

# Flathead Reservation Water Management Board Meeting Minutes

June 9, 2022 from 2:00-4:00 PM

In-person: Flathead Reservation Water Management Board Office  
400 Main Street Southwest, Ronan, MT 59864

Virtual at Zoom Link: <https://bit.ly/FRWMB-Mtg-June9>

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**Board Members Present:** Clayton Matt, Roger Noble, Kenneth Pitt, Georgia Smies, Teresa Wall-McDonald  
(joined virtually at 2:10)

## 1. Call to Order (Board Chair)

- 1.1. Opening Prayer
- 1.2. Attendance

## 2. Board Business (Board Chair)

### 2.1. Adopt agenda

Motion by R. Noble to adopt agenda as provided

Second by G. Smies

### 2.2. Approve minutes for May 12, 2022 and May 19, 2022

Motion by K. Pitt to the minutes for May 12, 2022

Second by G. Smies

Vote result: Approved (4 to 0)

Motion by G. Smies to the minutes for May 19, 2022

Second by K. Pitt

Vote result: Approved (4 to 0)

### 2.3. Announce meeting recording & minutes on DNRC & CSKT websites ([bit.ly/FRWMB-Meetings-Page](https://bit.ly/FRWMB-Meetings-Page))

### 2.4. Office of the Engineer Operations (Board-Anna Butterfield & CSKT-Melissa Schlichting)

#### 2.4.1. Status update: hours, volume of calls, etc.

- A. Butterfield: Hours have been working okay. I have had about 25 walk-ins. I have had over 60 calls and then stopped counting. As of today, I have at least 40 applications I have opened and date stamped. I have made two deposits to the bank.
- A. Butterfield: We propose changing office hours. Tuesdays have been slow. Walk-in traffic is slow. When foot traffic is slow I could be working remotely. I would be working more efficiently at processing applications while also being available by phone. A. Butterfield

Key: Underline = Action item

Normal = Discussion, comment, and/or update

proposes to continue to be available during full office hours via phone and change she when physically present in office. I propose being here in the office Monday, Wednesday, Thursday from 8:30-4:00. T. Wall-McDonald: Are we paying for travel time? A. Butterfield: I am not paid for commute time, but I get compensation for mileage.

#### 2.4.2. Funds request for office supplies and building improvements

- Butterfield: I don't have funds available if the office runs out of basic supplies such as folders. I still have \$32 left from the original \$3000 that the board approved to get the office set up. The office still needs more items. I have two quotes for blinds and it will cost between \$3200-\$5200 to purchase them and get them installed. We opened an account at Office City. We have high postage expenses now because we are ordering postage.
- C. Matt: Suggest the board authorizes an ongoing amount to purchase needed office supplies. Maybe \$1000 per month. Then the board could authorize myself or K. Pitt as vice-chair to approve additional expenditures. Then you could authorize myself or Ken as vice chair to go over if needed. R. Noble: Do we need petty cash available? A. Butterfield: We do not need petty cash and it would require additional work to reconcile.
- A. Butterfield: We desperately need a printer. A lot of forms come in with defects and I need to a printer to have a copy for making notes. I need to print maps and deeds. M. Schlichting: We have two sales quotes for leasing printers. Kelly Connect can provide a Canon for \$4989 and ABS can provide a printer for \$4500. ABS does not offer maintenance. Kelly Connect does maintenance for \$50 a month and that includes toner. A. Butterfield: Toner can be challenging to find so it would be helpful to have that provided. Both could get us machines next week. Both copy, scans, and prints. Ordering a printer would take 6-8 weeks. A. Butterfield: ABS wasn't the most responsive.

#### 2.4.3. Money handling procedure

- A. Butterfield: We are getting a large number of checks and I don't want those hanging around the office. I worked with the accounting firm and C. Matt and developed the proposed money handling procedure. The receipt numbers are designed to fit with the database requirements. C. Matt: I think it will be important for the board and the staff to have this in writing.

