

**MONDAY, APRIL 21, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, and Clerk Robinson were present.

**MONTHLY MEETING W/JIM ATKINSON, AOA**

Present at the April 21, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to area plan; funds for Eagle Transit; May 16<sup>th</sup> Older Americans Day; senior of the year award; state budget for Senior Long Term Care about \$22,000.00 in cuts: fewer routes with Eagle Transit, less meals on wheels, fewer hours on homemaker services; new building funds/finding another location for AOA no room in present plans for new building/working on a grant; Eagle Transit building.

**PUBLIC HEARING: LAKESIDE SHORES LLC PUD**

Present at the April 21, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Rick Breckenridge of Montana Mapping Associates, Planner Johna Morrison, Christine Palmer, Jack Palmer, Eileen Ferrari, Christine Bailey, Michael Murphy, Earl Bach, Assistant Avery, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the PUD.

Palmer advised that they were the only adjacent property owners to the new development and they were in favor of the project as it would be an asset to the Lakeside community and were 100% in favor.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the PUD. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 1415D. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**RESOLUTION NO. 1415D**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 21st day of April, 2003, to consider a proposal to establish a Planned Unit Development (PUD) to allow for the mixed-use development of fourteen residential condominium units and an existing Laundromat on 2.246 acres, and reduced side setbacks to 5 feet on property zoned Lakeside LS;

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing; and

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby establishes a Planned Unit Development (PUD) to allow for the mixed-use development of fourteen residential condominium units and an existing Laundromat on 2.246 acres, and reduced side setbacks to 5 feet on property zoned Lakeside LS.

BE IT FURTHER RESOLVED that the property to be overlaid is described as Lots 1 and 2, Chatauqua Landing, and Lots E, F, G and H in Lacon Subdivision, all in Section 18, Township 22 North, Range 20 West, P.M.M., Flathead County, Montana and that the conditions that shall apply to the PUD are set forth on Exhibit A.

DATED this 21<sup>st</sup> day of April, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W. Watne  
Robert W. Watne, Chairman

By: \_\_\_\_\_  
Gary D. Hall, Member

By: /s/Howard W. Gipe  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

By /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**EXHIBIT A**  
LAKESIDE SHORES – FPUD 03-01 & FPP-03-01a  
RECOMMENDED CONDITIONS OF APPROVAL  
MARCH 12, 2003

- 1) The subdivision shall be in accordance with the development application and preliminary plat with regard to the number of lots, location of parkland, parking spaces, and roadways except as otherwise modified by the conditions herein.

- 2) Phasing shall be allowed as proposed with the necessary improvements being installed as required to allow the subdivision to function effectively which would include streets, utilities, drainage improvements, landscaping and parkland. All development shall also be in compliance with the phasing plans submitted for preliminary approval in Section 2.3 Project Phasing, Lakeside Shores Cove PUD application.
- 3) That the roadways within the subdivision shall be constructed in accordance with the adopted County Design Standards for internal roads and include pavement and drainage systems. A letter from an engineer licensed in the state of Montana certifying that the improvements have been installed according to the required specifications shall be submitted at the time of final plat approval for each phase.
- 4) That a note shall be placed on the final plat stating that the roads within the subdivision are privately owned and maintained and open to public use. A Homeowners Association shall be established for the repair and maintenance of the private roadways, buildings, pools, walkways and docks. All property owners within the subdivision shall bear a pro-rata share of the costs.
- 5) Any roads within the subdivision shall be named and signed in accordance with the policies of the Flathead County Road Department and the Uniform Traffic Control Devices Manual.
- 6) The developer shall install a central mailbox location approved by the U.S. Postal Service.
- 7) That a 6 foot view obscuring fence or vegetative buffer shall be provided along the south property boundary between the subdivision and any single family residences to provide screening.
- 8) A storm water drainage plan which has been designed by an engineer licensed in the state of Montana shall be prepared which utilized on-site retention of storm water and be approved by the Montana Department of Environmental Quality.
- 9) That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality approving the water and sewage facilities for the subdivision.
- 10) That a "Will Serve" letter from the Lakeside Water and Sewer District be obtained stating that capacity is available within the district and that they will provide service to the subdivision.
- 11) That a letter from the Somers/Lakeside Volunteer Fire Department Fire Chief approving the access and the number and placement of the fire hydrants within the subdivision shall be submitted with Phase 1 of the final plat.
- 12) Verification shall be provided stating that all areas disturbed during development of the subdivision have been revegetated in accordance with a plan approved by the Flathead County Weed and Parks Department prior to final plat submittal.
- 13) That Planned Unit Development and preliminary plat approval shall be valid for a period of three years from the date of approval, which will be extended for another three years after the filing of the final plat for each phase.
- 14) That all work in Flathead Lake and the Lakeshore Protection Zone be reviewed by the Flathead County Planning and Zoning Office and approved by the Flathead County Commissioners
- 15) Any/all Permitted or Conditional Uses shall be in accordance with the Lakeside Zoning District Regulations.
- 16) The "buildable area" and open space of the subdivision shall be in accordance with the site plans as depicted on the preliminary plat of Lakeside Shores Subdivision.
- 17) The setbacks and height restrictions for structures shall be as set forth by the Lakeside Zoning District, except that the side setback line for parking structures in Lakeside Shores Subdivision shall be 5 feet from property lines (drip line of structure to side property line).
- 18) Any signs in the subdivision shall meet the standards for signs listed in the Flathead County Zoning Regulations and the Lakeside Zoning District Regulations.
- 19) There shall be a minimum of 28 parking spaces in the condominium portion of the subdivision as required by Section 6.01, of the Flathead County Zoning Regulations.
- 20) The Design Standards of the subdivision shall be in substantial compliance with the information submitted for preliminary approval for the subdivision.

