and organize a tour inviting ExxonMobil personnel

### **5. LANDOWNER WORKSHOPS/MEETINGS**

1. Identify and plan pertinent and timely workshops throughout the county
  - Pollinator workshop in fall
  - CE credit workshops for realtors

### **6. HB632 – Appropriation of stimulus dollars to Montana entities (American Rescue Act)**

- Assist Yellowstone County entities with eligibility criteria by being the liaison between the county and irrigation associations

## **SOIL HEALTH**

- Support and continue to provide soil health information to Yellowstone County landowners
- Plan and host Carbon Sequestration workshops as opportunities for landowners become available
- Work with and support NRCS Soil Health program
  - Sponsor one or more demonstrations sites through 223 grant funding
  - Work with NRCS for summer/fall tour of crops in Yellowstone County

## **TREES**

- **LIVING SNOW FENCE**
  - Ensure total maintenance of the Rehberg Living Snowfence site by replacing trees in spring, mechanically tilling site, needed fence repair, and working with Yellowstone County Weed Department on weed control.
  - Schedule workday(s) for Conservation Corps if needed
- **TREE PLANTING PROGRAM**
  - Work closely with the County Extension office for expansion of tree plantings possibly through landowner workshops, schools, and CRP
  - Arbor Day Tree Give-a-Way program: Purchase trees to provide to Yellowstone County residents and include handouts for planting instructions and maintenance guidelines

## **WATER QUALITY/ QUANTITY**

- **NITRATES**
  - Support and actively participate with NRCS on the Implementation Plan for the Fly Creek watershed 2022 funding
    - Address high nitrates and sulphates in the surface water
    - Develop off stream stock water
    - Offer agronomy practices upstream to treat water quality issues
    - Water quality monitoring on a consistent basis and a central compiling spot for those sample results to then be analyzed
- **SALINITY CONTROL**
  - Continue support of the Montana Salinity Control Association
  - Co-host salinity workshop August/September with Montana Salinity Control Association, Big Horn CD, NRCS
- **WATER QUANTITY**
  - Promote irrigation water management in Yellowstone County thru water measuring devices & RCPP
  - Aggressively promote off-stream storage in potential sites in the County
  - Look for educational opportunities at the proposed West Billings Water Treatment Plant Water Learning Center
    - Lay groundwork as it relates to funding water quality opportunities

## **WATER RESERVATIONS**

- Promote off-stream storage utilizing a portion of YCD reserved water right
- Continue to promote YCD's reserved water to eligible irrigation projects

## **WEED CONTROL**

- Cooperate with the Yellowstone County Weed Board and personnel in the Weed District
- Administer 223 Salt Cedar pass-thru grant for salt cedar control

## DISTRICT MANAGEMENT

### BUDGET

- YCD budgets for the following programs as funds become available and at the discretion of the Board:
  - MT Range Tour, Rocky Mountain College
  - Organization Dues: NACD; Soil & Water Conservation Society; Plant Materials Center; Beartooth RC&D; Billings Chamber of Commerce; Employees Association; NILE; Yellowstone River Parks Assoc.
- YCD administers the following pass-thru grants
  - DNRC - Mini Grants
  - DNRC – 223; Renewable Resource Grant ; Resource and Development Grants
  - Yellowstone County PILT grants

### COOPERATING AGENCIES and/or ORGANIZATIONS

- Montana Department of Natural Resources & Conservation
- National Association of Conservation Districts
- USDA Natural Resources & Conservation Service and Farm Service Agency
- Montana Department of Fish, Wildlife & Parks
- Yellowstone County Offices: Commissioners, , Weed Board, Floodplain, City/County Planning, Extension
- MT Association of Conservation Districts
- Billings Chamber of Commerce
- Beartooth RC&D
- Bureau of Mines & Geology
- County Schools
- FFA, 4-H Chapters
- Ag in Montana Schools
- US Forest Service
- Montana Salinity Control Association
- Rocky Mountain College
- Montana State University - Billings
- Yellowstone River Parks Association
- Yellowstone River Basin Water Reservation Council
- Review MOU's with above agencies when applicable and check on updating status

### STATE COMMITTEES

- Support Future Fisheries Panel appointee Clint Peck with special emphasis on Yellowstone County projects

### PUBLIC AWARENESS

- Increase public relations efforts
  - Post all Board meeting notices for public review
  - Annual Plan distributed to all cooperating agencies
  - Radio and television spots, news releases for special projects/tours
  - YCD information posted on the YRCDC, City of Billings and Yellowstone County websites
  - YCD Stream Table available for educational training – promote/highlight public awareness

### TRAVEL of SUPERVISORS and/or ADMINISTRATOR

- Board members and Administrator attend Area County, State, Regional, and National meetings as budget allows

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

September 15, 2021, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

8:30 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Barb Wagner

**BOARD MEMBERS ABSENT:** Brad Kraft, Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Ashlee Barker, NRCS; Mike Ruggles, FWP; Callie Coolie, Extension; Joe Holzwarth, DNRC; Joe Lockwood, Weed District; 310 participants: Barry & Dena Bolton, Linda Hakert, Ross Waples, Mike Penfold, Roger Perkins, Aquoneering  
Zoom attendee: Kayhan Ostovar, RMC

**Chairman Sedgwick called the meeting to order at 8:30 a.m.**

### **Roll Call**

Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Wagner made a motion to accept and approve the August 9, 2021, meeting Minutes as written and reviewed, second by Gabel, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-05-22 – Exxon Mobil Billings Refinery, Yellowstone River** – Project description: Place riprap on the upstream bank of the Clean Water Ditch from where it enters the river and about 45 ft upstream. The upstream bank is being eroded and riprap protections is necessary to protect the upstream riverbank and prevent erosion from affecting the integrity of the River Water Pump House. Inspection date and team: 9/14/21; Clint Peck was the only supervisor able to attend the inspection and reported it to be a very straightforward project with no significant impacts to the YR. Peck made a motion to approve YE-05-22 as submitted and issue a 310 permit, second by Gabel, motion passed.
- **Randy and Nick Sian** – 310 application was to be submitted but the Sian's decided to construct the project where it does not impact the Big Horn River.

#### **➤ Complaints & Violations:**

- **YE-04-22-Complaint, Barry Bolton, Yellowstone River** – received on 08/23/21 from Carol Bradford, concerned neighbor stating: "I have personally viewed the concrete boat ramp and have personally witnessed at least 5 times a bobcat was used in the riverbed behind 100 Labrador moving rock and or dirt to manipulate for a road to the island behind my property and to change the riverbed. A dry canal for 4 years prior to this was always dry except for runoff. We now have a mosquito pond behind our home..... if they continue to dig, I fear the island that protects my bank will be compromised and will put mine (and others) at risk."

An onsite inspection was conducted on 9/8/21 with landowner Barry Bolton and team members: Chad Sedgwick, Clint Peck, LaVerne Ivie, Darin Swenson, Swade Hammond, Shannon Blackburn. Inspection team viewed the specific area as described in the complaint which is a concrete poured ramp with concrete riprap that does not meet DEQ specs.

Barry & Dena Bolton attended today's meeting and took full responsibility for the streambank work conducted on their property without permits, reasons for doing so and verbally committed to rectifying the situation.

**Board discussion and decision:** Peck made a motion for the activity done as stated in the complaint be declared a violation of the 310 Law, second to the motion by Gabel, motion passed. To begin resolution of the violation Peck made a motion for Bolton to engage a professional to look at the violation site and come back to

the YCD with a plan. Peck amended this motion removing the requirement for a professional and for Bolton to attend the next YCD meeting with a plan how he is going to solve the violation with the recommendation to present a goal and purpose to protect his property, second by Gabel, motion passed.

- **YE-01-22-Complaint – Billings Motorcycle Club, Yellowstone River** alleged illegal material placement/dumping over several years. Complaint was submitted by concerned citizen Ross Waples. **Inspection date & team:** 9/8/21; Sedgwick, Ivie, Swenson, Hammond, Blackburn, BMC Board members. Team members did not view any current activity as indicated in the complaint and evidenced by pictures submitted. **Board discussion and decision:** Much discussion revolved around differing opinions as to what has taken place on the BMC property but not all decision makers were able to attend the onsite inspection. Meeting attendees were given the opportunity to express reasons for submitting the complaint. After reviewing all verbal and pictorial evidence presented today Gabel made a motion for the YCD board to do its' due diligence and schedule another site inspection with full board present to look at the alleged violation before the next YCD board meeting, second by Peck, motion passed. Other permitting agencies will be notified of the inspection date.
- **Driscoll/Torgerson – Yellowstone River** – Inspection date and team: 9/8/21; Sedgwick, Swenson, Hammond, Blackburn, Ivie, Aspendaile. Pictures taken of the final cleanup were viewed by YCD Supervisors while Chair Sedgwick read the following report from Performance Engineering: This letter is to confirm that the property at 3508 South Frontage Road is now in compliance with all regulations regarding removing riverbank stabilization measures. A site visit was conducted 9/8/21, which was attended by Performance Engineering staff and the Yellowstone Conservation District. As was seen during the site visit, all riprap material was removed, and the bank was sloped back to existing conditions. Board decision: Gabel made a motion to accept the engineering report for the Driscoll/Torgerson violation in compliance, second by Peck, motion passed.
- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP** – Still waiting on the ACOE to finish research into the mitigation plan that this area is part of. Supervisors expressed concern that the slow response is unfair to the landowners. Complaint tabled.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report - Gabel** – No recent meeting held

#### **Agency Reports in addition to written reports on pages 3-5 in the Minutes**

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend today's meeting.
- **Beartooth RC&D – Barb Wagner** – no meeting held since last YCD board meeting
- **DNRC – Joe Holzworth** – participated during the 310 portion
- **Fish Wildlife and Parks** – Mike Ruggles reported:
  - Lake Elmo – update on lake draining progress and discussion about advertising the invitation to bid for the outlet structure (YCD received a 223 grant to pay for it). The official bid opening will be conducted at 9:00 a.m. October 27, 2021, during the October YCD board meeting. Ruggles and Ivie will stay in close contact to make sure all components are tracked and finished according to the time schedule.
  - Grant to put all video footage of the Lake Elmo invasive clam eradication project into an educational video. Stephanie Criswell, DNRC has identified a company to do the video and estimates it will cost about \$5,000. Peck made a motion for YCD to apply for an AIS grant to pay for the educational video, second by Gabel, motion passed.
- **NRCS –Ashlee Barker** Billings Field Office Board Report as written and submitted – September 2021  
**Personnel:**
  - Tori Chulyak is officially an NRCS employee. She started as a Soil Conservationist on 8/30
  - Pheasants forever does intend to fill the partner vacancy**EQIP FY 2022 Applications:**
  - Currently working on contacting applicants or those that have expressed interest in the program to make sure we have a signed application and conservation workbook on file
  - Right now, we have about 25 applications on file for fiscal year 2022
  - We expect the EQIP application deadline to be somewhere around October 15th, but that date could change pending official guidance**EQIP Contracts:**
  - We are still predominately working on certifying stock water projects. We have also started certifying management practices such as residue and tillage management, prescribed grazing, etc. We anticipate we will probably start hearing about irrigation items going in soon.**Fly Creek TIP Update:**
  - Seanna has been working on the TIP proposal for the Fly Creek Watershed
  - We have sent out factsheets on reverse osmosis systems as well as interest letters to gauge who would be interested in a) drilling a deeper well or b) installing a reverse osmosis system

- The project area would tentatively be a two-mile buffer on either side of Fly Creek while remaining in the watershed. We also trimmed out the northern portion of the watershed that is predominately cropland

#### **Corona Virus Agricultural Relief Payments (CARP):**

- Additional payments have been approved to provide relief to program participants who have installed certain practices in 2021.
- 7 practices were selected based on nationwide data pertaining to increased implementation costs and number of times the practice was implemented.
- The practices pertaining to our area are irrigation systems, irrigation pipeline, and livestock pipeline
- 2015 to 2021 EQIP and 2014 RCPP contracts are eligible to receive this payment but the work for these practices must have been completed in calendar year 2021.
- The calculated payment must be over \$300 to be eligible

#### **ECP/EQIP Funding**

- The deadline for FSA ECP funding for fire and drought relief is 9/29
- NRCS has sent out letters asking those in the fire affected areas to call us if they are interested in applying for emergency funding for fire remediation (seeding, deferred grazing, herbaceous weed treatment, etc.) If we get enough interest, we may be able to implement emergency programs as well.

#### ➤ **Yellowstone County**

- **Yellowstone County Extension** – Callie Cooley reported:
  - Wrapped up CC certified crop advisor training
  - About 120 nitrate samples have been done in county
  - Woman Stepping Forward for Agriculture conference will be in Billings this year. YCD Supervisor Leroy Gabel has been asked to be one of the presenters.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – none
- **Yellowstone County Floodplain** – Darin Swenson unable to attend today's meeting
- **Yellowstone County Weed Department** – Joe Lockwood
  - Salt Cedar Project spraying will be finished up next week. Spray area this year began at the Huntley Bridge working east to Jim Hein's property. Several areas of retreats with new spots found. Final report will be presented to YCD in October or November.
  - Spray season in the rest of the county was slow due to hot weather and drought. Concentrated on a few key roads in county for cheatgrass with considerable positive results.

#### ➤ **Old Business**

- **Audubon Center Pollinator Garden and workshop** – Ivie visited the pollinator garden to get an inventory for plants and grasses needed to get it ready for planting. What she encountered was a garden that was sadly neglected for the past year. The pollinator plants purchased with a grant (\$485.14) from YCD all died as did several of the plants purchased this spring with an additional \$200 YCD paid Canyon Creek Nursery. Technical advisors Callie Cooley and Joe Lockwood were asked to inspect the current state of the pollinator garden and report on whether it can be salvaged this year or not. Both commented from a resource standpoint, disappointment in the neglect of the garden - weed control and soil prep were not undertaken as Audubon verbally committed to this past spring to YCD, Cooley and Lockwood. Looking strictly at the resource, it will take a **minimum** of 2 years to get the garden ready for planting by first controlling weeds and then properly preparing the soil bed. After that, the garden will need to be tended and irrigated on a regular schedule which will take a considerable amount of manpower and financial commitment from Audubon. Lockwood indicated Yellowstone County Weed District will not provide weed control.

Supervisors discussed, with guidance from their technical advisors, our collective involvement in the Audubon Pollinator Garden and opted to withdraw sponsorship at this time. If the soil and weed problems are addressed and maintained properly, YCD will revisit sponsorship. An email will be sent to the Audubon Center relaying the consensus reached at today's meeting.

#### ➤ **New Business**

- **Rocky Mountain College YR clean-up sponsorship request** – Kayhan Ostovar, RMC Professor attended the meeting via Zoom. In addition to the handout provided explaining the program, he discussed specific goals for trash removal this year. Heavy equipment is donated by Billing's business and cash donations are used for small supplies. **Board discussion and decision:** YCD has been a sponsor of YR clean-up since its inception and every year donates money to ensure success. Peck made a motion to donate \$1000 to the RMC YR clean-up, second by Wagner, motion passed.

- **Board Meeting Absences:** Peck made a motion to approve Kraft and Robinson from today's board meeting, second by Wagner, motion passed.

- **Treasurer's Report** – Gabel made a motion to accept the August Treasurer's Reports as written and reviewed, second by Wagner, motion passed.
  - **Travel & Meetings** – MACD Area 4 meeting in Big Timber. The board instructed Ivie to inform Sweet Grass CD that YCD will not be attending or participating in the foreseeable future.
  - **NILE Ag in the Classroom** – For years YCD managed event logistics when the students were on the METRA grounds, helped pay for bussing of the students and donated CD canvas bags for teacher packets. Even though YCD will not physically be active this year, the board would like to continue with sponsorship of providing the canvas bags and assisting in the bussing costs. The bags have already been delivered. Gabel made a motion for YCD to sponsor bussing of the 4<sup>th</sup> grade students up to \$1000, second by Peck, motion passed.
- **Standing Committee Reports**
  - **City Reservoir** – Ruggles reported construction on the reservoir to the north will not be started for a couple of years.
  - **Lake Elmo Project** was discussed during FWP's report
- **Unscheduled Matters** – none
- **Next YCD Board Meeting** – Next YCD meeting date: October 27, 2021.

Meeting adjourned at 11:30 a.m.

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## **YELLOWSTONE CONSERVATION DISTRICT**

October 27, 2021, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

8:30 am

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Leroy Gabel, Brad Kraft, Barb Wagner

**BOARD MEMBERS ABSENT:** Clint Peck, Vice-chair; Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Ashlee Barker - NRCS; Shannon Blackburn - FWP; Joe Holzwarth - DNRC; Joe Lockwood - Yellowstone Co. Weed District; Darin Swenson – Yellowstone Co. Floodplain  
310 participants: Barry & Dena Bolton, Linda Hakert  
Zoom attendees: Bardell Mangum, FWP, Scott Brown, MSCA  
Conference call attendees: Swade Hammond & Marena Gilbert – ACOE

**Chairman Sedgwick called the meeting to order at 8:35 a.m.**

### **Roll Call**

Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Incorrectly identified on agenda under New Business: Discuss sending a support letter to DNRC for the American Prairie Reserve EIS should state 'analysis not EIS'

**Minutes:** Gabel made a motion to accept and approve September 15, 2021, meeting Minutes as written and reviewed, second by Wagner, motion passed.

### **Lake Elmo Outlet Structure Replacement Project Bid opening @ 9:00 am:**

Chair Sedgwick opened each bid and read aloud.

- 1) Donnes Construction total bid: \$78,000.02 – all required documents included in the bid package
- 2) Ed Baxter Construction total bid: \$49,970.00 – all required documents included in the bid package

Bardell Mangum, FWP tabulated the bids and provided the math tabulation form for board review. After reviewing, Gabel made a motion to award the bid to Ed Baxter Construction for \$49,970.00, second by Kraft, motion carried. All necessary paperwork will be provided to Ed Baxter for signature before the start of the project.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-05-22 – Exxon Mobil Billings Refinery, Yellowstone River** – Project approved at last month's meeting, but the Supervisor Decision Form 273 was inadvertently not signed. Supervisors signed.

#### **➤ Complaints & Violations:**

- **YE-15-20 and Complaint YE-01-20-C – Briarwood Golf Course, Blue Creek** – Golf Course management provided before and after pictures of the restored violation area. Wagner made a motion to accept the project as completed and declare Briarwood Golf Course has complied with the 310 Law, second by Kraft, motion passed.
- **YE-31-21 – BBWA, 12 Mile Creek** – the board reviewed the project completion form which included before and after pictures of the flume replacement.
- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP** – Marena Gilbert, ACOE informed the board that the City of Billings is unable to locate the site mitigation papers, conservation easement nor can they locate the signing over the site to the HOA. Gilbert is in the process of drafting a letter outlining what Larsen must do

to comply with ACOE rules and regulations. YCD will be cc'd on the correspondence and will address compliance with the 310 Law at the next YCD board meeting.

- **YE-04-22-Complaint, Barry Bolton, Yellowstone River** – As requested by the board at last month's meeting Bolton's brought in a plan describing how they will rectify the violation area to bring into compliance. After reviewing the draft plan, the board encouraged Bolton's to fill out the Joint Application to begin the 310 permitting process and other agencies in attendance encouraged them as well.
- **YE-01-22-Complaint – Billings Motorcycle Club, Yellowstone River** – as scheduled, YCD Board members Sedgwick, Peck, Gabel, Kraft, Robinson, and Wagner inspected the site of the complaint on 9/21/21 with board members filling out the Team member report of their findings. A decision was reached after looking at archived BMC permits and seeing no physical evidence of current activity that is outside of what was permitted in previous years (going back to 1987). **Board decision:** Kraft made a motion to declare the complaint submitted not a violation as defined by YCD's 310 Model Rules, and by the onsite inspections that have taken place so, therefore, determined the complaint to be invalid. The landowner and complainant will be notified in writing of the board's decision. Second to the motion by Gabel, the motion passed unanimously.

#### Other 310 issues & Projects

- **Yellowstone River CD Council Report - Gabel** – Meeting held October 22, 2021, in Billings.
  - The Irrigation Water Management Work Group reported on their activities assisting area irrigation districts including T&Y Canal Irrigation District, Hammond Irrigation District, Kinsey Irrigation Company, and Yellowstone Irrigation District. They are assisting T&Y, Hammond, and Yellowstone Irrigation Districts with project development applications using ARPA funding.
  - Salt Cedar is a problem of concern for several CDs. A report will be requested during the Council spring board meeting. In the meantime, Ivie is to contact several CDs and inquire into their level of interest to combine efforts regionally for grants.

#### Agency Reports in addition to written reports on pages 3-5 in the Minutes

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – Swade Hammond & Marena Gilbert attended via the conference line and contributed information on several 310 permits.
- **Beartooth RC&D – Barb Wagner** – no meeting held since last YCD board meeting
- **DNRC** – Joe Holzworth – participated during the 310 portion of the meeting
- **Fish Wildlife and Parks** – Shannon Blackburn reported Lake Elmo has consumed quite a bit of her time. She contributed to the discussion during the 310 portion of the meeting.
- **NRCS –Ashlee Barker - October 2021 Billings Field Office Board Report** as written and submitted:
  - Office Operations During COVID-19- We are continuing to maximize telework. We are currently down to 25% capacity in the Billings Field Office (including board members). Currently, we are not allowing visitors into the office.
  - CSP – currently accepting applications for CSP Classic. We have 3 renewal applications. The deadline to have these ranked and assessed is November 5<sup>th</sup>
  - EQIP Contracts – Jim has been doing a lot of pivot designs. We are gearing up to get pivots installed and paid on. Finishing up a few payments on stock water systems. We are also completing mods to get contracts back on schedule and clean up a few prior year items.
  - EQIP Applications – The deadline for EQIP applications for FY 2022 is October 29th. Applicants must have an application turned in as well as a conservation planning workbook. Currently, we have about 10 completed application packets for EQIP.
  - FY2023 Targeted Implementation Project (TIP) Proposals – We have completed the draft TIP proposal for FY2023 consideration. This will include the reverse osmosis systems in the Fly Creek watershed. There is a draft of the TIP proposal attached for your review. Please read this over and feel free to call Seanna or Ashlee with any questions.
  - MSCA RCPP Funding – This RCPP is focused on saline seep reclamation. The core practices for this are Forage and Biomass Planting and Salinity and Sodic Management. Yellowstone County is listed as a high-risk county for salinity development. Through the MT Salinity Control Association groundwater investigations are completed to determine the location and size of the recharge area to ensure land-use changes are planned where the highest impact can occur. During these investigations, they drill shallow monitoring wells which allow them to investigate and better understand the hydrology of the seep area. Then they develop a comprehensive

reclamation plan tailored to that specific site. More information can be found here:

<https://www.nrcs.usda.gov/wps/portal/nrcs/mt/programs/farmbill/rcpp/9aa43aef-a460-4a07-ab1f-ab6ff135be69/>

- Fly Creek Salinity information meeting for landowners – Board reviewed sponsorship in cooperation with Big Horn CD, NRCS, and Montana Salinity Control Association the 3<sup>rd</sup> or 4<sup>th</sup> week of January. Ivie will coordinate details and plan accordingly.

➤ **Yellowstone County**

- **Yellowstone County Extension** – Callie Cooley is unable to attend today but emailed this report:
  - She is starting to transition from several large fall events to winter program planning (Winter Ag Forum and Malt Barley and Sugar Beet Symposium).
  - Thank you again to Leroy and Syd who participated in the Generations Panel at the WSFA Conference. They did great and offered much-needed wisdom.
  - Fourth Grade Ag Ed went well. We saw fewer kids, but there was still a great turnout all things considered (app. 1200 students). Instructors adapted well without the use of the grandstands and Yellowstone Room.
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – none
- **Yellowstone County Floodplain** – Darin Swenson unable to attend today's meeting
- **Yellowstone County Weed Department** – Joe Lockwood reported on the complete YR Salt Cedar spraying project: Because of the reduced amount of grant funding, the spray crews focused mostly on the maintenance of previous areas sprayed. Backtracked from Jim Hein's to the Huntley Bridge. Approximately 78,000 trees were sprayed with a total project cost of \$69,625.60. **Board decision:** Gabel made a motion to accept the 2021 YR Salt Cedar project final report and submit for reimbursement from the 223-grant fund of \$25,000, second by Wagner, motion passed.

➤ **Old Business**

None

➤ **New Business**

- **Consider writing a support letter for DNRC** to conduct their analysis of the Taylor Grazing Act and how it applies to the American Prairie Reserve. Gabel made a motion to table discussion and/or decision until YCD has a chance to see the language DNRC comes up with, second by Wagner, motion passed. In the meantime, Ray Beck will be asked to find out more information.
- MT Salinity Control Association board member recruitment request. Ivie is to inform the MSCA office that YCD Supervisors are not available to serve on the board at this time.

➤ **Board Meeting Absences:** Wagner made a motion to approve the absence of Peck and Robinson from today's board meeting, second by Gabel, motion passed.

➤ **Treasurer's Report** – Kraft made a motion to accept the September Treasurer's Report as written and reviewed, second by Gabel, motion passed.

- **Travel & Meetings** – None

➤ **Standing Committee Reports**

- **City Reservoir** – Ruggles reported construction on the reservoir to the north will not be started for a couple of years.
- **Lake Elmo Project** was discussed during FWP's report

➤ **Unscheduled Matters** – none

➤ **Next YCD Board Meeting** – Next YCD meeting date: floating date

Gabel called for the meeting adjournment at 11:17 a.m., second by Kraft.

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

January 12, 2022, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

9:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Leroy Gabel, Brad Kraft, Stacey Robinson

**BOARD MEMBERS ABSENT:** Clint Peck, Vice-chair; Barb Wagner

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske - NRCS; Shannon Blackburn - FWP; Joe Holzwarth - DNRC; Joe Lockwood - Yellowstone Co. Weed District; Darin Swenson – Yellowstone Co. Floodplain  
310 applicants and/or representatives: Barry & Dena Bolton, Kenny Winkler

**Chairman Sedgwick called the meeting to order at 9:15 a.m.**

### **Roll Call**

Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Kraft made a motion to accept the October 27, 2021, meeting Minutes as written and reviewed, second by Gabel, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-41-21 – Northwest Energy, Yellowstone River area** – Project was relocated to the south end of the original project site. **Board decision:** Gabel made a motion to declare the new site a non-project because it will be bored and will not impact the immediate bed or bank of the YR, seconded by Robinson, motion passed.
- **YE-07-22 – ZooMT** – application to utilize the present drainpipe to Canyon Creek for newly constructed ponds on ZooMT grounds. **Board decision:** Kraft made a motion to declare a non-project because it does not impact the immediate bed or bank of Canyon Creek, second by Gabel, motion passed.
- **YE-06-22 – Jeff Welch**, Yellowstone River riprap project. After hearing the cost involved in riprapping, Welch sent a letter via his design consultant to withdraw the application.
- **YE-08-22 – Phil Fleming**, Yellowstone River riprap project. Inspection date & team: 1-10-22, Sedgwick, Kraft, Swenson, Ivie, Swenson, Kenny Winkler. Board discussion and decision: The Fleming property has a history of erosion issues to which Fleming has been riprapping sections for years. Inspection team members indicated the project is straightforward and needed to save the Fleming property and structures. **Board decision:** Kraft made a motion to accept YE-08-22 and approve as proposed, second by Robinson, motion carried.
- **YE-11-22 – Waco Custer Ditch Company, YR** – notice to pull back previous rock riprap that sloughed in the river when the bank eroded. This project is tied to the Emergency Notice the ditch company submitted 6/7/21. While the contractor is onsite, in addition to dragging the rock up on the bank, unacceptable materials will be removed, and the bank restored in a pristine fashion. **Board decision:** Kraft made a motion to approve Waco Custer Ditch Company to pull back the sloughed boulders, second by Robinson, motion carried.

#### **➤ Complaints & Violations:**

- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP** – 10/27/22 meeting Minutes: Marena Gilbert, ACOE informed the board that the City of Billings is unable to locate the site mitigation papers, conservation easement nor can they locate the signing over the site to the HOA. Gilbert is in the process of

drafting a letter outlining what Larsen must do to comply with ACOE rules and regulations. YCD will be cc'd on the correspondence and will address compliance with the 310 Law at the next YCD board meeting.

**Today's meeting:** YCD Board members discussed not receiving the ACOE correspondence and the need for YCD to move forward and decide on remedial work. **Board decision:** Kraft made a motion for Larsen's to fill out a 310-application describing how they are going to restore Alkali Creek to its original contours by putting the rocks they relocated back in the creek to their original location. The bridge and irrigation line does not need to be removed. Second to the motion by Robinson, motion passed.

- **YE-10-22 -- Barry Bolton, Yellowstone River** – Presented a 310 application with drawings for YCD Board consideration and approval to bring the unpermitted work on his property into compliance with **YE-04-21-Complaint** before highwater this year. **Board decision:** Robinson made a motion to approve YE-10-22 as presented to remove questionable materials and correct the violation, second by Gabel, motion passed.
- **YE-39-21 – Gene Klamert, YR violation** – Interstate Engineering on behalf of Klamert submitted a time extension request. Justification for the request reads: The work specified in the submittal, presented to the District in January 2021, has been completed except for re-planting the disturbed areas. Bare root shoots were not available through a local supplier at the time of construction. A nursery in Big Timber, MT has been contacted and will provide all necessary seed and willow shoots to complete re-planting of the disturbed areas by mid-spring. Accordingly, an extension is requested until the end of June 2022. **Board decision:** After the board reviewed pictures of the completed work to date, Gabel made a motion to grant the requested time extension to June 30, 2022, for YE-39-21, Kraft seconded the motion and it passed.

#### Other 310 issues & Projects

- **Yellowstone River CD Council Report - Gabel** – No recent meeting held. Dan Rostad, Council Coordinator has scheduled a January 31, 2022, meeting to discuss the possibility of adjoining counties and agencies to begin formation of a work group to investigate salt cedar eradication on a larger scale. YCD will be represented at that meeting.

#### Agency Reports in addition to written reports on pages 3-5 in the Minutes

- **Administrator's Report** – provided to board members before today's meeting outlining work accomplished since the last board meeting. No comments or questions were received.
- **Army Corps of Engineers** – Swade Hammond & Marena Gilbert unable to attend today's meeting
- **Beartooth RC&D – Barb Wagner** – no meeting held since last YCD board meeting
- **DNRC** – Joe Holzworth – participated during the 310 portion of the meeting. He also mentioned that he is in the process of drafting a letter of authorization to issue to YCD for the maintenance of the Living Snow Fence site on Highway 3. YCD has maintained the site, kept the fences repaired, controlled weeds, planted replacement trees, and paid for new signage since it was established in the early '90's.
- **Fish Wildlife and Parks** – Shannon Blackburn reported Lake Elmo has consumed quite a bit of her time. She contributed to the discussion during the 310 portion of the meeting.
- **NRCS –Seanna Torske reported:**
  - The Pheasants Forever Cooperative position has been filled in the Billings FO.
  - The YCD Board reviewed and signed the 2022 Civil Rights and Equal Opportunity document.
  - The Local Work Group survey that NRCS & YCD worked on will be sent out on the GOV. link to Yellowstone County producers. The results will be tabulated and relayed to YCD to assist in establishing priority resource concerns in the county.
- **Yellowstone County**
  - **Yellowstone County Extension** – Callie Cooley resigned her position as Extension Agent. The vacancy is being advertised.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – none
  - **Yellowstone County Floodplain** – Darin Swenson participated in the 310 portion of the meeting. He also reported most of his time is being taken up with the Northwestern Energy proposed Laurel plant on the south side of the YR.
  - **Yellowstone County Weed Department** – Joe Lockwood attended a 4-county meeting to discuss cooperating on salt cedar eradication. He emphasized to the group that if the upstream counties with a salt cedar problem are not controlled the downstream counties would be throwing their money away to spray.
    - Lockwood presented the 2022 Salt Cedar project grant application for 223 funds to YCD for consideration. Gabel made a motion to apply for a 223 grant in the amount of \$25,000 to further the progress of salt cedar eradication on the Yellowstone River in Yellowstone County, second by Kraft, motion passed.