#### 2.4.4. Administrative assistance/hiring

- A. Butterfield: I am spending a lot of time on things unrelated to domestic allowance applications to get the office set up and organized. I happy to do these administrative tasks but it takes away from the time I have to process applications. There is a high volume of applications to go through. Many people are not filling out the applications properly, so I am spending a lot of time contacting folks to get more information.
- C. Matt: I am assuming that we had something in the organizational chart for an administrative position. R. Noble: It probably is a good idea to hire someone now so A. Butterfield could train them. A. Butterfield: That is the suggestion. In the water resources world, a lot of compliance technicians are also administrative staff. We could get that person trained to do full time compliance technician work. Pelah Hoyt (DNRC) also said it would be helpful to have someone do the meeting notes and upload items to the website because she

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is spending a lot of time doing that instead of compact implementation. R. Noble pointed out that A. Butterfield will be going back to school in the fall so we will need another person. M. Schlichting: The HR firm provided an administrative position description template, but I have not had time to review it. We will get job descriptions for the board to review next week so they can take action at the next meeting. Then we can advertise and start accepting applications. It will take a few weeks at least to get someone on board. C. Matt: Can CSKT contribute some staff time? M. Schlichting: I can ask Allie if she can help and maybe we can talk with some of the other departments as well and see if there is some staff that can come and help. I called temp agencies but the temp agencies in Missoula and Kalispell don't send people here. It is a hard time to find temporary works. Finding a permanent worker will be difficult as well.

- M. Schlichting: I would also like engage the HR firm to start working on the policies and procedures. They estimated it would cost 3-5 hours. We'll use the 5 hours we have for the job descriptions so this would be in addition to that. It would cost an additional \$510.

#### 2.4.5. Website design services

- M. Schlichting: I sent the initial proposals to the board and I had conversations with all three companies that provided proposals: Web Pro Polson, First Call, and Exodus Interactive. I put together a spreadsheet of the information. The proposals vary.
  - WebPro: In Polson would cost \$5200 for design and start up and an annual maintenance fee of \$735. She could do it fairly quickly (within 3 months).
  - First Call would take 60-90 days to develop and launch. They price it out over a 24-month period. They charge \$349 per month for first 24-month period. After the first 24 months, it costss \$130 per month to continue service. They have a two-year agreement. There is an early termination clause where you have to pay for seven months if you terminate early.
  - Exodus Interactive proposal includes a flat hourly rate and a monthly retainer with a reduced hourly rate. Domain hosting would be an additional \$10 per month. They can spec it out as a project if we request it.
- G. Smies: I checked this out last night. First Call is the only one that has been in business for more than one year. I checked the websites that First Call has designed and I was impressed. I didn't get a chance to see the ones done by Exodus. The ones by WebPro looked fine. This is going to be a first portal to the board, and it is a first opportunity to make a good impression. It will have a lot of content. First Call seemed to be the only one that could role this out quickly with the expertise we need. First Call has also done websites for banks which require a lot of security, and we will need that as well.
- C. Matt: As with our previous discussion. I disclosed that my son is involved with Exodus Interactive so I will abstain from any action on a vote involving that company.
- M. Schlichting: I can look for other proposals and schedule meetings with these three companies that we have. I contacted some of the other providers who do the CSKT website and Mission Valley Power, and this is simply too small of a job for them to take on for a reasonable amount of money.

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## POOR AUDIO

- C. Matt: I think we want someone from the board and the staff to be involved in interviews. Georgia will be on work group and maybe Joel Harris (DNRC).

### 2.4.6. IT management services

- M. Schlichting: I have three proposals that are very different from one another in how they structure their services and offer various levels of services. I did a breakdown on the costs for you. They range from all things included, a hybrid, and hourly. All will do virus removal. Maybe you want to have a small group meet to learn more.
  - Kelly Connect: Will do virus removal for four machines and then bill out more at billable rate.
  - First Call: Can do help desk support. Because we are so small, they didn't want to add 24-7 help desk because we would use it so infrequently it wouldn't be worth the cost.
  - Exodus Interactive: Everything is on monthly retainer and hourly.
- Board agreed to set up a work group for review of IT services as well with the Web Design Services.