**PRELIMINARY PLAT: LAKESIDE SHORES LLC**

Present at the April 21, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Rick Breckinridge of Montana Mapping, Christine Palmer, Jack Palmer, Eileen Ferrari, Christine Bailey, Michael Murphy, Earl Bach, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Lakeside Shores Subdivision filed by Lakeside Shores, LLC. The applicant proposes to create a 14 unit condominium subdivision located on the east side of Highway 93 in Lakeside. The project complies with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-01A as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Lakeside Shores Subdivision subject to 20 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF NORTHWEST MT HUMAN RESOURCES BUSINESS ASSOCIATE AGREEMENT/AOA**

Present at the April 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Northwest Montana Human Resources Business Associate Agreement on behalf of the Agency on Aging. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: CHEMICALS/WEED, PARKS AND MAINTENANCE DEPT.**

Present at the April 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids and authorized the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CALL FOR BIDS**  
**FLATHEAD COUNTY WEED/PARKS/RECREATION & BUILDING MAINTENANCE DEPARTMENT**  
**REQUEST FOR PRICE QUOTES FOR CHEMICAL**

The Flathead County Weed/Parks/Recreation & Building Maintenance Board (heretofore known as Flathead County Weed Department) will receive bids on the following chemicals to be delivered FOB to the Flathead County Weed Department office at 1257 Willow Glen, Kalispell, MT 59901. The following criteria must be met:

1. Per gallon bid price is effective for full 2003-spray season, from 4/1/03 to 12/31/03.
2. The Flathead County Weed Department may use more or less gallons than estimated. Estimated usage will be used to determine overall low bid.
3. The Flathead County Weed Department will not pay deposit on containers.
4. Product must be delivered within 72 hours after ordered, (does not include first order). The Flathead County Weed Department reserves the right to purchase chemicals from another supplier if chemicals are not delivered in accordance herewith.
5. Award of bid will be to a single vendor or multiple vendors depending on low bid for each chemical.

Please furnish price quotes on the following items:

- 1. 200 gallons of Tordon 22K**  
30 gallon drums
  - a. The herbicide shall contain picloram: 4-amino-3, 5,6-trichloropicolinic acid, potassium salt...24.4%, inert ingredients...75.6%; picloram: 4-amino - 3, 5, 6-trichloropicolinic acid - 21.1% - 2 lb./gal.
  - b. This herbicide shall be capable of storage for at least two years from time of original delivery without deterioration.
  - c. Product is guaranteed to full extent of the purchase price to give satisfaction for the control of weeds listed on label when used as recommended.
- 2. 250 gallons of Curtail**  
30 gallon drums
  - a. The herbicide shall contain clopyralid: 3,6-dichloro-2-pyridinecarboxylic acid, monoethanolamine salt...7.5%, 2,4-dichlorophenoxyacetic acid, triisopropanolamine salt...38.4%, inert ingredients...54.1%; 3,6-dichloro-2-pyridinecarboxylic acid - 3.9% - 0.38 lb./gal, 2,4-dichlorophenoxyacetic acid - 20.9% - 2.0 lb./gal.
  - b. This herbicide shall be capable of storage for at least two years from time of original delivery without deterioration.
  - c. Product is guaranteed to full extent of the purchase price to give satisfaction for the control of weeds listed on label when used as recommended.
- 3. 50 gallons of Weedmaster**  
2 \_ gallon containers
  - a. The herbicide shall contain dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid)...12.4%, dimethylamine salt of 2,4-dichlorophenoxyacetic acid\*\*...35.7%, inert ingredients...51.9%; product should contain 10.3% dicamba or 1 pound per gallon (120 grams per liter) and 29.6% 2,4-D or 2.87 pounds per gallon (344 grams per liter).
  - b. This herbicide shall be capable of storage for at least two years from time of original delivery without deterioration.
  - c. Product is guaranteed to full extent of the purchase price to give satisfaction for the control of weeds listed on label when used as recommended.
- 4. 100 gallons of Transline**  
2 \_ gallon containers
  - a. The herbicide shall contain clopyralid: 3,6-dichloro-2-pyridinecarboxylic acid, monoethanolamine salt...40.9%, inert ingredients...59.1%; acid equivalent: 3,6-dichloro-2-pyridinecarboxylic acid - 31% (3 lb/gal)
  - b. This herbicide shall be capable of storage for at least two years from time of original delivery without deterioration.
  - c. Product is guaranteed to full extent of the purchase price to give satisfaction for the control of weeds listed on label when used as recommended.

