

STILLWATER CONSERVATION DISTRICT MEETING MINUTES

USDA Service Center Conference Room (334 E. N. 9th Street, Columbus, MT)

January 9th, 2024 at 6:00 PM

Meeting called to order by: Will Downs at 6:01 pm.

Supervisors Present: Will Downs, (Chairman), Robert Van Oosten (Vice Chairman), Steve Story (Secretary), Noel Keogh (Supervisor), Ben Walker (Urban Supervisor), Nathan Jones (Urban Supervisor), Darryl Thompson (Associate Member)

Supervisors Approved Absent: Butch Behrent (Treasurer),

Others Present: Sharon Flemetis (Admin Director/EWP Project Manager), Celeste Barnett (310/volunteer Coordinator), Sarah Barker, Raymond Lien

UNAPPROVEDMINUTES

Motion to approve minutes from 12/5/2023 meeting: Bob

Seconded: Nate

Discussion: None

Vote: Approved

Motion to approve minutes from 12/13/2023 meeting: Bob

Seconded: Steve

Discussion: None

Vote: Approved

FINANCIALREPORTS

Motion to approve Financial Report presented by Sharon: Noel

Seconded: Steve

Discussion: None

Vote: Approved

REPORTS

Will Downs – No Report

Robert “Bob” Van Oosten - No Report

Butch Behrent – N/A

Steve Story – No Report

Darryl Thompson - No Report

Noel Keogh- Informed us of a DES/FD/DNRC meeting at 10 am 1/10/24 in Absarokee. Along with a Watershed Meeting at 6pm in Fishtail on 1/10/24

Ben Walker- No Report

Nate Jones – No Report

Sharon Flemetis – No Report

Celeste Barnett – No Report

Public Comment (3 Minute Limit)

None

310 APPLICATIONS AND COMPLAINTS

APPL. #	Name	Stream	Project	Rec'd	Decision
#23-081	Greg & Vickie Langford	Yellowstone	Riprap	11/20/23	Motion: to table - Noel Second: Ben Vote: Approved
#23-084	Montana Rail Link	Yellowstone	Riprap	11/13/23	Motion: Approve with Modification of Removing Metal in Riprap and we will inspect after 5/15/2024 - Noel Second: Ben Vote: Approved
#23-085	Old Mill & Italian Ditch	Yellowstone	Bank Work done in 2021	12/13/23	Motion: Approve as Is - Bob Second: Noel Vote: Approved
#23-086M	Old Mill & Italian Ditch	Yellowstone	Maintenance	11/27/23	Motion: Approve with Modification that they spread the gravel out as thinly as possible - Bob Second: Nate Vote: Approved
#23-082C	Holly Padon/S. Blank	Stillwater	Riprap complaint	11/22/23	Motion: Motion to close complaint with no violation found - Steve Second: Nate Vote: Approved
#22-182	Steve Blank	Stillwater	extension	1/9/24	Motion: To extend for 1 year as long as he makes approved mods - Ben Second: Nate Vote: Approved

#22-181	Eaton/Ritter *note name change	Stillwater	extension	1/5/24	Motion: To extend for 1 year - Bob Second: Nate Vote: Approved
#23-088	D4 Properties	Rosebud	Bank Stabilization Riprap	12/15/2023	Motion: To Table - Bob Second: Noel Vote: Approved

UNRESOLVED COMPLAINTS & VIOLATIONS

#23-052V Judy Krone – Yellowstone River - [Send letter asking for legal assistance](#)

#23-064V Montana Rail Link – Yellowstone River River - [Send letter asking for legal assistance](#)

#23-070V Montana Rail Link – Yellowstone River River - [Send letter asking for legal assistance](#)

#23-076V – Donnes - Rosebud Creek

Board reviewed documents from Mr. Donnes’ attorney and his three personally filled out Public Document/Information request forms. During discussion it was decided that as per normal business practices itemized bid information would be redacted from the bid documents requested. We confirmed that as per our meeting minutes on September 6th, 22, 2022 an emergency **WAS** declared by the board for all the EWP projects. Also, it is stated in our procurement bidding document that contractors with outstanding violations will not be awarded a bid. This document was approved by the board on September 6th, 2022. Also, a legal notice was published in the Stillwater County News and the Carbon County News September 22nd & 29th and October 6th & 13th titled “Invitation For Bids” stating that the “Stillwater Conservation District also reserves the right to reject any and all nonconforming, nonresponsive, unbalanced or conditional bids, and to reject the bid of any Bidder if the Stillwater Conservation District believes that it would not be in the best interest of the Stillwater Conservation District to make an award to that Bidder.” (clipping attached to these minutes)

The three Public Document/Information Request forms were Motioned to be approved as follows:

Request 1 – Motioned for Approval by Bob, Seconded by Noel, refer to above discussion, Vote Approved.