- **Old Business** - None
  - **New Business** - None
  - **Board Meeting Absences:** Robinson made a motion to approve the absence of Peck and Wagner from today's board meeting, second by Gabel, motion passed.
  - **Treasurer's Report** – Gabel made a motion to accept October, November and December's Treasurer's Reports as written and reviewed, second by Kraft motion passed.
    - **Travel & Meetings** – None
  - **Standing Committee Reports**
    - **Arbor Day 2022** – Tree order is confirmed for delivery the last week of April. Supervisors directed Ivie to find more trees if possible.
    - **City Reservoir** – Robinson reported the Yellowstone River proposed intake numbers came in very high – \$9 million for the pipe. The numbers also came in much higher than the City of Billings estimated for the Water Treatment plant - \$60 million. The City does not have the funding at this time. Board members expressed their concern when this information gets out to Billings residents because their water bills reflect a fee to get the reservoir built. Robinson indicated that if the conservation benefits and education component of the project are to go forward it will have to be through some other funding means.
    - **Fly Creek drainage meeting** – YCD, Big Horn CD, Billings and Hardin NRCS employees are actively planning the implementation of a meeting for folks concerned with salinity in the Fly Creek drainage. Others assisting with presentations and active in the work group include the MT Salinity Control Association, Yellowstone County Extension. Gabel made a motion for YCD to fund mailing costs associated with the meeting, second by Robinson, motion passed.
    - **Lake Elmo Project** dirt work, pending the weather, will begin Feb. 9 or 16, 2022.
  - **Unscheduled Matters** – none
  - **Next YCD Board Meeting** – Next YCD meeting date: floating date
- Gabel called for meeting adjournment at 11:32 a.m., second by Kraft.

# ***YELLOWSTONE CONSERVATION DISTRICT***

*1371 RIMTOP DRIVE, BILLINGS, MT 59105*

*PHONE: 406.247.4420; FAX: 406.247.4416*

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## **YELLOWSTONE CONSERVATION DISTRICT**

April 5, 2022, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

8:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Ashlee Barker, Noah Starling - NRCS; Darin Swenson - Yellowstone Co. Floodplain; Joe Holzwarth - DNRC; Joe Lockwood - Yellowstone Co. Weed District; Shannon Blackburn - FWP  
310 applicants and/or representatives: none

**Chairman Sedgwick called the meeting to order at 8:00 a.m.**

### **Roll Call**

Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** The order of some agenda items will be switched to accommodate people's schedules.

**Minutes:** Gabel made a motion to accept January 12, 2022, meeting Minutes as written and reviewed, second by Kraft, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-11-22 – Joy Stevens, Alkali Creek** – Restore an existing water storage facility after flooding and normal sedimentation filled an irrigation pond. The application also includes a multi-year maintenance plan. Inspection date and Team: 4/4/22; Gabel, Peck, Blackburn, Stevens. Team members reported the project will involve excavation and removal of sediment deposited in the former pond location to restore the facility to its prior size and function. **Board decision:** Peck made a motion to approve as proposed, with the absence of the annual maintenance permit request, seconded by Gabel, motion passed.
- **YE-12-22 – River Ranch Retreat, Yellowstone River area** installation of a drainpipe in a return ditch on the west end of the property. Supervisors discussed the general area of the proposed project and decided to inspect the site to determine if the project falls within YCD jurisdiction. Inspection set for 4-8-22.

#### **➤ Complaints & Violations:**

- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP** – As decided at the 1/12/22 board meeting, a letter was sent to Larsen outlining steps to take to bring the area into compliance. Larsen responded by email that he submitted a 310 application last year and will out another if necessary but he feels like at this point it may do more harm going back in and doing some of the things he proposed than good since most of the area has already regrown. He indicated he is willing to do whatever is necessary to bring the area into compliance. Since Blackburn submitted the complaint she will contact Larsen, view the site, and submit a report to YCD as to the current state of the violation area.
- **YE-10-22 -V -- Barry Bolton, Yellowstone River** – Sent an email on 4/4/22 stating that the Floodplain permit was issued on 4/4/22 so now they can begin restoration of the violation site during which they will provide progress pictures as well as completion pictures.
- **YE-39-21 – Gene Klamert, YR violation** – Interstate Engineering on behalf of Klamert submitted a time extension request. Justification for the request reads: The work specified in the submittal, presented to the

District in January 2021, has been completed except for re-planting the disturbed areas. Bare root shoots were not available through a local supplier at the time of construction. A nursery in Big Timber, MT has been contacted and will provide all necessary seed and willow shoots to complete the re-planting of the disturbed areas by mid-spring. Accordingly, an extension is requested until the end of June 2022. **Board decision:** After the board reviewed pictures of the completed work to date, Gabel made a motion to grant the requested time extension to June 30, 2022, for YE-39-21, Kraft seconded the motion and it passed.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report – Gabel** reported that the Council Coordinator Dan Rostad wants to lobby the Legislature to augment CD funding through marijuana taxes collected at the state level.

#### **Agency Reports in addition to written reports on pages 3-5 in the Minutes**

- **Administrator's Report** – no report was provided this month due to illness.
- **Army Corps of Engineers** – Swade Hammond & Marena Gilbert are unable to attend today's meeting
- **Beartooth RC&D – Barb Wagner** – Wagner missed the last meeting
- **DNRC** – Joe Holzworth – provided the Letter of Authorization for the Living Snow Fence before today's meeting. Participated in the 310 portion of the meeting.
- **Fish Wildlife and Parks** – Shannon Blackburn reported New Zealand mud snails have been discovered in the FWP Bluewater fish hatchery south of Laurel. She will be assisting in the cleanup and as details become available the board will be informed.
- **NRCS –Ashlee Barker**
  - Introduced Noah Starling, the new Pheasants Forever Cooperative hire in the Billings FO.
  - April field office report:
  - Covid Operations: We are currently at 75% staffing and the doors are unlocked. This is subject to change, but it looks like COVID case numbers are continuing a downward trend so hopefully, operations remain the same for awhile
  - EQIP: We are currently in the middle of EQIP funding. We have 4 applications pre-approved through our Yellowstone Big Horn Irrigation Improvement TIP. These will all be converting flood systems to pivots. We also have 2 Applications pre-approved in the Sage Grouse Initiative fund pool. These applications are primarily for stock water and fencing projects. They both have prescribed grazing plans as well. We are also hoping to fund an RCPP EQIP NGPCP application but haven't been notified of preapprovals for this fund pool yet.
  - CSP: We finished up our CSP applications last week and are moving into pre-approval. It's not looking like we will get any classic applications funded at this time, but we will just have to wait and see.
  - Targeted Implementation Plans: All the TIPs for the Bozeman area were approved including the Fly Creek TIP and a TIP to promote the use of stripper headers and soil health practices.
  - Fly Creek TIP: At some point, we need to plan a meeting to discuss the possibility of a 223 grant to financially assist Fly Creek TIP participants in conducting the water quality testing that is required in implementing these practices. There may also be funding available for water quality monitoring through MT DEQ.
  - Soil Health TIP: This TIP is focusing on improving soil health and moisture retention on dryland crop fields, with a focus on Stripper Header equipment (along with some other required practices). Our area agronomist wrote this TIP and she is planning to do workshops at some point to further explain the requirements.
  - Local Working Group Questionnaire: No responses on the Google Doc Form that Noah Starling created and was mailed out.
  - Staffing: Noah Starling, Partner Biologist with Pheasants, forever started in the office on February 7<sup>th</sup>
- **Yellowstone County**
  - **Yellowstone County Extension** – No news on the new County Agent
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – Application and request from Mark Boone to be YCD's representative on the City/County Planning Board. After reviewing Boone's introduction letter and qualifications the board would like Boone to attend the next YCD meeting to determine if there is a fit.
  - **Yellowstone County Floodplain** – Darin Swenson participated in the 310 portion of the meeting. He also reported most of his time is being taken up with the Northwestern Energy proposed Laurel plant on the south side of the YR. The County Commissioners affirmed the issuance of the floodplain permit to NWE.
  - **Yellowstone County Weed Department** – Joe Lockwood
    - Thanked Peck for assisting with the development of the Salt Cedar monitoring plan.
    - Having trouble getting workers to spray this summer. If Lockwood has to run a spray truck, his regular duties will take a back seat.

➤ **Old Business - None**

➤ **New Business**

- **Billings City Parks Request** – YCD is invited to be a participant in the Billings Parks Arbor Day event for 4<sup>th</sup> graders. Ivie has been working with the group to incorporate the soil tunnel as one of the booths. Ashlee Barker will check on availability and offered for the Billings NRCS to man the soil tunnel.
- **Salt cedar Control Monitoring on the Yellowstone River** in collaboration with the Yellowstone County Weed District and Rocky Mountain College – Peck presented the following overview:
  - **Summary:** To evaluate and monitor invasive Salt Cedar (*Tamarix spp.*) control efforts in the project area using appropriate field survey techniques. These techniques will be outlined in collaboration with a project team from the three entities involved.
  - **-- Project Team:** \_\_Student RMC; Supervisor RMC; Yellowstone Conservation District Representative; Yellowstone Weed District Representative
  - **Methodology:** Establish three (3) to five (5) randomly selected transect plots of 10x10 – 15x15 meters each in areas previously treated by herbicides.
  - **Measurables:** Live vegetation composition; Live tissue in Salt Cedar; Percent live Salt Cedar canopy cover; Other measurable as determined by the project team
  - **Project Area:** Selected reaches within the Yellowstone River riparian areas in Yellowstone County.
  - **Time Frame:** May 1, 2022 – Establish plots and begin survey work; Aug 1, 2022 – Mid project report; Dec 1, 2022 – Final project report**Estimated Budget:** Not to exceed \$5,000

**Board discussion:** This opportunity was developed after the Noxious Weed Trust Fund strongly suggested monitoring the effectiveness of past years spraying success. Establishing monitoring is not a guarantee of future successful grant applications but it will show that YCD is committed to the project. It also could lead to a multi-county effort down the road. Peck believes \$2,000 gets monitoring work done thru September. **Board decision:** Gabel made a motion to fund the Salt Cedar Monitoring project from YCD's FY22 budget resources at \$2,000 to quantify YCD's involvement, second by Wagner, motion passed.

- **Multi-county Salt Cedar eradication effort** – Gabel made a motion to have the Yellowstone River CD Council/Dan Rostad be the lead on the formulation of a cooperative agreement between surrounding CDs and the YRCDC to move forward on a multi-county effort second by Peck, motion passed.

➤ **Board Meeting Absences:** All Supervisors present

➤ **Treasurer's Report** – Kraft made a motion to accept January, February & March Treasurer's Reports as written and reviewed, second by Wagner motion passed.

- **Travel & Meetings** – None

➤ **Standing Committee Reports**

- **Arbor Day April 29, 2022** – Ivie provided a progress report: 475 bare root trees ranging from 2' to 5' will be delivered April 18<sup>th</sup> to Peck's warehouse, Board members and several agency volunteers have been lined up to hand out trees; the event will take place in Peck's warehouse parking lot again this year; news release is ready for distribution; one or two YCD Supervisors will do the TV interviews.
- **City Reservoir** – Robinson reported the project has been pushed back a year due to multiple issues and increased costs.
- **Fly Creek drainage meeting** was held on March 1<sup>st</sup>. Peck and Barker reported that there was a good turnout to hear about the issues surrounding salinity in the drainage. To follow-up: The board asked for a news release to be developed to keep people informed about the meeting content and what steps are being taken to address the issue. Barker and Peck will work on it.
- **Lake Elmo Project** – Peck has been overseeing the construction of the project along with FWP personnel. The headgate is not in yet, bottom pipe is in, and seal is pressed in the structure rather than bolted in. For those that want to tour the progress, an onsite inspection has been set up for after the YCD meeting today. Peck also worked with FWP to submit an education video grant to the AIS state committee to document clam eradication in Lake Elmo. A Zoom grant hearing is scheduled for the morning of April 18<sup>th</sup>. Peck and Ruggles will present the application to the committee with assistance from Ivie & Blackburn if needed.

- **Unscheduled Matters** – none
- **Close meeting with the public** to discuss personal issues. No decisions, motions, or actions were taken during the closed session. The meeting was opened back up to the public once the discussion was finished.
- **Next YCD Board Meeting** – Next YCD meeting date: 1<sup>st</sup> or 2<sup>nd</sup> week in May

Peck called for meeting adjournment at 10:25 a.m.

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**Chad Sedgwick, Chairman**

**LaVerne Ivie, YCD Administrator**

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

May 17, 2022, **Board Meeting Minutes**

FWP Conference Room

2300 Lake Elmo Drive, Billings MT 59105

8:30 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Barb Wagner

**BOARD MEMBERS ABSENT:** Brad Kraft, Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie, Ray Beck – YCD; Ashlee Barker, Seanna Torske, Noah Starling - NRCS; Darin Swenson - Yellowstone Co. Floodplain; Joe Lockwood, Yellowstone Co. Weed District; Stephanie Criswell, Veronica Grigaltchik - DNRC; Tom Wolf, Mike Ruggles, Shannon Blackburn – FWP; Dan Rostad, Michael Perkins, John Moorehouse, YRCDC Sen. Duane Ankney  
310 applicants and/or representatives: Tyler Lindbloom, Interstate Engineering; Scott Aspendaile, Performance Engineering;  
Zoom: Brandon Duffey, Great Western Engineering; David Mitchell, landowner; Nikki Wallenta, KLJ Engineering

Chairman Sedgwick called the meeting to order at 8:35 a.m.

### **Roll Call**

After introductions, Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None presented

**Minutes:** Peck made a motion to accept April 5, 2022, meeting Minutes as written and reviewed, second by Gabel, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-12-22 – River Ranch Retreat HOA, Yellowstone River area** – Inspection date and team: Peck, Gabel, Wagner, Swenson, HOA reps. Gabel made a motion to accept project #YE-12-22 withdrawal by applicant, second by Peck, motion passed. A signed copy of Form 273 indicating withdrawal of the application will be sent to the HOA.
- **YE-13-22 – Alkali Creek Timbers, LLC – Alkali Creek** – Inspection date and team: 4/18/22; Team: Wagner, Kraft, Ivie, Blackburn, Mitchell & Duffey. The Team requested a complete description of the temporary road that will be constructed for ease of equipment access adjacent to the bridge project. Mitchell and Duffy provided and presented design plans: This bridge construction is in support of a new subdivision of homes within Yellowstone County. The bridge is necessary to provide a second access for the subdivision. Single span bridge is estimated to span 105 ft. over Alkali Creek. The span will allow the structure and abutment protection to span the existing floodway. The bridge will be supported by steel H-piles and cast-in-place concrete pile caps. The new structures will accommodate two lanes of traffic and two 5' wide sidewalks to meet City of Billings requirements. Road embankment will be required on the south side of the bridge to construct approach. Board decision: Wagner made a motion to accept YE-13-22 as designed, second by Gabel, motion passed.
- **YE-14-22 – Yellowstone Valley Electric Cooperative, Yellowstone River flood fringe.** Inspection waived because there is a riprapped bank and a county road between the project location. Engineer Aspendaile explained the project and then voiced his frustration with the ACOE taking jurisdiction on a drain ditch. **Board decision:** Gabel made a motion to declare a non-project, second by Wagner, motion passed. Engineer signed Form 273 on behalf of his clients.
- **YE-15-22 – Huntley Project Irrigation District, Yellowstone River** – Inspection date and team: 2-26-21; Sedgwick, Gabel, Ivie, Swenson, Gilbert, HPID reps. Project description: Aspendaile presented the design for 300 lineal feet of the south bank of the Yellowstone River to be reinforced with riprap to limit the amount of channel migration that occurs in the future. **Board decision:** Peck made a motion to approve the project as proposed, second by Gabel, motion passed.
- **YE-16-22 – Torgerson's Real Estate Holdings, LLC, Grey Eagle Irrigation Ditch** – Inspection date: 4-27-22; Team: Robinson, Wagner, Gabel, Peck, Ivie, Aspendaile. **Board decision:** Peck made a motion to declare YE-27-22 a non-project because it does not impact the YR nor does YCD have jurisdiction on irrigation ditches, second by Wagner, motion passed.

- **YE-27 thru 23-22 – Horizontal Direction Drill seven (7) sites on Alkali Creek.** Inspection waived. Engineer Wallenta provided overall details for burying fiber optics cable. **Board decision:** Peck made a motion to declare all seven sites non-projects and exempt from the 310 Law, second by Wagner, motion passed.
  - **YE-24,25,26-22 – Cenex Pipeline, LLC – Horizontal Direction Drill below Yellowstone River, Duck Creek, Blue Creek.** Inspection waived. Peck made a motion to declare the three sites non 310 projects, second by Wagner, motion passed.
  - **YE-27-22 – Gene Klamert, Yellowstone River riprap project –** Inspection date 5-13-22; Team: Sedgwick, Gabel, Ivie, Swenson, Klamert, Lindbloom. Engineer Lindbloom provided the project description: 550 LF bank section will be graded and armored at a slope not to exceed 2:1. Armoring will be done using MDT Class II angular rock rip rap. Construction will be done during low flows late this summer. Upstream of the project site is the City of Billings proposed intake structure site and downstream is already rock riprapped bank to protect the feedlot. **Board decision:** Gabel made a motion to approve as submitted, second by Wagner, motion passed.
- **Complaints & Violations:**
- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP –** Shannon Blackburn reported that she has been playing phone tag with Larsen but will make every effort to get with him before the YCD June board meeting.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report –** Gabel gave Rostad the floor to report:
- Council members as well as others are echoing the same frustrations with the ACOE as was expressed today by meeting attendees. It is a state problem that needs to be handled by all CDs on behalf of landowners.
  - YRCDC works with quite a few entities to assist irrigation districts but mostly in the lower end of the Yellowstone River.
  - **Salt Cedar infestation –** Look for long-term funding since there is a statewide need. John Moorehouse advised the group to recognize Common Buckhorn and Russian Olive trees in addition to Salt Cedar. One way to establish cooperation across county lines is to establish a team to build a working group. YCD Supervisor Peck will take the lead. Stephanie Criswell has looked for and found DNRC and AIS grant money to further the spraying efforts on the Yellowstone River. In addition to YCD receiving a \$25K RAC 223 grant, the YR Council in cooperation with the Missouri River CD Council Salt Cedar Team could receive two more grants for eradication efforts - \$25K and \$27K. Details will be worked out with all those involved.
- **2022 Yellowstone River 310 Tour –** Board discussed the need to hold a 2-day event. It could be consecutive days or one (1) day in each of two (2) weeks. The lead jet boat captain has committed to provide the two-day service again this year. In past years, DNRC has allocated addition funds through the 310 program funding. Ivie will work with Stephanie Criswell to explore that funding avenue again for this year's tour. If YCD can get financial assistance, the invite list could be expanded to include not only local agencies with permitting authority but also a few people from DNRC. Last year DNRC Director Kaster was able to join YCD on the tour and hopefully she and DNRC Deputy Director Davant will be able to attend this year.

#### **Agency Reports**

- **Administrator's Report –** Report provided prior to today's meeting. No comments or questions received.
- **Army Corps of Engineers –** Marena Gilbert unable to attend today's meeting
- **Beartooth RC&D – Barb Wagner –** Wagner reported the next RC&D meeting will be held May 19<sup>th</sup>.
- **DNRC –** Stephanie Criswell and Veronica Grigaltchik reported on current DNRC programs and upcoming events. Criswell mentioned that the Resource Advisory Committee is the conduit between CD's and DNRC for funding sources. YCD Supervisors thanked DNRC for funding several of YCD's grants.
- **Fish Wildlife and Parks –** Shannon Blackburn has been very busy with Lake Elmo work. She will check on how YCD should invoice FWP to pay for the deficit in headgate replacement costs (may be a moot point if DNRC is able to amend the state grant)
- **NRCS –Ashlee Barker --** Billings Field Office Report – May 2022
- EQIP FY 2022 Applications
    - Sage Grouse Initiative: We have two pre-approved applications in this fund pool. Stockwater and prescribed grazing. These have been sent to the area office for final review and obligation.
    - Big Horn Yellowstone Irrigation Improvement TIP: We have four pre-approved applications in this fund pool for converting flood to pivot irrigation. These have been sent to the area office for final review and obligation.
  - EQIP Contracts
    - We have been working on livestock pipeline surveys and will be getting out in the field to do as built surveys on pivots here soon. There are also a couple of stockwater projects in the works that will require certification here in the coming weeks.
  - CSP Classic Applications
    - So far we have not gotten any CSP classic applications funded but they are still working through them with changes in ranking etc. It's possible we could get one funded but time will tell.
  - CSP Renewals
    - One CSP renewal application for this year which we will begin planning here shortly.
  - Outreach
    - Tori and I attended the Billings Parks Arbor Day at Castle Rock Park on the 5th of May with the Soil Tunnel. We discussed the importance of soils and soil health with about 200 4th graders
  - Local Work Group
    - Do we need to have one this year? Priorities in the county now that we have gotten past the Fly Creek TIP? YCD Supervisors decided to continue with the Fly Creek Watershed area as YCD's #1 priority resource concern.

- Stripper/shredder-header demonstration – Barker asked the board to sponsor a workshop/demonstration on a farm that uses this type of combine header. Gabel made a motion to sponsor the workshop, Peck seconded the motion, passed.

➤ **Yellowstone County**

- **Yellowstone County Extension** – No news
- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – Mark Boone withdrew his application to represent YCD on the planning boards citing his personal job would not allow him to spend a significant amount of time on planning board issues and work.
- **Yellowstone County Floodplain** – Darin Swenson reported his office is slowly updating the floodplain regulations.
- **Yellowstone County Weed Department** – Joe Lockwood
  - Thanked Gabel and Ivie for attendance at the 223 grant hearing. YCD was successful in getting the \$25K grant to spray salt cedar on the Yellowstone River corridor again this year.
  - Board discussed the need to augment deficit in the spraying budget since the Noxious Weed Trust Fund criteria has changed. Peck made a motion to ask the Yellowstone County Commissioners to increase the PILT money they provide to YCD for the salt cedar project from \$5K to \$10K, second by Wagner, motion passed. A formal request will be developed to present at the county budget hearing.

**BUSINESS MEETING**

➤ **Old Business**

- **Salt Cedar eradication efforts** - discussed during different presentations throughout the meeting. Beck will attend meetings on behalf of the YCD to determine the best route and with whom to partner with for pursuit of woody species legislation.

➤ **New Business**

- **Cooperative Agreement between Yellowstone CD & Cascade CD** – Discussions have been ongoing with the Cascade CD Board outlining the benefits for both boards to share the talents and expertise of YCD's parttime employee, Ray Beck. Employment terms, duties, etc. were discussed with Beck and he agreed to work for both CDs. Gabel made a motion to enter into the agreement presented today with Cascade CD, second by Peck, motion passed.

➤ **Board Meeting Absences:** Gabel made a motion to approve the absences of Robinson and Kraft from today's board meeting, seconded by Peck, motion passed.

➤ **Treasurer's Report** – Wagner made a motion to accept the April Treasurer's Report as written, second by Gabel, motion passed.

- **Travel & Meetings** –

- **Range Days** – Huntley Project 4-H Club has requested sponsorship for 5 students and 1 chaperone to attend 2022 MT Range Days. YCD has a line item in this year's budget to sponsor youth education so will be able to cover all registration costs. The AG teacher will put together other costs they may need assistance with and present at the YCD June board meeting.
- **Future Fisheries spring meeting** – Peck requested his time be covered for attending the meeting June 14-16<sup>th</sup>. This expenditure is also covered by a budget line item.
- Beck will represent YCD at the MT Salt Cedar Team meeting in Lewistown, June 22<sup>nd</sup>.

➤ **Standing Committee Reports**

- **Arbor Day April 29, 2022** – Because of the rain, only half of the trees were dispersed on 4/29. A decision was made to hold a second day on 5/6. There was a steady flow of individuals during both days with all trees given away. Most Supervisors attended and expressed their opinion to hold it again in 2023.
- **City Reservoir** – Still on hold pending City of Billings decision.
- **Fly Creek drainage meeting** news release was edited by Peck, NRCS submitted it to the Yellowstone County News. Even though it is a costly venture to monitor the drainage consistently, focus could be narrowed to surface water and wells, existing and natural salinity. Chair Sedgwick appointed Peck to work with NRCS and Big Horn CD on setting up a field tour early fall.
- **Lake Elmo Project** –
  - **AIS Education Video** - Peck will work with the Lake Elmo team to develop 3 or 4 short videos.
  - **FY22 Lake Elmo State Park grant from the Legislature (HB-2) for \$50K** - Criswell informed the board that DNRC may be able to amend the Lake Elmo grant YCD received from the Legislature so that the whole headgate project is paid through the first year of the HB-2 grant. She will work with Peck and Ivie on options and together they will rework the grant narrative. In the meantime, Peck, Ivie, and Criswell will work on the final grant report and have it ready when the grant is amended. Ed Baxter Construction invoice to replace the headgate was reviewed and approved by the board for \$49,970.00.
  - **FY23 Lake Elmo State Park grant from the Legislature for \$50K**. Ruggles informed the group that the AIS piece does not need much additional funding, so we have an opportunity to utilize the funds in another area that has an AIS component. Tom Wolfe, FWP suggested YCD research and consider funding a CD 3 cleaning station. The Park is a perfect place to install a unit. After reviewing the materials provided Sedgwick appointed Peck to take the lead with FWP and report on his findings at the June YCD Board meeting. If the work group has other ideas for projects, Peck

will present those also. The working group will develop a narrative outlining tasks once a project concept is approved but that may not happen until after the start of FY23.

- **Tour of Lake Elmo following today's meeting** to showcase what's been accomplished and what is left to be done. Ray Beck worked with YCD to set up the tour and extend invitations to those that made additional funding of the project possible. Yellowstone County Commissioners, County Legislators and agency people were invited to attend.

- **Unscheduled Matters** – none
- **Next YCD Board Meeting** – Next YCD meeting date: 1<sup>st</sup> or 2<sup>nd</sup> week in June

Gabel called for meeting adjournment at 11:29 a.m.

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## **YELLOWSTONE CONSERVATION DISTRICT**

June 14, 2022, **Board Meeting Minutes**

DNRC Conference Room

1371 Rimtop Drive, Billings MT 59105

8:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** Brad Kraft

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Darin Swenson - Yellowstone Co. Floodplain;  
Veronica Grigaltchik - DNRC; Joy Stevens – 310 applicant ; Zoom: Pete Bolenbaugh – ZooMT

Chairman Sedgwick called the meeting to order at 8:05 a.m.

### **Roll Call**

After introductions, Chairman Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None presented

**Minutes:** Peck made a motion to approve May 17, 2022, meeting Minutes as written and reviewed, second by Wagner, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-28-22-E T-K Farms, Yellowstone River emergency riprap project** – Project description as stated on Emergency Notice received 5-25-22: In order to protect major pump station which provides water to T-K Farms, LLC, it was necessary to repair and fortify existing bank stabilization infrastructure due to damage caused by winter ice jams. Before & after photos were provided. **Board decision:** Peck made a motion to accept the emergency action as submitted with no further action required by applicant, second by Gabel, motion passed. The project area will be viewed during the 310 YR tour.
- **YE-29-22 – Project Telephone Company** – attach fiber optics cable to bridge. This project was declared a non-project 6-9-21 but the work had not been started. The engineering firm requested YCD to recognize and issue another non-project determination. **Board decision:** Gabel made a motion to again approve a time extension for the non-project to satisfy their permitting requirements, second by Wagner, motion passed.
- **YE-11-22 – Joy Stevens, Alkali Creek** – Stevens attended the board meeting to report that during the dredging of the irrigation pond, the banks caved in and will require riprap to stabilize. She reported one helical pier was driven in the bank collapse area in order to find the depth of the bedrock as that datum was required for engineering. It can be removed at a later date if the placement does not fit with her design. **Board discussion and decision:** Supervisors acknowledged work was done outside of the parameters of the original permit but was necessary to stabilize the construction area. Because of the unstable area is has become necessary to develop an engineering design to address the new erosion issue. Peck made a motion to allow Steven's time to come in with an engineering design that modifies the original permit, second by Gabel, motion passed.

#### **➤ Complaints & Violations:**

- **YE-34-21-C -- Matt Larsen, Alkali Creek complaint filed by FWP** – Shannon Blackburn has not followed up.

### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Gabel was unable to attend the last Council meeting. He reported a person has been hired to oversee the Salt Cedar eradication efforts on the Yellowstone River as discussed during the May 17<sup>th</sup> YCD Board meeting.
- **2022 Yellowstone River 310 Tour** – Because of highwater, the tour has been rescheduled for July 11-12, water levels permitting.

## Agency Reports

- **Administrator's Report** – Report provided prior to today's meeting. No comments or questions received.
- **Army Corps of Engineers** – Marena Gilbert unable to attend today's meeting
- **Beartooth RC&D – Barb Wagner** – Wagner was unable to attend the last meeting.
- **DNRC** –Veronica Grigaltchik reported on current DNRC programs and upcoming events and the DNRC strategic plan.
- **Fish Wildlife and Parks** – unable to attend meeting
- **NRCS –Ashlee Barker** – unable to attend meeting
- **Yellowstone County**
  - **Yellowstone County Extension** – No report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – no report
  - **Yellowstone County Floodplain** – Darin Swenson reported his office is waiting for the State to sign off on the new floodplain regulations. Once the YR recedes, his workload will increase.
  - **Yellowstone County Weed Department** – Joe Lockwood unable to attend meeting

## BUSINESS MEETING

- **Old Business** - None
- **New Business**
  - **ZooMT** – Pete Bolenbaugh participated via Zoom. The Zoo would like to develop a shelterbelt area for the Bison habitat and asked YCD to consider financial sponsorship to purchase trees. Ivie reported YCD has funds leftover from the ZooMT bank stabilization project conducted at the Grizzly bear habitat that could be used to purchase the trees. **Board decision:** Peck made a motion to achieve the purpose of using the money to fund the shelterbelt up to \$1332.00, seconded by Wagner, motion passed.
- **Board Meeting Absences:** Wagner made a motion to approve the absence of Brad Kraft from today's board meeting, seconded by Peck, motion passed.
- **Treasurer's Report** – Gabel made a motion to approve the May Treasurer's Report as submitted, second by Wagner, motion passed.
  - **Travel & Meetings –**
    - **Range Days –**

**Last month:** Huntley Project 4-H Club has requested sponsorship for 5 students and 1 chaperone to attend 2022 MT Range Days. YCD has a line item in this year's budget to sponsor youth education so will be able to cover all registration costs. The AG teacher will put together other costs they may need assistance with and present at the YCD June board meeting.

**Update:** After reviewing the expected costs associated with attending the Range Camp, Gabel made a motion to award \$260.00 in scholarship costs, second by Peck, motion passed.
    - **Future Fisheries spring meeting** – Peck will leave directly after today's YCD board meeting.
- **Standing Committee Reports**
  - **City Reservoir** – Robinson reported on a meeting he attended two weeks ago. The Billings west end water intake line, water treatment plant and reservoir have been bid and awarded – at or above \$90 million. The conservation education and recreation portions were not included in this phase, and it is uncertain if they will be in the future. The community needs to speak up and let the City of Billings know recreation and conservation education are an important component of the over-all project.
  - **Fly Creek drainage** – work has been delayed due to technical resources redirected to flooding issues pertaining to the Yellowstone River.
  - **Salt Cedar monitoring on the Yellowstone River** – Peck heard from Prof. Poulette that RMC is moving forward by having areas identified and monitoring sites will be set up once high-water levels go down.
  - **Lake Elmo Project –**
    - **AIS Education Video** - Peck and the committee are working on content for the videos. He does not envision the videos being ready for another year. Board members expressed concern that at least one video would not be done to showcase the AIS work to the Legislators during the 2023 Session.

Robinson asked Peck to investigate the possibility of including information about how important it is for people to know that if they take their boat home, **NOT** to rinse off so that the water goes into the storm sewer and ultimately ends up at the Water Treatment Plant. The video would be a good place to get the information out.
    - **FY23 Lake Elmo State Park grant from the Legislature for \$50K.** The committee is working on finalizing order details for the waterless cleaning system. It appears to be easy to use and is portable so can be put away at night to curtail vandalism. Board members agreed that it would be a logical and useful tool to have at Lake Elmo to call attention to AIS issues, specifically Asian Clams. Peck will go forward with obtaining the cost, writing the work plan in cooperation with DNRC and securing a commitment out of FWP to house and maintain the equipment.
- **Unscheduled Matters** – none

- **Next YCD Board Meeting** – Next YCD meeting date: 2<sup>nd</sup> or 3<sup>rd</sup> week in July dependent upon emergency notices received during the flood; otherwise, it may be postponed until August. Robinson called for meeting adjournment at 9:50 a.m.