### 2.4.7. Office grand opening

- A. Butterfield: Tech team suggests doing a grand opening after the June 23 with simple refreshments. M. Schlichting: There would be some expenses associated with this event.

### 2.4.8. Public Comment on operations items

- Duane Smith: Is there anyway Anna can be contacted by phone when she isn't in the office?
- A. Butterfield: Yes I will be available by phone when I am not at the office.
- Dave Bick: I am surprised to hear you want to reduce your hours. I've never had the courage to go to my employer and say I want to reduce your hours. You have title of a water management board and you are becoming more of an office management board. I hear Anna come in and say there was a high volume of applications come in. What you need is Melissa. She is doing all your office management and finding all the things you need. You need an office manager with a budget and make some choices and then you can start moving forward and discuss water management.
- No virtual comments.

### 2.4.9. Board Action on operations items

Motion on 2.4.1 by R. Noble to change office hours as recommended. We should put up a sign with hours and we can change hours if conditions change.

Second by K. Pitt

Vote result: Approved (5 to 0)

- C. Matt: I'd like to break down the office supply requests into general supplies and vote separately on the printer.

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Motion on 2.4.2. by R. Noble to designate \$500 per month for general and ongoing office supplies and authorize C. Matt or K. Pitt to authorize higher amounts if more is needed for miscellaneous expense for office expenses.

Second by G. Smies

Vote result: Approved (5 o 0)

Motion on 2.4.2. by G. Smies to proceed with printer from Kelly Connect since it includes maintenance and toner.

Second by T. McDonald

Vote result: Approved (5 to 0)

Motion on 2.4.3. K. Pitt to adopt money handling procedure.

Second by T. Wall-McDonald

Vote result: Approved (5 to 0)

Motion on 2.4.4. by R. Noble to engage HR firm for up to \$510 per month and authorize C. Matt or K. Pitt to authorize higher amounts if more is needed. Working with HR firm on administrative assistance would be the first priority.

Second by K. Pitt:

Vote result: Approved (5 o 0)

- C. Matt: I want to talk about developing a master budget and suggest we create a standing budget committee. M. Schlichting: The interim funding agreement is in place to July. Then we can enter into a longer funding agreement until end of June 2023. It would be helpful if the board had this master budget preparation in place for that. C. Matt and R. Noble offered to help with budget development. M. Schlichting: I will set up a committee with myself, Arne, and the board committee members to start working on those details.

## 2.5. General Interim Process Items (DNRC-Ethan Mace and Board-Anna Butterfield)

### 2.5.1. Schedule for uploading applications

- E. Mace: As part of interim process we will provide notice on DNRC website and post applications. We have four applications posted now. We will plan to post new applications once each week. DNRC has limited web developer capacity now to post more often. Some members of the public thought we would get posted the same day. I want to make this clarification that posting once a week is achievable with the capacity we have now.
- G. Smies: Could that be shorter? E. Mace: it could happen on a daily basis when the Board gets its own website. DNRC IT people are doing a lot and its easier for them to upload in batches. G. Smies: it's a schedule that could be updated once our office is up and operational.
- T. Wall-McDonald: I understand that this is a necessary step right now. When would we reevaluate? Or is it contingent on getting the other site up and running? C. Matt: We could have it be daily when we have a website.
- Board has consensus on this schedule.