Request 2 - Motioned for Approval by Noel, Seconded by Ben, refer to above discussion, Vote Approved.

Request 3 – Motioned for Approval by Nate, Seconded by Bob, refer to above discussion, Vote Approved.

Sharon will contact Mr. Donnes once these documents are ready for pickup and the fee has been calculated.

310 Violation – Mr. Donnes has submitted a completed 310 Permit application #23-088. Sharon has accepted the application on 12/15/2023. The application was presented to the board during the meeting. Motion to close the violation was made by Ben, Seconded by Will, Board discussed scheduling another site inspection and to ask NRCS for tech support. 310 application was tabled for approval, but was accepted as a completed permit.

GRANT UPDATES

EWP – Financial Update by Sharon

Mendenhall – Change Order RRG

Raymond Lien was in attendance as a representative of the ditch board. He commented that they wanted to re-direct some of the grant funding that they were initially awarded to include completing Drop 1 as it is left out of the current bid. The contractor has provided a bid for the additional work. Sharon informed the board that this project has already been bid three times due to the first bid being over budget, the second having unrealistic time restraints along with being over budget and finally the 3rd engineering plans were approved and a bid was accepted, they only cover Drop 2 & 3 in order to remain within the budget. Currently we are not recouping any administrative costs on this ongoing project. Raymond would like to allow the contractor to add on the extra work as it would be within the original grant award. It was determined our procurement process would not allow this, all interested contractors would need the opportunity to bid on the additional work. It was determined that because the project has not yet begun construction it would be a change of scope not a change order. Nate motioned to proceed with the project as is, without the requested change order. Noel seconded. More discussion determined that we were not yet ready to vote and Ben moved to table the matter for the next meeting, Noel seconded and it was approved to table the matter.

Forrest Service/ERLA – They are having bi-weekly and/or monthly meetings. We are waiting on 30% design

EC – A Google Earth Map of some found non-native debris on the Stillwater river was provided to the district by Nathan Havens. The board reviewed the documents. Sharon asked for the board to consider using some of the remaining approximately \$56,000.00 in EC monies to be used to help get the debris from the 2022 flood removed from the river. The board discussed the logistics of access to debris, and disposal of debris. It was decided to explore a cost share option with landowners along with possibly coordinating with the Stillwater Valley Watershed Council on this project. Sharon will bring it up at the SVWC meeting on 1/10/24. We will discuss the matter further at the next meeting.

NEW BUSINESS

- Oath Of Office- Notary Sarah Barker administered the oath to Ben Walker and Nate Jones, they were sworn in as the SCD Board's Urban Supervisors.
 - Clear Creek Reimbursement Check – Refunding of monies due to project being removed from the EWP program
 - Motion: to refund the amount minus the admin fee which totals \$1998.53 by **Noel**
 - Second: **Ben**
 - Vote: **Approved**
 - New Logo Design – Options were reviewed and changes were requested for the next meeting.
 - Website Update- Website design and information has been updated.
 - Add a Tab to the Website “Bids” include links for EWP & ARPA, - Ben brought to our attention that both MTD & FWP have similar information on their sites.
 - Motion: To add the tab and include it in the information for bidding for upcoming projects - **Noel**
 - Second: **Nate**
 - Vote: **approved**
- Create a “Qualification for Bidders” paragraph, see attached wording
- Motion: Adopt as written - **Bob**
 - Second: **Nate**
 - Vote: **Approved**

- New File Cabinets: Preliminary options were reviewed and Sharon will have a proposal and pricing for the next meeting.
- Rain Barrel Workshop- Sharon and Celeste discussed their intention to host a rain barrel workshop for the community. Ben knows of some barrels that could possibly be donated for the project. We will discuss further at the next meeting.