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Chad Sedgwick, Chairman

LaVerne Ivie, YCD Administrator

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## **YELLOWSTONE CONSERVATION DISTRICT**

January 19, 2022, **Board Meeting Minutes**

DNRC Conference Room #101

1371 Rimtop Drive, Billings MT 59105

8:30 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** Brad Kraft

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske - NRCS  
DNRC: Joe Holzwarth; Demi Blythe, FWP  
Virtually: Ray Beck; Stephanie Criswell, DNRC  
310 Applicants: none

Chair Sedgwick called the meeting to order at 8:30 a.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Addition of steam gauge station on Pryor Creek.

**Minutes:** Robinson made a motion to approve December 7, 2022, meeting Minutes as written and reviewed, seconded by Peck, motion passed.

**Oath of Office** was administered by Notary Chris Schweigert to Sedgwick, Robinson, Wagner. Terms to expire Dec. 31, 2024. Copies will be sent to Yellowstone County Clerk & Recorder and the Elections Department.

### **FY23 Legislative action plan discussion with YCD Supervisors & Ray Beck:**

- **West End Development/ City Reservoir:**
  - Robinson, Peck, Ivie attended a meeting with City officials to offer YCD's planning and financial assistance for the conservation amenity layer to the master plan.
  - Beck has been communicating with Rep. Brewster to flush out the feasibility of a funding bill this Session.
  - Beck has been working with DNRC to fund planning for the conservation amenity layer. Stephanie Criswell confirmed DNRC will provide a planning grant for \$80,000 or more if needed to help YCD develop the Plan.
  - Water conveyance method has changed – the City is now in negotiations with BBWA to provide the water.

#### **Board decision:**

- Gabel made a motion for YCD to proceed with Legislative endeavors to support legislation that may be proposed for the City of Billings reservoir system, second by Peck, motion passed.
- Peck made a motion to pursue a DNRC planning grant to update master plan for the City of Billings Reservoir project, second by Gabel, motion passed.

### **310 Program**

- **Applications & Emergencies:** none
- **Complaints & Violations:** Sedgwick received a call from BBWA manager reporting activity on 7-Mile Creek (utilized as a drain/overflow ditch for BBWA). An official complaint will be submitted after which YCD will inspect.

### **Other 310 issues & Projects**

- **Salt Cedar monitoring project with RMC** – Peck reported after several attempts to contact Prof. Poulette he has been unable to communicate with her.
- **Yellowstone River CD Council Report** – Leroy Gabel – all new developments have been previously discussed today.

### **Agency Reports**

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend

- **Beartooth RC&D – Barb Wagner** – will attend a meeting this afternoon.
- **DNRC – Joe Holzwarth** contributed throughout the meeting; **Mary Hendrix's** written report was sent to Supervisors before today's meeting.
- **Fish Wildlife and Parks –Demi Blythe** introduced herself as the new fisheries biologist in Billings and will be YCD's FWP contact.
- **NRCS – Seanna Torske** provided an in-depth written report that was provided to YCD supervisors prior to today's meeting. She added the following:
  - **FY23 EQIP Applications** – Ranking and payment schedules have been released, so we're plugging away on these apps. We're hoping to have all of our application assessed and ranked by January 27<sup>th</sup>.
  - **FY23 CSP Applications** – Six applications in the Billings Field Office; applicants have until January 27<sup>th</sup> to select activities.
  - **EQIP Contracts** – Pretty slow going right now for structural practices, but we have been receiving management practice documentation (soil tests, irrigation records, etc.).
  - **FY24 TIP** - Irrigation & Pollinators TIP proposals will need to be presented to NRCS State Leadership Team in March, and Bozeman Area proposals will have a trial run-through on January 24<sup>th</sup>, and will need final edits on our TIPs to the Area Office by February 3<sup>rd</sup>. She provided copies of the most recent TIP proposal for Yellowstone County.
  - **Local Work Group** – YCD decided to host the LWG in conjunction with the Fly Creek workshop to insure stakeholder input on FY24's plan.
  - **Fly Creek** – Big Horn CD will offer dates for the YCD/BHCD workshop. BHCD has been developing a MOU for BHCD, YCD, and the landowner with DNRC. Peck made a motion to accept the conservation district operator agreement for Fly Creek activities, second by Robinson, motion passed.
  - **Billings Non-Supervisory DC** – Advertised this position in October, and it closed the end of October, NRCS is waiting for a panel of eligible applicants to be returned, which Torske hopes will occur in December.
  - **EWP update:** applications are still at national headquarters waiting for funding.
- **Yellowstone County**
  - **Yellowstone Co. Extension** – The vacancy has not been filled.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Tim Miller is the temporary contact for the county.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.
  - **RMC Monitoring** – Megan Poulette will again be invited to next month's meeting

## **BUSINESS MEETING**

- **Old Business**
  - **Part time employee** – Ivie has been unable to get the Job Service to review the position description and counsel YCD on the best methods for advertising. YCD will go forward with or without their assistance.
- **New Business**
  - **Pryor Creek Stream Gauge Station** – A request was made to YCD to consider O&M yearly funding for the proposed station. Board members requested a representative attend the next YCD meeting to gather more information before deciding.
- **Board Meeting Absences:** Peck made a motion to approve the absence of Brad Kraft from today's board meeting, second by Wagner, motion passed.
- **Treasurer's Report** – Robinson made a motion to approve the December Treasurer's Report as presented and reviewed, second by Wagner, motion passed.
  - **Administrator Comp time** – Peck made a motion to award YCD Administrator overtime in the form of compensation rather than accruing comp time as needed in respect with all of the new business on hand, second by Robinson, motion passed
  - **Travel & Meetings** – Jan. 24-25<sup>th</sup> Capital trip was approved last month. As of today, Sedgwick, Peck, Kraft, Robinson and Ivie plan on attending. YCD will rent a vehicle to transport YCD attendees.
- **Standing Committee Reports**
  - **City Reservoir** – covered earlier in the meeting.
  - **Fly Creek drainage** – covered in NRCS report
  - **Salt Cedar monitoring on the Yellowstone River** – covered earlier in meeting
  - **Lake Elmo State Park Project** –
    - **AIS Education Video** – Peck reported he is still waiting on script edits from Ruggles and other FWP personnel.
- **Unscheduled Matters** – none

- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: February 15, 2023
- Chair Sedgwick adjourned the meeting at 10:50 a.m.

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Chad Sedgwick

LaVerne Ivie, YCD Administrator

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

August 25, 2022, **Board Meeting Minutes**

Land Design Conference Room  
1670 S 48<sup>th</sup> St. W, Billings MT 59106  
9:00 a.m.

**BOARD MEMBERS PRESENT:** Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson, Barb Wagner

**BOARD MEMBERS ABSENT:** Chad Sedgwick, Chair

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Veronica Grigaltchik – DNRC; Sen. Duane Ankney  
Virtually: Seanna Torske, NRCS; Dan Rostad, YRCDC; Joe Holzwarth, DNRC  
310 Applicants: Joy Stevens; Jay & Twila Craig

Vice-Chair Peck called the meeting to order at 9:00 a.m.

### **Roll Call**

After introductions, Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** MT Climate office landowner recommendations for weather station locations

**Minutes:** Gabel made a motion to approve June 14, 2022, meeting Minutes as written and reviewed, second by Kraft, motion passed.

**FY23 YCD Annual Plan of Operation:** Kraft made a motion to approve the FY23 draft APO with proposed edits and the option to make edits to the plan throughout the year as needed, second by Robinson, motion passed.

### **310 Program**

#### **➤ Applications & Emergencies:**

##### **○ YE-11-22 – Joy Stevens, Alkali Creek –**

**Previous discussion and action included:** Supervisors acknowledged work was done outside of the parameters of the original permit but was necessary to stabilize the construction area. Because of the unstable area it has become necessary to develop an engineering design to address the new erosion issue. Peck made a motion to allow Steven's time to come in with an engineering design that modifies the original permit, second by Gabel, motion passed.

**Today's meeting:** On 8/19/22 an onsite inspection was conducted by Gabel, Kraft, Peck, Ivie, Blackburn, Stevens & contractor. Gabel report: Moderate to insignificant effects to Alkali Creek for soil erosion, risk of flooding, stream alterations, turbidity, fish and aquatic habitat. The helical piers should function as intended. **Board decision:** Gabel made a motion to approve YE-11-22 as proposed, second by Kraft, motion passed.

##### **○ YE-01-22 – Jay Craig, Clark's Fork River –** Application reads: Due to severe flooding repair and rebuilding of existing weirs and replacement of rock riprap to adequately stabilize the river was initiated. **Inspection date & team:** 8/12/22; Robinson, Peck, Ivie, Swenson, Marena Gilbert, Craig's. Team member report reads: There was not enough information provided by the applicant to assess the impacts of this project. Applicant was asked to provide more details prior to the next YCD board meeting. **Discussion:** Craigs attended today's meeting and provided a detailed plan and profile, diagrams/drawings depicting all proposed work, as well as dimensions of proposed/completed work. A letter from the previous owner described what former work was performed several years ago. Team members were satisfied that all concerns were addressed by the Craigs. **Board decision:** Robinson made a motion to approve the project as presented today, and accept the withdrawal of the annual maintenance request, second by Wagner, motion passed.

##### **○ YE-30-22-E – Gene Klamert, Yellowstone River –** Emergency work during flood event to reinforce previously placed riprap. **Inspection date & team:** 8/12/22; Peck, Robinson, Ivie, Klamert. Robinson reported the additional riprap that was placed on top of the bank, was barely noticeable, and looked good. **Board decision:** Robinson made a motion to approve with no further action required by applicant, second by Kraft, motion passed.

##### **○ YE-31-22-E – Billings Bench Water Association (BBWA), Yellowstone River –** Emergency work during flood event. Notice states: 'The Yellowstone River was rising quickly and nearing the embankment of the BBWA main canal. The access road was the only thing in-between canal and river, which was eroding due to high water. If left uncontrolled, the river would of went into the BBWA Main Canal and then been into the City of Billings causing a worse situation. Riprapped into bank of the YR only to restore the bank edge as it borders our access road/Main Canal and to repair the erosion that the high water caused. Used approximately 1—lineal feet of riprap'. **Inspection date & team:** 8/3/22, Kraft, Gabel,

Wagner, Ivie, Blackburn. **Board decision:** Gabel made a motion to approve YE-31-22-E as completed with no further action on the part of the applicant, second by Wagner, motion passed.

- **ExxonMobil Refinery, Billings, Yellowstone River** – Per Exxon's annual maintenance permit, notice was received notifying YCD that annual dredging of the pumphouse intake inlet will take place in August and September.
- **Lockwood Irrigation District, Yellowstone River** – The YCD office was notified of impending dredge activities to get water to intake structure. Pictures were provided of the situation. Actual date has not been determined - YCD will monitor.

➤ **Complaints & Violations:** none

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report** – Rostad provided a detailed written report prior to the meeting for Supervisor review. Gabel thanked Rostad for his diligence in seeing several programs come to fruition and for those he is currently working on.  
**Salt Cedar funding** – diligently pursuing and having lots of delays getting the program up and running but receiving positive feedback on Council's efforts. YRCDC currently has access to staff support through the newly established funding given to CEMIST – Central & Eastern Montana Invasive Species Team, however that group has been going through a reorganization process and they have not yet hired their new coordinator. DNRC has approved time for CEMIST's new coordinator to work on grants and funding opportunities to control salt cedar in the region beginning in the Yellowstone River corridor which will eventually include the Musselshell and lower Missouri River. This person may work on the Common Buckthorn problem however it is more of a problem in other areas of the Yellowstone River. Research is going on for containing the spread.
- **2022 Yellowstone River 310 Tour** – was conducted 8/3/22 from the Blue Creek fishing access site to the Stillwater County line with boat captains Bill Jones and Kevin Bentz. Gabel, Wagner, Kraft, Ivie represented YCD; FWP – Blackburn & boat driver; Commissioner Don Jones; DNRC Deputy Director Davant. Both guests voiced appreciation for being invited, enjoyed the experience with being able to get a prospective from the river, and were impressed with YCD's work on the river.  
Supervisors observed an extreme amount of gravel and sand movement and significant debris on banks and islands. One eye opener -- the flood changed so many river channels that several 310's were not visible during the tour; most noticeably was the river moved to its' north channels in the stretch of the river toured. Another observation and concern -- Duck Creek Bridge area – appears the area will be severely impacted in future years.

#### **Agency Reports**

- **Administrator's Report** – Report provided prior to today's meeting. No comments or questions received.
- **Army Corps of Engineers** – Marena Gilbert unable to attend today's meeting
- **Beartooth RC&D – Barb Wagner** – Wagner attended the last meeting and reported on YCD activities. The group commented that YCD has been very busy.
- **DNRC – Joe Holzwarth** reported State Lands is working with DES on cleanup of the flood damage including debris in public waterways. Public assistance fund might be used to remove the house by Laurel that was a causality of the flood. It is a very big concern.  
Veronica Grigaltchik provided a written report prior to the meeting on current DNRC programs, upcoming events and the DNRC strategic plan. She mentioned the Area 4 meeting is scheduled for Sept. 29<sup>th</sup> in Forsyth.
- **Fish Wildlife and Parks** – Peck read a report Shannon Blackburn sent updating YCD of current FWP workload.
- **NRCS –Seanna Torske**
  - **EWP** – 9/1 meeting at Yellowstone Co. Commissioners with county DES, Finance, and eligible irrigation districts. Ivie will represent YCD.
  - **Fly Creek Watershed:**
    - Draft RDG grant application has been written to test ground and surface water in the Fly Creek drainage. The proposed project is meant to complement the Fly Creek Water Quality TIP by providing landowners and ag operators in this project access to affordable water quality monitoring of the surface water of Fly Creek, as well as their groundwater sources. This project is expected to involve approximately 10 landowners/operators. YCD will write a letter of support.  
**Discussion:** YCD would like to be involved in the project since the watershed is in adjacent counties. YCD Supervisors propose to hire an individual to do the water sampling thus eliminating that task originally required of the landowner. YCD would cover all costs associated with the water sampling. Peck and Ivie will attend the Big Horn CD board meeting on 9/1/22 and present the idea. If BHCD agrees, YCD will make it official at the September YCD meeting.  
**Fly Creek workshop** – The landowner conducting water testing and whom installed an RO system has since sold the ranch. Sedgwick was able to get the new owner, Stoltz Ranch's information. Torske would like to make the initial contact for introductions and inquire into their willingness to participate in the workshop. Until this first step is done, a date cannot be chosen for the workshop. YCD Supervisors suggested if we cannot hold it on the Stoltz Ranch, an indoor workshop could be held at the YVEC again.
- **Yellowstone County**
  - **Yellowstone County Extension** – No report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board** – no report
  - **Yellowstone County Floodplain** – Darin Swenson unable to attend meeting
  - **Yellowstone County Weed Department** – Joe Lockwood unable to attend meeting.

#### **BUSINESS MEETING**

- **Old Business**
  - **Huntley Project students** provided a written Range Days report and thanked YCD for the scholarships.
- **New Business**
  - **Vista Ridge Pollinator Garden** mini-grant consideration – Ivie is to make initial contact with landowner to check on condition of soils, weed control, irrigation methods, etc. to ensure the site is suitable for a garden. Will report findings at a future board meeting.
  - **2023 Legislative Session – items of importance for Beck to work on:**
    - Maintain YCD programs that are important to Yellowstone County; maintain funding not only to MT CD's but seek funding for projects YCD is or will be involved in.
    - City Reservoir – opportunity to include a strong conservation message. Community amenity layer is missing funding and a plan. Huge community benefit to establish a conservation learning center. Robinson will meet with the City to see if there is a fit for YCD. Sen. Ankney reminded the board that there is substantial funding available in nontraditional areas and we need to work with Ankney & Beck to identify where to obtain those resources.
    - Rural fire control – i.e., dry hydrants and fire as a whole
  - **MT Climate Office, UM** – seeking advice on potential new weather station locations. A list of landowners was provided for the board to vet and very few were known. The Supervisors declined to participate citing the request was out of their bailiwick but suggested the Climate office consider the west or southern part of the county if the opportunity arises.
- **Board Meeting Absences:** Robinson made a motion to approve the absence of Chad Sedgwick from today's board meeting.
- **Treasurer's Report** – Gabel made a motion to approve June and July's Treasurer's Report as submitted, second by Wagner, motion passed.
  - **FY23 YCD Budget** – Gabel made a motion to approve the draft budget as presented, second by Robinson, motion passed.
  - **Travel & Meetings** –
    - Possible travel to Big Horn CD meeting – Peck, Ivie
- **Standing Committee Reports**
  - **City Reservoir** – Robinson covered earlier in the meeting.
  - **Fly Creek drainage** – covered during NRCS report
  - **Salt Cedar monitoring on the Yellowstone River** – a written report was received from RMC Prof. Poulette detailing progress made and timeline for remaining items to be completed. The flood delayed start of the monitoring but it is back on track.
  - **Lake Elmo Project** –
    - **AIS Education Video** – The first iteration of the main Lake Elmo Invasive Clam A/E Video script was presented to the video production team by Peck on Aug 23. Team members reviewed the script and offered a few suggestions for alteration. These alterations have been incorporated into the second iteration which will be reviewed by the team in October along with short scripts/cuts gleaned from the main script.
    - **HB FY23 contract** is still going through DNRC approval checks.
- **Unscheduled Matters** – none
- **Public comments** – none
- **Vice-Chair Peck** closed meeting to discuss personnel matters at 12:10 pm
- **Vice-Chair Peck** reopened the meeting to the public at 12:45 p.m.
- **Administrators raise** – Gabel made a motion to increase the Administrator's base salary by 10% with annual reviews each year, second by Kraft, motion passed. Job description planning will begin to pursue a parttime person to assist with YCD workload.
- **A Planning meeting** will be held September 19, 2022, to develop a strategic plan for the Legislative Session.
- **Next YCD Board Meeting** – Next YCD meeting tentative date: 9-22-22
- **Adjournment:** 12:52 pm

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

September 28, 2022, **Board Meeting Minutes**

Land Design Conference Room  
1670 S 48<sup>th</sup> St. W, Billings MT 59106  
9:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick, Chair; Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson

**BOARD MEMBERS ABSENT:** Barb Wagner

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske & Ashlee Barker - NRCS; Shannon Blackburn – FWP; Yellowstone County reps: Darin Swenson – Floodplain; Joe Lockwood – Weed District  
Virtually: Ray Beck; Mary Hendrix, DNRC; Big Horn CD reps - Steve Shanaman, Kylie Martin  
310 Applicants: none

Before the YCD Board meeting, the Supervisors discussed high-priority projects and programs to pursue during 2022 Legislative Session. A draft Legislative Strategic Plan for the Session was presented for discussion. No action was taken on any items.

Chair Sedgwick called the meeting to order at 9:00 a.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Maintenance Permit time extension request from Waco-Custer Ditch Co.

**Minutes:** Kraft made a motion to approve August 25, 2022, meeting Minutes as written and reviewed, seconded by Gabel, motion passed.

### **YCD Lobbyist Ray Beck:**

- Provided an update on CD funding outcome via legislation from the EQC committee. He thanked the YCD for sending a support letter encouraging increased funding levels for all CDs.
- Discussed the need for security at CD AIS check stations. So many CD-operated stations are out in the less populous areas of the state making them more susceptible to crime. FWP cannot provide security funding to these stations. Beck asked YCD to consider assisting CDs state-wide with a funding request to the Legislature. Supervisors approved Beck to move forward with the possibility.
- Supervisors requested Beck to assist YCD with the Community entity layer and Conservation Education components for the Billings Westend Reservoir. In addition, YCD Supervisors will offer to work with the City of Billings, local legislators, and other interested entities to pursue additional funding opportunities for the amenity side of the reservoir area.

### **310 Program**

#### **➤ Applications & Emergencies:**

- **YE-02-23 – Waco Custer Ditch Co.** – Time extension request reads: 'Waco Custer Ditch is requesting a time extension on our maintenance permit. The maintenance to be performed will be in accordance with our original permit. We will just be repairing any of the rock work that was damaged or displaced by the spring flooding. Donnes Inc will be doing the work and we don't anticipate needing much additional material other than a couple of loads of native rock. Thank you for your consideration.' **Board decision:** Gabel made a motion to approve the time extension request and grant another 5 years for maintenance purposes on the irrigation dam, second by Peck, motion passed. Blackburn agreed with the Board's decision.

#### **➤ Complaints & Violations:** none

### **Other 310 issues & Projects**

#### **➤ Yellowstone River CD Council Report – Leroy Gabel reported:**

**Salt Cedar funding** – Dan Rostad invited Gabel and Ivie to attend a meeting to discuss 1) efforts to hire a salt cedar coordinator for 4-5 adjacent counties on the YR; 2) funding opportunities pursued; 3) coordination with the CEMIST group.

## Agency Reports

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** –unable to attend today's
- **Beartooth RC&D – Barb Wagner** – Wagner sent a written report before today's meeting for the 9/15/22 RC&D meeting.
- **DNRC – Mary Hendrix's** written report was sent to Supervisors before today's meeting. When asked if she had additional items to report she stated she did not but hoped to make the October YCD meeting in person.
- **Fish Wildlife and Parks –Shannon Blackburn** provided a verbal update:
  - New employees hired -- with the increased staff, FWP should be able to attend all 310 inspections with 3- or 4-days notice.
  - Busy with flooding in Carbon & Stillwater counties.
  - Fish sampling will be conducted soon to determine how the flooding affected fish populations. So far it appears to have benefited the fish.
- **NRCS –Seanna Torske**
  - **Fly Creek Watershed:**
    - RDG grant application has been submitted to test ground and surface water in the Fly Creek drainage. The proposed project is meant to complement the Fly Creek Water Quality TIP by providing landowners and ag operators in this project area access to affordable water quality monitoring of the surface water of Fly Creek, as well as their groundwater sources. This project is expected to involve approximately 10 landowners/operators. YCD wrote a letter of support.  
**Previous Discussion:** YCD would like to be involved in the project since the watershed is in Big Horn as well as Yellowstone County. YCD Supervisors propose to hire an individual to do the water sampling thus eliminating that task originally required of the landowner. YCD would cover all costs associated with the water sampling. Peck and Ivie will attend the Big Horn CD board meeting on 9/1/22 and present the idea. If BHCD agrees, YCD will make it official at the September YCD meeting. **Today's Action & Board decision:** The BHCD meeting was attended virtually and YCD's offered financial assistance was well received. Peck made a motion to approve YCD's funding of the water sampling for 5 years, second by Robinson, motion passed. BHCD Supervisor Shanaman commented that this will be a good project for both CDs to work on. Chair Sedgwick thanked both BHCD reps for virtually attending today's meeting.  
**Fly Creek workshop** – The new landowner contacted Torske and indicated his willingness to participate in the workshop. Supervisors discussed the timeframe and decided upon an early spring workshop with concurrence from Big Horn CD.
  - **Ashlee Barker:**
    - Handout: FY2024 Yellowstone River & Tributaries 'Corners and Borders for Pollinators' Targeted Implementation Plan (TIP) developed by Billings FO, Seanna Torske, and Noah Starling. An overview of the proposed project will be presented to the YCD Board at an upcoming YCD meeting.
    - Barker is transferring to the Townsend FO to be a Supervisory District Conservationist effective Oct. 6, 2022.
    - EWP – YCD asked Barker to check into the possibility of Waco-Custer utilizing their design with updates from the last flood to forego the financial burden of conducting a newly engineered design. She will also check with the office staff about the possibility of NRCS doing the engineering work.
- **Yellowstone County**
  - **Yellowstone Co. Extension** – The vacancy has not been filled.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Darin Swenson has been working on getting the new Floodplain Rules adopted.
  - **Yellowstone Co. Weed Department** – Joe Lockwood provided the following report:
    - YR Salt Cedar spraying conducted in August/September – only 2 miles on the south side of the river (Rd 24 – Rd 26) was sprayed this year. The flood levels created a solid carpet of salt cedar plants so was very difficult to spray and the 2 miles took just about all the chemicals purchased. Some spraying of previously treated areas was conducted.
    - Coordinated with BNSF to hire a private contractor to spray the RR right of way for severe weed infestations. The area to be sprayed will encompass King Ave. to Laurel.
    - Common Buckhorn is a problem in Yellowstone Riverfront Park, although it has been present for years.

## BUSINESS MEETING

- **Old Business** - none
- **New Business**
  - **Rocky Mountain College's** financial sponsorship request for the 2022 YR cleanup efforts and consideration of purchasing a boat to better assist with the trash removal. After reviewing the report from this year's efforts Gabel made a motion to increase the YCD funding level from \$1000 to \$1500 and not purchase a boat, second by Kraft, and the motion passed.
- **Board Meeting Absences:** Kraft made a motion to approve the absence of Barb Wagner from today's board meeting, second by Robinson, motion passed.
- **Treasurer's Report** – Gabel made a motion to approve the August Treasurer's Report as submitted, second by Kraft, motion passed.
  - **Travel & Meetings** –
    - Invasive Species meeting October 25-26 in Helena. Ray Beck will represent YCD.

➤ **Standing Committee Reports**

- **City Reservoir** – Robinson covered it earlier in the meeting.
- **Fly Creek drainage** – covered during the NRCS report
- **Salt Cedar monitoring on the Yellowstone River** – no update
- **Lake Elmo State Park Project** –
  - **AIS Education Video** – Peck is working on the script for the video which should be completed by the end of October. Once the script is written an RFP will be generated to contract with a videographer. The video will not be completed by the Legislative Session because the landscaping has not been completed at the park and the workgroup wants to include all improvements made at the park. Headgate is working well.
  - **HB FY23 Phase 2 contract** has been signed and the CD3 Cleaning unit has been ordered. Delivery will be 4-6 weeks out. Once delivered to FWP headquarters, it will become the property of FWP. Mary Hendrix was asked to check with DNRC legal department for a form to officially transfer the property from YCD to FWP.

➤ **Unscheduled Matters** – none

➤ **Public comments** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: 10-27-22

➤ Peck made a motion to adjourn the meeting at 10:28 a.m., seconded by Kraft.

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Chad Sedgwick, Chair

LaVerne Ivie, YCD Administrator

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

December 7, 2022, **Board Meeting Minutes**

DNRC Conference Room #101

1371 Rimtop Drive, Billings MT 59105

8:30 a.m.

**BOARD MEMBERS PRESENT:** Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson (virtually)

**BOARD MEMBERS ABSENT:** Chad Sedgwick - Chair; Barb Wagner

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Tori Chulyak - NRCS  
Yellowstone County reps: Darin Swenson, Floodplain Administrator  
Virtually: Ray Beck; Mary Hendrix, DNRC  
310 Applicants: none

Vice-Chair Peck called the meeting to order at 8:35 a.m.

### **Roll Call**

After introductions, Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Addition of High Sierra, Inc. 310 application, Megan Poulette attendance will be deferred to next meeting.

**Minutes:** Gabel made a motion to approve November 2, 2022, meeting Minutes as written and reviewed, seconded by Kraft, motion passed.

### **FY23 Legislative action plan discussion with YCD Supervisors & Ray Beck:**

- **Legislator luncheon** held on November 30<sup>th</sup> went very well. Rep. Brewster is putting in a place holder for the West End Reservoir project; Dan Rostad got a different Legislator to put in a place holder for the Woody invasives (salt cedar included).

- CD funding bill is now SB28 and is being carried in the Senate by Sen. Lang. MACD is working with a Legislator to carry it on the House side. If the bill gets edited in any way from what YCD voted to support, Supervisors will have to determine if they want to support the edits or not.

- The rotunda in the state capitol has been reserved for January 24 to host CD Awareness Day. Heavy snacks/lunch will be provided to lure legislators into the rotunda to hear about what CD's do for conservation in Montana. There is a limited number of tables available for districts to highlight their conservation work. DNRC would like to showcase a diversity of districts and conservation projects from across the state. Invitees include all Legislators and MT Conservation Districts. Beck thinks this will be important for YCD to attend and sit with Yellowstone County's Legislators to discuss Session issues. Gabel made a motion to contribute \$200 towards the events, second by Robinson, motion passed. There might also be a Happy Hour meet and greet on Jan. 23<sup>rd</sup>, but the date is not final with details provided as we get closer to the Session.

- Session starts January 23, 2023.

- **West End Development/ City Reservoir:** Beck and Robinson are researching possible funding sources. Robinson reported the water line construction will start in the spring from the Yellowstone River to the property north of Hesper Road. More information will be reported as released.

### **310 Program**

#### **• Applications & Emergencies:**

- **YE-10-23 – High Sierra, Inc.** Five-Mile Creek floodplain area – Project description: Stormwater outfall piping and swale. At full build-out, the proposed five-pond system on the north side of the High Sierra Subdivision will outfall via a piped outfall routed under the BBWA Canal to the east. This piped outfall will ultimately daylight to a swale, which will continue east and spill into 5-Mile Creek. Construction of the permanent outfall may be constructed in phases; but the 1<sup>st</sup> phase will contain the portion under the BBWA Canal. **Board decision:** Gabel made a motion to approve application as amended and to give a 5-year maintenance permit in addition to infrastructure repairs, seconded by Kraft, motion passed.

- **YE-11-22 -- Joy Stevens** project on Alkali Creek – Last month's meeting Blackburn alerted the Board to a possible deviation in construction where equipment is the pond area. Ivie followed up and received an email from Stevens stating: 'The bank has been pulled back (recall we have to pull it back to install the separation membrane between each layer of the rock retaining wall) and the helical piers have all been installed. The pond area has been completely cut off from the creek for ~month so none of these activities are impacting water quality. There is quite a bit of groundwater seepage, so mud continues to be a challenge. Next step is installing the forms for the concrete base. We are aware of the Dec. 31<sup>st</sup> Corps permit expiration and anticipate being finished by that time. Our prolonged fall certainly has been helpful as are the colder temps." Board discussion: Stevens is making an expensive and expansive attempt to finish and stabilize her bank in the pond area. Her explanation satisfied the board's request for an update.

- **Complaints & Violations:** none

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report – Leroy Gabel**
  - The next Council meeting will be held in Billings on Dec. 16<sup>th</sup>.
  - Woody Invasives meeting will be held in Billings Dec. 9<sup>th</sup>. Gabel & Beck will represent YCD. Gabel asked Peck to provide a report on the RMC monitoring program and Ivie to provide a report on the history of the salt cedar spraying program in Yellowstone County; both said they would have the requested reports in time for Gabel to take to the meeting.

#### **Agency Reports**

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** –unable to attend today's
- **Beartooth RC&D – Barb Wagner** – unable to attend today's meeting
- **DNRC – Mary Hendrix's** written report was sent to Supervisors before today's meeting; outlined upcoming grants and deadlines specifically the AIS opportunities; reminded YCD about the website opportunity through MACD; inquired into the status of the Lake Elmo final report.
- **Fish Wildlife and Parks –Shannon Blackburn** unable to attend meeting
- **NRCS –Tori Chulyak** read the NRCS report Torske put together that was emailed to Supervisors earlier in the week. She added the following:
  - **TIP** – There has been some negative feedback at the state level.
  - **EWP update:** applications are still at national headquarters waiting for funding.
  - **Yellowstone Co. Extension** – The vacancy has not been filled.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Darin Swenson reported that the new Floodplain Regulations have been adopted and are in place. Gives Floodplain more latitude to approve or disapprove a project depending on the scope.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting
    - **RMC Monitoring** – Megan Poulette will be invited to next month's meeting

#### **BUSINESS MEETING**

- **Old Business** – none
- **New Business** - none
- **Board Meeting Absences:** Kraft made a motion to approve the absence of Chad Sedgwick and Barb Wagner from today's board meeting, second by Robinson, motion passed.
- **Treasurer's Report** – Gabel made a motion to approve the November Treasurer's Report as presented and reviewed, second by Robinson, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **City Reservoir** – Robinson covered earlier in the meeting.
  - **Fly Creek drainage** – no report
  - **Salt Cedar monitoring on the Yellowstone River** – covered earlier in meeting
  - **Lake Elmo State Park Project** –
    - **AIS Education Video** – Peck – still waiting on script edits from Ruggles and other FWP personnel.
    - **HB FY23 Phase 2:** Peck assured Hendrix he will have the final report done this week.
- **Unscheduled Matters** – none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: January 11, 2023

- Meeting closed to Public and reopened at 10:20.
- After the board thoroughly reviewed the part time employee job description Robinson made a motion to move ahead with advertising the job description as presented and approve for release, second by Kraft, motion passed.
- Kraft made a motion to adjourn the meeting at 10:25 a.m., second by Gabel.

