

## MONDAY, SEPTEMBER 15, 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 September 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

### PUBLIC HEARING BIG MOUNTAIN FIRE DISTRICT ANNEXATIONS/ELK HIGHLANDS, INC., STOLZE LUMBER, BRISHKA

Present at the September 15, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Rhona Meislik, Craig Cook, Tom Sands of Sands Surveying, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the annexation of the three properties to the Big Mountain Fire District.

Meislik advised that she was the Chairperson for the Board of Trustees of the Big Mountain Fire District and they would like to see this land annexed into the district as it already joins land that is currently being taken care of by the Big Mountain Fire District.

Cook advised that he was from WSI and thinks it very appropriate that all five of these applications be considered favorably inside the district.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the annexations.

No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to approve the annexation of the petitioned properties into the Big Mountain Fire District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### PUBLIC HEARING: KELSEY PUD

Present at the September 15, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, A. R. Farris, Jean Johnson, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson reviewed the request by Andrew Farris for approval of a 54 lot Residential PUD in the Evergreen and Vicinity Zoning District. The subject property is just short of 18 acres in size. There is no commercial proposed with the PUD. The Planning Board passed the proposal unanimously.

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

Johnson of Stokes and Associates advised that they agree with all the staff reports and their recommendations from the Planning Board. Most likely the biggest issue in this development will be the method in which we treat waste water sewage. We are proposing a sequential batch reactor form of treatment. It was invented about in 1940. This is a not a new system. Bozeman has had it. As a matter of fact, they will be the people that will design it for this specific location. It will be monitored in Bozeman 24 hours a day. There will be an in-valley technical person and the minute that bell goes off the whole world stops. Everything is enclosed. It goes in two big tanks and comes out a water facet that you can drink. The cost per lot on this is going to be about \$3,500. You cannot build a standard drain field for \$3,500.00. There will be a monthly service charge. That does not include piping and whatnot but for the system. So now it is economically feasible to develop this type of system. There are five lots in the district that are within the distance to hook up to the current sewer system but we would just as soon have all the lots on the system but that has not been fully resolved.

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

No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Staff Report FPUD-03-02 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a motion to adopt Resolution No. 797CK. Commissioner Hall seconded the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### RESOLUTION NO. 797CK

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 15th day of September, 2003, to consider a proposal to approve a Planned Unit Development (PUD) in the Evergreen and Vicinity Zoning District on property zoned R-2, allowing for the development of fifty-four residential lots on 17.91 acres, an increase in density from the 36 lots which would be allowed in R-2 residential zones;

**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 approves a Planned Unit

Development (PUD) in the Evergreen and Vicinity Zoning District on property zoned R-2 to allow for the development of fifty-four residential lots on 17.91 acres, an increase in density from the 36 lots which would be allowed in R-2 residential zones.

**BE IT FURTHER RESOLVED** that the property to be overlaid is described as Assessor's Tract 7, in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and that the conditions set forth on Exhibit A shall apply to the PUD.

DATED this 15<sup>th</sup> day of September, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: /s/ Gary D. Hall  
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  
KELSEY-FPUD03-02 AND FPP-03-02A  
RECOMMENDED CONDITIONS OF APPROVAL  
AUGUST 13, 2003**

1. The subdivision shall be in accordance with the development application and preliminary plat with regard to the number of lots 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, and drainage improvements. All development shall also be in compliance with the phasing plans submitted for preliminary approval.
3. That the roadways within the subdivision shall be constructed in accordance with the adopted County Road 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. All roads shall be paved.
4. That the developer shall apply for, comply with, and complete a Flood Plain development permit and it's process prior to filing the final plat for the project.
5. An additional ten (10) foot easement shall be reserved on the south end of the subdivision adjacent to East Reserve Drive, to facilitate a proposed bike path.
6. 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. All property owners within the subdivision shall bear a pro-rata share of the costs.
7. The developer shall satisfy any conditions the fire department may have such as placement and number of fire hydrants. The developer shall supply a letter from the fire chief approving placement.
8. That an approach permit be obtained for the proposed access onto East Reserve Drive from the Flathead County Road Department and any conditions or improvements associated with the permits be completed prior to final plat submittal.
9. The 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.
10. The developer shall install central mailbox location(s) approved by the U.S. Postal Service.
11. That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality approving the water, sewage, and drainage facilities for the subdivision.
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. Any/all Permitted or Conditional Uses shall be in accordance with the Evergreen, R-2, Zoning District Regulations.
15. The parkland and open space requirement of the subdivision shall be 4.00 acres.