Save The Dates

January 15, 2024 – MLK Day, office closed

February 1, 2024 - Site Inspections 9am at SCD office

February 6, 2024 – Monthly Board Meeting 6pm

February 19, 2024 – Presidents Day

February 29, 2024 -Site Inspections 9 am at SCD office

March 5, 2024 – Monthly Board Meeting 6pm

March 11 – 18, 2024 – Sharon on Vacation

March 28, 2024 – Site Inspections

April 2, 2024 – Monthly Board Meeting 6pm

May 2, 2024 - Site Inspections

May 7, 2024 - Monthly Board Meeting 6pm

May 30, 2024 - Site Inspections

June 4, 2024 - Monthly Board Meeting 6pm

MOTION TO ADJOURN THE MEETING: Will

SECONDED: Bob

MEETING ADJOURNED AT: 11:00 pm

Minutes Approved on: *2/6/2024*

310 Applications must be received by 12pm seven days prior to the meeting and have been inspected to be reviewed.

Agenda items must be submitted to the CD Office by Noon the Monday before the scheduled meeting.

Agendas are available at the CD Office upon request and at stillwatercd.org once finalized.

All meetings of the CD are open to the public. Once approved the minutes will be available at stillwatercd.org and the County Clerk and Recorders Office.

Qualifications for Bidders

Any contractor wishing to bid on a Federal or State funded project must adhere to these guidelines.

The contract will be awarded to the lowest eligible and responsible. The applying Bidder shall possess the skill, ability, and integrity necessary for the faithful and complete performance of the work. The term "lowest eligible and responsible Bidder" as used herein shall mean the Bidder whose bid is the lowest of those Bidders possessing the demonstrated skill, ability and integrity necessary for the faithful and complete the performance of the work and meeting all other requirements set forth herein. To be considered a responsible Bidder, Bidder must have:

To demonstrate Bidder's qualifications to perform the work, Bidder shall submit with its Bid (a) written evidence establishing its qualifications such as financial data, previous experience, and present commitments, and (b) the following additional information:

- A. Bidder must be in GOOD STANDING with the Stillwater Conservation District and all other permitting agencies. Bidder must not have ANY CURRENT VIOLATIONS OR COMPLAINTS being heard by the Board of Supervisors. If there are MULTIPLE PAST VIOLATIONS the board reserves the right to change Bidder's status to ineligible to bid.
- B. Evidence of Bidder's authority to do business in the state where the project is located.
- C. Bidder's state or other contractor license number, if applicable.
- D. Bidder has previous experience working on at least three (3) projects of similar scope, size, and complexity with acceptable references from those projects.
- E. Subcontractor and Supplier qualification information; is provided and meets the Stillwater Conservation District's, and all other permitting agencies standards.
- F. Other required information regarding qualifications. A form entitled "Information Required of Bidders" is included with the Bid Form documents for the purpose of the Contractor furnishing this information and shall be submitted with the Bid Documents at the time of the Bid Opening.
- G. The Bidder shall inform the Montana Department of Revenue on prescribed forms of the amount of the 1% license fee in the Bidder's account to be allocated and transferred to the subcontractor.



Office: (406) 322-5359 ext. 101
 Email: aharon.flores@mt.nacdist.net
 Website: www.siltwatered.org

Request 1

Public Document/Information Request Form

Petitioner Information

Name: Darren Donnes
 Mailing Address: 16809 Hwy 312, Billings, MT 59105
 Email: donnes.lnc@gmail.com Phone #: 406-671-4307

Document Information

Requested Documents: Bid Results: Town of Fromberg
& Uanzick/Brey-Riddle Headgate Replacement
 SCD Application Number (if known): _____

Project Information

Project Location: _____ Latitude: _____ Longitude: _____
 Physical Address: _____
 Document Request: _____
 Time Period: Start: _____ End: _____

*PLEASE NOTE: Documents less than 10 years old may take up to 30 days to be released. Documents from 10 years ago or more may take up to 90 days from approval of request to be released.

Brief Description of Project/ Proposed Project:

Additional Information

Why are you requesting this information?

Additional Comments/Concerns:

Requested documents cannot be emailed. Documents must be picked up at the office once you are notified that they are available.

Requested documents will be \$2.00 per page, due at the time of pickup.