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### 2.5.2. Accessory dwelling unit (ADU) and outbuilding use on a single parcel

- E. Mace: Sometimes when a person comes to file for a domestic allowance they have what is sometimes known as a mother-in-law building or guest house in the back. Those tend to be smaller than a full residence and are located on a single parcel. Seth Makepeace and I discussed if they should apply for an individual or a shared allowance. After discussing, we thought they should apply as an individual if the accessory dwelling unit is part of same compound, and within the same parcel (ownership). we believed you could take an ADU and include it as part of an individual domestic allowance. This is our recommendation, but we would like board feedback.
- K. Pitt: I am going to have to abstain from this because I have an ADU and a garage with water.
- R. Noble: I concur with DNRC and CSKT tech team on this.
- Clayton: what does Ordinance say? E. Mace: We looked at the Ordinance and its definition of a home and didn't find clarification we were looking for. E. Mace read definition of a home. We also considered the definition of a shared well and shared well agreement. This agreement is required for a shared well allowance. E. Mace read definition of a shared well agreement. A shared well agreement must be signed by each person having possessory interest. We thought a shared well agreement described something different than an ADU on the same parcel as a home with the same ownership.
- G. Smies: I used to live outside Jackson Hole and was involved in planning and water use. We had owners with large guest homes there that were considered an ADU. In that case is there a way to limit the size or use? E. Mace: The limitations on domestic allowances were designed to limit consumptive use and the impact to the resource and senior water users. We assessed that irrigation and lawn and garden were by far the largest uses of water. In this situation, most of the water used inside of a building is returned to the system (in terms of volume, not as clean water)
- E. Mace: At least two of the applications received so far have this ADU and outbuilding question.
- T. Wall-McDonald: I have similar concerns as Georgia. I am not comfortable unless there is some sort of sideboard on ADUs due to my concern about over appropriation. I am not comfortable without more definition and sideboards. I want to hear from other board members.
- R. Noble: I understand Georgia's analogy. Usually the caretaker residence is used most of the year and the main house is only occupied a couple weeks a year. We need to look at total consumptive use. Should there be an amount of water assigned for each home? E. Mace: Currently the board doesn't have water use standards for each home. There are DEQ and DNRC standards. Total domestic allowance total limit is 2.4 acre feet. R. Noble: Residential use isn't going to come close to that. The size of their yard will determine the impact. The ADU is a minimal impact and there is return flow. I don't think we'll exceed with an additional ADU.
- C. Matt: We need to formalize this by clarifying in writing. Melissa if we do that, does it look like we are changing or modifying the definition or language of the Ordinance? If so we would need to make a recommendation to legislature and CSKT to change the Ordinance. M. Schlichting: I would like to take another look at this. I am trying not to give legal advice. Clayton: Procedurally, how should we do this? M. Schlichting: We can do this on a case by case basis for now. That would give us more time to review how the board could adopt policy or interpret the Ordinance. We can't change the Ordinance.

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- E. Mace: This seems like a clarification to me. C. Matt: I think if we agree to your interpretation today that is one inch. Then another application comes in asking for another inch and we take another inch. I don't want to creep into something larger. We want to be careful and delineate it. C. Matt: We could take this case by case and take this recommendation until we can get something in writing to consider. R. Noble: Hopefully we can get something in writing for the staff to use so they can process these things in a standardized way. G. Smies: I agree. T. Wall-McDonald: The case by case makes me nervous, so I say yes reluctantly.
- C. Matt: Do you need more now? E. Mace: We can take this guidance to process the applications and highlight that this is one of those cases when we take it before the board.
- E. Mace: In addition to ADU's there may be outbuildings, a shop, or garage that is not attached, but part of same compound and on the same parcel that is using water. So long as irrigated acreage was equal to or less than that allowed by Ordinance. This situation is similar to ADUs except an outbuilding would probably use less water. R. Noble: I think an outbuilding has less impact.
- T. Wall-McDonald: We need to take this on a case by case basis. Will we have information about the size of the outbuilding and its uses? What are the sideboards? E. Mace: The form doesn't require info on the size of residence or the disclosure of shops or outbuildings. If that info is needed, we may need to update the form. These uses are coming up on the Other category on the form. C. Matt: If the staff recommends changing form we should hear that. E. Mace: I think the form is adequate for now. In the meantime, we should remember that irrigation is limited regardless of an ADU and outbuilding. The overall annual volume is also limited. When an applicant signs application, they are agreeing to those annual diverted amounts. The most common thing that we would see would be a larger yard size which you could see on an aerial photo.
- C. Matt: will this case work for you? E. Mace: I think we can work for this. We'll isolate these ones and explain the info we have and let the board contemplate that summary. T. Wall-McDonald: I am good with that. C. Matt: The rest are nodding their heads, so we can go with that.