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Clint Peck, Vice-Chair

LaVerne Ivie, YCD Administrator

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

November 2, 2022, **Board Meeting Minutes**

DNRC Conference Room #101

1371 Rimtop Drive, Billings MT 59105

8:30 a.m.

**BOARD MEMBERS PRESENT:** Clint Peck, Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson (virtually), Barb Wagner

**BOARD MEMBERS ABSENT:** Chad Sedgwick, Chair

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske & Ashlee Barker - NRCS; Shannon Blackburn, Ryder Paggen – FWP  
Yellowstone County reps: Joe Lockwood – Weed District  
Virtually: Ray Beck; Mary Hendrix, DNRC  
310 Applicants: Carl Peters, Lockwood Irrigation District

Vice-Chair Peck called the meeting to order at 8:30 a.m.

### **Roll Call**

After introductions, Vice-Chair Peck informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None.

**Minutes:** Gabel made a motion to approve September 28, 2022, meeting Minutes as written and reviewed, seconded by Wagner, motion passed.

### **FY23 Legislative action plan discussion with YCD Supervisors & Ray Beck:**

- **West End Reservoir:** Robinson reported on a meeting he attended with City of Billings officials to discuss the Community entity layer and Conservation Education components for the Billings Westend Reservoir. All were excited and positive about moving forward but worried about funding sources. Currently there is not a champion on the conservation side. Robinson would like to pursue with Public Works rather than Parks because it is a better fit.

Numbers currently being used: \$125 million on the reservoir side; \$6-8 million for the utility side with the possibility of a portion of the amenities funded. Work on the water plant, pipeline and intake will start next year beginning with dirt work. The process could run parallel with both sides, so projects get going as funds become available. They also could adjust the Master Plan to achieve a lot of different things i.e., conservation amenities and educational components, some structures, site furnishings. The majority is concentrated on trails and the water engagement piece.

To advance the project a funding discussion meeting will be set up to include Robinson, Beck, Ankney, Arveschoug.

- **Legislator luncheon:** Peck appointed the following committee to plan the luncheon: Peck, Robinson, Kraft, Beck, Ivie to work together for a cohesive meeting. Tentative date: Last week in November, preferably Nov. 30<sup>th</sup>.

### **310 Program**

#### **• Applications & Emergencies:**

- **YE-03-23 – Lockwood Irrigation District, Yellowstone River** – Carl Peters explained that the purpose of project is to provide sufficient water to the pump station. Because of the June flooding, the intake has significant erosion, gravel and silt deposits. Reclamation of flood eroded area on both sides of the intake headgates and spillway. Stabilization of the eroded areas of the intake embankment downstream from the I-90 bridges. Upstream from the I-90 bridges, material will be added to the eroded top cover material and the deeper washout areas with various sizes of riprap as per approved as-builts. Obstructing gravel and silt deposits in the upper intake will be moved. **Inspection date & Team:** 10-20-22; Peck, Gabel, Ivie, Swenson, McNew, Shimmer, Aspenlieder, Peters. Team recommendation: To approve as proposed. **Board decision:** Gabel made a motion to approve application as amended and to give a 5-year maintenance permit in addition to infrastructure repairs, seconded by Kraft, motion passed.
- **YE-04-23 – Vermilion Ranch, Yellowstone River** – The purpose of the project is to maintain the stream bank riprap revetment at the ranch. Due to a recent extreme flow event (spring 2022), some maintenance is required

to keep the revetments in good functioning condition and to remove debris that has induced some harmful erosion. Team inspection date: 10-20-22; Gabel, Peck, Darin Swenson, Gary Rome, Tim McNew & Colton ), Ivie. Team recommended approved as proposed as an individual site. Board decision: Kraft made a motion to approve proposed, second by Wagner, motion carried.

- **YE-05-23 – Vermilion Ranch, Yellowstone River** – The purpose of the project is to maintain the stream bank riprap revetment at the ranch. Due to a recent extreme flow event (spring 2022), some maintenance is required to keep the revetments in good functioning condition and to remove debris that has induced some harmful erosion. Team inspection date: 10-20-22; Gabel, Peck, Darin Swenson, Gary Rome, Tim McNew & Colton ), Ivie. Team recommended approved as proposed as an individual site. Board decision: Kraft made a motion to approve proposed, second by Wagner, motion carried.
  - Applications **YE-06, 07, 08, 09 – 23** were withdrawn after the onsite Teams inspected and recommended consideration of alternatives for each site.
- **Complaints & Violations:** none

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council Report – Leroy Gabel**  
**Salt Cedar funding** – Beck reported the YRCDC applied for several grants and are waiting on funding decisions. The Invasive Species meeting he attended was mostly an information share type of meeting.

#### **Agency Reports**

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** –unable to attend today's
- **Beartooth RC&D – Barb Wagner** – No meeting held since last report
- **DNRC – Mary Hendrix's** written report was sent to Supervisors before today's meeting. Supervisors thanked for calling into today's meeting.
- **Fish Wildlife and Parks –Shannon Blackburn** provided a verbal update:
  - Introduced Ryan Paggen, new FWP employee hired. Brad Olszewski will attend 310 inspections when Blackburn is unable to.
  - The cleaning station YCD purchased is not a decontamination station – there seemed to be some confusion there.
  - Blackburn sees a problem with Joy Stevens project on Alkali Creek with equipment in her pond area. Peck directed Ivie to contact Stevens and inquire into the status of the project.
  - RMC Yellowstone River and tribs debris removal – Questions have arisen as to whether removing debris and junk from the river and its banks requires permits? Discussion focused on what removal of the objects would do to private property, who would apply for the permits and to what agencies. Mary Hendricks indicated DRNC is aware of the issue, and she will follow-up with DNRC employees on debris removal from flooded waterways.
- **NRCS –Seanna Torske**
  - **Fly Creek Watershed:** New landowner is willing to have the workshop on his property. YCD Supervisors suggested holding the workshop late winter/early spring.
  - **Office dynamics** will change with new employees being hired; both in Billings and Hardin
  - **TIP** – A few changes were made to the TIP created for pollinators. The reason for the program is to help irrigators with another pot of money and a guarantee the vegetative cover will remain in corners and borders. Big Horn CD has adopted a CD/landowner agreement that Torske would like the YCD to review and consider for adoption.
  - **EWP update:** applications are still at national headquarters waiting for funding.
- **Ashley Barker November YCD Board Report**
  - **EQUIP** – Deadline to have applications submitted for FY 2023 was October 28th. We have a few high tunnel applications and a few for stock water projects.
  - Progress has been made on the Pollinator TIPs in both Big Horn and Yellowstone counties. I will bring updated copies of the TIPs to the meeting.
  - **CSP** – Working on our 1 CSP renewal for FY 2023. We have a few applicants for FY 2023 classic the deadline to have applications turned in was October 28th.
  - **Staffing** – The opening for the DC positions throughout the state closed yesterday, November 1st. The Billings DC spot will likely be filled through this announcement. They're also using this announcement to place DCs in Supervisory DC offices.
  - The Pheasants Forever Partner Biologist position in the Billings office is vacant as of October 28th. Hopefully that will be flown in the next couple of months to be filled.
  - There has also been talk of an administrative assistant for each work unit in the state. This position will help with some of the office workload such as data entry, filing, and other secretarial duties.
- **Yellowstone County**
  - **Yellowstone Co. Extension** – The vacancy has not been filled.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Darin Swenson unable to attend today's meeting.
  - **Yellowstone Co. Weed Department** – Joe Lockwood provided the following report:

Without this project and the funding that we receive through 223 grant we would be looking at some very detrimental effects from not controlling Salt Cedar along the Yellowstone River in Yellowstone County. Tree density has exploded exponentially over the past few project years which has increased the amount of herbicide used to

obtain a 98-99 % mortality rate. This year's project commenced just due East of Road 26 North. We are truly up against a serious infestation of salt cedar trees as we continue to move eastward downriver. We were only able to move two miles downriver and that was only on the south side of the river. We were not able to access the north side of the river during the project. We will have access next year on the north side after we get a contract put in place with FWP. I don't see this project making giant leaps forward in river miles from here on out. I think we are in for a slow grind on this project but as long as we keep going back and monitoring the previous year's progress, we should be in good shape to keep forging ahead.

**Cooperative Partners for a total cost of \$136,775**

- Yellowstone County Weed District (\$ + in-kind employee time & expenses)/ \$47,210.00 covered herbicide (local budget), \$40,000.00 covered contract labor (local budget); Yellowstone County Commissioners (in-kind); Yellowstone CD (grant - \$25,000.00; administration - \$500.00) - \$24,500.00 – covered herbicide; Custer County CD (grant - \$27,850.00; administration - \$2,785.00) - \$25,065.00 – covered herbicide

- **RMC Monitoring** – Post season monitoring has yet to be conducted. YCD will receive all reports as they are submitted.

- **Noxious Weed Trust Fund grant** – YCD Supervisors encouraged Lockwood to apply during the current grant window. Monitoring was a reason the grant committee turned down the last application. We have since addressed their concerns by getting RMC involved.

## **BUSINESS MEETING**

- **Old Business** – none
- **New Business**
- **Board Meeting Absences:** Wagner made a motion to approve the absence of Chad Sedgwick from today's board meeting, second by Kraft, motion passed.
- **Treasurer's Report** – Kraft made a motion to approve the September Treasurer's Report as presented and reviewed, second by Gabel, motion passed.
  - **Travel & Meetings** –
    - Future Fisheries panel meets in December. Gabel made a motion to approve travel time for Peck, seconded by Kraft, motion carried.
- **Standing Committee Reports**
  - **City Reservoir** – Robinson covered earlier in the meeting.
  - **Fly Creek drainage** – covered during the NRCS report
  - **Salt Cedar monitoring on the Yellowstone River** – covered earlier in meeting
  - **Lake Elmo State Park Project** –
    - **AIS Education Video** – Peck - Once the script is written an RFP will be generated to contract with a videographer.
    - **HB FY23 Phase 2:** Cleaning station has been delivered to FWP and a transfer/donation document was initiated designating FWP as the recipient.
  - **Legislative Liaison & Lobbyist** – Ray Beck provided an update on current work items, meetings attended. He also requested guidance from YCD on future work. Supervisors directed Beck to participate during YCD's Legislator meeting; continue to pursue funding for Invasive Woody Species employee; work with the YRCDC; help find a Legislator to sponsor HJ27; continue to investigate possibilities with the West End Reservoir.
- **Unscheduled Matters** – none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: 12-07-22
- Kraft made a motion to adjourn the meeting at 11:07 a.m.

# *YELLOWSTONE CONSERVATION DISTRICT*

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

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## **YELLOWSTONE CONSERVATION DISTRICT**

February 17, 2023, **Board Meeting Minutes**

Land Design Conference Room

1670 S 48<sup>th</sup> St. W, Billings MT 59106

Billings MT 59105

11:30 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson

**BOARD MEMBERS ABSENT:** none

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske, Crystal White - NRCS  
Chrissy Webb, Shannon Blackburn – FWP; Dan Rostad – YRCDC; Travis Kamp - guest  
Yellowstone Co. Weed Board: Norman Miller, Vince Thomas, Clint Schmidt, Joe Lockwood  
Virtually: Stephanie Criswell, Attila Felnagy, DNRC; Prof. Megan Poulette – RMC  
310 Applicants: none

Chair Sedgwick called the meeting to order at 11:30 a.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

### **Agenda Changes:**

**Minutes:** Peck made a motion to approve January 19, 2023, meeting Minutes as written and reviewed, seconded by Kraft, motion passed.

**YCD Board Supervisor resignation:** Barb Wagner sent this email January 20, 2023: "Although we were all sworn in yesterday for another 2 years, I have decided not to do another term. It's been nice getting to know you and I wish you the best going forward. Barb Wagner" In speaking with Chair Sedgwick Wagner indicated it was not because she had issues but that it was just time for her to resign and give someone else the opportunity to serve. She also expressed her personal workload is such that she does not have extra time to dedicate to YCD activities. Kraft made a motion to accept Wagner's resignation and advertise the open position with a closing date of March 17, 2023, second by Robinson, motion passed.

### **FY23 Legislation discussion**

- **LC4416** – Draft bill to provide funding authority to the Dept. of Ag to be used for woody invasive species in Yellowstone, Stillwater and Musselshell counties. Rostad explained that the funding will be short term for a one-time spending authority. He has been advised by people in Helena to not spend any more time on this bill as it has implications of being in direct competition with CD funding. Supervisors disagreed in that this money is at the request of the Dept. of AG and if the bill passes the Legislature, it will be allocated to the Dept of AG to assist Weed Districts with control of woody invasive species – nowhere in the language does it mention CDs.
  - Testifying on behalf of the bill when it comes out will be conducted by the Weed District, County Commissioners and YCD.
- **West End Development/ City Reservoir:**
  - Sedgwick, Peck, and Ivie attended a meeting with City officials to draft an MOU between the two entities. After reviewing the MOU Peck made a motion to accept and forward to the City Council for approval, second by Kraft, motion passed.
  - Beck has been communicating with Rep. Brewster to flush out the details in the LC4414 draft. The latest draft was provided for YCD review. Barring no further edits from the City or YCD, the draft will be given to the Legislative drafter to put in final format.
  - **Update Master Plan discussion** with Criswell on format and content for the Conservation and Recreation Amenities layer contract between DNRC & YCD to provide an updated layer to the West End Reservoir master plan. Peck made a motion for YCD to write a contract to obtain funding to develop the layer for the West End master plan, second by Kraft, motion passed. Chair Sedgwick appointed Robinson, Peck and Ivie to work on the contract draft. Criswell will provide a list of specific details to include.

### **310's**

- **Applications & Emergencies:** none

- **Complaints & Violations: Last Month:** Sedgwick received a call from BBWA manager reporting activity on 7-Mile Creek (utilized as a drain/overflow ditch for BBWA). An official complaint will be submitted after which YCD will inspect. **Update:** BBWA withdrew the complaint.

#### Other 310 issues & Projects

- **Salt Cedar monitoring project with RMC** –Prof. Megan Poulette provided an overview and basic results of the 2022 Salt Cedar monitoring she and her students conducted. The extreme flooding changed the landscape thus delaying the monitoring. Poulette would like to see the monitoring conducted for several years for the results to be quantifiable. YCD Board & the Weed Board discussion: YCD contributed \$2000 for the 2022 monitoring. Weed board members expressed the monitoring justifies Weed District work so should be paid by the Weed District going forward.
- **Yellowstone River CD Council Report – Leroy Gabel & Dan Rostad** – The next YRCDC meeting is tentatively scheduled for February 23<sup>rd</sup>.

#### Agency Reports

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – vacant
- **DNRC – Stephanie Criswell** – In addition to participating during the meeting she provided an update on bills that are running through the session that impact CDs.
- **Fish Wildlife and Parks –Chrissy Webb** introduced herself as the new communications and information person at FWP Region 5. She will be working on the AIS video with FWP & YCD and offered her assistance with other YCD projects.
- **NRCS – Seanna Torske** in addition to the in-depth written report that was provided to YCD supervisors prior to today's meeting, Torske added the following:
  - **EWP update:** National headquarters approved five (5) applications for Yellowstone County
  - **Fly Creek Workshop** – Finalize location of workshop at the Stoltz Ranch. The supervisors and NRCS agreed upon April 6<sup>th</sup> as the date to hold the workshop. Sedgwick will contact the landowner to inquire if we can hold it in his shop. Ivie will coordinate activities with Big Horn CD, NRCS and MT Salinity Control Assoc.
  - Torske introduced Crystallina White, the new Pheasants Forever employee stationed in the Billings FO.
  - Farmers Conservation Alliance inventory for irrigation structures report is being conducted and when finished will open the door for federal funding, such as WaterSMART grant funding or P.L. 566 funding.
- **Yellowstone County**
  - **Yellowstone Co. Extension** – Vacancy is filled but the person is unable to attend today's meeting.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Tim Miller is the temporary contact for the county.
  - **Yellowstone Co. Weed Department** – Joe Lockwood – covered topics earlier in the meeting.

#### BUSINESS MEETING

- **Old Business**
  - **Pryor Creek Stream Gauge Station** – Attila Felnagy, DNRC provided an overview of the proposed Pryor Creek real time stream gauge installation location downstream of I-90. Part of his presentation involved O&M sponsor financial solicitation. The board was unable to commit at this time but would discuss during YCD's budget deliberations early spring.
  - **Part time employee** – The advertisement has been provided to RMC professor contacts for distribution amongst their students. Interviews are tentatively scheduled for the middle of March.
- **New Business**
  - **Future Fisheries Panel** – Peck requested YCD approval to apply once again to represent conservation districts on the state-wide FWP panel. Robinson made a motion to support Peck's application, second by Kraft, motion passed with Peck abstaining.
- **Board Meeting Absences:** None
- **Treasurer's Report** – Robinson made a motion to approve the January Treasurer's Report as presented and reviewed, second by Kraft, motion passed.
  - **Travel & Meetings** – Travel is approved during the 2023 Legislative Session as required to testify on bills.
- **Standing Committee Reports**
  - **City Reservoir** – covered earlier in the meeting.
  - **Fly Creek drainage** – covered in NRCS report
  - **Salt Cedar monitoring on the Yellowstone River** – covered earlier in meeting
  - **Lake Elmo State Park Project** –
    - **AIS Education Video provided through an \$11,000 AIS grant**– Peck and Webb have met and begun rescripting the videos. One of the videos will include information for the waterless cleaning station. Webb is also working on signage for the cleaning station.

- **Lake Elmo open house** to showcase the new work conducted over the past 2 years at Lake Elmo State Park, including a session demonstrating the Waterless Cleaning Station YCD purchased for FWP. Chrissie Webb explained to Peck the tour cannot be conducted on May 22, 23, 24<sup>th</sup> as they had previously discussed because there will be too much activity with the students fishing days happening during that time. Possible tour dates will be discussed at YCD's March board meeting.

- **Unscheduled Matters** – Supervisors discussed ways to honor Barb Wagner for her years of dedication to the YCD. Gabel made a motion to purchase a gift and award a certificate of appreciation and present to her at the Lake Elmo open house, second to the motion by Peck, motion passed.
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: March 17, 2023
- Kraft motion to adjourn at 1:45 p.m.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

April 18,, 2023, **Board Meeting Minutes**

DNRC Conference Room #101

1371 Rimtop Drive, Billings MT 59105

2:00 p.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft

**BOARD MEMBERS ABSENT:** Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske, Tori Chulyak, Crystal White - NRCS  
Chrissy Webb, Demi Blythe, Shannon Blackburn – FWP; Tim Miller, Yellowstone Co. Floodplain;  
Trestin Feagler, Heidi Schueler – Yellowstone Co. Extension;  
Virtually: Stephanie Criswell, Kasydi Lucas - DNRC  
310 Applicants: none

Chair Sedgwick called the meeting to order at 2:00 p.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Training session will be rescheduled

**Minutes:** Peck made a motion to approve March 20, 2023, meeting Minutes as written and reviewed, second by Kraft, motion passed.

**FY23 Legislation discussion** – Ray Beck provided a written report prior to board meeting and distributed to Supervisors.

**Open and award Lake Elmo AIS video bids:** One (1) bid was received -- Sapphire Communications, bid amount \$6,875.00. Peck made a motion to accept and award the contract to Sapphire Communications, second by Kraft, motion passed. Ivie will notify owner Melissa Jensen of the award and identify Chrissy Webb, FWP as the technical contact, Ivie as the financial contact, Peck and Ruggles as content contributors.

### **310's**

- **Applications & Emergencies:**

- **YE-11-23 -- Ryan Burrows** – YR rip rap project – Inspection date & team: 4/11/23; Sedgwick, Peck, Miller, Blackburn, Aspenlieder, Shimer, McNew, Ivie. Peck provided an overview of the inspection and subsequent Team Member report. **Board decision:** Peck made a motion to approve as proposed, second by Kraft, motion carried. Blackburn will email the 318 authorization to applicant and YCD.
- **YE-12-23 Huntley Project Irrigation District** – YR south bank riprap maintenance project. YCD inspected October, 2022 and agencies inspected March 2023. **Board decision:** Kraft made a motion to accept YE-12-23 as proposed and issue a 310 permit, second by Peck, motion passed.
- **YE-13-23 – Huntley Project Irrigation District** – YR north bank riprap. Inspection date & Team: Sedgwick, Peck, Miller, Blackburn, Aspenlieder, Shimer, McNew, Ivie. Team members reported the inspection created divided opinions onsite due to the immense scope of the project and the cost of mitigation. **Board decision:** Peck made a motion to table the application until further information is provided and HPID decides on what is feasible for their budget, second by Gabel, motion passed.
- **YE-15-23 & YE-16-23 – Vermilion Ranch** YR side channel multiple sites erosion prevention. Inspection date & Team: 4/11/23; Sedgwick, Peck, Ivie, Gary Rome, Shimer, Miller, McNew, Blackburn. Divided opinions prevented an accurate definition of project sites and until the ACOE, landowner and engineer can come to terms with their differences, the projects are on hold. **Board decision:** Peck made a motion to table the applications until further information is received, second by Gabel, motion passed.
- **Jim Hein** – application received for remedial work required by the EPA for his violation. Gabel made a motion for YCD to inspect prior to the next YCD board meeting, second by Kraft, motion passed.

- **Complaints & Violations:** none

➤ **Standing Committee Reports**

- **Arbor Day** – 600 trees ordered, delivery dates set, volunteers scheduled, news release sent to media outlets, Peck will conduct the TV interviews. Event will be held from 9—noon on 4/28/23.
- **Yellowstone Conservation Area** – Sedgwick testified before the Legislature in support.
- **Fly Creek drainage** – covered in NRCS report
- **Lake Elmo State Park Project** & video update— covered in FWP report
- **Living Snow Fence** – If there are Ponderosa Pine trees left over after Arbor Day, the plan is to plant at the Living Snow Fence site on Highway 3.

➤ **Unscheduled Matters** – none

➤ **Public comments** – none

➤ **Next YCD Board Meeting** – Next YCD meeting tentative date: 3<sup>rd</sup> or 4<sup>th</sup> week in May.

➤ Meeting closed to public to discuss sensitive personnel issues – no decisions made in closed session

➤ Meeting opened at 4:25 p.m.

➤ Kraft motion to adjourn at 4:30 pm.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

March 20, 2023, **Board Meeting Minutes**

Land Design Conference Room

1670 S 48<sup>th</sup> St. W, Billings MT 59106, Billings MT 59105

10:30 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Brad Kraft, Stacey Robinson

**BOARD MEMBERS ABSENT:** Leroy Gabel

**NON-BOARD PRESENT:** LaVerne Ivie, YCD Administrator; Seanna Torske, Tori Chulyak, Crystal White - NRCS  
Chrissy Webb, Demi Blythe – FWP; Joe Lockwood – Yellowstone Co. Weed District  
Trestin Feagler – Yellowstone Co. Extension; Joe Holzwarth - DNRC  
Virtually: Ray Beck; Stephanie Criswell, - DNRC  
310 Applicants: none

Chair Sedgwick called the meeting to order at 10:42 a.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** none

**Minutes:** Peck made a motion to approve February 17, 2023, meeting Minutes as written and reviewed, second by Robinson, motion passed.

**YCD Supervisor Areas:** There was confusion at the county level with supervisor area boundaries. When YCD changed the boundaries as suggested by the election department, the new delineations were not communicated beyond the election dept. consequently the map needs to be updated. Ivie is working with the current election administrator and the GIS dept. to correct the oversight,

### **FY23 Legislation discussion** – Ray Beck

- Provided a brief overview of bills that have moved forward; last day is scheduled for May 5<sup>th</sup>.
- HB821 – Peck, Lockwood and Rostad were able to testify before the committee. Committee members directed questions to Rostad and he did a great job fielding them. Beck will let YCD know if the status of the bill changes.
- HB827 is progressing and was recently transferred to the House Natural Resources Committee. Hearing is scheduled for March 27<sup>th</sup> at 3:00 p.m. Robinson will testify on behalf of the YCD and Sedgwick, Kraft & Ivie will accompany him to Helena to watch the proceedings.
- SB28 – Funding for CD's with marijuana money has run into a few stumbling blocks with the Governor's office. Beck will monitor.
- HB321 – Funding for CD's within the Coal Tax account. This bill has a better chance of passing and is a much better bill for securing long-term funding for CDs.

### **310's**

- **Applications & Emergencies:**
  - **Huntley Project Irrigation District** – Two (2) applications submitted to install riprap on the Yellowstone River; one on the south side, one on the north side upstream of the dam. YCD and partners will inspect the southside proposed project on March 28, 2023. North side to be inspected separately on a different date.
  - **Ryan Burrows** – YR rip rap project – will be scheduled before the April YCD meeting
  - **Joy Stevens, Alkali Creek** – notified YCD that the excavator is stuck in the upside bank of her pond. Supervisors discussed the situation and opted to wait for an inspection until the excavator is pulled out. Depending on what we see, her 310 permit may need to be amended.
- **Complaints & Violations:** none

### **Other 310 issues & Projects**

- **Salt Cedar monitoring project with RMC** – No activity
- **Yellowstone River CD Council** – Leroy Gabel unable to attend today's meeting

## Agency Reports

- **Administrator's Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – vacant
- **DNRC** –
  - **Stephanie Criswell** – We had a Teams malfunction so lost contact with her.
  - **Joe Holzwarth** - Informed the board and other participating agencies that DNRC's process for authorizing Navigable Waterway Land Use Licenses has changed due to a direction from the DNRC legal staff. It has come to their attention that under ARM ruling that all uses that require authorization on the navigable waterway must have the Land Board approve of the use. The process to get licenses to the Land Board can take anywhere from 15-45 days, roughly. This rule only applies to portions of the river that have been adjudicated. Parts that are unadjudicated are licensed and authorized on a voluntary basis. Portions of the Yellowstone are adjudicated while other portions have not gone through the adjudication process, so they will still ask individuals to submit a 310 application to review and determine if it falls within an adjudicated portion. His office has seen an influx of 310 applications in the area in the last month of individuals trying to do repair before spring runoff. Due to the flooding event of 2022, the local office still has some discretion in issuing licenses underneath an emergency authorization. The land board still must officially approve the licenses, but his office can give temporary authorization for individuals to get in and repair before the spring runoff.
- **Fish Wildlife and Parks**
  - **Chrissy Webb** – Developed the Lake Elmo video project RFP with help from others, sent to YCD, YCD sent it out to five (5) businesses with an April 18<sup>th</sup> bid submittal deadline.  
**Lake Elmo** open house for partners that helped with the work the past two years at the park will be held June 21 or 22<sup>nd</sup>.
  - **Demi Blythe** – FWP will try and have someone at every 310 inspection. Spring sampling is starting which requires most fisheries staff to be out of the office.
- **NRCS**
  - **Seanna Torske** – All EWP projects from Yellowstone County submitted to national were approved for funding.
  - **Tori Chulyak** – in addition to her Billings FO report/update, she presented details of 7 EQIP contracts for YCD board signature.
  - **Fly Creek Workshop** – April 6<sup>th</sup> at the Stolz ranch. The workshop committee consisting of NRCS, YCD, Salinity Control, and Extension personnel have been developing the agenda and logistical planning. Everyone has task to do and all are on track. The mailer will come out this week from YCD and Big Horn CD. YCD will schedule a radio interview and develop a news release.
  - **MOA between NRCS & YCD** was reviewed at the Feb. YCD meeting but not acted upon. Peck made a motion to accept as written, second by Kraft, motion passed.
- **Yellowstone County**
  - o **Yellowstone Co. Extension** – Trestin Feagler started as the Ag Extension agent a few months ago. She provided an overview of her background and some of the projects she is currently working on. She thanked YCD for the invitation to be a part of the Fly Creek workshop and the Arbor Day tree giveaway.
  - o **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - o **Yellowstone Co. Floodplain** – Tim Miller is still the temporary contact for the county.
  - o **Yellowstone Co. Weed Department** – Joe Lockwood – reported the Noxious Weed Trust Fund Salt Cedar grant was fully funded for \$73,340. Thanked YCD for helping with HB821.

## BUSINESS MEETING

- **Old Business**
  - **Part time employee** – Interviews will be conducted this afternoon.
- **New Business**
  - **Yellowstone County Range Days** – Sedgwick presented an idea for the YCD to host an area-wide range days (9 CDs) in 2024. Kraft, Sedgwick, and Gabel have contacts with FFA chapters that could be approached to gauge interest. Ivie will present the idea to area administrators and inquire if any want to participate with YCD.
  - **MACD convention planning committee participation request** – Peck made a motion for YCD to have no activity with the MACD state convention in Billings, second by Robinson, motion passed.
- **Board Meeting Absences:** Kraft made a motion to accept Gabel's absence from today's meeting, second by Robinson, motion passed.
- **Treasurer's Report** – Kraft made a motion to approve the February Treasurer's Report as presented and reviewed, second by Robinson, motion passed.
  - **Travel & Meetings** – Travel is approved during the 2023 Legislative Session as required to testify on bills.
- **Standing Committee Reports**
  - **City Reservoir** – covered earlier in the meeting.
  - **Fly Creek drainage** – covered in NRCS report
  - **Lake Elmo State Park Project & video update**– covered in FWP report

- **Unscheduled Matters** – none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: April 11, 2023
- Kraft motion to adjourn at 12:21 pm.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

May 26, 2023

### Board Meeting Minutes

Land Design Conference Room  
1670 48<sup>th</sup> St. West, Billings MT 59106  
1:00 p.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft, Stacey Robinson

**BOARD MEMBERS ABSENT:** none

**NON-BOARD PRESENT:** LaVerne Ivie, Edie Vogel, YCD; Seanna Torske, Crystal White – NRCS;  
Virtually: Dan Rostad, YRCDC  
310 Applicants: Jim Hein, Larry Grayson, Connor Rose, Joy Stevens (via conference line)  
Others: Jeff Taber, Terry Walker, Bryan Mothershead

Chair Sedgwick called the meeting to order at 1:07 p.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Addition of Patti Kroeger 310 application, addition of Jim Hein Emergency Notice

**Minutes:** Kraft made a motion to approve April 18, 2023, meeting Minutes as written and reviewed, second by Gabel, motion passed.

**FY23 Legislation discussion** – Ray Beck provided a written report prior to board meeting and attended the Yellowstone Conservation Area elected officials meeting this morning.