16. The setbacks and height restrictions for structures shall be as set forth by the R-2, Evergreen & Vicinity Zoning District except that the side setbacks shall be 5 feet. All setbacks are from property lines.
17. The Design Standards of the subdivision shall be in substantial compliance with the information submitted for preliminary approval for the subdivision.

#### **PRELIMINARY PLAT: KELSEY SUBDIVISION**

Present at the September 15, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, A. R. Farris, Jean Johnson, and Clerk Eggum.

Sanderson reviewed the preliminary plat for Kelsey Subdivision filed by Andrew Farris. Kelsey Subdivision proposes to create a 54 lot subdivision with a Planned Unit Development overlay on approximately 17.9 acres of land in the Evergreen and Vicinity Zoning District. As proposed, this subdivision would be developed in phases over a period of several years. The property is located on the north side of East Reserve Drive in the Evergreen area just to the west of Granite View and Camelot Estates Subdivisions. The property is directly north of the intersection of Mountain View Drive and East Reserve Drive. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-02A as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Kelsey Subdivision subject to 17 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **CONSIDERATION OF LAKESHORE PERMIT: GIESEY**

Present at the September 15, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson reviewed Lake and Lakeshore Construction Permit filed by Ted and Beverly Gieseey on McGregor Lake to install an L-shaped EZ-Dock with aluminum ramp, place cement around an existing fire ring, install a six foot tall fence and remove some vegetation. This is an addition to a previously granted permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-59c and authorize the Chairman to sign subject to 40 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF LAKESHORE PERMIT: KELLY**

Present at the September 15, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson reviewed Lake and Lakeshore Construction Permit filed by Robert and Linda Kelly on Little Bitterroot Lake to reinstall an L-shaped EZ-Dock, stairway, and ¾ inch gravel along the beach. He advised that this is an extension of a permit approved in 2002. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-02-80a and authorize the Chairman to sign subject to 34 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: PLUM CREEK TRAIL EASEMENT/SMITH VALLEY RAIL TRAIL**

Present at the September 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Plum Creek enclosing the "Rails-to-Trails" easement across a portion of Plum Creek ownership in Section 15, just west of town.

Commissioner Hall made a **motion** to approve the Trail Easement and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **BOARD APPOINTMENT: BIGFORK LAND USE ADVISORY COMMITTEE**

Present at the September 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Philip Hanson to the Bigfork Land Use Advisory Committee to a term to expire on December 31, 2005. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: CTEP APPLICATION/LAKESIDE-SOMERS BIKE PATH**

Present at the September 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Commissioner Gipe expressed concern as to the path stopping abruptly with nothing in place to funnel the travelers.

Commissioner Hall made a **motion** to continue. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF CONDITION #2: STRONG ESTATES**

Present at the September 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Chairman Watne reviewed the Strong Estates file. Condition #2 of the Preliminary Plat states that a minimum of 250' of internal subdivision road must be paved. All paving must meet AASHTO standards as specified in the Flathead County Subdivision Regulations. The road construction must comply with Section 3.9 of the Flathead County Subdivision Regulations and shall be inspected, approved and signed off by a licensed engineer. This condition is not met. The entire length of the internal subdivision road has been paved, however, a licensed engineer has not certified that the paving meets AASHTO standards nor has a licensed engineer certified that the road construction complies with Section 3.9 of the Flathead County Subdivision Regulations. The Planning and Zoning Office received two letters from Paul Wells of WMW Engineering dated August 1<sup>st</sup> and August 8<sup>th</sup> which implied that the road met county standards but did not certify so. Lee Grizwold of WMW Engineering informed staff on August 13<sup>th</sup> that the only way the road would comply is if it were entirely reconstructed.