### 2.5.3. Receipt of application date stamp and check-clearance

- E. Mace: Anna and Pelah request that the 30-day period start when the application is received instead of when the check clears the bank. A. Butterfield doesn't have access to check clearing information and it may not be an efficient use of her time to figuring out when checks clear and aligning that with applications.
- C. Matt: Melissa do you have comments on this? I asked bank to help us with this twice and I haven't heard from them. M. Schlichting: Waiting for the checks to clear creates a significant delay that doesn't need to be there. If we can eliminate this step, we can act more quickly and we don't have this problem of trying to get info that is proving time consuming to get. It was added to the application to get more time to process, and it is taking time to meet this step. C. Matt: So we can change this? M. Schlichting: We have four applications ready for the board to act on and the check probably has not cleared.
- C. Matt: So we can change the form and the 30 days start upon the date of application receipt stamp. R. Noble: This makes sense. K. Pitt: It clears things up. Teresa: I am good. C. Matt: this changes is okayed by consensus.

### 2.6. Review of complete domestic allowance applications (Board-Anna Butterfield and DNRC-Ethan Mace)

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- K. Pitt: We should move this to beginning of agenda for future meetings for members of the public who are waiting for this item.

#### 2.6.1. Authorization of applications that conform to Ordinance

- A. Butterfield: Seth, Ethan, and I reviewed these applications and they conform to the Ordinance.
- R. Noble: The staff is recommending approval as a package, I think we should ratify these as a package instead of approving one by one. C. Matt: It makes sense to approve as a package except for ones that need to be reviewed on a case-by-case basis. K. Pitt: I agree with what Roger suggested if the staff also recommends this. A. Butterfield: Yes, we recommend these four as a package.

Motion by R. Noble to approve Westleigh, Stephens, Van Dyken, and Ostheimer  
Second by Georgia  
Vote result: Approved (5 to 0)

- C. Matt: Based on the agenda, we took action before public comment. My error.

#### 2.6.2. Public Comment on domestic allowance applications

- John Westleigh: I want to thank Anna for all her help. She was instrumental in getting our forms correct.
- Dave Bick: Thank you for processing those and getting those done.
- Online comment: Bill Ostheimer: Thank you. Anna and Ethan were in the office and they helped me understand things. I had follow up emails. This is a big hurdle and all the comments from the board make sense. And move this forward in the agenda. Thank you for getting this going. It's a daunting task with a lot to accomplish, so kudos.

#### 2.6.3. Board Action on domestic allowance applications

SEE ABOVE

### 3. Next steps

#### 3.1. Set next general meeting and location

- June 23<sup>rd</sup> at 2pm at Ronan office..

#### 3.2. Choose meeting topics

- C. Matt: We will put application approvals early in the agenda.

### 4. Public Comment

- Duane Smith: I was at the last meeting and spoke about a boundary line adjustment. I have been working on this since last September. We finally got lake county to approve it. Then it went to DEQ: Nathan in Kalispell said he is waiting on compact board for their letter of approval. Everyone says the board has to approve this. I have been pushing this. I have a deadline soon or we will lose the contract and it will be difficult. People don't understand. Lake County says we need someone to talk with. DEQ says it. We need compact board to approve

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this. We could be done with this boundary line adjustment. It is a small adjustment. We aren't drilling a well. It's simple. It's been Resurveyed. It's been since September. Lake County has sat on it and all entities blame it on the compact board and none of them seem to work with you guys. They need to find a way to work with you guys. I need a letter from you to say its okay.