### **310's**

- **Applications & Emergencies:**

- **YE-21-23 Jim Hein, Old side channel of Arrow Creek.** Project description: Riprap 300 LF to stabilize bank and prevent further erosion to irrigation structure. Inspection Date, Team & Recommendation: 5/16/23 - Sedgwick, Gabel, Peck, Kraft, Robinson, Miller, Tallerico, Hein, Ivie, Blythe. Approve as proposed. Discussion: The project is reasonable and needed to protect irrigation structure and farmland. **Decision:** Gabel made a motion to approve YE-21-23 as submitted, second by Peck, motion carried.
- **YE-25-23-E Jim Hein** submitted Emergency Notice for above project – VOID – Hein withdrew the notice.
- **YE-20-23 – Jim Hein, Yellowstone River** application for remedial work required by the EPA for his YR violation. Inspection date, team, recommendation: 5/16/23 – Sedgwick, Gabel, Peck, Kraft, Robinson, Miller, Tallerico, Hein, Ivie, Blythe. Discussion: Because of high water no work can be done at this time, nor could the inspection team see all that is entailed in the required remedial work. **Decision:** Peck made a motion for YCD to table the application until the board can revisit the site in August, second by Kraft, motion passed. Jim Hein concurred with the Board's decision.
- **YE-26-23 – My Green Earth, Yellowstone River** – Connor Rose presented consideration of extending the previously approved 310 Maintenance Permit for another 3 years. He stated that all conditions remain the same and that the same method of dredging silt from in front of the intake structure remains the same. **Decision:** Kraft made a motion to issue a 3-year maintenance permit at pump inlet, second by Peck motion passed.
- **Joy Stevens update** – Stevens was conferenced into the meeting. Interim YCD inspection date and team: 5/10/23 Sedgwick, Peck, Gabel, Ivie, Blackburn. Team report: the equipment that was stuck/buried in the mud due to a landslide has been removed. With the changing landscape, an updated design needs to be submitted addressing the additional work required to achieve the project's intent. Sedgwick reminded Stevens that the clock is ticking on completing the project. Stevens indicated that she is working on securing a different engineer due to the complexity of the situation and hopes to have everything completed by the permit expiration date of 8/25/23.
- **YE-19-23 – Bill Bxybe, Fly Creek.** Project description: dredge creek of silt to allow irrigation pump to draw water. Inspection date and team: 5/16/23 - Sedgwick, Gabel, Peck, Robinson, Ivie, Blythe, Bxybe. Team report: Very simple project that will take just a few hours to complete. **Decision:** Peck made a motion to approve as proposed, second by Robinson, motion passed.

- **YE-17-23 – Miller-McGill Irrigation Ditch Company, Yellowstone River.** Inspection date & team: 5/10/23 Sedgwick, Gabel, Ivie, Blackburn, Bill Michael. Team report – minor riprap maintenance to reinforce a few areas adjacent to the canal. **Decision:** Gabel made a motion to approve the maintenance request as submitted, second by Kraft, motion carried.
- **YE-22-23 – Patti Kroeger, Yellowstone River** – project description: previously permitted riprap repair was damaged during 2022 flood. A small section of armoring was washed out. Inspection date & Team: 5/16/23 - Sedgwick, Gabel, Peck, Kraft, Robinson, Miller, Tallerico, Kroeger, Ivie, Blythe. Team report – minimal repair work required with minor impact to resource. Work will not be done until water recedes. **Decision:** Peck made a motion to approve the maintenance request as proposed, second by Robinson, motion passed.
- **Complaints & Violations:**
  - **YE-01-23-C – Larry Grayson, Clarks Fork River** – Inspection date & team: May 23, 2024; Mrs. Grayson, Sedgwick, Peck, Gabel, Ivie, Miller, Tallerico, Blythe. **Discussion:** Weir project was initiated without permits to combat extreme flooding to the Grayson property. **Board decision:** Peck made a motion to declare a violation of the 310 Law, second by Gabel, motion passed.  
**Further discussion** with Larry Grayson at today's meeting: Board discussed options with him to form a course of action to rectify the violation to which he indicated he would get an engineer to look at the area and report back to the YCD Board. **Board decision:** Gabel made a motion for Grayson to get reports and progress relative to the violation with an end date as to when the unauthorized materials will be removed to the YCD by the next board meeting, second by Peck, motion passed.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council** – Leroy Gabel & Dan Rostad – Council meeting was held May 11<sup>th</sup> with good member turnout. The meeting was focused on the work of the Invasive Woody Control work group and the Irrigation Water Management work group.
  - Proud of YRCDC and Yellowstone CD for getting HB821 passed by the Legislature. Rostad reminded YCD to send a thank you to bill sponsor Rep. Mary Malone.
  - Custer County Conservation District sponsored a Noxious Weed Trust Fund grant, on behalf of the Yellowstone River Conservation District Council, that will provide a qualified contractor to establish an Invasive Woody Plant Working Group that will develop a strategic planning document for control of Salt Cedar, Russian Olive & Common Buckthorn to be used in larger regional areas. This will ultimately provide a template allowing greater funding opportunities. YRCDC has taken the lead role in providing this much needed effort to control invasive woody plants which ultimately affect the Missouri, Musselshell, and Yellowstone river corridors.

#### **Agency Reports**

- **YCD Employee Reports** – Reports provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – Per last month's decision YCD employee Vogel was designated as YCD's representative to the BRCD and attended the past meeting -- working on learning the many programs the entity is involved in.
- **DNRC – Stephanie Criswell** – unable to attend meeting
- **Fish Wildlife and Parks – Blackburn, Webb, Blythe** – unable to attend meeting but sent 318's for approved 310's.
- **NRCS**
  - **Seanna Torske** –
    - **Fly Creek** – Participated in the first round of sampling and provided guidance to YCD employee Vogel. Together, NRCS and YCD are working on entering data received from the lab and also an interpretation sheet for the landowners to be able to understand the test results. Once those items are completed, Big Horn CD, YCD and NRCS will distribute to landowners.
    - **LWG** – Scheduled for July 10<sup>th</sup> at YVEC. Board reviewed flyer and postcard relative to the program. LWG recommendations will be presented, considered, and decided upon at the next YCD meeting for priority resource concerns in Yellowstone County.
    - **Billings FO** – might have an engineer coming to the office.
    - **Annual Civil Rights** partner checklist - review conducted by YCD and signed.
  - **Tori Chulyak** unable to attend meeting but provided the following written report to the board prior to today's meeting:
    - **FY23 EQIP Applications/Fly Creek TIPs:** 5 applications have either been obligated or approved pending Area office review.
    - **FY23 CSP Applications** – We have 1 high priority application, 2 medium, and 3 low. Only one of the high and one of the medium priority applications were ranked, and they are likely to be preapproved soon. • We have 4 applications for the 2nd batching period Pivots for Pollinators TIP proposal was "approved with changes". The changes have been made and submitted to the AO
  - **CRP:** Conducted several site visits with CRP applicants to help them determine the # and type of grasses they have, which FSA needs to rank the applications. This helps prevent any incorrectly ranked offers. Will work on expiring CRP status review visits later this summer
- **Yellowstone County**
  - **Yellowstone Co. Extension** – unable to attend meeting but sent report: Continuing to work on getting irrigation going at Metra so we can plant crops for our trial crop garden. We will be working with YCD/NRCS etc. on a soil

education project for 4H and community members. Also working on some ideas for education on annual grass management and prairie dog management. Starting to get into our busy season and should be out in the field quite a bit in June.

- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
- **Yellowstone Co. Floodplain** – Tim Miller unable to attend meeting
- **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.
  - YCD will work with weed district for HB821 grants

## **BUSINESS MEETING**

- **Old Business**
  - **Yellowstone County Range Days** – Sedgwick has been inquiring with Huntley Project school FFA advisor on the possibility of a summer '23 program being put together.
- **New Business**
  - **Soil Your Undies program** with Yellowstone Co. Extension, NRCS, Weed District – Peck made a motion for YCD to cooperate with the program that is planned for the end of August, second by Robinson, motion carried.
- **Board Meeting Absences:** none
- **Treasurer's Report** – Kraft made a motion to approve the April Treasurer's Report as written and reviewed, second by Gabel, motion passed.
  - **Fly Creek drainage additional surface water sample** – Peck made a motion to YCD cover the costs for an additional water sample to be taken at a Yellowstone County site, second by Kraft, motion passed.
  - **Travel & Meetings**
    - Local Work Group meeting 7/10/223
    - Future Fisheries – 6/13-14/23 – Peck (time per diem only)
    - AIS training – Miles City – 6/13/23 – VogelGabel made a motion to approve travel for those that can attend, second by Robinson, motion carried.
- **Standing Committee Reports**
  - **Arbor Day** – Held 6/28/23 – good turnout, great weather, exceptional partner participation (Weed District, NRCS, FWP, Extension, Two Mood park manager, YCD board members and employees). Plans are to conduct again in 2024 and have Kraft be the interviewee for the TV stations.
  - **Yellowstone Conservation Area** – Line item was vetoed by Governor in HB5. An in-person meeting was held before today's YCD meeting to strategize and gain support for a veto override. Attendance included: Sen. McGillivray (requested the meeting and provided most of the input from the Legislators prospective), ten (10) other Yellowstone County Legislators, all three County Commissioners, City of Billings Administrator, City Public Works Director and two others from the Department, City Parks Director, City Mayor, six (6) representatives from YCD, and a safety volunteer.
  - **Fly Creek drainage** – covered in NRCS report
  - **Lake Elmo State Park Project** & video update– Peck is working on the narrative with FWP personnel and Sapphire Communications.
  - **Website** – Supervisors were able to view the new YCD website and expressed satisfaction for the draft thus far - it is a work in progress, and website designer Vogel is continually adding to it as she receives more information. Board members will review at their leisure and provide constructive feedback.
- **Unscheduled Matters** – SARC Field Days – YCD will have representatives at the event to extend an invitation and provide handouts to YCD's Local Work Group meeting.
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting tentative date: towards end of June dependent upon Supervisor's schedules.
- Peck motion to adjourn at 3:15 pm.

# ***YELLOWSTONE CONSERVATION DISTRICT***

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## **YELLOWSTONE CONSERVATION DISTRICT**

July 27, 2023

### **Board Meeting Minutes**

Land Design Conference Room  
1670 48<sup>th</sup> St. West, Billings MT 59106  
8:30 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft, Brian Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** none

**NON-BOARD PRESENT:** LaVerne Ivie – YCD; Seanna Torske, Tori Chulyak – NRCS; Tim Miller, Ronni Tallerico - Floodplain  
Virtually: DNRC – Stephanie Criswell, Kaysidi Lucas; FWP – Shannon Blackburn  
310 Applicants: Matt Smith -Stahly Engineering

Chair Sedgwick called the meeting to order at 8:36 a.m.

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome, but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Gabel made a motion to approve May 26, 2023, meeting Minutes as written and reviewed, second by Peck, motion passed.

**Area 5 Supervisor Vacancy** – After attending the last YCD meeting and discussing the vacancy with the Supervisors, Bryan Mothershead submitted a letter of interest to fill the Area 5 YCD Supervisor vacancy. The board received his letter prior to today's meeting, confirmed he lives within Area 5 parameters, and believes his experience with river and agricultural interests is a good fit. Board decision: Gabel made a motion to appoint Bryan Mothershead to fill out the remainder of the Supervisor Area 5 term until December 31, 2024, second to the motion by Robinson, motion passed.

#### **310's**

##### **Applications & Emergencies:**

- **YE-27-23 – Swift River Ranch, Yellowstone River** – Engineer Matt Smith attended the meeting today to inform the board that until all the agencies are in agreement as to the scope of the project, he requested the application be tabled for a month or two. Supervisors expressed their concern that the landowner Dawn Calderwood would be strapped with undue expenses and hoped an agreement could be reached. Peck made a motion to postpone until next meeting When more information is available, second by Gabel, motion passed.
- **YE-20-23 – Jim Hein, Yellowstone River** – as was discussed at the previous YCD meeting, Terracon representative will meet with YCD and other agencies to further explain the remediation plan. The onsite inspection will take place August 14, 2023.
- **Joy Stevens update** – No updated engineering design received. Chair Sedgwick directed Ivie to communicate to Stevens that her permit expiration date of August 25<sup>th</sup> is approaching and if the required new design is not received by then, all activity presently covered under the 310 permit is to cease and the area will be considered for a possible violation of the 310 Law.
- **YE-26-23-E – Kevin Weimer, Canyon Creek** – Due to extreme flooding, the bridge to the property was washed out. Inspection date and team: 7/7/23; Kraft, Peck, Weimer, Blythe, Shimer, Anderson, Ivie. The project was completed satisfactorily, and the team recommended to approve with no further action by applicant. Robinson made a motion to approve as an emergency action, second by Peck, motion carried.
- **YE-01-24 – Kevin Weimer Canyon Creek** – In addition to the above referenced bridge work, Weimer will install riprap to secure the abutments and stabilize the bank. Kraft made a motion to accept and approve YE-01-24 as submitted and ask for before and after pictures with the project completion form, second by Peck, motion passed.

##### **Complaints & Violations:**

- **YE-01-23-C – Larry Grayson, Clarks Fork River** – Grayson did not follow thru on what he agreed to at the 5/26/23 YCD board meeting which was to contact an engineer(s) to evaluate the weirs he installed without permits. He instead, text several pictures and verbiage that did not address remedial work of the area. **Board discussion:** YCD administers the law the same to everyone and follows procedures as specified in the 310 Law. **Board action:** Kraft made a motion to send a certified letter to Grayson stating the facts of the violation, include a copy of the 310 Law and

other informational materials and emphasize the urgency of him responding, second by Robinson, motion carried with Mothershead abstaining. Miller stated that Floodplain has turned the matter over to the County Attorney.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – no current report

#### Agency Reports

- **YCD Employee Reports** – Reports provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell** – on Zoom but had to leave meeting due to other commitments.
- **Fish Wildlife and Parks – Blackburn** on Zoom and verbally participation during the Joy Stevens discussion. Later in the meeting she provided real time pictures of the Stevens site.
- **NRCS**
  - **Seanna Torske & Tori Chulyak** –
    - **Fly Creek** – May have one person interested in pursuing EQIP to install an RO system. Torske gave a verbal overview of what the first round of samples results.
    - **LWG** – Held July 10, 2023. LWG recommended that plant pest pressure be our priority area of concern for the next fiscal year. This can cover all species/areas of weed issues in the county. **Board decision:** Gabel made a motion to go with the LWG recommendation, second by Robinson, motion passed.
  - Torske suggested having a Ventenata workshop as it is showing up in new places and landowners need to be aware. It is an exotic, invasive, self-pollinated, shallow-rooted winter annual grass that is tawny to light yellow. It germinates in the fall and overwinters as a seedling. The board agreed that a workshop should be planned and held.
  - LWG Minutes can be requested from the YCD office.
  - **Billings FO** – detailed report submitted to board prior to today's meeting. Highlights: FY23 EQIP Applications - All contracts have been obligated (1 Fly Creek TIP, 1 Soil Health TIP, 2 SGI, 2 Community Ag) **CRP: General:** 5 contracts (3 producers) were accepted into the program and the board signed the contracts. Once YCD signs, the contracts will be returned to FSA to be finalized by the CED **Grasslands:** 7 contracts (1 producer) have been accepted into the program. We are currently working on creating the conservation plans and getting range inventories completed
- **Yellowstone County**
  - **Yellowstone Co. Extension** – Provided a written report: The fair is August 11-19, our office will have a booth set up at the fair on the 16 and 17. Provided flyer for the Soil Your Undies Workshop to which YCD is a participating partner.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Provided information during the 310 portion and also provided a copy of a notification letter to a landowner that is stockpiling concrete rubble on his property adjacent to the Yellowstone River. Miller informed him of the need to obtain permits.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.

#### BUSINESS MEETING

- **Old Business**
  - LWG – See NRCS report
- **New Business**
  - **YCD FY24 APO** – draft reviewed and edits made by working committee were discussed. Kraft made a motion to approve FY24 APO as finalized today, second by Peck, motion passed. The final version may be found at the end of these Minutes.
- **Board Meeting Absences:** none
- **Treasurer's Report**
  - Robinson made a motion to accept the May and June Treasurer's Reports as written and reviewed, second by Mothershead, motion passed.
  - **FY24 YCD Annual Budget** – Provided to Supervisors prior to today's meeting. Peck made a motion to accept and approve FY24's budget as edited today amounting to \$217,000, second to the motion by Kraft, motion passed. Note: all items that are either over or under budget must be approved by board.
  - **Employee Evaluations:**
    - Ivie – based on today's earlier evaluation, Peck made a motion to give Ivie a 10% hourly increase retro' d to July 1, 2023, seconded by Robinson, motion passed.
    - Vogel – based on the 3-month review, Peck made a motion to award \$1.00/hr. raise retro' d to July 1, 2023, seconded by Robinson.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area** – YCD video-conferenced with DNRC Director Kaster, Deputy Director Savant and Operations Manager Bostrom relative to the content and time frame for the YCA mapping update. Once the final edits are made, Bostrom indicated he would work to get the contract signed by the middle of August. For editing purposes, YCD will work with DNRC employees Criswell and Lucas.
  - **Fly Creek drainage** – covered in NRCS report

- **Lake Elmo State Park Project & video update**– Peck is meeting with FWP this afternoon to outline dialogue. The drone footage donated by Land Design will also be incorporated into the video.

- **Unscheduled Matters** - none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held August 22, 2023.
- Kraft motion to adjourn at 10:12 a.m., second by Mothershead.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator

# **YELLOWSTONE CONSERVATION DISTRICT**

## **FY24 ANNUAL WORK PLAN**

Conservation Districts are:

- Locally elected volunteers whose role is to oversee and positively affect natural resource management.
- The conduit for accessing federal dollars and technical assistance to make state dollars go farther.
- The voice for private lands that benefit our environment and our economy.
- Educate our state's youth in understanding plant, animal, soil, and water resources and their relationships to each other and our communities.

This annual work plan was developed to provide financial, technical, and educational assistance to land users in the district and promote the proper management of soil and water resources. It is structured to bring resource allocation and decision-making to the local level thus ensuring solutions are tailored to specific needs. It is for helping the Yellowstone Conservation District meet its obligations in a timely manner and will serve as a major guide through fiscal year 2024.

### **CONSERVATION ACTIVITY AREAS:**

**EDUCATION**

**NATURAL RESOURCES**

**DISTRICT MANAGEMENT**

#### **YELLOWSTONE CONSERVATION DISTRICT BOARD OF SUPERVISORS:**

- CHAD SEDGWICK, CHAIR, ELECTED SUPERVISOR
- CLINT PECK, VICE-CHAIR, URBAN SUPERVISOR - BILLINGS
- LEROY GABEL, ELECTED SUPERVISOR
- BRAD KRAFT, URBAN SUPERVISOR -- LAUREL/BROADVIEW
- STACEY ROBINSON, ELECTED SUPERVISOR
- BRIAN MOTHERSHEAD, ELECTED SUPERVISOR

#### **EMPLOYEES:**

- LAVERNE IVIE, ADMINISTRATOR
- RAY BECK, PUBLIC POLICY SPECIALIST
- VACANT - PART TIME EDUCATION/OUTREACH COORDINATOR

## CONSERVATION EDUCATION

### PROMOTION OF AGRICULTURE IN MONTANA (Schools and General Public)

- Plan an agricultural public awareness campaign as issues arise by printing articles in the area media outlets, posting on the YCD website and social media accounts
- Make financial contribution to Agriculture in MT Schools supporting the state bumper sticker contest

### EDUCATION PROGRAMS at the NILE

- Coordinate and assist with partner agencies on station presentations which may include YCD's stream table, NRCS soil tunnel and weed education sessions
- Provide Conservation District recyclable bags to teachers filled with educational materials from each demonstration booth with emphasis on conservation/agriculture for 2200 4<sup>th</sup> graders during the 3-day event. Partial bussing sponsorship of the 4<sup>th</sup> grade Agriculture Education portion of the NILE program if budget allows

### CONSERVATION CORPS DAY(S)

- Partner with Conservation Corps senior crews to accomplish:
  - Living Snow Fence maintenance
- If a natural disaster happens in Yellowstone County, YCD will act as the liaison between landowners and government entities by providing educational materials and/or sponsoring grants to hire senior CC crews to rehabilitate lost natural resources.

### CONSERVATION EDUCATION CENTER

- "Adopt a Reach" -- Look for ways to develop a joint education program with Conservation Education Center, Josephine Crossing Subdivision and Grey Eagle Irrigation Ditch Company on a side channel of the Yellowstone River
- Support the mission of the Audubon Conservation Education Center

### CONSERVATION AT THE ZOO

- Promote viewing of the 223-grant funded stream bank stabilization project by 310 applicants at Zoo MT
- Cooperate with Zoo officials on conservation projects

### SCHOOL PROGRAMS

- Provide presentations to City, County, and Home schools with resource programs when requested
- Utilize web-site conservation education request form to determine schools needs/requests for conservation in Yellowstone Co. area schools/organizations
- Develop/enhance/increase Conservation Education programming including:
  - Stream table/rolling river trailer
  - Noxious Weeds – engaging students in habitat conservation
  - Aquatic invasive Species Education/cleaning station demonstrations
  - Stream table/rolling river trailer
- Continue encouraging and helping sponsor conservation education scholarships to natural resource camps as deemed worthy
- Promote the Montana Envirothon program at the county level and continue to offer sponsorship of one team per county high school
- Continue sponsoring DNRC mini grants
- Cooperate with city and county schools, surrounding counties' conservation field days by providing stream table and NRCS soil activities
- Offer natural resource scholarships as budget allows
- Partner with Rocky Mountain College, MSU-B, MBMG and Yellowstone County Weed District to provide stream table training, presentations at schools and YCD outreach events
- Evaluate the feasibility of an additional conservation day in the spring possibly at Zoo Montana

## NATURAL RESOURCES

### EROSION

#### ➤ WATER

- Administer the Natural Streambed and Land Preservation Act (310 Law)
- Monitor incomplete permits, complaints, and repeated violators
- Post- project inspection by conducting a Yellowstone River tour
- Mass educational stream permitting mailing to landowners adjacent to perennial stream in county ?
- Support YCD playing an active role in conflict resolution between affected user groups and federal regulatory agencies

#### ➤ WIND

- Address and work with parties concerned with erosion problems as needed

### FOSSIL FUELS

- Support coal industry in Colstrip and the State of Montana
- Encourage maintaining current levels and/or increased production of Montana's fossil fuels

### LOCAL WORK GROUP

- Continue to cooperate with the Local Work Group for NRCS cost/share programs. Take an active role in identifying priority resource concerns and look for projects in the targeted areas
- Work on getting the Russian Olive Initiative reinstated in the NRCS cost/share program and adding Salt Cedar as a cost/share program

### RANGE

- Inform cooperators of Rangeland Resource Loan Program
- Inform cooperators through the Extension and NRCS offices of the following:
  - Total range acres in Yellowstone County, condition of the acres and trend for range management

### SMALL TRACT LAND OWNERSHIP

- **Land Management**
  - Identify and educate the public on the following: Yellowstone River Recommended Practices and available equipment
  - Continue to look for opportunities to educate small landowners living in urban settings how to manage their private working lands and care for their resources
  - Inform cooperators through the Extension and NRCS offices of various levels of land management available
- **Backyard and Urban Conservation**
  - Continue promoting the program through media outlets, public meetings
  - Promote native landscape information by acting as a conduit/liaison for the public to access information with agencies and other entities on specific problems
  - Help sponsor Rain Garden demonstration site possibly in Laurel area.

### SPECIAL PROJECTS

#### 1. YELLOWSTONE RIVER CONSERVATION DISTRICTS COUNCIL

- 100% involvement with Yellowstone River Conservation Districts Council
- Provide technical and related support within available capability and established priorities
- Continue to support Council activities with Russian Olive & Salt Cedar eradication

#### 2. HECTOR PORTAGE PATH

- Check annually: sign condition in case of vandalism

#### 3. URBAN CONSERVATION ISSUES

- Look for sites to install urban conservation projects in Billings, Laurel, and Broadview
- Take an active role in the City Reservoir conservation education component and assist the City of Billings with funding opportunities
- Lake Elmo
  - Assist in the development of educational video as identified in AIS grant

### NATURAL RESOURCES (continued)

#### 4. HUNTLEY PROJECT IRRIGATION DISTRICT FISH PASSAGE

- Continue to monitor for fish species and fish usage

- Work with FWP to provide accurate fish counts to public; help facilitate clearing the fish passage of debris buildup in conjunction with FWP

#### **5. LANDOWNER WORKSHOPS/MEETINGS**

1. Identify and plan pertinent and timely workshops throughout the county
  - Pollinator workshop
  - CE credit workshops for realtors

#### **6. HB632 & NRCS's Emergency Watershed Program – Appropriation of stimulus dollars to Montana entities (American Rescue Act)**

- o Assist Yellowstone County entities with eligibility criteria by being the liaison between the county and irrigation associations

### **SOIL HEALTH**

- Support and continue to provide soil health information to Yellowstone County landowners
- Plan and host Carbon Sequestration workshops as opportunities for landowners become available
- Work with and support NRCS Soil Health program
  - o Sponsor one or more demonstrations sites through 223 grant funding
  - o Work with NRCS for summer/fall tour of crops in Yellowstone County via a harvest workshop in the Broadview area

### **TREES**

- **LIVING SNOW FENCE**
  - o Ensure total maintenance of the Rehberg Living Snow Fence site by replacing trees in spring, mechanically tilling site, needed fence repair, and working with Yellowstone County Weed Department on weed control.
  - o Schedule workday(s) for Conservation Corps if needed
- **TREE PLANTING PROGRAM**
  - o Work closely with the County Extension office for expansion of tree plantings possibly through workshops, schools, and CRP
  - o Arbor Day Tree Give-a-Way program: Purchase trees and plan an event to provide trees to Yellowstone County residents including handouts with planting instructions and maintenance guidelines

### **WATER QUALITY/ QUANTITY**

- **NITRATES**
  - o Support and actively participate with NRCS and Big Horn CD on the Implementation Plan for the Fly Creek watershed 2023 funding
    - Address high nitrates and sulphates in the surface water
    - Look for ways to develop off stream stock water
    - Offer agronomy practices upstream to treat water quality issues, encourage use of RO systems
    - Water quality monitoring on a consistent basis and a central compiling spot for those sample results to then be analyzed
    - Co-sponsor early fall workshop and training session
- **SALINITY CONTROL**
  - o Continue support of the Montana Salinity Control Association
  - o Continue to address Fly Creek salinity issues
- **WATER QUANTITY**
  - o Promote irrigation water management in Yellowstone County thru water measuring devices
  - o Aggressively promote off-stream storage in potential sites in the County (with an emphasis on the Westend Reservoir)
  - o Look for educational opportunities at the proposed West Billings Water Treatment Plant Water Learning Center
    - Lay groundwork as it relates to funding water quality opportunities in cooperation with developers
    - Actively pursue grants to augment funding

### **WATER RESERVATIONS**

- Promote off-stream storage utilizing a portion of YCD reserved water right
- Continue to promote YCD's reserved water to eligible irrigation projects

### **WEED CONTROL**

- Cooperate with the Yellowstone County Weed Board and personnel in the Weed District
- Oversee monitoring project in cooperation with RMC and weed district

## DISTRICT MANAGEMENT

### BUDGET

- YCD budgets for the following programs as funds become available and at the discretion of the Board:
  - MT Range Tour, Rocky Mountain College YR cleanup, YR Salt Cedar infestation
  - Organization Dues: NACD; Soil & Water Conservation Society; Plant Materials Center; Beartooth RC&D; Billings Chamber of Commerce; Employees Association; NILE; Yellowstone River Parks Assoc.
- Legislative Session activities
  - Develop a strategic plan to use as a major guide for YCD lobbyist and Yellowstone Co. Legislators
- YCD administers the following pass-thru or YCD project grants
  - DNRC - Mini Grants, 223. Renewable Resource Grants, Resource and Development Grants; AIS grant

### COOPERATING AGENCIES and/or ORGANIZATIONS

- Montana Department of Natural Resources & Conservation
- National Association of Conservation Districts
- USDA Natural Resources & Conservation Service and Farm Service Agency
- Montana Department of Fish, Wildlife & Parks
- Yellowstone County Offices: Commissioners, , Weed Board, Floodplain, City/County Planning, Extension
- MT Association of Conservation Districts
- Billings Chamber of Commerce
- Beartooth RC&D
- Bureau of Mines & Geology
- FFA, 4-H Chapters and County Schools
- Ag in Montana Schools
- US Forest Service
- Montana Salinity Control Association
- Rocky Mountain College
- Montana State University – Billings
- NILE
- Yellowstone River Parks Association
- Yellowstone River Basin Water Reservation Council
- Yellowstone River Conservation Districts Council
- Review MOU's with above agencies when applicable and check on updating status

### STATE COMMITTEES

- Support Future Fisheries Panel appointee Clint Peck with special emphasis on Yellowstone County projects

### PUBLIC AWARENESS

- Increase public relations efforts
  - Update website weekly
  - Post all Board meeting notices for public review
  - Annual Plan distributed to all cooperating agencies
  - Radio and television spots, news releases for special projects/tours, post on social media sites
  - YCD information posted on the YRCDC, City of Billings and Yellowstone County websites
  - YCD Stream Table available for educational training – promote/highlight public awareness

### TRAVEL of SUPERVISORS and/or EMPLOYEES

Board members and employees attend County, State, Regional, and National meetings as budget allows.

# YELLOWSTONE CONSERVATION DISTRICT

1371 RIMTOP DRIVE, BILLINGS, MT 59105

PHONE: 406.247.4420; FAX: 406.247.4416

## YELLOWSTONE CONSERVATION DISTRICT

August 22, 2023

### Board Meeting Minutes

Land Design Conference Room  
1670 48<sup>th</sup> St. West, Billings MT 59106  
7:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft, Brian Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** none

**NON-BOARD PRESENT:** LaVerne Ivie – YCD; Seanna Torske, Tori Chulyak – NRCS; Tim Miller, Ronni Tallerico Y.C. Floodplain  
Virtually: Shannon Blackburn - FWP  
310 Applicants: Joy Stevens, Jens Selvig

Chair Sedgwick called the meeting to order at 7:00 a.m.

### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Peck made a motion to approve July 27, 2023, meeting Minutes as written and reviewed, second by Kraft, motion passed.

### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-01-23-C – Larry Grayson, Clarks Fork River –**

**7-27-23 YCD Minutes:** Grayson did not follow thru on what he agreed to at the 5/26/23 YCD board meeting which was to contact an engineer(s) to evaluate the weirs he installed without permits. He instead, text several pictures and verbiage that did not address remedial work of the area. **Board discussion:** YCD administers the law the same to everyone and follows procedures as specified in the 310 Law. **Board action:** Kraft made a motion to send a certified letter to Grayson stating the facts of the violation, include a copy of the 310 Law and other informational materials and emphasize the urgency of him responding, second by Robinson, motion carried with Mothershead abstaining. Miller stated that Floodplain has turned the matter over to the County Attorney.

**Today's meeting:** No correspondence received from Larry Grayson including no response to the certified letter and accompanying information mailed to him. Supervisors discussed justification for county attorney involvement: onsite inspection team was asked by Mrs. Grayson to leave the premises, Mr. Grayson stated in the 7-27-23 YCD board meeting he would contact engineering firms and present the preliminary plan or at least his progress towards getting a plan to the YCD board, YCD was told not to call him from the 7-27-23 board meeting, he did not respond to the certified letter outlining steps to bring the violation into compliance and avoid legal action.

**Board decision:** Kraft made a motion to turn the non-compliance complaint/violation over to the County Attorney for further action, second to the motion by Robinson, motion passed with Mothershead abstaining.

- **YE-20-23 – Jim Hein, Yellowstone River –** Inspection date and team: 8-14-23; Peck, Gabel, Mothershead, Ivie, Hein, Jean Ramer (Terracon rep), Miller, Tallerico. Peck provided an overview of the current situation: Of the eight (8) weirs installed only 3 remain. All present at the inspection discussed the need to amend the permit filed to address the new circumstances. Gabel made a motion to table YE-20-23 until more information is provided addressing the modifications, second by Mothershead, motion passed.

- **YE-02-24-E – Montana Rail Link, Yellowstone River emergency side channel dredge.** A small side channel was dredged by Swordsman Park to allow for the cleanup crews to launch boats. The plan is to restore the area to its original state. Inspection team and date: Kraft, Peck, Mothershead, Ivie, Shimer, Blackburn, Anderson, one MRL contractor, one MRL design engineer, Flemtis (Stillwater CD). **Board decision:** Kraft made a motion based

on the team report to require applicant to submit form 270 within 90 days to mitigate damages to the area, second by Peck motion passed.