An MSDS sheet and labels will be supplied for each chemical formulation.

All chemicals must be readily soluble in water and contain no inert ingredients which are insoluble or which coagulate or cause excessive foaming.

The successful bidder will agree to be available for consultation on matters concerning chemical deemed of sufficient importance by the Flathead County Weed Department and/or Superintendent during the weed-spraying season.

Each price quote shall be accompanied by a bond in the amount of ten percent (10%) of the quoted price, which may be in the form of cash, cashier's check, certified check, bank money order or bank draft, or other adequate bid security made payable to Flathead County to secure the express covenant that if the supplier is awarded the contract the supplier will pay to Flathead County the difference between the amount of his quote and the amount for which Flathead County contracts with another party to supply the chemicals set forth above.

Where price quotes and qualities of product are comparable, preference will be given to materials of Montana production and to Montana resident suppliers over non-residents, if an affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The form of the bid sheet and the contract to be signed are on file and may be obtained at the Clerk & Recorder's office in the Courthouse at Kalispell, Montana.

The Flathead County Weed Department reserves the right to reject any and all quotes and to accept the quotes deemed to be in the best interest of Flathead County.

**Sealed bids are to be marked "Weed Control Bid"** and must be in the office of the Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901 on or before **5:00 p.m. on Friday May 9, 2003**. Bids will be opened and read on **May 12, 2003, at 9:15 a.m.**, in the Commissioners' Office, West Annex of the Courthouse, Kalispell, Montana.

The award of the contract will be made solely by the issuance of a letter of award to the successful supplier by the Office of the Flathead County Clerk and Recorder.

DATED this 21<sup>st</sup> day of April, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W. Watne  
Robert Watne, Chairman

ATTEST:  
Paula Robinson, Clerk & Recorder

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on April 24, 2003 and May 1, 2003.

**BOARD APPOINTMENTS: SWAN HILL T.V. DISTRICT, EGAN SLOUGH ZONING DISTRICT COMMITTEE, HEALTH INSURANCE COMMITTEE**

Present at the April 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint William Johnston to the Swan Hill T.V. District Board. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Corey Pilsch to the Flathead County Insurance Committee. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Myron Mast to the Egan Slough Zoning District Commission. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE**

Present at the April 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to Mail Well Envelope for 50,000 10 scan window envelopes, 10,000 10 regular envelopes, 15,000 10 scan window and 7,500 10 regular envelopes in the amount of \$1,585.62. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF POSITION REPLACEMENT REQUEST: FINANCIAL SUPERVISOR/CLERK AND RECORDER**

Present at the April 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to open the Financial Supervisor position on behalf of the Clerk and Recorder. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**MEETING WITH DOTTIE MAITLAND RE: QUIT CLAIM DEED/FOOTHILLS ROAD**

Present at the April 21, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Consent to Amendment of Covenant or Lifting of Deed Restriction. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**11:00 A.M. Commissioner Gipe is to attend a meeting with Stan Watkins**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 22, 2003.

\*\*\*\*\*

**TUESDAY, APRIL 22, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, and Clerk Robinson were present.

**8:30 A.M. Commissioner Gipe is to attend a meeting with Doug Williams**

**GIS MEETING W/PAULA ROBINSON AND TOM REYNOLDS**

Present at the April 22, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Clerk and Recorder Paula Robinson, GIS Coordinator Tom Reynolds, and Clerk Eisenzimer.

General discussion was held relative to drafting backlog, Msag database for addressing and bringing process up to date, staffing, mapping demo scheduled for Wednesday, April 23; discussions on GIS processes and addressing involving all participants in GIS information, meeting scheduled at 9:00 am Thursday, April 24; creation of map showing growth and placement of subdivisions and septic systems, growth project and planning for Health Department.

**MONTHLY MEETING W/CHERYL WEATHERELL, 4-H OFFICE**

Present at the April 22, 2003 10:00 A.M. Meeting were Commissioners Gipe and Hall, Extension Agent Cheryl Weatherell, and Clerk Eisenzimer.

General discussion was held relative to beef projects and agenda for 4-H plans, getting ready to open up campground; getting ready for fair, performance appraisal of employees ; subcommittee; junior leader weekends, information on countywide meetings; June 18, Woody will be here for civil rights review and Cheryl's appraisal.

**CONSIDERATION OF POWER OF ATTORNEY/AOA**

Present at the April 22, 2003 10:00 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eisenzimer.