Signature: [Signature]

Date: 12/13/23

[Signature] Ch. Moran SCD



Office: (406) 322-5339 ext. 101
 Email: sharon.fleweta@mt.nacdnct.net
 Website: www.stillwatercd.org

Request 2

Public Document/Information Request Form

Petitioner Information

Name: Darren Donnes
 Mailing Address: 6809 Hwy 312, Billings, MT 59105
 Email: donnes.ih@gmail.com Phone #: 406-671-4307

Document Information

Requested Documents: Board meeting minutes from Dec. 13, 2023, legal documentation for exclusion of Bids.
 SCD Application Number (if known): _____

Project Information

Project Location: _____ Latitude: _____ Longitude: _____
 Physical Address: _____
 Document Request Time Period: Start: _____ End: _____

*PLEASE NOTE: Documents less than 10 years old may take up to 30 days to be released. Documents from 10 years ago or more may take up to 90 days from approval of request to be released.

Brief Description of Project/ Proposed Project:

Additional Information

Why are you requesting this information?

Additional Comments/Concerns:

Requested documents cannot be emailed. Documents must be picked up at the office once you are notified that they are available.

Requested documents will be \$2.00 per page, due at the time of pickup.

Signature: [Signature] Date: 12/15/23

[Signature] Chairman SCD



Stillwater
Conservation
District

Office: (406) 322-3159 ext. 101
Email: sharon.fleming@mt.uscd.net
Website: www.stillwatercd.org

Request 3

Public Document/Information Request Form

Petitioner Information

Name: Darren Donnes
Mailing Address: 10809 Hwy 312, Billings, MT 59105
Email: donnes.inc@gmail.com Phone #: 406-671-4307

Document Information

Requested Documents: Any meeting minutes pertaining to the exclusion for Yellowstone Earthworks & Donnes Inc. to submit bids.
SCD Application Number (if known): _____

Project Information

Project Location: _____ Latitude: _____ Longitude: _____
Physical Address: _____
Document Request: _____
Time Period: Start: _____ End: _____

*PLEASE NOTE: Documents less than 10 years old may take up to 30 days to be released. Documents from 10 years ago or more may take up to 90 days from approval of request to be released.

Brief Description of Project/ Proposed Project:

Additional Information

Why are you requesting this information?

Additional Comments/Concerns:

Requested documents cannot be emailed. Documents must be picked up at the office once you are notified that they are available.

Requested documents will be \$2.00 per page, due at the time of pickup.

Signature: [Signature]

Date: 12/15/23

[Signature]

Chairman SCD

9-22-22

INVITATION FOR BIDS

Notice is hereby given that the Stillwater & Carbon Conservation District is requesting bids for the June 2022 Flood Recovery Projects, also known as the EWP Projects in Stillwater and Carbon County. Engineering plans and copies of permits can be picked up at the Stillwater CD Office for detailed information on each project. At the Office of the Stillwater Conservation District 334 North 9th Street Post Office Box 48 Columbus, Montana 59019 Specifications for the Bids will be available for review at the Stillwater Conservation District Office and copies will be available for a nonrefundable fee of \$10.00. Persons with disabilities who need an alternative format of this document in order to participate in the Invitation for Bids process should contact Sharon Fletmetis, Stillwater Conservation District Administrator, 334 North 9th Street, Columbus, Montana, 59019; telephone number (406) 322-5359, Extension 101. Stillwater Conservation District will make every effort to comply with such request. Insurance as required shall be provided by the successful Bidder(s) and a certificate(s) of the insurance shall be provided. Montana Prevailing Wage rates shall apply. The successful Bidder shall comply with all applicable Local, State, and Federal ordinances, regulations, and requirements. The successful Bidder shall comply with all applicable Federal regulations and requirements, which include but are not limited to Section 3 Clause, Equal Opportunity Clause, Executive Order 11246 and 11624, Federal Labor Standards and Civil Rights Act. Accordingly, the Stillwater Conservation District reserves the right to negotiate an agreement based upon available project funds and fair and reasonable compensation for the scope of work and services proposed. Stillwater Conservation District reserves the right to reject all bids. Stillwater Conservation

District also reserves the right to reject any and all nonconforming, non-responsive, unbalanced, or conditional bids, and to reject the bid of any Bidder if the Stillwater Conservation District believes that it would not be in the best interest of the Stillwater Conservation District to make an award to that Bidder. Stillwater Conservation District also reserves the right to waive informalities. Questions regarding the documents shall be submitted in writing to Sharon Fletmetis, EWP Project Manager, Stillwater/Carbon Conservation District, 334 N. 9th St, Columbus, MT, or by email to Sharon.fletmetis@mt.nacdnet.net
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