- **YE-03-24 – Phillips 66, Alkali Creek area brush clearing.** After board reviewed the application for brush clearing, Peck made a motion to declare a non-project because it does not impact the immediate bed or bank of Alkali Creek, second by Mothershead, motion passed.
- **YE-04-24 – Nemont Telephone Coop, Pryor Creek HDD** – Peck made a motion to accept as a project, second by Kraft, motion failed. After further discussion Peck made a motion to declare a non-project because the HDD does not impact the immediate bed or bank of Pryor Creek, second by Gabel, motion passed.
- **YE-11-22 Joy Stevens, Alkali Creek** –Stevens and contractor Selvig were in attendance to discuss Ms. Stevens' proposed plan to install poly-injections to try and stabilize the creek bank on her site. The board expressed concern about the poly-injections specifically if they are not carefully applied, they could adversely affect Joy's property, the creek and neighboring property. It was discussed that the poly-injection towers are a special product that require certified professionals to install and require an engineer design to assure it will address the problem of the sloughing-off of the stream bank. Further evaluation of the technique is warranted before a decision can be reached.  
YE-11-22 expires 8-25-23 after which the project area is out of compliance because there is no acceptable design submitted to YCD to bring the area into compliance. The board advised Ms. Stevens that after August 25, 2023 she is to cease all activity until she has a new approved 310 application as she would be in violation of the 310 law if she does any work. The board further advised Ms. Stevens that she should get an engineering plan by a qualified engineer with his/her stamp affixed to the 310 plan submitted for stream bank stabilization at the project site. And, to have the design submitted in time for the September YCD Board meeting for consideration. FWP will follow-up with DEQ for possible turbidity issues.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – Gabel informed the board of a Woody Invasives meeting being held in Lewistown on Sept. 6<sup>th</sup> to which he might be able to attend. Ray Beck will be asked to attend representing YCD if his schedule allows.
- **Yellowstone River 310 tour** – Gabel, Robinson, Ivie, Blythe plus boat driver Jones attended. Three (3) areas were focused on: Patti Kroege property where YCD approved her project for riprap maintenance – her land is immediately downstream of the Fleming large riprap project. Viewed Heins from the river and got a better perspective of what was left from this year's flood event. HPID – Observed severe erosion under the island cap on the north side of the dam. Gabel notified HPID.

#### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell/Mary Hendrix** – report emailed and provided in Supervisor packets prior to meeting
- **Fish Wildlife and Parks – Blackburn** on Zoom and verbally participated during the Joy Stevens discussion.
- **NRCS – Seanna Torske & Tori Chulyak, Billings FO** – detailed report submitted to board prior to today's meeting.  
FY23 CSP applications:
  - Signup 1: 3 contracts have been obligated- 1 high, 1 medium, and 1 low priority. The low priority was funded with IRA funds; Signup 2: Our medium priority application has been obligated
  - Grasslands Conservation Initiative (GCI): We have one applicant that we will work on ranking
  - FY24 CSP Renewal Applications: We have 3 producers who have turned in applications for CSP renewals and they have chosen their enhancements. We will be working on planning them
  - CRP: General: 5 contracts (3 producers) were accepted into the program. The YCD has signed them and we have given the final copies to FSA to get final signatures
  - Grasslands: 7 contracts (1 producer) have been accepted into the program. We have completed the range inventories and the conservation plans. Once the YCD signs them we can give the final copies to FSA
  - Expiring Contract Reviews: We have completed reviews for the General CRP contracts that will expire in 2024 (reviews are done the year before the contract is set to expire)
  - Vacancies within our Work Unit – Civil Engineer- The chosen applicant backed out of the position, so it is still vacant; Range Management Specialist: No applicants interviewed for the Billings location so this position is still vacant
  - After Tori explained and summarized, seven (7) contracts were signed by the YCD Supervisors.
  - Personnel changes in the Billings FSA office were reported.
- **Yellowstone County**
  - **Yellowstone Co. Extension** –no report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Provided information during the 310 portion. After inspecting the Hushka Yellowstone River property, Miller sent a letter to the landowner relative to the stockpiling of concrete rubble on his property adjacent to the Yellowstone River. YCD will also send a letter/notice informing the person of the 310 Law.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.

#### BUSINESS MEETING

- **Old Business**
  - **YCD new office space:** Ivie is to start researching/ordering office items and bring a shopping list for large purchases to the next YCD board meeting for discussion.
  - **YCD Part Time Employee** – Gabel made a motion to advertise the vacant position as soon as the job description is updated, second by Peck, motion passed.
- **New Business**
  - **Living Snow Fence inquiry** – Indian Cliffs subdivision is interested in planting another LSF site closer to the subdivision. Ivie and the association president discussed what might be feasible-- financial, and labor commitments from the subdivision, cost, prairie dog control plus other items that need to be addressed and agreed to before a plan can be developed. All will be relayed to the owners and a decision will be made whether to proceed or not.
- **Board Meeting Absences:** none
- **Treasurer's Report**
  - Kraft made a motion to accept the July Treasurer's Reports as written and reviewed, second by Mothershead, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area** – Contract is being routed by DNRC. Chair Sedgwick, with concurrence of other Supervisors, appointed Ray Beck as YCD's City/Legislative liaison.
  - **Fly Creek drainage** – Torske, Martin and Ivie (or new employee) will conduct the fall water sampling.
  - **Lake Elmo State Park Project** & video update– Peck reported they are moving along on the script with video contractor. Contractor took drone footage of the public utilizing the park for the video. This was not part of the contract, but YCD has funds in the AIS grant to pay for Saphire's time and expenses.
- **Unscheduled Matters** - none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held September 20, 2023.
- Peck motion to adjourn at 9:15 a.m.



**YELLOWSTONE CONSERVATION DISTRICT**

1670 48<sup>th</sup> St. W Suite 2, Billings, MT 59106

Phone: 406.690.9326 email: [lvie@mt.gov](mailto:lvie@mt.gov)

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**YELLOWSTONE CONSERVATION DISTRICT**

September 20, 2023

**Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106

8:00 a.m.

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Brad Kraft (via conference call)  
Brian Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** Leroy Gabel

**NON-BOARD PRESENT:** LaVerne Ivie – YCD; Tori Chulyak, Crystal White – NRCS; Tim Miller, Ronni Tallerico Y.C. Floodplain;  
Shannon Blackburn - FWP  
310 Applicants: Joy Stevens, Jens Selvig

Chair Sedgwick called the meeting to order at 8:09 a.m.

**Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Peck made a motion to approve August 22, 2023, meeting Minutes as written and reviewed, second by Robinson, motion passed.

**310's**

- **Applications, Emergencies, Complaints & Violations:**
  - **YE-05 thru YE-10-24 – Mountain LTD (on behalf of IIG) - West Fork Razor Creek, North Fork Crooked Creek, Twelve Mile Creek, Unnamed Creek, Five Mile Creek** – Constructing a fiber optic network across the state of Montana. This phase will place (3) 1.25" conduits under the streams along the route via directional bore (HDD) outside of high water mark. No impact to streams or wetlands. **Board decision:** Robinson made a motion to declare all six (6) sites non projects because HDD has no impact to immediate bed or banks of the identified water bodies, second by Peck, motion passed.
  - **YE-01-23-C – Larry Grayson, Clarks Fork River** – Tim Miller reported after Grayson received a letter from the County Attorney for the unauthorized work on the Clark's Fork River he contacted the Yellowstone County Floodplain office to discuss his options. Both parties agreed for Grayson to pull the barbs out of the river by the first week in October, if not, he will be in violation. YCD board agreed to have Miller work with Grayson to accomplish the removal, accompany the post project inspection team to the site, and make an official determination after reviewing the facts at the Oct. YCD Board meeting.
  - **YE-20-23 – Jim Hein, Yellowstone River** – No amendment to the original application received as of today.
  - **Melvin Huschka, Yellowstone River** – Floodplain reported unauthorized dumping of questionable materials on the banks of the Yellowstone River. A letter from YCD was sent to the landowner to which no response was received. The board decided to view the site prior to the next board meeting to determine if the placement of the materials is in violation of the 310 Law.

- **YE-11-22 Joy Stevens, Alkali Creek** –Stevens and contractor Selvig were in attendance to discuss Ms. Stevens' expired 310 permit.
  - Garrett Masin, DEQ Enforcement provided DEQ's requirements for installation of BMP's adjacent to Alkali Creek to reduce turbidity as verbally agreed to by site inspection team consisting of himself, landowner, FWP, YCD representatives, and landowner contractor. Masin will follow up with landowner to ensure the installation is as agreed to.
  - Peck provided a written report following the onsite inspection conducted on August 25, 2023 and verbally highlighted key elements of the inspection: work has been performed outside of original scope of project; the helical piers were approved but bank sloughed in during construction due to underground springs and now the whole area is in need of proper engineering to repair damages.
  - Ms. Stevens vehemently disagreed with the board and insisted she is qualified to design the project because of her expired petroleum engineering license. The board held their position in that the scope of the failed project is such that a qualified engineer with a stamp and expertise in streambank stabilization projects needs to be hired to design the fix to ensure all factors are considered before moving forward.
  - Board decision:** Robinson made a motion to declare YE-11-22 I – Joy Stevens permit in violation of the 310 Law. Yellowstone Conservation District will proceed with due diligence by contacting other agencies and the Yellowstone County Attorney's office to develop a course of action for consideration at the October YCD Board meeting, second by Peck, motion passed unanimously. YCD will update the other agencies of YCD's plan to move forward and ask for their attention to the matter.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – Gabel unable to attend meeting to give an update on Council activities.

#### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell/Mary Hendrix** – report sent to YCD Supervisors prior to today's meeting.
- **Fish Wildlife and Parks – Blackburn** – In addition to participating in discussions during the 310 portion of the meeting she reported: the week of Oct. 7<sup>th</sup> AIS crews will be surveying Lake Elmo. Also the Yellowstone Fish Consumption Advisory group, through their sampling found chemical of concern in several fish species. Currently working on specifics to determine what the source is.
- **NRCS -- Tori Chulyak, Billings FO** – announced she has accepted a new job with NRCS in Bozeman. Congratulations were extended and thanks given for her work with Yellowstone County. Highlights from report submitted to YCD prior to the board meeting today:

#### Existing CSP Contracts

Participants must turn in documentation for 2023 by the end of the month. We have received documentation from a few of them so far, which we will review and certify before they are paid

#### FY23 CSP Applications

**Grasslands Conservation Initiative (GCI):** This contract has been obligated All FY 2023 contracts have been obligated!

#### FY24 CSP Renewal Applications

We have 3 producers who have turned in applications for CSP renewals and they have chosen their enhancements. We will be working on planning them

#### Vacancies within our Work Unit –

Civil Engineer- Still vacant, it is open on USAJobs right now until the 25<sup>th</sup> ; Range Management Specialist: We have interviewed for this position and tentative job offers have been made

#### CRP:

**General & Grasslands contracts have been planned and given to FSA for final signatures**

**Expiring Contract Reviews:** We have completed reviews for the General CRP contracts that will expire in 2024 (reviews are done the year before the contract is set to expire)

#### Available fund pools for FY 2024 applications:

Rooting for Soil Health TIP; Sage Grouse Initiative (SGI); Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian; Degradation; Pivots for Pollinators TIP; Conversion of CRP to Grazing Lands TIP; Fly Creek TIP Community Ag; Tribal; CSP Classic and Renewals

- **Yellowstone County**
  - **Yellowstone Co. Extension** –no report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Provided information and counsel during the 310 portion.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.

## **BUSINESS MEETING**

- **Old Business**
  - YCD new office space: Ivie provided list of items needed to furnish new office. The board directed her to purchase what is needed and try to stay under the original first estimate of \$10,000. The office space rental agreement of \$1000/month is ready to be signed by Chair Sedgwick with the option to amend if and when YCD houses other employees.
  - **YCD Part Time Employee** – Position has been advertised.
- **New Business**
  - **Southern Saline Seep District for Montana Salinity Control** – request for representation on the state board – Supervisors discussed the good work MSCA does across the state but at this time, no YCD Supervisor could commit to the appointment.
  - **Rocky Mountain College annual Yellowstone River Cleanup** – review of the report received from RMC and a financial request. After discussing the amount of trash collected every year, Peck made a motion to award \$1000 towards the cleanup efforts, second by Robinson, motion passed.
- **Board Meeting Absences:** Peck made a motion to approve Leroy Gabel's absence today, second by Robinson, motion passed.
- **T-Report**
  - Mothershead made a motion to accept the August Treasurer's Report as written and reviewed, second by Robinson, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs)** – Signed contract received from DNRC to update the Master Plan. Robinson and Ivie met with the Billings Public Works team to go over tasks, timelines, and work products associated with the grant. An agreement is being developed to add as an amendment to the MOU between the City of Billings and YCD for the Yellowstone Conservation Area. Once that is agreed upon by both parties the City will contract with a firm to update the Master Plan and invoice YCD accordingly. In the meantime, YCD will work with Ray Beck to develop a plan to begin the process for public input and to pursue other avenues of funding opportunities.
  - **Fly Creek drainage** – second round of water samples will be taken in October.
  - **Lake Elmo State Park Project** & video update– Peck reported the video will be done shortly. Once completed it will be utilized at various outlets.
- **Unscheduled Matters** - none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held October 17, 2023.
- Mothershead motion to adjourn at 10:30 a.m.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator



**YELLOWSTONE CONSERVATION DISTRICT**

1670 48<sup>th</sup> St. W Suite 2, Billings, MT 59106

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**YELLOWSTONE CONSERVATION DISTRICT**

October 17, 2023

**October Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106

1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel, Brad Kraft, Brian Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** none

**NON-BOARD PRESENT:** LaVerne Ivie – YCD; Seanna Torske, Crystal White, Zoe Craft – NRCS; Chrissy Webb – FWP; Tim Miller, Ronni Tallerico Yellowstone County Floodplain; Yellowstone County Commissioners: John Ostlund, Mark Morse; Yellowstone County Attorney's office: Steve Williams  
310 Applicant and contractor: Jim Hein; Joy Stevens, Jens Selvig

Chair Sedgwick called the meeting to order at 1:02 pm

**Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Addition of Jim Hein amendment to YE-20-23; Discussion & vote on City Lakes addendum #1 to MOU; Kayhan Ostovar presentation postponed.

**Minutes:** September 20, 2023 minutes – Under Joy Stevens 310 discussion the correct verbiage should state license not degree. Peck made a motion to approve September 20, 2023 meeting Minutes as amended and reviewed, second by Robinson, motion passed.

**310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek – Report on Current Status**

- Steve Williams with the Yellowstone County Attorney's Office provided background information regarding this matter as follows. Joy Stevens was granted a 310 permit in May of 2022. The term of the project has since expired. The project is currently incomplete and in violation of 310. A new 310 permit is required to conduct remediation or complete the project. A letter was sent to Stevens from the County Attorney's Office on September 27, 2023. That letter informed Stevens that she was in violation and that ongoing fines were being assessed. The letter stated that the District has the discretion to waive the fines if Stevens presented an agreement with a qualified engineer at the October 17, 2023 meeting and followed a timeline set by the District to complete remediation under a new 310 permit. Williams provided information regarding the District's rules providing the discretion to require engineering plans or a professional engineer for permit applications.

Joy Stevens addressed the board and provided a letter from an engineer regarding an agreement to work on her project. Stevens expressed concerns to the District regarding confusion regarding the scope of the required work as well as the District's jurisdiction. These concerns were addressed by the District and Williams. The District discussed the scope of work at length, as well as the possible need to conduct geological testing as part of the project. Stevens agreed to provide the District with an engineering plan and a 310 application by the next meeting. The District stated that it will then evaluate the plan and determine if it is satisfactory or if there are additional components or changes that will be required. Additional deadlines will be set at this next hearing.

The District clarified that the fines for the ongoing violation will continue to accrue, but that the District has the discretion to waive them if Stevens satisfactorily completes the remediation in a reasonable timeframe as set by the District.

**Further Discussion:** As required per William's letter, Stevens submitted a letter from an engineer that agreed to design the project. Engineer qualifications were discussed, questions were asked that could not be answered and ultimately a decision was reached to wait until a design is submitted (by the Nov. 14<sup>th</sup> YCD board meeting) to determine if the design meets all criteria including a Geotech evaluation and other pertinent information to resolve the violation.

**Board decision:** Gabel made a motion to accept the engineer's letter indicating contractual agreement with Ms. Stevens, second by Mothershead, motion passed.

- **YE-12 thru YE-16-24 – Mountain LTD (on behalf of IIG) - Canyon Creek, Private Ditch, Big Ditch, High Ditch & Cove Ditch** – Constructing a fiber optic network across the state of Montana. This phase will place (3) 1.25" conduits under the streams along the route via directional bore (HDD) outside of high water mark. No impact to streams or wetlands. **Board decision:** Kraft made a motion to declare all sites non projects because HDD has no impact to immediate bed or banks of Canyon Creek and YCD does not have jurisdiction over irrigation ditches or canals, second by Peck, motion passed.
- **YE-01-23-C – Larry Grayson, Clarks Fork River** – Tim Miller reported removal was conducted as promised. Grayson provided pictures of the work to Miller and YCD. Miller will schedule a post project inspection in coordination with YCD and other permitting agencies.
- **YE-20-23 – Jim Hein, Yellowstone River** – Hein attended today's meeting to submit a Terracon engineering firm amendment for the previously submitted 310 application #YE-20-23 per EPA violation requirements. Amendment states: Of the 8 weirs constructed in 2015, only the remains of 3 are left. The rock and rubble remnants of 3 weirs are within reach of the bank and can be removed with an excavator. Work on the bank will be done as much as practical and safe from the upper bank. Equipment may need to enter the channel for a short distance to retrieve rubble/rock that cannot be reached by the long-reach excavator. The goal of this effort is to remove previously constructed bank protection structures and restore the bank to its approximate natural configuration with a 2:1 slope. No armoring of the bank is proposed. It is understood that erosion will continue for a time. **Team report:** Inspection date 8/14/23; Peck, Mothershead, Ivie, Hein, Ramer. The original permit was for 8 weirs, today only 3 exist. The team recommends modifying the application based on current condition of the weirs. **Board decision:** Gabel made a motion to approve weir removal from 8 to 3 due to damages caused by flooding this spring, second by Robinson, motion passed.
- **YE17-24 – Billings Bench Water Association – Yellowstone River** – Project description: The intended purpose of the project is to add maintenance work for bank stabilization and protection to the existing dike/bank. Previous maintenance work has been completed within the proposed project area. The project proposes to complete maintenance work by grading the dike/bank to a stable grade and installing appropriately sized riprap to armor the bank from ice jams and protect from further erosion. The total length of the project is 2300'. BBWA will utilize funds approved through NRCS's EWP. **Inspection date and team:** 10-10-23; Kraft, Mothershead, Ivie, Reid, Miller, Tallerico, Workman, & another WWC engineer. **Team report:** Since it is repairing previously placed riprap, YCD Supervisors recommended approval. **Discussion:** since the inspection the ACOE has made a determination to process under a nationwide permit for maintenance. Miller needs proof from WWC there will be 'no-rise'. **Board decision:** Kraft made a motion to approve YE-17-24 as proposed, second by Mothershead, motion passed.
- **Melvin Huschka, Yellowstone River** – September 25, 2023 -- an inspection team consisting of Sedgwick, Peck, Gabel, Mothershead, Ivie, and Tallerico met with Huschka onsite. It was determined that the current physical approximation of the dumped materials does not constitute an immediate violation but may become one as a result of a future flood event. Mr. Huschka was made aware of what he may be facing if the material enters the waterway and was encouraged to take care of it now before he is in violation. Floodplain office will monitor and report back to the YCD if and when circumstances change.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – Gabel reported the next Council meeting will be held in Miles City on Oct. 26<sup>th</sup>. The council will cover his time and travel.
  - **Noxious Weed group** – is making significant progress in identifying invasives in select areas. They have sent out a survey to help focus their efforts on certain areas and species.
- **Yellowstone River cleanup report, RMC Prof. Kayhan Ostovar** – postponed

#### BUSINESS MEETING

- **Old Business**
  - **YCD new office space:** Furnishings have been ordered and are coming in sporadically. Hopefully by the Nov. YCD board meeting, all will be in place.
  - **YCD Part Time Employee** – Position has been advertised.

- **New Business**
  - **City of Billings Volunteer Appreciation Dinner** – Supervisors received information relative to the dinner, Some will try and attend.
  - **MACD State resolutions** to be voted on at the annual MACD meeting were reviewed. Board directed Ivie to inform MACD of the review and relay no comments or edits are forthcoming from YCD because the resolutions are very generic and reflect feelings of most of the board on the issues identified.
- **Board Meeting Absences:** None
- **T-Report**
  - Robinson made a motion to accept the September Treasurer's Report as written and reviewed, second by Gabel, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs)** – Amendment #1 to the City of Billings/YCD MOU was presented for review and approval. The amendment addresses the DNRC grant for the Master Plan update to include conservation amenities. Peck made a motion to approve and sign the MOU, second by Mothershead, motion passed. The MOU will be forwarded for the City of Billings to consider during a future Billings Council meeting. Note: it may be delayed because the City's focus is currently on the \$143 million Parks bond, they are trying to get passed with Billings voters.
  - **Fly Creek drainage** – second round of water samples will be taken by Big Horn CD Administrator and Seanna Torske, NRCS Super DC. YCD will reimburse BHCD for their time and expenses.
  - **Lake Elmo State Park Project & video update**– Peck reported the videos are in the very final stages of completion. Chrissy Webb commented that FWP had several minor edits to make which she does not know if they will make the final cut or not. The board viewed the 3 videos and were quite pleased with the results. Final grant report and accompanying documentation will be completed and submitted to DNRC AIS program by Peck and Ivie.

#### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell/Mary Hendrix** – report sent to YCD Supervisors prior to today's meeting.
- **Fish Wildlife and Parks – Chrissy Webb** – collecting fish samples to determine human safety. What they are finding is somewhat interesting but have determined that it is not linked to derailment.
- **NRCS -- Zoe Craft, new Billings FO DC** provided the following report:  
FY24 EQIP/CSP Applications –  
 The office has been receiving applications for FY2024 projects, the current batching period will end October 27<sup>th</sup>, 2023.

Available fund pools for FY24 application Rooting for Soil Health TIP ; Sage Grouse Initiative (SGI): Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian; Degradation; Pivots for Pollinators TIP; Conversion of CRP to Grazing Lands TIP; Fly Creek TIP; Community Ag; Tribal; CSP Classic and Renewals

#### Updates:

Soil Health Bus Tour – September 5<sup>th</sup>-7<sup>th</sup>, 2023 MT NRCS toured producers who are implementing soil health practices in their farming/ranching operations around Billings, Forsyth, Baker, Hysham, and Ballantine. We met with Cavin Steiger to look at diverse crop rotations, stripper header, and other equipment they utilize. Met Dave Hayden who builds portable stock tanks that work with temporary fencing to move cattle on the landscape. We also met Bart Icopini who works with neighbors to graze cover crops following crop harvest, utilizing temporary fencing under a pivot. The tour finished at North 40 Ag's headquarters to learn all about cover crops and how they mix the seed in their facility. This was a great tour and lots of good information was shared.

Area IV MACD Meeting – October 3<sup>rd</sup>, 2023 in Roundup, MT. Zoe Craft, Seanna Torske, and Tori Chulyak all attended this year's area IV meeting. Clint Peck was recognized for 10 years of service with the Yellowstone County Conservation District.

#### Vacancies within our Work Unit –

- The Range Management Specialist position in the Billings field office has been filled with a start date of October 23, 2023.
- Zoe Craft has begun the transition over to the Billings field office as the new District Conservationist.
- *Civil Engineering Technician* – There was a bundled vacancy that went out including the Billings FO and closed October 2<sup>nd</sup> (we didn't know about it until there was only a couple days left of the announcement)
- *Civil Engineer* – They are also still planning to advertise for a Civil Engineer or Ag Engineer for the Billings FO.

Dates/Deadlines

October 13-21<sup>st</sup>, 2023 – NILE Ag Show (NRCS is doing a booth this week)

November 14-16<sup>th</sup>, 2023 – State MACD Convention (Billings, MT)

February 6-8<sup>th</sup>, 2024 – Soil Health Symposium

- **Yellowstone County**

- **Yellowstone Co. Extension** Tristin Benson provided a written report: Back at the end of May, our office planted a pair of 100% cotton undies for 60 days as part of the Soil Your Undies Challenge. After sitting beneath a small patch of wheat over the summer we finally dug them up and were impressed with the results! The microbes in the soil got right to work on our office undies... and we don't have a whole lot to show for it (literally). In addition to the challenge, we hosted a soil health workshop where 4-Hers and community members had the opportunity to bring in their own "soiled" undies and learn about how they break in the soil and the importance of soil health, it was great fun to be had by all. The event couldn't have been made possible without the help of NRCS, Yellowstone Weed District, and 4-H teens and volunteers.

Montana Conservation Seedling Nursery trees are going fast, make sure to get your order in ASAP. Orders are online only this year and can be found on the Montana DNRC website.

Extension will be at NILE October 16-18 teaching 4th graders about Montana Agriculture, we expect to speak to approximately 1800 youth over the three days.

- **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
- **Yellowstone Co. Floodplain** – Tim Miller & Ronni Tallerico provided information and counsel during the 310 portion of the meeting.
- **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend meeting.

- **Unscheduled Matters** - none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held October 17, 2023.
- Mothershead motioned to adjourn at 2:47 pm

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator



## *YELLOWSTONE CONSERVATION DISTRICT*

PO Box 80888, Billings MT 59108 1670 48<sup>th</sup> St. W Suite 2, Billings, MT 59106  
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### **YELLOWSTONE CONSERVATION DISTRICT**

November 14, 2023

#### **November Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106  
1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Clint Peck - Vice-chair; Leroy Gabel,  
Brian Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** Brad Kraft

**NON-BOARD PRESENT:** LaVerne Ivie – YCD; Seanna Torske, Crystal White, Zoe Craft – NRCS; Demi Blythe  
Yellowstone County Attorney's office: Steve Williams

Chair Sedgwick called the meeting to order at 1:00 pm

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** None

**Minutes:** Gabel made a motion to approve the October 17, 2023 Minutes as read, second by Peck, motion passed.

Chair Sedgwick closed the meeting at 1:05 pm Gabel made a motion to out of closed session at 1:45 pm. Second by Peck, passed.

#### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek – Report on Current Status**

Steve Williams representing the Yellowstone County Attorney's Office sent a letter to Ms. Stevens referencing discussion and decision made at the Oct. 14<sup>th</sup> YCD board meeting. Included in that letter was a November 14<sup>th</sup> deadline to submit an engineered plan to the YCD board for consideration. YCD was notified by Stevens of her progress and that she is diligently working on putting the plan together and hopes to present it at the December YCD meeting. Mr. Williams will send another letter giving her a Dec. deadline and emphasize that the fines are still accruing, and the board must see a plan by the December board meeting.

Board motion: Gabel made a motion to appoint committee of board members to address the Joy Stevens violation, second by Peck, motion passed.

- **YE-01-23-C – Larry Grayson, Clarks Fork River – The floodplain office was not in attendance today. Ivie will inquire when the onsite inspection will be scheduled so that YCD can plan accordingly.**

- **YE-19-24 – Miller McGirl Irrigation District, Yellowstone River – Submitted a Plan of Operation for a 10 year maintenance permit. This plan is in addition to the already approved riprap maintenance permit #YE-17-23. Board decision:** Gabel made a motion to approve as detailed in the plan, second by Peck, motion passed.

#### **Other 310 issues & Projects**

- **Yellowstone River CD Council** – Gabel was unable to attend the past meeting but will provide the notes to YCD once received.
- **Yellowstone River cleanup report, RMC Prof. Kayhan Ostovar** – presented an overview of the yearly project, thanked YCD for the monetary support, discussed current conditions of the cleanup sites, and asked YCD to consider sponsoring grants for specific projects. The board will consider sponsorship when he has a proposal ready.

## **BUSINESS MEETING**

### ➤ **Old Business**

- Supervisor ID forms – most forgot but will get the filled out form in soon.
- **YCD Part Time Employee** – Board reviewed the one application received and directed Ivie to schedule an interview.

### ➤ **New Business**

- **YCD new office space:** Supervisors discussed the best time to hold an open house and decided since the holidays are approaching, a January date would be better.
- **Realtor Workshop** – it has been 3 years since YCD sponsored a workshop. Topics could include the 310 Law, State Lands laws and YR Water Reservations. Peck made a motion to work with the Realtors Association for a spring workshop, second by Robinson, motion passed. Peck volunteered to be the lead Supervisor.
- **MT Range Days – seeking host for 2026-27 summer events** – YCD Supervisors declined bidding on the event.
- **MACD State resolutions** – Supervisors discussed the water reservations resolution that is to be considered at the CD State convention. While consensus of the board leaned towards opposing the resolution, they felt that because we are not members of the association, we have no business weighing in at the convention. If it should pass and go to the Legislature for action, that is the time to take a stand.

### ➤ **Board Meeting Absences:** Peck made a motion to accept Kraft's absence from today's meeting, second by Mothershead, motion carried.

### ➤ **T-Report**

- Robinson made a motion to accept the October Treasurer's Report as written and reviewed, second by Mothershead, motion passed.
- **Travel & Meetings** –
  - Peck will attend the Future Fisheries meeting Dec. 12-13<sup>th</sup> in Helena
  - MACD convention in Billings – Per board direction, YCD personnel will not attend

### ➤ **Standing Committee Reports**

- **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** – Nothing new to report.
- **Fly Creek drainage** – the second round of water samples were taken by Torske and Kylie Martin. They ran into some location issues, but it all worked out. The results will be available soon for YCD review.
- **Lake Elmo State Park Project & video update**– Peck reported the video is done; Ivie submitted the final grant report to DNRC. Waiting to receive payment.

## **Agency Reports**

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell/Mary Hendrix** – report sent to YCD Supervisors prior to today's meeting.
- **Fish Wildlife and Parks – Demi Blythe** – wrapping up the DES workload.
- **NRCS -- Zoe Craft, Billings FO DC** provided the following report:

FY24 EQIP/CSP Applications – The office received applications for FY2024 projects and are working with applicants to develop conservation plans and update their eligibility. NRCS accepts applications anytime. Applications received past October 27<sup>th</sup> will be put into the next batching period. This could be a second signup for FY 2024 or else could be for FY 2025 consideration.

Starting this fiscal year, we have Act Now to obligate some of our 'simpler' applications. This includes Climate Smart, On Farm Energy, and Rooting for Soil Health. This signup is ongoing until March 1<sup>st</sup>.

### Available fund pools for FY24 applications:

Rooting for Soil Health TIP; Sage Grouse Initiative (SGI): Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian Degradation; Pivots for Pollinators TIP; Conversion of CRP to Grazing Lands TIP; Fly Creek TI; Community Ag; Tribal; CSP Classic and Renewals

### Vacancies within our Work Unit –

- Welcome the new Range Management Specialist in the Billings field office, Shane Burton.
- *Civil Engineer* – They are still planning to advertise for a Civil Engineer or Ag Engineer for the Billings FO.

- **Yellowstone County**

- **Yellowstone Co. Extension** Tristin Benson provided a written report:
  - Sugar beet and Malt Barley Symposium is January 9-10th at the Billings Hotel and Convention Center. Registration can be found here: <https://www.mountainstateag.org/>
  - The Billings stop for the MSU Extension Southcentral Winter Ag Series will be Jan. 31st, location and agenda TBD.

- There will be an initial private applicator training on December 11, 2023 at the 4-H Building in Metra Park. It is recommended that you register by Dec. 1st to Trestin (406-256-2828) to ensure there are enough class supplies.

- o **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
- o **Yellowstone Co. Floodplain** – Tim Miller & Ronni Tallerico unable to attend meeting.
- o **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend but provided this written report:  
I don't have a lot to report on. Luke Wright our contractor for our salt cedar project will be finishing up this week. We didn't make it as far as I had hoped we would, but some progress is better than none at all. We had to go back and re-treat the area where our previous contractor had left off. It looked like there was some poor treatment done at the tail end of last year's project. With the help of the HB 821 grant, I have enough herbicide mix for next year's project.  
YCWD was also able to keep one of our seasonals working just about until the end of October. Our seasonal was able to spray a lot of roads that had Canada Thistle outbreaks and she knocked off a good chunk of MDT so we won't be so pressed for time next June when we finish up the current MDT contract. Megan has been in Two Moon Park and Riverfront Park working hard at controlling the Common Buckthorn. We had a forestry machine come in to Two Moon Park this summer and masticate 1.42 acres for us and I applied for a special county grant to do some more mastication next year in Two Moon Park. We are very happy with the job that the contractor did in Two Moon Park. If any of you would like to see the project area let us know.