Commissioner Hall made a motion to approve Power of Attorney by Council on Aging to designate NW MT Human Resources as power of attorney. Commissioner Gipe seconded the motion. **Aye**- Gipe and Hall. Motion carried by quorum.

**COS REVIEW: BILLMAYER**

Present at the April 22, 2003 10:15 A.M. Meeting were Commissioners Gipe and Hall, Jay Billmayer, Planning and Zoning Director Forrest Sanderson, Debbie Shoemaker and Dawn Marquardt of Marquardt Surveying, and Clerk Eisenzimer.

Sanderson reviewed the chain of title.

Commissioner Hall made a **motion** to approve the COS as presented. Commissioner Gipe **seconded** the motion. **Aye** -Gipe and Hall. Motion carried by quorum.

**CONTINUATION OF MEETING W/MAYOR FEURY, ET AL, RE: COUNTY OWNED PROPERTY/WHITEFISH OFF 13<sup>TH</sup> STREET**

Present at the April 22, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Deputy County Attorney Dennis Hester, Dan Weinberg, John Kramer, Jay Billmayer, Kim Fleming, Doug Mahlum, Gayle Weinberg, Joe Basirico, Sarah Fitzgerald, Gary Marks, Brad Seaman, and Clerk Eisenzimer.

Commissioner Gipe stated that he has reviewed the information thoroughly with Chairman Watne. He advised that he had received input relative to getting full value for the property. He noted he strongly supported the project but the county needs those dollars. He and Chairman Watne agree that the county should receive appraised value for the property.

Commissioner Hall stated that this was a good worthwhile project for the community and as the representative for that district is in full support of the project. However he noted that he had received several messages from Whitefish residents requesting that the property not be sold under appraisal as there are too many needs in the county. He admitted it was a tough decision. He reiterated the county's offer for a land trade.

Weinberg responded that opposition referred to surprised him and he had never heard a word of opposition before.

Commissioner Gipe reiterated that there was no one here against the project it was just the needs for dollars by Flathead County.

Weinberg reiterated that this project was going to benefit the entire community and not just a select group of people. He noted the county has other avenues to generate funds such as through taxes. The project would provide a half million dollars of construction in the county with 30 to 40 jobs which results in additional tax dollars for the county. In addition, a half million dollars a year in the form of salaries will also provide additional tax dollars for the county. Weinberg suggested a compromise of \$175,000.00 noting that Chairman Watne and Commissioner Gipe want full value and his impression was that Commissioner Hall would accept half value. Commissioner Hall confirmed that was \$29,000.00 less than the appraised value.

Fitzgerald noted that they were anticipating condominiumizing a portion of the building which would go on the property tax rolls.

Weinberg advised that he would be meeting with reporters today and requested permission to state that they were securing the property but the exact price was unknown.

Basirico stated that he was the chairman for Whitefish Kids, the 55 acre youth sports park in Whitefish with soccer, baseball and softball fields for about 800 kids they anticipate will be using the facility. He expressed disgust for the lack of cooperation from the County and city he has receive as chairman of Whitefish Kids. He stated the aquatic center will serve 50% of this community at least out of the Columbia Falls, North Valley and Whitefish area and certainly people from Kalispell as well. He urged the Commissioners to give the property to the group as they are offering the county a \$5 million facility for \$200,000.00. His opinion was that this is the kind of a commitment the county needs to make to show that they do care.

Commissioner Hall noted that when you look at the planning maps and talk about planning all the growth is going south and west of Whitefish and perhaps next to the new recreational facility may be a better location for the center. Marks responded that they have \$550,000.00 set aside for this project but if they moved out to that location, those funds would not be available for the project and additionally they want to keep the facility down closer into town. Weinberg noted that accessibility for kids is a very important issue and they feel the downtown location provides that accessibility.

Fleming requested that they pass a motion to sell the property for use for this project at a negotiated price.

Commissioner Gipe stated they would think about their proposal for a couple of days.

Commissioner Hall made a **motion** to enter into negotiation to sell the property on 13<sup>th</sup> Street at a price to be determined. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

#### **PRELIMINARY PLAT: ALPINE INDUSTRIAL SUBDIVISION**

Present at the April 22, 2003 11:00 A.M. Meeting were Commissioners Gipe and Hall, Planner Melinda Riley, Lisa Wurster and Clerk Eisenzimer.

Riley reviewed the preliminary plat for Alpine Industrial Subdivision filed by Danney Spain, Spain and Associates, LLC. The applicant proposes to create a five lot industrial subdivision. The property is located on Highway 93 South between Bell Industrial Park and Kalispell Industrial Center and contains 11.56 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-15 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Alpine Industrial Subdivision subject to seven conditions. Commissioner Gipe **seconded** the motion. **Aye** –Gipe and Hall. Motion carried by quorum.