Commissioner Gipe advised that he, Commissioner Hall and Planning and Zoning Director Forrest Sanderson viewed the road and it is wide enough and has held up fairly well as there are trucks that drive on the road and has held up very well. A local business, JTL, paved the road for their use.

Commissioner Hall made a **motion** that the road as built is satisfactory. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### **MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT**

Present at the September 15, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road Superintendent Charlie Johnson, Les Schlegel, Jean Johnson, and Clerk Eggum.

Johnson advised that they have bladed most of the roads but they intend to go back over them again. He noted that he did not blade up any dust oiled roads but would be doing so the second time around. Commissioner Hall expressed concern for blading up a road that the local residents have expended personal funds to oil. Johnson responded that if the road is in good shape they do not blade them up but they run into problems because the residents sometimes have a different opinion as to whether the road needs to be bladed. Chairman Watne noted that when roads are dust oiled, it seals the top off and the moisture cannot escape and that causes frost boils. He added that they have gotten into some awful messes by not blading a road that has been dust oiled. Johnson agreed adding the problems they have on **Troutbeck Rise** are a result of just that. Commissioner Gipe agreed that there are some that are in pretty rough shape right now. Johnson requested that all complaints be referred to his office and he will deal with them.

Johnson advised that they are back working on **Auction**. Hopefully we can get it ready to pave by the end of the week. He noted that when they are done with Action they will be moving to **Garland**.

Johnson advised that he had received a letter from the owner of Snappy's and the letter contained a statement: installation of an additional signal to be located approximately adjacent to the south parameter of Snappy's property and which will be synchronized with the main signal on U.S. Highway 2 East. Johnson was unaware of the request. He speculated it was being requested to help facilitate traffic getting in and out of the parking lot. Commissioner Gipe stated that nothing had been signed approving installation of a light. Johnson noted that the individual had picked up the design plans from Jackola.

Johnson advised that road priorities for Flathead County had to be submitted to the Secondary Road Program by December 1<sup>st</sup> in preparation of the meeting held in April. Johnson requested that a meeting be scheduled to define those priorities.

Johnson advised that he had received a request to pave **Bald Rock** (on the west end of Farm to Market there is a piece of Bald Rock that runs between Church and Rhoades Draw). Johnson did not believe that was possible. Commissioner Gipe agreed it was a back country road.

Chairman Watne stated that they have been receiving a lot of complaints about **Lost Creek**. Johnson advised that they overlaid Lost Creek and paved the approach off of there so the grader doesn't have to back out onto the road. The residents were complaining that instead of doing the overlay the back portion be paved. Johnson noted that there is no indication that there is enough traffic to justify paving. Johnson concluded that there isn't anybody around the country that doesn't want their road paved and he could sympathize with them.

Johnson explained that about a month ago Commissioner Gipe had discussed concerns from a resident about the culvert on **Lake Blaine**. Johnson provided a letter from Morrison-Maierle, Inc. dated October 16, 1986 advising of the completion of installation of culverts adequate for the inlet. Johnson noted that it is on Greg's list to clean and it is possible it has been completed by now. Commissioner Gipe noted the resident wanted to hire a helicopter to take them up to see why the creek is not running. Johnson suggested that it possibly is related to the drought conditions across the state.

Johnson provided a list of fees for paved road encroachment. He noted the bond is currently \$1,000.00 but most contractors can't even get bonded so the landowner is putting up the bonds and in some cases they have to spend two weeks going around making sure all of these cuts are filled up. He advised he will be preparing a proposal for the Commissioners' review to increase the bonding, requiring the contractor to provide the bonding and be registered with the State of Montana. He noted that the homeowner usually doesn't understand what needs to be done.

Johnson provided a copy of a typical road section. He advised that he is not comfortable that all of the engineers are preparing the road according to AASHTO standards as stated in the regulations. He would like to modify the road section and require that the road be prepared according to their typical road section. Then if the engineer feels as though that is a little bit too much, he would then be required to go through the AASHTO standards tests to prove otherwise which says you will do soil testing, etc. Commissioner Hall confirmed that there may be some negative comments but Johnson has discussions with surveyors and engineers and they are starting to realize that this would be a whole lot better for the developer as he knows up front what the requirements are. Johnson noted that there probably will be a few engineers that are going to have some heartburn over this but then they can always go back through the AASHTO standards process and prove otherwise. Commissioner Gipe expressed concern for only three inches of asphalt. Johnson responded that they are paving everything four. He stated that if it is a major collector road, it needs to be four. Three inches works on internal roads in a subdivision but on any of the roads that the major traffic runs on outside of a subdivision ought to be four.