- **Unscheduled Matters** - none
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held in January 2024
- Gabel made a motion to adjourn at 2:58 pm

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator





## YELLOWSTONE CONSERVATION DISTRICT

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### YELLOWSTONE CONSERVATION DISTRICT

January 9, 2024

#### December-January Board Meeting Minutes

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106

1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Leroy Gabel, Brad Kraft, Bryan Mothershead, Stacey Robinson

**BOARD MEMBERS ABSENT:** Clint Peck - Vice-chair

**NON-BOARD PRESENT:** LaVerne Ivie, Nina Sedillos Ray Beck (virtually) – YCD; Seanna Torske – NRCS; Demi Blythe – FWP, Ronni Tallerico – Yellowstone Co. Floodplain; Yellowstone County Attorney's office: Steve Williams  
310 applicants: Sean Sullivan -Briarwood Golf Course, Jens Selvig (Joy Steven's contractor);  
Trent Hansen – MRL (virtually)  
Others: Don Sasse – retired MBMG

Chair Sedgwick called the meeting to order at 1:00 pm

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Addition of Clint Peck resignation; Rocky Mountain College project collaboration request

**Minutes:** Gabel made a motion to approve the November 14, 2023 Minutes as written, second by Kraft,, motion passed.

#### **YCD Board elections and other business**

- Clint Peck resignation: Kraft made a motion to accept Clint Peck's resignation from the YCD Board of Supervisors, second by Mothershead, motion passed.
- YCD Supervisor terms expiring Dec. 31, 2024: Sedgwick and Mothershead. Both are intending to turn in their Declaration for Nomination and Oath for Candidacy to the Yellowstone County Elections office.
- YCD Board elections: Gabel made a motion to suspend rules to have Sedgwick conduct this portion of the meeting, Mothershead seconded, motion passed.
  - Robinson nominated Chad Sedgwick to be Chair, second by Kraft motion passed. Sedgwick elected.
  - Gabel nominated Robinson to be Vice-Chair, Mothershead seconded, Gabel moved to cease nominations, both motions passed. Robinson elected.
  - Mothershead made a motion to remove Peck as check signer on the YCD account and add Robinson and Kraft, second by Gabel, motion passed.

#### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek** – Report on Current Status

- Steve Williams representing the Yellowstone County Attorney's Office sent a letter to Ms. Stevens referencing discussion and decision made at the Nov. 14<sup>th</sup> YCD board meeting. He and Jens Selvig reported Stevens is moving forward with working on getting a geo-tech firm. Prices vs work product does not pencil. Hopefully she will have all firms under contract by the end of March. Another report will be provided to YCD at the Feb. board meeting.

- **YE-01-23-C – Larry Grayson, Clarks Fork River** – YCD representatives Peck and Ivie accompanied Tim Miller & Ronni Tallerico, Floodplain and Demi Blythe, FWP for the final onsite inspection with Larry Grayson, landowner on November 21, 2023. All unauthorized materials were removed from the river and the bank was restored to its' original contours. Gabel made a motion to accept remedial work completed on YE-01-23-C, second by Kraft, Mothershead abstained, motion passed.

- **YE-20-24 – Montana Rail Link, Yellowstone River** – Project directly related to the spill in the Yellowstone River. A small side channel was dredged to allow for boat traffic to clean up the spill. Trent Hansen, representing MRL explained that MRL intends to utilize the existing material that was dredged and stockpiled on the shore to restore the channel shape and alignment. **Board decision:** Mothershead made a motion to approve as proposed, with the caveat to amend if circumstances change, second by Robinson, motion passed.
- **YE-21-24 - PAR Montana (formerly Exxon Refinery), Yellowstone River boat ramp** – As stated on application: 'The ramp is approximately 12 feet wide and 55 feet long. It is 55 feet long from the bottom, which is in the river, to the top of the ramp. It is about 35 feet in length from the river to the ordinary high water mark (OHWM). The graded area was about 16 feet wide along the length of the ramp. The portion of the ramp below the OHWM was riprapped with 3 foot minus rock. This updated application is seeking permission to add, per discussion with regulators, about 15 linear feet of riprap to the downstream side of the boat ramp'. **Board decision:** After taking into account FWP inspection report, Kraft made a motion to accept and approve the updated design, second by Gabel, motion passed.
- **YE-22-24 - Briarwood Golf Course, Yellowstone River intake structure** – Sean Sullivan, Briarwood manager presented the proposed maintenance work to their intake area on the Yellowstone River located within the Billings Motorcycle Club property. '23 Spring flooding created approximately 30' of bank erosion, scouring approximately 8' deep. The application is to restore riprap to preflood conditions using approved riprap materials. **Board decision:** Robinson made a motion to approve as submitted, second by Mothershead, motion passed.
- **YE-23, YE-24, YE-25, YE-26, YE-27, YE-28 – 2024 -- Project Telephone. Pryor Creek – Bury fiber optics by Horizontal Directional Drill seven (7) separate sites** – Gabel made a motion to declare all seven (7) sites non-projects because construction utilizing HDD does not impact the immediate bed or banks of Pryor Creek, second by Robinson, motion passed.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – Report from the last meeting was made available for reading. Gabel reported the head of the USDA attended the Council's annual meeting. Emphasis was placed on smaller irrigation districts that accepted technical expertise and modernized their districts. He also reported that the woody invasives committee is moving forward, which YCD employee Beck is a part of.

#### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Stephanie Criswell/Mary Hendrix** – report sent to YCD Supervisors prior to today's meeting.
- **Fish Wildlife and Parks – Demi Blythe** – will work on FWP's response to the Joy Stevens violation. She also reported FWP has YR spill money left over and may decide to use it on the Clarks Fork River.
- **NRCS -- Zoe Craft, Billings FO DC** unable to attend today's meeting but provided the following report:
  - FY24 EQIP/CSP Applications – The office received applications for FY2024 projects and are working with applicants to develop conservation plans and update their eligibility. NRCS accepts applications anytime. Applications received past October 27th will be put into the next batching period. This could be a second signup for FY 2024 or else could be for FY 2025 consideration. Starting this fiscal year, we have Act Now to obligate some of our 'simpler' applications. This includes Climate Smart, On Farm Energy, and Rooting for Soil Health. This signup is ongoing until March 1st.
  - Available fund pools for FY24 applications: Rooting for Soil Health TIP, Sage Grouse Initiative (SGI): Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian Degradation, Pivots for Pollinators TIP, Conversion of CRP to Grazing Lands TIP, Fly Creek TIP, Community Ag, Tribal, CSP Classic and Renewals
  - Vacancies within our Work Unit –

Non-Supervisory District Conservationist, Hardin FO- This position for the Hardin DC will probably go out in a national bundled advertisement, hopefully in the near future; (401) Natural Resources Specialist – We made a selection for this position in the Hardin FO but have not yet gotten a tentative job offer sent out (our HR Specialist in our state recently left the position and it is SIGNIFICANTLY slowing our hiring process). We made this selection back in the beginning of December, and longer it takes to get a TJO sent out the less hope I'm holding that we can get someone hired for this position; Admin Clerk – Our state is still planning to re-advertise the administrative clerk position for the Hardin FO, we just don't know when to expect this to be advertised, we just know it is coming at some point; Pathways Soil Conservationist – They advertised, and this vacancy closed 10/26/23. We'll see if we get any applicants. Our state office is supposed to be performing interviews and location selections; Civil Engineer – They are also still planning to advertise for a Civil Engineer or Ag Engineer for the Billings FO.

#### **Seanna Torske:**

- reviewed the Civil Rights Responsibilities for Partners Checklist. Board members and Torske signed.
- Torske detailed further on the Billings FO workload and also Big Horn CD's.
- LWG – NRCS and YCD agreed to hold the FY25 Local Work Group meeting before the Feb. 13<sup>th</sup> YCD board meeting. Sedillos will work with NRCS to update the flyer and news release and distribute to partners.

- **Yellowstone County**
  - **Yellowstone Co. Extension** Tristin Benson provided a written report:
    - Sugarbeet and Malt Barley Symposium is Jan. 9-10<sup>th</sup>; Winter Ag. Series is Jan. 31st at 1:30 pm at the Huntley Project Museum. We are working on preparing for MATE, we will have a booth at the Trade Show and will once again offer 6 pesticide credits for private applicators. Currently, our horticulture agent position is open, we started advertising last week to fill the position. Getting lots of people worried about their trees.... telling everyone the need to water, especially evergreens on days when the temperatures are 40 degrees and above. Other: Continuing to work with MetraPark on the crop garden and working with AERO on a local food assessment of our community. The Billings stop for the MSU Extension Southcentral Winter Ag Series will be Jan. 31st, location, and agenda TBD. There will be an initial private applicator training on December 11, 2023 at the 4-H Building in Metra Park. It is recommended that you register by Dec. 1st to Trestin (406-256-2828) to ensure there are enough class supplies.
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** –Ronni Tallerico reported her office is still dealing with the Hein violation. Also working on getting the illegally placed materials removed from the Hushcka property adjacent to the YR -- discussing several different options on how to move forward.
  - **Yellowstone Co. Weed Department** – Joe Lockwood unable to attend

## **BUSINESS MEETING**

- **Old Business**
  - Supervisor ID forms – need pictures taken
  - YCD open house – hold when the weather is warm and the grounds are in full bloom.
  - **Realtor Workshop** – Employee turnover at the Realtor Association office has created confusion with the training schedule. YCD will look at hosting a workshop next year.
- **New Business**
  - **YR Water Reservations workshop** for upper and/or lower basin Yellowstone River CDs – put on the back burner for now.
  - **Rocky Mountain College project collaboration** – RMC Professor Ostovar is wanting to create a floating skimmer-type device to capture floating garbage and debris in the BBWA Canal as an example of the amount of trash that is being washed into the Yellowstone River via the Canal and other confluences. Ultimately, the goal is to reduce the amount of trash being deposited into the Yellowstone River. Once or twice a week, a student intern from Rocky Mountain College will locate the skimmer and relieve it of its debris, allowing natural woody debris to remain in the ditch. The skimmer will run from approximately May through October, or the duration of the water flow in the Canal. This project is just a pilot run and depending on how productive it is and what interest there may be in the project going forward, this may or may not be a long-term project. We have decided that no permits will be required for this project as it will not be changing or altering the canal, streambeds, or landscape in any way. He estimates the project to cost between \$5,000 and \$25,000 for the components and building of the skimmer. This project will be a collaboration between RMC and MSU-Billings, as both will have a student intern working with this project.  
**Board discussion and decision:** This could be a very good project for YCD to sponsor in cooperation with RMC & MSUB and give YCD's employee Nina Sedillos an opportunity to earn 3 credits towards her degree. Kraft made a motion to have Ostovar and Sedillos move forward with the project and come up with a more detailed plan for the board to consider at the Feb. board meeting, second by Gabel, motion carried.
- **Board Meeting Absences:** Everyone present
- **T-Report**
  - Kraft made a motion to accept the November and December Treasurer's Reports as written and reviewed, second by Mothershead, motion passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** – Ray Beck reported:
    - Chairman Sedgwick invited several people to attend a meeting at the YCD office on 12-21-23 to discuss funding opportunities for the West End Project
    - In attendance were, Senator McGillvray, Representative Essmann, Billings Mayor Bill Cole, Billings Parks Director Mike Pigg, Chairman Sedgwick, LaVerne Ivie, Ray Beck
    - The meeting started with a discussion from the City on where the water project development is. They stated that as of a couple of weeks ago the project is on track to start soon. There was some concern about design and cost, but this has been worked out and costs are within the proposed budget.
    - YCD representatives discussed the planning grant and the projects the funding can be used for. The final planning phase will get started soon. Public meetings will be held in the near future, but no dates are set at this time.

- Project funding opportunities were discussed at length; no concrete proposals have been set but many ideas were mentioned.
- Both legislators expressed their support for the effort and committed to work with other local legislators to discuss funding options.

Beck asked the board to give him direction as to the next steps. The board expressed their satisfaction with the path he and the committee are working on and emphasized they want him to contact the Legislators to keep them in the loop and actively engaged in the whole project.

- **Yellowstone River Water Reservation non-transferred authorizations:** Three (3) landowners sold their property and the new owners having been made aware of the need to transfer into their names but have not done so after many attempts to get them to. The board discussed their lack of compiling and the need for YCD to enforce the parameters of the program. Kraft made a motion for YCD to terminate the three (3) water use authorizations, second by Gabel, motion passed.

➤ **Unscheduled Matters** – none

➤ **Public comments** – Don Sasse provided his background as a former Coalbed Protection person working in Eastern Montana and also his career at the MBMG in groundwater studies in west Billings. He reported on the most recent study he was a part of. Ivie mentioned YCD has sponsored three MBMG groundwater studies between Billings and Laurel in past years which Sasse was not aware of.

➤ **Next YCD Board Meeting** – Next YCD meeting will be held February 13, 2024

➤ Kraft made a motion to adjourn at 3:20 pm, second by Gabel.

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Chad Sedgwick , Chair

LaVerne Ivie, YCD Administrator



**YELLOWSTONE CONSERVATION DISTRICT**

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**\*\*LOCAL WORK GROUP MEETING CONDUCTED PRIOR TO THE FEBRUARY BOARD MEETING\*\***

**YELLOWSTONE CONSERVATION DISTRICT**

February 13, 2024

**December-January Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106

1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Stacey Robinson – Vice-Chair, Leroy Gabel, Brad Kraft, Bryan Mothershead

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie, Nina Sedillos – YCD; Seanna Torske, Zoe Craft, Crystal White, Shane Burton – NRCS;  
Trestin Feagler, Yellowstone Co. Extension Agent; Steve Williams - Yellowstone County Attorney's office;  
310 applicants: Jens Selvig (Joy Steven's contractor)  
Others: Don Sasse

Chair Sedgwick called the meeting to order at 1:05 pm

**Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** Jason Peterson 310 application

**Minutes:** Kraft made a motion to approve the January 9, 2023 Minutes as written, second by Robinson,, motion passed.

**310's**

- **Applications, Emergencies, Complaints & Violations:**
  - **YE-11-22 Joy Stevens, Alkali Creek** – Report on Current Status  
Violation is still ongoing and per email updates, Ms. Stevens is still moving forward. Steve Williams, YCD legal counsel and YCD Supervisors are comfortable that she is trying to obtain a geo-tech engineer but unable to do so due to the small scale of her project. YCD will continue to monitor for compliance.
  - **YE-24-24 – Jason Peterson (Old Dominion Freight Line) installation of an additional trailer parking lot for its existing facility 300' to the east of the Yellowstone River** – The application was emailed to YCD Supervisors on Jan. 16<sup>th</sup> 2024 asking to make a determination whether the project meets the definition of a project as defined in the 310 Law. YCD Supervisors all agreed on Jan. 16<sup>th</sup> and again today that it does not meet the definition. Form 273 was signed today and will be forwarded to Mr. Peterson.

**Other 310 issues & Projects**

- **Yellowstone River CD Council** – Gabel did not have any new activity to report

**Agency Reports**

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Mary Hendrix** – report sent to YCD Supervisors prior to today's meeting.
- **Fish Wildlife and Parks – Demi Blythe** – report provided prior to meeting included:
  - FWP sent a letter to the Co. Attorney's office supporting YCD's action in the Steven's violation
  - Received a SPA 124 Joint application for maintenance on the Lockwood Water and Sewer intake screens. Permit expected to be issued in the next couple of weeks
  - Kid's Fishing Day at Lake Elmo is scheduled for the third week in May

- **NRCS -- Zoe Craft, Billings FO DC** provided following report prior to today's meeting:  
FY24 EQIP/CSP Applications –  
The office received applications for FY2024 projects and are working with applicants to develop conservation plans and updating their eligibility. NRCS accepts applications anytime. Applications received past October 27th will be put into the next batching period. This could be a second signup for FY 2024 or else could be for FY 2025 consideration.

Starting this fiscal year, we have Act Now to obligate some of our 'simpler' applications. This includes Climate Smart, On Farm Energy, and Rooting for Soil Health. This signup is ongoing until March 1st.

Available fund pools for FY24 applications:

- Rooting for Soil Health TIP
- Sage Grouse Initiative (SGI): Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian Degradation
- Pivots for Pollinators TIP
- Conversion of CRP to Grazing Lands TIP
- Fly Creek TIP
- Community Ag
- Tribal
- CSP Classic and Renewals

**Seanna Torske:**

- LWG – NRCS and YCD jointly held the work group meeting prior to today's meeting. Good discussion but until all concerns are organized in a report it is premature to decide which ones will be the top 3 resource concerns in Yellowstone County for the upcoming year. A full report will be given at the March YCD board meeting and a decision can be reached then.
- Will have several contracts for the board to review and sign at the March meeting
- Provided an update on vacancies within the Billings and Hardin work units.

- **Yellowstone County**
  - **Yellowstone Co. Extension** Tristin Benson provided a written report:
    - CE Pesticide credits classes will be offered at the MATE show this week
    - Soil Your Undies program will be held in conjunction with the Billings Library this year
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board-** Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Unable to attend meeting.
  - **Yellowstone Co. Weed Department** – Joe Lockwood's report on Common Buckthorn may be found on pages 3 & 4 of these Minutes.

## **BUSINESS MEETING**

- **Old Business**
  - **Rocky Mountain College project collaboration** – RMC Professor Ostovar has not decided upon the perfect grant source for the BBWA canal sweeping project. Sedillos will continue to research sources and work collaboratively with Ostovar.
  - **YCD Website** – Sedillos debuted the new YCD website by going through all links. Supervisors were extremely please with the results and stated it has so much more information than the previous one and also is much more user friendly.
- **New Business**
  - **Supervisor Areas** – With the new map generated by the GIS and Election Department, YCD areas have been tweaked a bit in that two current Supervisors reside within Area 4. Robinson has submitted his application to the City to fill YCD's vacant Urban Supervisor position. Mothershead and Sedgwick have submitted their applications for their respective CD areas.
- **Board Meeting Absences:** Everyone present
- **T-Report**
  - Kraft made a motion to accept the January Treasurer's Reports as written and reviewed, second by Mothershead, motion passed.
  - Dues discussion and decision:
    - Billings Chamber of Commerce – Kraft motion to pay in full, Mothershead second, passed.
    - NILE – Gabel motion to not pay dues this year, due to the organization moving away from emphasis on agriculture, second by Robinson, motion passed.
    - Beartooth RC&D – Kraft motion to pay dues in full, second by Robinson, passed.
    - NACD – Gabel made a motion to pay \$200 in dues to be included in the bronze division, second by Mothershead, passed.
  - **Travel & Meetings** – none

- **Standing Committee Reports**

- **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** – Robinson reported: Dick Anderson's firm got the contract for everything construction wise. It is premature to discuss today until Thursday when the first meeting with all entities involved will be held to discuss strategy, timeline, work product, etc.
- **Arbor Day Tree Giveaway** – The event will be held April 26<sup>th</sup> at the YCD office complex. 400 trees have been ordered from the State Nursery and Lincoln Oakes Nursery. Sedgwick asked for 50 Ponderosa Pines to be added to the order from the state because people in his area really liked them.
- **Yellowstone River Water Reservation non-transferred authorizations:** Last month: Three (3) landowners sold their property and the new owners, having been made aware of the need to transfer into their names but have not done so after many attempts to get them to. The board discussed their lack of compiling and the need for YCD to enforce the parameters of the program. Kraft made a motion for YCD to terminate the three (3) water use authorizations, second by Gabel, motion passed.  
Update this month – DNRC advises YCD to invite the landowners to a board meeting to give them another chance to have YCD reconsider the revocation of the authorizations. The board instructed Ivie to invite the affected landowners to the March YCD meeting one more time.

- **Unscheduled Matters** – none

- **Public comments** – none

- **Next YCD Board Meeting** – Next YCD meeting will be held March 26, 2024

- Kraft made a motion to adjourn at 2:05 pm

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**Chad Sedgwick , Chair**

**LaVerne Ivie, YCD Administrator**

**Yellowstone County Weed District Report:**

Yellowstone County has been removing common buckthorn from Two Moon Park for 3 years. Methods of removal have been, cut stump, basal bark spray, foliar spraying on sapling, and injecting with herbicide. As well as planting and propagating native vegetation to replace the bare ground from dense buckthorn stands. This work is costly, labor-intensive, and time-consuming. Megan has provided education to the community because she realized that this type of work cannot be done by a weed district alone, and a sense of awareness needed to happen in the community. Megan teamed up with park caretaker Anthony to organize small-scale educational volunteer opportunities for different groups around town to learn about and manage buckthorn. Over the past three years, we have had as many as 60 plus people come out to flag, cut down, or burn piles of buckthorn.

Other organizations took an interest in the work being done in the park and reached out. Megan provided education on identification and removal start to finish to what was Conoco Phillips I believe is now Bar Montana's Fins and Feather group. They are in the process of removing woody invasives of Russian olive and buckthorn from 110 acres along the Yellowstone River they own and their employees use for recreation. YRPA has been very involved. Some of their members are our most reliable volunteers. They came to Two Moon, learned the process, and now focus on woody invasive management at their Dover Park property and other areas on Yellowstone River. Private landowners are getting involved and reaching out, removing buckthorn from their subdivisions. It is happening along Alkali Creek and the coulee across from 4 dances. Last, Billings City Parks has been making a huge impact in Riverfront Park. They were invited to my education event Invasive Species in Riverfront Park, an education evening for 7<sup>th</sup> graders in town to learn about invasives that are right here in Billings. The city forester was willing and eager to teach about buckthorn. From planning his lesson, he realized the negative impacts and began teaching about it himself to his co-workers. He managed to get a grant and masticated 30 acres. Yellowstone County has been doing the follow-up re-treating of shoots and saplings and assisting with educating summer help who will be working to continue removing Buckthorn and Russian Olive from the park.

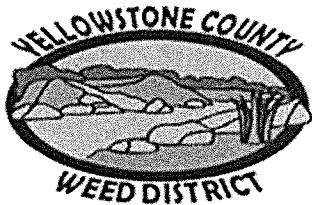
Education is a catalyst for positive change, a principle that resonates strongly in the world of noxious weeds. Yellowstone County realizes that environmental conservation relies upon the collective efforts of informed citizens. The weed district strives to provide

education to the public and other agencies to promote awareness and embrace a sense of stewardship in our daily lives. Yellowstone County Weed District will continue removing Woody Invasives in Two Moon Park and other county properties and provide educational and volunteer opportunities as well as instruct groups or individuals who may need a hand getting started.

One extra exciting piece of the removal in Two Moon Park is the use of some of the Special County Grant funds to hire Caudill Forestry Services to masticate a few acres of an area that was too overgrown and unsafe for volunteers to work in. This has been a huge success allowing us to move forward more safely and effectively. Last fall we were able to clear 1.4 areas and plan to budget the same amount maybe more if we are lucky next fall. As you know, funding is always an issue.

We are also excited to announce that we have installed the Adopt a trail head- boot brush station in Two Moon. It is the first in Yellowstone County.

Megan Hoyer  
Crew Foreman & Education Coordinator  
406-256-2728





## YELLOWSTONE CONSERVATION DISTRICT

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### YELLOWSTONE CONSERVATION DISTRICT

March 26, 2024

#### March Board Meeting Minutes

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106  
1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Stacey Robinson – Vice-Chair, Leroy Gabel, Bryan Mothershead

**BOARD MEMBERS ABSENT:** Brad Kraft

**NON-BOARD PRESENT:** LaVerne Ivie - YCD; Seanna Torske, Zoe Craft – NRCS; Crystal White, Hunter VanDonsel – Pheasants Forever; Tim Miller & Ronni Tallerico – Yellowstone Co. Public Works  
310 applicants: Jens Selvey (Joy Steven's contractor)  
Others: Jackie Haaland; Greg Reid – WWC; Jim Stott - BBWA

Chair Sedgwick called the meeting to order at 1:04 pm

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair, and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** none

**Minutes:** Gabel made a motion to approve the February 13, 2024 Minutes as written, second by Mothershead, motion passed.

**Board member absences:** Mothershead made a motion to accept Brad Kraft's absence from today's meeting, seconded by Robinson, motion passed.

#### **YCD Supervisor appointments to board:**

- Urban Supervisor – Gabel made a motion to accept the Billings City Council appointment of Stacey Robinson as Urban Supervisor for Billings, second by Mothershead, motion passed.
- Area 4: Robinson made a motion to appoint Bryan Mothershead to fill out the YCD Supervisor Area 4 term, second by Gabel, motion passed.
- Area 5: Mothershead made a motion to open YCD Supervisor Area 5 up to recruitment and advertise to for candidates, second by Gabel, motion passed.
- Vice-Chair resignation. Robinson resigned as Vice-Chair citing too many personal endeavors happening in his life to dedicate the time being Vice-Chair requires. Gabel made a motion to accept Robinson's resignation as Vice Chair, seconded by Mothershead, motion passed.
- Gabel made a motion to nominate and elect Brad Kraft as Vice Chair, seconded by Robinson, motion passed.

#### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek – Report on Current Status**

Violation is still ongoing and per an email update and verbal report from Jens Selvey today, Ms. Stevens has contracted with Big Sky Subsurface to provide engineering services related to the client's project described as 'Geotechnical Investigation, Alkali Creek Pond Retaining Wall, Billings, MT. Big Sky Subsurface shall provide fieldwork, related laboratory/field testing services, engineering analysis, reporting, and consulting for the project described by the accompanying proposal and Consultant Contract Provisions, Terms, and Conditions to Agreement for Engineering Services.'

Jens Selvey asked if they could alter the bank on the yard side for the geotechnical firm to be able to access the area. Consensus reply from the board: yes, as long as it does not impact the immediate bank of Alkali Creek

- **YE-30-24 – Montana Dakota Utilities, Blue Creek – HDD project to bury a 4" gas line currently hanging on bridge.**  
The board reviewed the design and called the engineer to get verbal affirmation that the bore entry and exit would

- be at least 20' from the creek on either side. Engineer confirmed. Robinson made a motion to declare a non-project because it does not impact the immediate bed or bank Blue Creek, second by Mothershead, motion passed.
- **YE-31-24 – Par Rocky Mountain Midstream, LLC, Hogan's Slough riprap project.** YCD will inspect before the April board meeting.
  - **YE-32-24 – River Ranch Retreat, HOA, Yellowstone River area** – Due to lack of funds, project #YE-13-22 did not happen. The same plan to riprap the return flow ditch in the same area that does not impact the immediate bed or bank of the Yellowstone River was submitted for consideration today. Gabel led the discussion because he was on the initial inspection and board members agreed with his assessment since circumstances have not changed, the same conclusion can be reached. Gabel made a motion to declare a non-project, seconded by Robinson, motion passed. Floodplain representatives declared the area a non-project for them too. When and if the HOA decides to riprap the bank, an engineer's design will be required by all agencies.

#### Other 310 issues & Projects

- **Yellowstone River CD Council** – Gabel is coordinating efforts to establish a location for a stream gauge station on Pryor Creek by following up with landowners.

#### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Mary Hendrix** – report sent to YCD Supervisors before today's meeting.
- **Fish Wildlife and Parks – Demi Blythe**
  - Alkali Timbers – it appears to FWP personnel that the project has gone outside of the original design. YCD will view the project after contacting the landowner and once all original documents are reviewed.
  - Problem with a new subdivision on Hogan's Slough. It appears riprap has been placed without a permit.
- **NRCS -- Seanna Torske, Zoe Craft**
  - **Billings FO report** provided to YCD before the meeting and distributed by email.
    - YCD reviewed preapproved FY24 EQIP applications and the Supervisors signed contracts for:
      - Ventenata Treatment
      - Pivot for Pollinators
      - High Tunnel
      - Stock water (Fly Creek)
  - **Local Work Group (LWG)** – Seanna led the discussion based on community feedback from the Feb. 13<sup>th</sup> planning meeting. Robinson made a motion to accept the LWG notes and declare priority resource concerns for Yellowstone County as: 1) Ag Land - soil erosion on crop and rangeland; 2) Urban – management of small acreages for wildlife habitat, second by Mothershead, motion passed.
    - CSP landowner outreach meeting will be held on May 8<sup>th</sup> at YVEC. Gabel will represent YCD.
    - People's Garden – Metra Park -- Showcase of soil health through renovation of an old building site at the Metra. Planning to feature cover crops, row crops, vegetables, and perennial crops. This designation as a People's Garden will open this space up for outreach opportunities for multiple partners across Yellowstone County
- **Yellowstone County**
  - **Yellowstone Co. Extension** Tristin Benson resigned
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Tim Miller & Ronni Tallerico participated during the 310 portion of the meeting.
  - **Yellowstone Co. Weed Department** – will be using YCD's stream table at two events this spring.

#### BUSINESS MEETING

- **Old Business**
  - **BBWA Planning Grant for 5 Mile Flume Rehabilitation** – Greg Reid and Jim Stott reported on the final product.

There are multiple goals and objectives for the BBWA project including conservation, management, preservation, and development efforts. The primary goal of the proposed project is to conserve water diverted from the Yellowstone River by replacing the old leaking structure with a new structure that will allow BBWA personnel to better control the water levels within the BBWA canal network and prevent damage during flood events, therefore improving efficiency and management within the delivery system. The proposed project will replace the leaking flume with either a new flume, a siphon pipe, or an underpass pipe.

The Preferred Alternative for the project was selected using the project alternatives analysis, renewable resource benefits, and the cost/benefit analysis. From these analyses, it was determined that Alternative 7, the RCP Siphon, provided the most benefits to the BBWA and Montana's renewable resources. Alternative 7 is the most economically feasible alternative over the project's anticipated design life and achieves all the project goals and objectives outlined in Section 5 of this Technical Presentation. Alternative 7 also provides the BBWA with the most savings over the 30-year design life of the project. Alternative 7 is, therefore, the most viable option and one that can be incorporated into the current BBWA system easily due to BBWA personnel's familiarity with each structure's operation, maintenance, and installation. Alternative 7 will conserve 159 acre-feet of water, improve management and efficiency of the water delivery system, maximize development of existing agricultural acres, preserve the water quality of the Yellowstone River, and improve and enhance fish and wildlife habitats within the Yellowstone River.

The BBWA will not pursue grants in this DNRC funding cycle, but the PER can be utilized to apply in future funding cycles.

- **Rocky Mountain College project collaboration** – BBWA president Jim Stott and his staff are confused about the project RMC would like to do in the canal. Stott asked for all requests/correspondence with RMC to go through the BBWA office. Ivie will put the two entities together and recommend that Kayhan Ostovar, RMC professor work directly with BBWA. Until they have a solid plan, YCD will step back.
- **New Business**
  - **Lewis & Clark Middle School Life Science grant request** – The science teacher is requesting \$680 to fund grow lights for the student's indoor vegetable containers. All other components of the project have been paid for by individual businesses, school grants, or private donations. Gabel made a motion for YCD to grant Lewis & Clark Middle School \$680 for the purchase of the grow lights, second by Robinson, motion passed.
  - **Consideration of YCD/PF cooperative employment partnership** – This is a new partnership idea that was developed by trying to think outside of the box for future YCD employees and what their role might be with the district. To further this idea, Robinson and Ivie contacted Pheasant's Forever employee Chrystal White to 1) inquire about her current employment status with PF; 2) encourage collaboration on projects between PF, YCD, and NRCS; 3) inquire about utilizing her slow time during the year to assist YCD with specific projects.

White was open to discussions and contacted her PF boss, Hunter VanDonsel to get his take on dedicating a portion of her time to YCD. All agreed that several current projects are a joint effort so that would not change. YCD is hoping to have White assist with the amenities layer and conservation efforts within the Westend Reservoirs but as of now, we do not have the scope of work from the City of Billings, so plan to get ahead of the need by having a person in place. VanDonsel provided a draft overview of White's time and projects she could assist with. YCD Supervisors were undecided if that would fit the needs of YCD. Gabel made a motion for the Chair to appoint a committee to set up goals and investigate the endeavor YCD is embarking on, seconded by Robinson, motion passed. Chair Sedgwick appointed Gabel and Mothershead to identify specific programs with a cohesive direction that White's time would be concentrated on and present at the next YCD meeting for discussion.
- **T-Report**
  - **February T-Report:** Mothershead made a motion to accept the February Treasurer's Report as written and reviewed, second by Gabel, the motion was passed.
  - **Travel & Meetings** – none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** –

Per the BBWA Chair Stott's report, BBWA signed a water carriage delivery system agreement with the City of Billings to deliver water to the new Westend Reservoirs and Water Treatment Plant. Stott explained what the agreement presently encompasses but emphasized it is a working agreement that may be modified by either party.
  - **Arbor Day Tree Giveaway** – The event will be held on April 26<sup>th</sup> at the YCD office complex. Because of the length of today's meeting, the board will discuss the event details at the YCD April meeting.
  - **Yellowstone River Water Reservation non-transferred authorizations:** Background: Three (3) landowners sold their property and the new owners, having been made aware of the need to transfer into their names but have not done so after many attempts to get them to. The board discussed their lack of compiling and the need for YCD to enforce the parameters of the program. Kraft made a motion for YCD to terminate the three (3) water use authorizations, second by Gabel, motion passed.