#### **CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM: SUMMER EMPLOYEES**

Present at the April 22, 2003 11:15 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for summer employees on behalf of the Weed, Parks and Fair. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

#### **MEETING WITH JIM THOMPSON RE: HASKILL BASIN ROAD**

Present at the April 22, 2003 11:30 A.M. Meeting were Commissioners Gipe and Hall, Road and Bridge Superintendent Charlie Johnson, Jim Thompson, Jeff Jones, Maria Mantas and Clerk Eisenzimer.

Thompson advised that he was a resident on Haskill Basin Road just outside of Whitefish. He was there today to discuss concerns relative to why the project for paving the road has not been moving forward. He provided a timeline of events: A letter was received in 2001 advising that the road was to be paved in the spring of 2002; residents were advised to move fences as the survey revealed the road was not on the correct right-of-way; utility work was done moving to the correct county right-of-way; late winter and spring of this year residents were advised an easement was needed from the landowners to the county for the original county right-of-way as the main gas line for Big Mountain was located in that area; the residents responded that they would give a restricted easement for utilities only; the County responded that they could not accept a restricted easement therefore, necessitating a re-evaluation of the project.

Johnson agreed the road needs to be paved. When the project was first started they didn't realize nor did the gas company tell them that this was the main line to Big Mountain. The County's concern is the restricted easement. It would set a precedence that could have far reaching repercussions. Johnson expressed a desire to have the road paved but emphasized the need for a 60' easement. He related the paving of Braig Road resulted in increased traffic and then a request for a bike path next to the road. He stated he is aware of a plan for a bike path noting that it would ridiculous for the county to come back at a later date asking for a wider easement when the need is already there.

Johnson referred to the survey describing where the current road is and where the need for additional unrestricted access is needed.

Mantas presented a letter for inclusion in the record:

Mantas questioned why the 40' easement was enough initially and now 60' is required. Commissioner Gipe responded that 40' is not enough and the County seeks 60'. Mantas complained that the County expended funds needlessly by starting to pave the

road with a 40' easement and then requesting the 60' easement. Johnson noted that he could put the road on a 40' easement but that raises concerns relative to snow plowing. He described a 14' wing that sticks out from the grader. He described previous experience with breaking fences with the blowing snow when the easement is only 40' wide.

Johnson reiterated the need to have the road paved not for just the one-half mile that they are dealing with right now but up to the mail boxes and the bus turnaround. He noted there are additional issues a raised passed the one-half mile such as the building of a bridge. Johnson noted that the entire County has right-of-way issues that need to be dealt with.

Mantas complained that first they were told they needed the additional footage for a gas line then for additional expansion and the residents were having a difficult time understanding what it is the county actually needs. She referred to the letter they received that says they are reconsidering the project now because they can't obtain the additional easement. She continued that they feel like they are being bullied rather than talked to in a forum. She noted a desire by all to have the situation resolved as much as the county.

Thompson expressed concern that the road will be made even bigger at a later date when the easement is available and there is a new road superintendent and a new set of commissioners. Hester responded that if it is an unrestricted easement, in theory the county can utilize that easement for any transportation purposes. In theory they could pave 60' wide.

Mantas again questioned why If the county needed a 60' easement, did they begin construction without talking to the residents first. Johnson responded that the county is growing so fast that typically these issues take five years to resolve and they are trying to turn things around in less than a year in most cases. Research and better planning are needed for the county but with the growth rate it makes it virtually impossible. He noted that Haskill Basin traffic count is in the 400 cars a day range but there are several roads on the top of the list with only 15 or 20 cars a day separating them.

Mantas questioned where the road was going to be located. Johnson responded that the road will remain where it was originally planned. He would like to move the road five or six feet further to the east if he could gain the extra width on the easement.

Commissioner Hall noted that he received 18 messages this morning and a portion of them were concerning road issues. We have 1700 miles of road in the county and 1100 are unpaved. We are continually bombarded with issues relative to roads.

Johnson noted that if the right-of-way issues are resolved he has Haskill Basin scheduled to start in May.

Mantas confirmed that a restricted utility easement was out of the question. Commissioner Gipe responded that the County has never accepted those types of easements. Johnson reiterated that he and County Attorney feel that once that practice is started there will be restrictions placed on restrictions.

Thompson requested that the County's footage needs be put in writing. Johnson responded that it was resurveyed in response to residents' concerns and he could do another survey. Thompson stated that if they would just say you are going to shift the road five feet over from where our original intention was and leave it at that would help them.

Mantas noted that this was the third busiest road but added that the ones above Haskill Basin don't have as many houses on them and that should be a consideration as well; not just how many cars but how busy; how many houses are affected by the road dust.

**12:00 P.M. Commissioner Hall is to speak to the Whitefish Rotary Club at the Pin and Cue**

**12:00 P.M. Commissioner Gipe is to attend the CDC Board of Directors Meeting at Flathead Valley CDC Office**

**2:00 P.M. Commissioner Hall is to conduct an on-site viewing of Resthaven Drive right-of-way w/Charlie Johnson**

**5:00 P.M. Chairman Watne is to attend the Refuse Board Meeting at Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 23, 2003.