- C. Matt: We don't normally comment here, but I am going to. We deal with water permit applications. I have no idea what a boundary adjustment has to do with our work: I suggest you meet with Ethan or Melissa. We need input from staff and a recommendation if we have authority.
- D. Smith: This is holding up 30 applications. They keep not approving them.
- R. Noble: I think the DEQ is looking for an acknowledgement that there is a water right to allow the boundary line adjustment to go through.
- D. Smith: We have water rights. The parcel has been in use for 22 years.
- E. Mace: I have been trying to learn about this predicament. It ties to the Subdivision Act. If someone applies for a boundary line adjustment or subdivision or sanitary changes, DEQ has an administrative rule requiring the applicant to get a letter from DNRC saying they have a water right for this proposed action or the type of water right they want to pursue is an exception to a permit. There is certainty offered by the water right jurisdictional that the proposed change meets the state water right standard. We had a change in jurisdiction on reservation. We have been trying to learn about this and put it in a memo for the board.
- R. Noble: This is not a duty created by board. It is created by DEQ. Is that true? E. Mace: Yes.
- C. Matt: We need to have a more formal definition of what our steps may be. It seems like from a policy standpoint we need a recommendation, so we understand what our roll is and take a step.
- D. Smith: There are 30 other people waiting. The 21st is my deadline. I have tried everything. I am desperate. I want you to be aware of what it does to people who are trying to get something done. It has nothing to do with you guys. But we need a letter of approval from you.
- C. Matt: We can only take whatever action we have authority to do in the Ordinance. All we can do is what the Ordinance says. K. Pitt: What is board's authority here? M. Schlichting: I will take a look at this.
- Georgia: His deadline is June 21, and our next meeting is June 23.
- C. Matt: We have to define what our procedure is. Melissa: Can we do this? M. Schlichting: I have not looked at it. I would be uncomfortable with you taking any action, because I haven't looked at this specific issue.
- C. Matt: Is there a mechanism we can follow before our next meeting? M. Schlichting: Given the volume of applications and other issues, we could have an every other week meeting on zoom. C. Matt: Weekly meetings with every other meeting on zoom? We could meet on zoom the 16<sup>th</sup> and the 30<sup>th</sup>. The Board agrees by consensus.
- C. Matt: For board and public, we publish the agenda on Tuesday before the meeting. We will do our best to get to your issue.
- Dave Bick: I want to comment on the ADU. I think it is spelled out clearly in the ordinance. It says 2.4 acre feet volume. People don't know what that means. I think its about 2000 gallons a day. Most of septic systems are designed for 300 gallons a day. Where rest of water goes I don't know. Legally there are already things in place that are not decided by water board. This

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is not for the board to decide. The applicant signs and says they won't use more than 2.4 acre feet. If you are looking at water conservation if there are two wells you can use more water. There are a lot of regulations. In past they said if homes were attached they were just one home. There are work arounds on that. If the parcel size is larger enough you apply for to individual domestic uses. As water board that is all you get to decide. That is getting into everyone's personal business, and you don't have authority on that. On what Duane Smith is talking about DNRC used to give DEQ a letter. The letter was an affidavit that you understand that because of uncertainty with compact you may not get water rights to the property. DEQ accepted this letter. DNRC has decided that it is no longer in their authority to submit that letter. If board could submit this letter. Would you do this? If the letter says this is what is allowed by water board and if there is a process to apply for domestic uses it would pass like DNRC letter. It would be more upstanding than what DNRC would submit.

- C. Matt: The Seminar Group has an annual conference in Helena for attorneys. I got an invite. I think it would be good to do. I have seen it before. I am going to propose that we get as many board members and staff there as possible. I think it will be important for them to meet everyone. It's in October.
- R. Noble: Rob and I made a presentation to the Northwest Realtors last week. We have a template that someone can use in the future.

#### **5. End meeting (Board Chair)**

- Adjourn meeting at 4:47 pm.

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