**Update this month** – Joeseeph and Nina Viola, landowners who purchased Mary Peitte's Crooked Creek property filed ownership transfer documents for YCD's consideration. Gabel made a motion to accept the Yellowstone River Water Reservation transfer of YE-01-10 Authorization #43Q-30048731 on Crooked Creek and forward to DNRC, second by Mothershead, motion passed.
- **Unscheduled Matters** – The board visited with prospective board member Jackie Haaland and encouraged her to apply for the Supervisor Area 5 vacancy.
- **Public comments** – none
- **Next YCD Board Meeting** – Next YCD meeting will be held April 16, 2024
- Mothershead made a motion to adjourn at 3:57 pm



## **YELLOWSTONE CONSERVATION DISTRICT**

PO Box 80888, Billings MT 59108 1670 48<sup>th</sup> St. W Suite 2, Billings, MT 59106  
Phone: 406.690.9326 email: [lvie@mt.gov](mailto:lvie@mt.gov)

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### **YELLOWSTONE CONSERVATION DISTRICT**

April 23, 2024

#### **April Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106  
1:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Brad Kraft - Vice-Chair, Leroy Gabel, Bryan Mothershead

**BOARD MEMBERS ABSENT:** Stacey Robinson

**NON-BOARD PRESENT:** LaVerne Ivie, Ray Beck - YCD; Crystal White - Pheasants Forever/NRCS  
Virtually: Shannon Blackburn - FWP  
310 applicants: Mike McNally - Par Pacific

Chair Sedgwick called the meeting to order at 1:00 pm

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair, and then limit comments to 3 minutes. No action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** none

**Minutes:** KRAFT made a motion to approve the March 26, 2024 Minutes as written, second by Gabel, motion passed.

**Board member absences:** Mothershead made a motion to accept Stacey Robinson's absence from today's meeting, seconded by Gabel, motion passed.

**Consideration of YCD/PF cooperative employment partnership** - Working committee persons Gabel and Mothershead met with Ivie to further develop the draft work items that might be included in the cooperative agreement. Today they presented their ideas to get feedback from White and other board members. White mentioned that her contract with Pheasants Forever (PF) does not allow her to write grants, only write technical portions of grants. The board approved deleting the grant writing portion. Gabel made a motion for YCD to proceed with PF and White and enter into a contract with PF to accomplish the goals outlined in the draft with White's immediate supervisor Hunter Van Donsel, second to the motion by Mothershead, motion passed.

#### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek** - No current report
- **YE-31-24 - Par Rocky Mountain Midstream, LLC, Hogan's Slough** riprap project. Inspection date: April 4, 2024; Team: Kraft, Gabel, Mothershead, Ivie, McNally, FWP, Par representative. The inspection team noted that the design of the area to be riprapped to protect the exposed pipeline did not include tying the project into the upstream already established riprap. Arcadis has since expanded the area in the design to tie into the previous project and the team concurred with the new dimensions. **Board decision:** Kraft made a motion to accept as submitted, second by Mothershead, motion passed. FWP concurred with the board's decision.

### Other 310 Issues & Projects

- **Yellowstone River CD Council** - Gabel reported the next council meeting will be held in Billings and all are invited to attend.

### Agency Reports

- **YCD Administrator Report** - Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** - unable to attend
- **Beartooth RC&D** - no current report
- **DNRC - Mary Hendrix** - report sent to YCD Supervisors before today's meeting.
- **Fish Wildlife and Parks - Shannon Blackburn**  
FWP update for April 2024
  - Finishing up spring fisheries surveys on the Yellowstone and Bighorn rivers.
  - Kids fishing days at Lake Elmo on May 20, 21 and 23. We are looking for volunteers to help any day, any time. Please let Chrissy know.
  - FWP will be at Laurel (May 7) and Billings (May 9) Arbor days and Billings Invasive Species Day (May 8).
  - Parks is working on installing an adaptive kayak launch at Lake Elmo.
  - If people need an AIS inspection for their watercraft, please call the R5 front desk (247-2940) and someone can assist.
  - Boat motor testing on Lake Elmo is scheduled for May 4 and May 18 from 8:30 am-3:00 pm.
  - Working with MRL/BNSF on phase II of the Yellowstone River cleanup efforts from the June 2023 train derailment. FWP staff will work with DEQ (lead state agency) to clean up remaining actionable asphalt and conduct additional fish consumption testing. Dates and locations of fish sampling are TBD.
    - Info on the fish consumption advisory: <https://deq.mt.gov/News/pressrelease-folder/news-article110>
    - Important to note that FWP conducted fish tissue sampling because of the derailment but because there are many factors at play, FWP cannot make a direct correlation with the fish consumption advisory to the train derailment, at this time.
- **NRCS** - The following Billings FO report was provided to YCD before the meeting and distributed by email.  
**FY24 EQIP/CSP Applications** - The office received preapprovals for a majority of our applications for FY2024 projects and are working with applicants to finalize their contract documents. NRCS accepts applications anytime. Applications received from now until the next signup period will be considered for the FY2025 funding cycle.  
**Upcoming Projects**: Soil Your Undies with the Billings Library and The Peoples Garden at Metra Park
- **Yellowstone County**
  - **Yellowstone Co. Extension** - no report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**- Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** - Tim Miller & Ronni Tallerico unable to attend meeting
  - **Yellowstone Co. Weed Department** - unable to attend meeting

### BUSINESS MEETING

- **Old Business** - None
- **New Business**- None
- **T-Report**
  - **March T-Report**: Gabel made a motion to accept the March Treasurer's Report as written and reviewed, second by Kraft, the motion passed.
  - **Travel & Meetings** - none
- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** - Robinson was unable to attend today's meeting, so Beck and Sedgwick reported on what progress has been made to date. Beck has been in contact with two (2) Yellowstone County legislators, and both are still interested in helping out where they can. The problem is

the city has not awarded the contract for the Master Plan Amenities & Conservation layer because of unidentified issues the city has encountered. Gabel made a motion to have Beck and Ivie pursue with the city to get firm timelines for the Master Plan update, seconded by Mothershead, motion passed. When the city responds, YCD may have to ask DNRC for a grant extension to meet the work products identified in the grant.

Sedgwick reported that Robinson is suggesting the YCD begin planning the conservation education building even though the Master Plan update has not been started. After much board discussion, Kraft made a motion to not go forward with building plans until the city gives YCD a formal commitment to do so after the Master Plan is updated, seconded by Gabel, the motion passed.

Beck was asked if he wanted to continue to be a part-time employee for YCD and if so, what projects would he be interested in assisting YCD with. His response was yes, on a limited basis with most of his work emphasis on the Westend Reservoir project.

- **Arbor Day Tree Giveaway** - Details were discussed for the April 26<sup>th</sup> event to be held at the YCD office complex. Sedgwick, Kraft, Mothershead, and Ivie will ensure a smooth event with the assistance of agency personnel from DNRC, NRCS, PF, Extension, and FWP. Nine (9) varieties of trees will be handed out.
- **Fly Creek** - White will assist Big Horn CD in collecting water samples this spring fulfilling YCD's commitment to the project.
- **Yellowstone River Water Reservation non-transferred authorizations:** Background: Three (3) landowners sold their property and the new owners, having been made aware of the need to transfer into their names but have not done so after many attempts to get them to. The board discussed their lack of compiling and the need for YCD to enforce the parameters of the program. Kraft made a motion for YCD to terminate the three (3) water use authorizations, second by Gabel, motion passed.

**Update this month** - Al Renner, the landowner who purchased Clint Reynolds Clarks Fork property filed ownership transfer documents for YCD's consideration. Gabel made a motion to reconsider the cancellation of YE-98-01, seconded by Kraft, motion passed. Gabel made a motion to grant transfer of YE-98-01 Water Reservation Authorization to Al Renner and forward it to DNRC, seconded by Mothershead, motion passed.

- **Unscheduled Matters** - Sedgwick wanted the board to be made aware of the water rights issue with DNRC and the State. It is perceived that private property rights might take a hit on this one. Kraft read parts of an article that pertained to this issue. All board members will stay on top of the issue and discuss at the next board meeting when more details become available.
- **Public comments** - none
- **Next YCD Board Meeting** - Next YCD meeting will tentatively be held May 21, 2024
- Kraft made a motion to adjourn at 2:27 pm, seconded by Gabel



## **YELLOWSTONE CONSERVATION DISTRICT**

PO Box 80888, Billings MT 59108 1670 48<sup>th</sup> St. W Suite 2, Billings, MT 59106  
Phone: 406.690.9326 email: [lvie@mt.gov](mailto:lvie@mt.gov)

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### **YELLOWSTONE CONSERVATION DISTRICT**

May 21, 2024

#### **May Board Meeting Minutes**

1670 48<sup>th</sup> St. West Suite #2, Billings MT 59106  
2:00 pm

**BOARD MEMBERS PRESENT:** Chad Sedgwick - Chair; Brad Kraft - Vice-Chair, Leroy Gabel, Jackie Haaland,  
Bryan Mothershead Stacey Robinson

**BOARD MEMBERS ABSENT:** None

**NON-BOARD PRESENT:** LaVerne Ivie - YCD; Tim Miller & Ronni Tallerico - Yellowstone County Floodplain  
Virtually: Demi Blythe - FWP  
Public: Don Sasse

Chair Sedgwick called the meeting to order at 2:05 pm

#### **Roll Call**

After introductions, Chair Sedgwick informed attendees: All issues will be addressed to the Chair; public comments are always welcome but ask that you wait until the issue is addressed on the agenda, ask to be recognized by the chair, and then limit comments to 3 minutes; no action will be taken on any item, not on the agenda. Attendees were reminded to sign the attendance sheet.

**Agenda Changes:** none

**Minutes:** GABEL made a motion to approve the April 23, 2024 Minutes as written, second by Robinson, motion passed.

**Board member absences:** None

**YCD Supervisor Area 5:** One (1) application was received to fill the vacancy. Mothershead made a motion to appoint Jackie Haaland to fill the vacancy that runs to Dec. 31, 2024, second to the motion by Gabel, the motion passed. Haaland will have the Oath of Office notarized and submitted to Yellowstone County Clerk and Recorder.

#### **310's**

- **Applications, Emergencies, Complaints & Violations:**

- **YE-11-22 Joy Stevens, Alkali Creek** - On May 15, 2024, Gabel, Mothershead, Robinson, Ivie, & Attorney Steve Williams inspected the site with property owner Stevens and her contractor Jens. Stevens is still waiting for the Geo-Tech firm to carry out an initial site inspection that will hopefully be followed up by a report. **Board discussion and decision today:** Revisit at YCD's June board meeting but remind Stevens to put pressure on the firm she hired to complete the report. Even though fines are accruing daily, Williams advises the board to not act on collecting until a geo-tech report and subsequent design are submitted, approved, and construction completed. At that time, the YCD board may reduce or eliminate the accrued fine total. The overall goal is for the project to be completed in a way that is best for the resource.
- **YE-31-24 - Par Rocky Mountain Midstream, LLC, Hogan's Slough** riprap project. Project completion form with before and after pictures was viewed by YCD board members. Kraft made a motion to accept the final report and consider the project complete, second by Robinson, motion passed.

### Other 310 Issues & Projects

- **Yellowstone River CD Council** – Gabel reported the next council meeting will be held in Billings on June 3<sup>rd</sup>. In addition to Gabel's attendance at the meeting, Beck will attend virtually in a coordinated effort with Dan Rostad to participate in the discussion regarding invasive woody plants and take an active role in the push to increase available funding in the Dept. of Ag Trust Fund program. Agency personnel will also be on hand to provide their perspectives and push for increasing the trust fund.

### Agency Reports

- **YCD Administrator Report** – Report provided before today's meeting. No comments or questions were received.
- **Army Corps of Engineers** – unable to attend
- **Beartooth RC&D** – no current report
- **DNRC – Mary Hendrix** – report sent to YCD Supervisors before today's meeting.
- **Fish Wildlife and Parks – Demi Blythe**
  - Kids fishing days are happening at Lake Elmo
  - The state Fisheries manager has been placed on administrative leave
- **NRCS** – The following Billings FO report was provided to YCD before the meeting and distributed by email.  
**FY24 EQIP/CSP Applications** – The office received preapprovals for many of our applications for FY2024 projects and is working with applicants to finalize their contract documents. NRCS accepts applications anytime. Applications received from now until the next signup period will be considered for the FY2025 funding cycle.  
**Available fund pools for FY25 applications:** Rooting for Soil Health TIP, Sage Grouse Initiative (SGI): Annual Invasive Grasses, Land Conversion, Woody Expansion, Riparian Degradation, Pivots for Pollinators TIP, Fly Creek TIP, Community Ag, Tribal, CSP Classic and Renewals  
**Other information included in the report:** Personnel vacancies, training, and workshop sessions attended
- **Yellowstone County**
  - **Yellowstone Co. Extension** – no report
  - **Billings/Yellowstone County Planning Board and City of Laurel Planning Board**– Vacancy has not been filled.
  - **Yellowstone Co. Floodplain** – Tim Miller & Ronni Tallerico office update: Hruska unauthorized concrete and other debris dumping in the YR floodplain is slowly being removed back further from the bank.
  - **Yellowstone Co. Weed Department** – unable to attend the meeting. Supervisors instructed Ivie to contact the weed office and ask for a monthly report to keep YCD better informed.

### BUSINESS MEETING

- **Old Business –**
  - **Supervisor ID cards** – One of the work items not completed by former YCD employee is the Supervisor ID cards. Supervisors again signed the applications and updated their pictures -- Ivie will submit them to MT Counties.org.
  - **Consideration of YCD/PF cooperative employment partnership** – Supervisors reviewed the final agreed-upon work parameters as drafted by PF and YCD. Gabel made a motion for YCD to enter into a contract with PF to hire Crystalina White as a contracted employee, second by Mothershead, motion passed. PF headquarters will draw up the contract and the board will sign at the June YCD board meeting.
- **New Business**
  - **MT Range Days camp** – Huntley Project FFA has submitted a request for 5 student scholarships to attend the camp. Gabel made a motion for YCD to pay for registration by providing a \$300 grant, second by Mothershead, motion passed.
  - **Letter of support request:** The Billings Bench Water Association is submitting a Renewable Resource Grant application for the Rattlesnake Reservoir Diversion Upgrade and SCADA project. Robinson made a motion for YCD to sign and send a letter of support for the project, second by Kraft, motion passed. Yellows
- **T-Report**
  - **March T-Report:** Kraft made a motion to accept the April Treasurer's Report as written and reviewed, second by Mothershead, and the motion passed.
  - **Travel & Meetings** – none

- **Standing Committee Reports**
  - **Yellowstone Conservation Area (aka West End Reservoirs/City Lakes)** - Robinson reported the city has not contacted him with a timeline, which is not surprising because their current focus is on the new water treatment plant that is under construction on the southwest portion of the property.
  - **Arbor Day Tree Giveaway** - A very successful day. People were lined up to get trees an hour before the original start time. When asked, Robinson encouraged the board to hold it on the Land Design grounds again. Next year we will tweak it by having more signs, traffic directors, and more trees because we ran out in 2 hrs.
- **Unscheduled Matters** - The appreciation plaque that was ordered for Peck's 10 years of service on the YCD board will be delivered this week
- **Public comments** - none
- **Next YCD Board Meeting** - Next YCD meeting will tentatively be held June 18, 2024
- Mothershead made a motion to adjourn at 3:17 pm

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Chad Sedgwick, Chair

LaVerne Ivie, YCD Administrator

B.O.C.C. Regular

2. a.

Meeting Date: 06/04/2024

Title: Support Letter - Crisis Diversion Grant

Submitted By: Erika Guy

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TOPIC:

Support Letter - Crisis Diversion Grant

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

File

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Attachments

Support Letter

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# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

Zack Terakedis  
Crisis Coordinator  
Substance Abuse CONNECT  
Yellowstone County

Re: Letter of Support for the Yellowstone County Crisis Diversion Grant

Dear Mr. Terakedis,

I am pleased to affirm Yellowstone County's steadfast commitment to supporting the Substance Abuse CONNECT coalition in its endeavor to secure the 2024 Crisis Diversion Grant.

Yellowstone County is deeply invested in bolstering crisis services, a commitment demonstrated through our allocation of resources from the Public Safety Mental Health Mill Levy (PSMHML) and our strategic oversight of county detention facilities. Through these investments, we have fostered a data-driven, multi-provider approach to crisis services, culminating in the establishment of Montana's inaugural Crisis Receiving Center and the implementation of a Crisis Now initiative in collaboration with various community partners.

As proud members of Substance Abuse Connect, all three county commissioners actively engage in its Executive Committee, underscoring our collective dedication to revolutionizing crisis services in Yellowstone County. Aligned with the National Guidelines for Behavioral Health Crisis and the Crisis Now model, Yellowstone County remains steadfast in its commitment to advancing these objectives.

Our contributions to the Yellowstone Crisis Continuum encompass:

- Monitoring and allocation of funds from the Public Safety Mental Health Mill Levy
- Coordinated oversight of both the Yellowstone County Detention facility and Youth Detention facility
- Collaboration with local law enforcement to implement diversion programs, including training initiatives and non-criminal pathways facilitated by community partner services

We anticipate that our total monetary and in-kind support for this project throughout its duration will amount to \$4,000,000.

We eagerly look forward to further collaboration with Substance Abuse CONNECT and other stakeholders, as we collectively strive to fortify the behavioral health crisis continuum in Yellowstone County.

Warm regards,

A blue ink signature of John Ostlund, written in a cursive style, is positioned above the name and title.

John Ostlund, Chair  
Board of Yellowstone County Commissioners

B.O.C.C. Regular

2. b.

Meeting Date: 06/04/2024

Title: Billings Bypass Highway Easement

Submitted By: Teri Reitz, Board Clerk

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TOPIC:

Billings Bypass Highway Easement Parcel No. 7-38

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

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Attachments

Billings Bypass Highway Easement

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**MONTANA**

Department of Transportation

Malcolm "Mack" Long, Director

2701 Prospect • PO Box 201001  
Helena MT 59620-1001

May 15, 2024

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY  
PO BOX 35000  
BILLINGS MT 59107-5000

**Subject: NCPD-MT 56(55)**  
**BILLINGS BYPASS (BBP-JOHNSON LANE INTERCHANGE)**  
**4199-055-007**  
**7-38**

Enclosed is the original recorded Highway Easement conveyed to Yellowstone County by Travis C. Raggl for highway construction and maintenance purposes on State of Montana, Department of Transportation project/parcel referenced above.

Enclosed is the original recorded Highway Easement

**Please retain the originals for your records**

Thank you for your time,

TIFFANY PFLEGER, RECORDS MANAGEMENT SPECIALIST  
Right-of-Way Bureau  
406-444-6073  
[Tpfleger@mt.gov](mailto:Tpfleger@mt.gov)

Enclosure

cc: file

Montana Department of Transportation  
Right-of-Way Bureau  
PO Box 201001  
Helena, MT 59620-1001  
912439-31

**4073570 EASE**  
05/08/2024 03:39 PM Page 1 of 3 Fees: \$24.00  
eRecorded For Yellowstone County, MT  
Jeff Martin, Clerk & Recorder

## Montana Department of Transportation

MDT-ROW-527 Rev. 11/22  
Page 1 of 2

### Highway Easement

R/W ID.: NCPD-MT 56(55) Parcel No.: 7-38 County: Yellowstone  
Designation: Billings Bypass  
(BBP – Johnson Lane Interchange)  
Project No.: 4199-055-007

**This Easement**, made this 12 day of April, 2024, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, **witnesses that,**

TRAVIS C. RAGGL  
2933 BECRAFT LN  
BILLINGS, MT 59101-6803

do(es) hereby **grant, bargain, sell and convey** unto Yellowstone County, Montana, an easement and right-of-way for highway purposes, including the construction, reconstruction and maintenance of a highway over, across, and the right of entry upon and occupation of lands, and the right to take therefrom such earth, sand, gravel, stones, and trees as may be necessary in the construction, reconstruction, and maintenance of a highway covering and embracing the following described land:

Parcel No. 7-38, on Montana Department of Transportation Project NCPD-MT 56(55), as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana. Said Easement covers and embraces the following described land:


A tract of land within Tract 1 of Certificate of Survey No. 3342, located in the SW¼SE¼ of Section 19, Township 1 North, Range 27 East, P.M.,M., Yellowstone County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 0.001 acre, more or less.

Highway Easement  
RAW ID.: NCPD-MT 56(55)  
Designation: Billings Bypass  
(BBP - Johnson Lane Interchange)

Parcel No.: 7-38

TO HAVE AND TO HOLD all of the above-described property unto Yellowstone County, Montana, and to its successors and assigns as long as the same is used for highway purposes.

This Easement was executed on the date of its last acknowledgment.

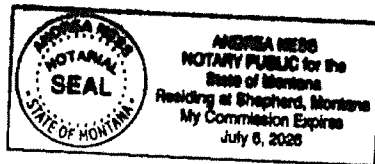
  
\_\_\_\_\_  
TRAVIS C. RAGGL

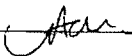
State of MONTANA )  
County of YELLOWSTONE )

This instrument was acknowledged before me on April 12, 2024  
(date)

By TRAVIS C. RAGGL

(Seal)



  
\_\_\_\_\_  
Notary Signature Line

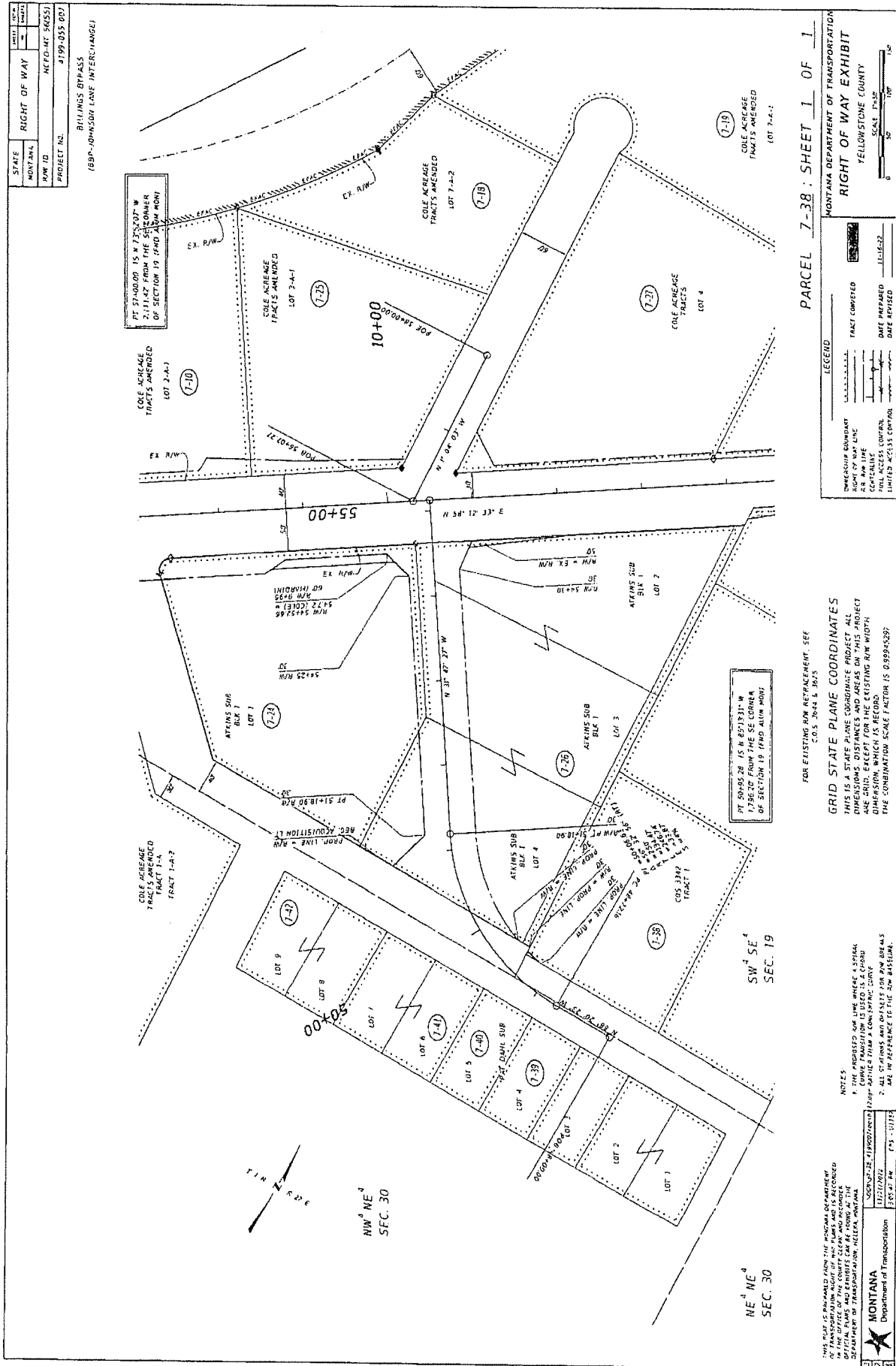
ANDREA NESS  
Notary Printed Name

Notary Public for State of MONTANA

Residing at: SHEPHERD

My Commission Expires: JULY / 06 / 2026

Recording Information



B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: MetraPark Budget Adjustment FY24

Submitted For: Jennifer Jones, Finance Director      Submitted By: Juli Bjornebo

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TOPIC:

MetraPark Budget Adjustment-FY24

BACKGROUND:

Budget transfer within the parameters of Policy #23-18 are needed for the purchase of a QuickBooks subscription.

RECOMMENDED ACTION:

File.

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Attachments

QB

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# Yellowstone County



**FINANCE**  
(406) 256-2754  
(406) 254-7929 (FAX)

P.O. Box 35003  
Billings, MT 59107-5003

May 28, 2024

Board of Yellowstone County Commissioners  
P.O. Box 35000  
Billings, MT 59107

Dear Board Members:

Please accept this letter as a written confirmation of our department's intent on making a budget transfer within MetraPark.

Your Policy #23-18 in Section N gives my department the authority to move up to \$50,000 within a fund. This has been routinely performed over the years where unexpended needs are projected for that fund. These are then recapped at the mid-year budget process or the end of year budget process for Board approval.

Finance intends to move \$1,900 of budgeted expenditure authority from Metra's Accounting Training account (5810.558.460442.380) to Metra's Accounting Software account (5810.558.460442.368 for the annual subscription to QuickBooks that is used to reconcile the Trust Account monthly.

As stated above, these changes will be listed with other transfers and adjustments given to the Board for approval at the yearend meeting for FY24.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink, which appears to read "Jennifer Jones".

Jennifer Jones  
Finance & Budget Director

B.O.C.C. Regular

Meeting Date: 06/04/2024

Title: Weed Spraying for River Ranch Retreat

Submitted For: Tim Miller, Public Works Director      Submitted By: Alexis Hellman

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TOPIC:

Contract with Wright Company MT, Inc. for Weed Spraying for River Ranch Retreat RSID 806M

BACKGROUND:

see attachment

RECOMMENDED ACTION:

Approve

---

Attachments

Weed Spraying for River Ranch Retreat

---

**Standard Form of Agreement between Owner  
and Contractor on the Basis of  
A Stipulated Price  
Weed Spraying for River Ranch Retreat RSID 806 M**

This agreement is dated as of the 23<sup>rd</sup> of May 2024, by and between Yellowstone County, Montana (hereinafter called Owner), and Wright Company Mt Inc Roberts Montana (hereinafter called Contractor).

Owner and Contractor, in consideration of the material covenants hereinafter set forth, agree as follows:

1. Scope of Work

Contractor shall provide all labor and equipment necessary apply pre-emergent weed control mix to 7,722 ft of subdivision road right of way covering from road edge to bottom of ditch, RSID 806 M.

2. Contract Times

This contract will be in effect from May, 2024, until November 1<sup>st</sup>, 2024. Should any work, outside the Scope of Work need to be performed, both parties must agree in writing.

3. Contract Price

The Owner shall pay the Contractor \$ 3250.00 per application, two applications anticipated one spring and one fall.

4. Contractors Representation

4.1 Contractor has examined and reviewed the Contract Documents and other related paperwork.

4.2 Contractor has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the work.

4.3 Contractor is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect cost, progress, performance and furnishing of the work.

4.4 Contractor has given Owner written notice of all conflicts, errors, ambiguities or discrepancies that the Contractor has discovered in the Contract Documents and that the Contract Documents are generally sufficient to indicate and convey the understanding of all terms and conditions for performance and furnishings of the work.

5. Contract Documents

The Contract Documents, which comprise the entire agreement between Owner

and Contractor, consist of the following:

- 5.1 This Agreement.
- 5.2 NA
- 5.3 Contractor's current Certificate of Insurance and Workers Compensation coverage.

6. Miscellaneous

- 6.1 No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without written consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will discharge the assignor from any duty or responsibility under the Contract Documents.

6.2 The successful bidder (herein after Contractor), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/ Public Works, as additional insured against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars , (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence while performing any work or service and for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors. Contractor shall maintain at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with work or service by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the period.

Contractor shall name on the Certificate of liability insurance Yellowstone County / Public Works, as additional insured for on-site work or Maintenance Service. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County / Public Works, are named as an additional insured under the Contractors insurance policy.

Contractor agrees to furnish both the Certificate of insurance and policy endorsement at least ten (10) days prior to beginning work.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County / Public Works from and against any and all claims demands, obligations causes of

action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur the result of Contractors negligence. And for which Yellowstone County / Public Works, sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/ Public Works, is liable for any damages by reason of a non-delegable duty.

- 6.3 Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor is Contractor's workers, employees of Yellowstone County/Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period.
- 6.7 The Parties agree that the laws of the State of Montana shall govern this contract, and that venue shall be in the Thirteenth Judicial District Court, Yellowstone County, Montana
- 6.8 Contractor agrees to defend, indemnify and hold harmless the County against all claims for injuries to person or damages to property occurred from or in Connection with the Contractors performance under the Agreement.
- 6.9 In the event of litigation between Contractor and the County, the Prevailing party shall be entitled to reimbursement of Court costs and Reasonable Attorney fees by the non-prevailing party.
- 7.0 The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, The Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects contractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualification and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the person performing under the contract.

#### 8.0 Termination

This Agreement shall terminate in its entirety in accordance with the terms found in paragraph 2. However, either party may terminate this contract on thirty (30) calendar days written notice, or if prior to such action, the other party materially breaches any of its representations or obligations under this Agreement. Except as may be otherwise provided in this Agreement, such breach by either party will result in the other party being responsible to reimburse the non-defaulting party for all costs incurred directly as a result of the breach of this Agreement and shall be subject to such damages as may be allowed

by law including attorneys' fees and costs of enforcing this Agreement.


IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each will be delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed, initialed or identified by OWNER and CONTRACTOR.

This Agreement will be effective May 23<sup>rd</sup>, 2024

OWNER:  
Yellowstone County  
Billings, Montana 59101

  
\_\_\_\_\_  
Tim Miller  
Public Works Director

CONTRACTOR:  
Wright Company Mt Inc  
PO Box 9 Roberts Mt. 59070 Montana

  
\_\_\_\_\_  
Authorized Representative

- o After completion of the work, provide copies of the invoice to:

Ad-Hoc Committee  
Member Dena Bolton

Address 811 Beretta Dr  
Laurel Mt 59044

Phone \_\_\_\_\_

Email <bolton.dena@yahoo.com> \_\_\_\_\_