\*\*\*\*\*

### **WEDNESDAY, APRIL 23, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, and Clerk Robinson were present.

#### **CONSIDERATION OF ROAD WEIGHT LIMITS RESOLUTON**

Present at the April 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Guy A. Foy, Office Administrator for the Road and Bridge Department relative to lifting load limits on the valley floor roads only.

Commissioner Gipe made a **motion** to adopt Resolution #1614. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 1614**

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

350 400 pounds per inch of tire.

350 \_\_\_ Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road  
350 \_\_\_ Beaver Lake Road from Hwy 93 N. to the end of the road.  
350 \_\_\_ Bierney Creek Road from Hwy 93 to the end of the road.  
350 \_\_\_ Bitterroot Drive from Highway 2 to Pleasant Valley Road  
350 \_\_\_ Browns Meadow for its entire length  
\_\_\_ 400 East Lakeshore from Big Mountain Road to the end of the road.  
350 \_\_\_ Gopher Lane from Highway 2 to Pleasant Valley Road  
\_\_\_ 400 Good Creek Road from American Timber entrance off of Highway 93 to the end of the road.  
350 \_\_\_ Hubbart Dam Road from Highway 2 to Crossover Road  
350 \_\_\_ Kila Road for the entire length of the road.  
350 \_\_\_ Lost Prairie Road from Highway 2 to Pleasant Valley Road  
350 \_\_\_ Martin Camp Road Highway 93 to the end of the road.  
350 \_\_\_ McMannamy Draw from Farm-to-Market to end of road  
350 \_\_\_ Patrick Creek from Foys Canyon Road to end of road  
350 \_\_\_ Pioneer Road from Hwy 2 to the end of the road.  
350 \_\_\_ Pleasant Valley Road from Highway 2 to Lost Prairie Road  
\_\_\_ 400 Rhodes Draw from Farm-to-Market to end of road  
350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road  
350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road. .  
350 \_\_\_ Smith Lake Road from Whalebone Drive to Kila Road  
350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.  
350 \_\_\_ Thompson River Road from Highway 2 to County Line

Variances may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective April 23, 2003, and shall be in effect until load limits are removed by motion of this Board.

Dated this 23<sup>rd</sup> day of April, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W. Watne  
Robert W. Watne, Chairman

By: /s/Howard W. Gipe  
Howard W. Gipe, Member

By: /s/ Gary D. Hall  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Deputy

#### **MONTHLY MEETING W/LEE CORAY-LUDDEN RSVP**

Present at the April 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, RSVP Director Lee Coray-Ludden, Assistant Avery, and Clerk Eggum.

General discussion was held relative to love day; 30<sup>th</sup> anniversary; March 31<sup>st</sup> end of their fiscal year; closing up volunteer programs in schools; gearing up for golf tournament;

#### **MONTHLY MEETING W/DAVE PRUNTY**

Present at the April 23, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Solid Waste Director Dave Prunty, Assistant Avery, and Clerk Eggum.



General discussion was held relative to future expansion of the land fill; preliminary budget for coming year; Chamberlain property; purchase of two front loader trucks; lien process; bylaws/attendance; statistics; covenants on property on northern end of landfill; leases; union negotiations; current budget and financials; litigation; school children tours.

**AWARD BIDS: CONSULTANT/RIVER ROAD BIKE PATH**

Present at the April 23, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Mark Crowley recommending Schwarz Engineering for the River Road Path.

Commissioner Hall made a **motion** to award the bid to Schwarz Engineering for engineering/consulting services for the River Road Path – Columbia Falls. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**AWARD BIDS: CONSULTANT/FARM TO MARKET ROAD BIKE PATH**

Present at the April 23, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Mark Crowley recommending Neil Consultants for the Farm to Market.

Commissioner Hall made a **motion** to award the bid to Neil Consultants for engineering/consulting services for the Farm to Market Road Path. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: ERICKSON**

Present at the April 23, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsey Morgan, Assistant Avery, and Clerk Eggum.

Morgan reviewed the application filed by Bruce Erickson for Whitefish Lake. The applicant proposes to install four shore stations/boat lifts with canopies and a mirrored E-shaped EZ dock. The Whitefish Lakeshore Protection Committee approved the permit. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit WLP-03-09 and authorize the Chairman to sign subject to 12 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: COPS GRANT/SHERIFF'S OFFICE**

Present at the April 23, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Peggy Johnston of the Sheriff's Office with attached grant advising that this was a follow-up from last year's application for a COPS position. The grant was categorized as pending by the feds last year. To re-apply we must address homeland security issues.

Commissioner Gipe made a **motion** to approve the COPS Grant on behalf of the Sheriff's Office and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**REAFFIRMATION OF COMPATIBILITY STATEMENT: MAJESTIC HILLS PUD**

Present at the April 23, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, P. C. Musgrove, Roger Fricke, Assistant Avery, and Clerk Eggum.

Morrison advised that in light of SB97 the applicant, Roger Fricke was seeking reaffirmation of the compatibility determination of the mixed use PUD that was submitted last year. The zoning is being submitted for reaffirmation as well as the PUD. Chairman Watne and Commissioner Gipe both agreed that it should all be accomplished at the same time.

Morrison advised that the zone was changed to SAG-5 and they were seeking to reaffirm that determination because a lawsuit was filed alleging a substantial change. Fricke advised that he was just seeking to accomplish the reaffirmation in the proper order. Because of the allegations in the complaint, Fricke will be submitting data relative to the environmental issues for the Commissioners consideration.

The Commissioners agreed to take no action today.

**11:00 A.M. - County Attorney Meeting @ County Attorney's Office.**

**6:30 P.M. – Commissioner Hall is to attend a Fish, Wildlife and Parks Community Work Session re: Wolf Conservation Management Plan at Flathead High Scholl (till 9)**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 24, 2003.

\*\*\*\*\*

**THURSDAY, APRIL 24, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, and Clerk Robinson were present.

**9:00 A.M. Egan Slough Zoning Committee Meeting re: Proposed Amendment/Salvation Army (till 10)**

**CONSIDERATION OF GAS CARDS**

Present at the April 24, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to utilize Valcon Gas Cards and implement steps to dispose of the gas tank located behind the old Courthouse immediately. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**10:00 A.M. Quarterly Jail Facility Tour**

**10:00 A.M. GNESEA Meeting at Central School Museum Conference Room**

**CONSIDERATION OF CDBG PROGRAM REQUIREMENTS/AOA**

Present at the April 24, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the Chairman to sign acceptance of CDBG Program Requirements for a Grant on behalf of Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MEETING W/DAWN MARQUARDT RE: ROAD ENCROACHMENTS ON BATAVIA AND KIENAS**

Present at the April 24, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Debbie Shoemaker, Dawn Marquardt of Marquardt and Marquardt Surveying, Tom Gibson, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Marquardt presented the Commissioners with a map displaying proposed approaches for the development of four subdivisions she is providing technical assistance for to Tom Gibson at the corner of Batavia and Kienas Road. There were 13 proposed approaches. They have not applied for the approaches but they have put the stakes in. Johnson was concerned with the number of approaches being proposed and wanted to advise the Commissioners of the proposal. Eventually a major subdivision is planned. They are proposing for the rest of the 200 acres a road that will line up with Marquardt Lane that will come into the property and serve the rest of the lots. On the south end of the property two additional roads will come into the subdivision. The property has a mile and one-quarter of road frontage (6600 feet of road) and they are asking for 12 accesses to the county road which averages out to one access per 550 feet of frontage road. Six approaches on the south and six on the east. Marquardt noted that a half mile to the south of this property there were six approaches on that side of the road already. Marquardt advised that they have been very careful to make sure they have good site distance on every one of the approaches. She noted that her clients have owned the property for over 40 years.

Commissioner Hall questioned whether they had considered a frontage road that runs up along the road that accesses these or perhaps one access to go behind the lots and access the lots from behind. Marquardt stated they had not discussed those options but felt that really didn't serve her clients. She noted that going to the north is too steep and running south is going to be a problem in some areas and would not give access to all the lots.

Johnson questioned whether there was any way to design an interior street someplace on the property. Marquardt advised that they have already received preliminary plat approval so at this point is she came back in now the would have to be under the rules that are in effect which would change the whole scope of the project. Commissioner Hall again questions the feasibility of an interior road in the back of the lots. Marquardt responded that the seven north lots have slope problems. Marquardt did talk to the planning office and suggested rather than do two party driveways do three party driveways. Commissioner Hall suggested one access for five lots. Johnson stated that shared approaches create other problems and he prefers individual approaches but in this case shared approaches make sense.

Marquardt advised that the rules that are in place in Flathead County, the subdivision regulations and the master plan, they meet all of the requirements. Johnson agreed there were no violations that could be noted with respect to the project. She added that her clients have started drilling wells and a major change at this point would cause a lot of problems. Johnson advised that he was not trying to stop the project but hoping for a better way to doing this. Marquardt expressed concern relative to following all the rules and then the County coming back and saying they want things a different way. Johnson suggested that perhaps the placement of the approaches should be approved before preliminary plat. Marquardt suggested that perhaps changes in the subdivision regulations would solve the problem.

Marquardt sought information relative to their concerns other than site distance. Johnson responded that his number one concern was the massive amounts of approaches out onto county roads. Marquardt requested a definition of massive. Johnson replied that this was real close. Once you get past five acre lots, we need to start looking at interior streets. Johnson agreed the subdivision regulations are the real problem and they need to be updated. Commissioner Hall agreed they need to be upgraded as the county grows. Johnson noted the state and county number when calculating cars you use 10 trips per day per household so that would be 20 cars per day coming out of each one of those driveway. If it all possible if that could be done with two entrances onto the road with interior streets and the County needs to correct whatever the problem is within the county to accomplish that. Johnson stated it would be a lot safer in the long run to have controlled intersection. When the same thing happens across the street, it becomes a real issue. Commissioner Gipe noted that when you are driving down a road and you have one approach then that is all you have to watch for but if you have to watch for this many accesses for somebody who might pull out in front of you, the hazard is tremendous.

Commissioner Hall noted that when he viewed the property all traffic will be coming down at a slope onto the main road. Johnson noted the approaches are to be designed not to drain water onto the road and other requirements. He expressed concern for no ability for oversight in the creation of the approaches.

Commissioner Gipe stated that it appears that nothing can be changed in this instance. Johnson stated he was hoping today for something that could be done as a group to prevent this from happening in the future. Marquardt agreed that those in her profession need direction too. They need to know exactly what is allowed. Johnson stated he would like to see the subdivision regulations require interior roads.

Commissioner Hall suggested that a meeting be scheduled with the Commissioners for Sanderson and Johnson to implement some subdivision regulation changes.

Johnson advised that he had received a request for speed reduction on Farm to Market and that would have to go through the MDOT.

Johnson advised that he has spoken with the gravel pit businesses on Pioneer and Jellison and requested they get together and apply mag chloride to the road. He had some preliminary conversations with them to do a joint venture to help supply the gravel and do some of the work and get the road paved. The same problem exists on Stillwater with Nupac and LHC. Chairman Watne questioned whether Johnson would be paving Stillwater up to Church. Johnson responded that he has talked to some people about a joint venture and there was some interest expressed in doing that but noted that it is going to take some work to build that road.

Johnson noted Goose Bay Carver Engineering just opened a pit on Pioneer and Jellison and Schellinger just opened a pit and it has taken Pioneer from the bottom of the list of traffic counts and it is the number one road in this county in less than two years. As a temporary measure, Johnson proposed drafting a letter asking those businesses to put mag chloride down and divide the cost ratio between them because they know their businesses the best. He suggested the same for Stillwater. He also proposed asking them in a separate letter to at least meet with the board and the Road Department to discuss paving the road in a joint venture with the County. Commissioner Gipe requested the letters be put on Commissioners' stationary. Chairman Watne confirmed that mag chloride would be put on Stillwater toward Church as a temporary measure.

Johnson noted how ridiculous the ban on mag chloride on the roads in the winter is but use for dust abatement is allowed. Johnson was researching the cost effectiveness of oil versus mag chloride. Johnson noted the problem with mag chloride is the roads don't freeze. It is salt water with a high concentrate of magnesium in it which results in pot holes. The only saving grace the county has is these gravel roads freeze up in the winter time. In the North Fork two years after the Moose fires and using mag chloride the road still doesn't totally freeze up. Chairman Watne stated that he was against the use of mag chloride unless the road is graded in the fall but added that the use of oil seals the top and the moisture can't get out also.

Johnson advised that he would be working out in Kila starting next week on a rock point that sticks out. They will be working from 9:00 until 3:00 so that the people can get to work and the road will be open by the time people come home and school lets out. Traffic will detour down Smith Lake Road. Detour signs and announcements on radio stations have been sent out. Chairman Watne confirmed the material pulled out of there will be used on Hoffman Draw. Johnson was hoping to complete the project in 10 days. Johnson was concerned relative to wells servicing houses in the area and so planned to use a hole ram as opposed to blasting.

Johnson advised that he and Mark Crowley have been working with the Fish and Wildlife to blade the old railroad grade out there to rip out some ties, etc. They are trying to alleviate the problem encountered on the Meridian bike path with settling. In the future they can make sure the ties and all the junk is out of there before the trail is built. People are using it right now as a walking path and a bike path and Ray Washtak from U.S. Fish and Wildlife is blocking the grading. He has some concerns relative to dirt in wetlands. He has the same concerns on Kila Road. Johnson would prefer getting farther into the mountain rather than go over the bank.

Johnson sought direction relative to the LaSalle Connector and getting an RFP. He noted he was getting a preliminary survey for alignment and a topal. The Commissioners agreed to go to an RFP after those are completed. Johnson expressed concerns relative to the bridge and environmental issues. Commissioner Gipe suggested that they review the property when it is staked.

**1:00 P.M. Chairman Watne is to attend a Meeting with Doug Mitchell and Jim Taylor**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 25, 2003.

\*\*\*\*\*

**FRIDAY, APRIL 25, 2003**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Gipe and Hall, and Clerk Robinson were present.

**9:30 A.M. The Commissioners are to attend the Flathead County Land Use Planning Workshop at Fish, Wildlife and Parks Office (till 1)**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 28, 2003.

\*\*\*\*\*