Schlegel advised that Johnson has talked to him about his concerns for years. He agreed with the proposal as it puts all contractors on the same playing field. He stated that he has seen contractors do whatever they want and sign off on it and the County is not getting what it is saying it wants. Johnson agreed it levels the playing field across the board. Schlegel reiterated that when he bids a job, all bidders are bidding on the same thing.

Schlegel also stated that it is unfair for contractors that can't bond that are doing that kind of work without the bonding that is required of him. Johnson advised that there was an instance where a contractor who didn't have bonding capabilities subbed it off to a landowner and the landowner put up the bond and when Johnson went back to the landowner with concerns the landowner didn't know who he was suppose to hire to do the work. If the contractor can't bond, he probably shouldn't be doing the job.

Jean Johnson agreed that there needs to be a standard. All of the roads designed over the last five, six, 10 years, have used the old county standard. There is no one who can make any sense out of the AASHTO book and it can be interpreted to fit whatever needs. He agreed it puts everyone on the same playing field.

Johnson presented a letter he prepared to the City of Kalispell regarding **Whitefish Stage**. There were some discussions that after Whitefish Stage was overlaid, the City would be willing to accept the road as theirs. Chairman Watne understood that there was a law that if they annexed up to the road they had to go beyond the road. Johnson advised that previously the law was ambiguous but now the legislature cleaned that law up and as of October 1<sup>st</sup> anything they annex they have to include the road. The Commissioners approved the letter to the City of Kalispell.

Johnson advised that he has talked to the City of Whitefish regard the wooden walk bridge. They are going to have their structural engineer look at it and if they think it is structurally sound, they are going to take it over.

Johnson distributed the proposed changes to Section 3.9 of the Flathead County Subdivision Regulations with those changes highlighted. He and Forrest Sanderson made the changes. These changes are going before the Planning Board for consideration in October. Johnson noted that this would not change anything that has currently been approved. If adopted, these changes would only apply to any new applications.

Minimum Right of Way 60 feet; ROW – Driveway easement 20 feet cleared. Johnson noted that there were some instances last winter with house fires and they were asked to plow the road. One truck had to pull out sideways by another one to get it out from around a tree. If we are going to end up responding to some of these fires, mainly in the winter time is when we respond to them because they can't get their fire trucks in there without us sanding them, we have to have some area to get in and maneuver and most of these driveways go in and down around trees and stuff.

Chairman Watne expressed concern for the travel surface area on a driveway with three lots or less 12' is not leaving much room. Johnson agreed it should probably be 20' and agreed to make that change.

We changed the cul-de-sac travel surface radius to 50 feet and the minimum outside R/W radius 60 feet.

Maximum road grade standards will be 6%. Previously it was a complicated formula.

All primary access roads shall be paved. Internal subdivision roads shall be paved. If the public road providing access to any subdivision is not paved, in other words a subdivision is going in on a gravel road, they are going to have to pave 300' per lot or two miles whichever is less. That is going to be the one that sits everybody back a little bit. If the existing road is paved, there is going to be cash in lieu of pavement for a county road. That money will be collected and that portion of the paving will be put out to bid. Commission Hall suggested that it might be a little bit more palatable if it were noted that the road was going out to bid. Johnson agreed to put that statement in. Johnson noted that they are going to end up setting up some road districts, etc.

Johnson stated that he had Forrest's support for the revisions and was asking for the Commissioners'.

Johnson distributed the RFPs for the Conrad Connector. He noted he had just received them and had not reviewed the proposals. Commissioner Hall stated that they wanted an Environmental Assessment (EA) and the proposal stated Environmental Impact Study. It is a lot more complex and not needed for this project. Johnson stated he would check with Jackola noting that there are certain guidelines that dictate the procedure.

Johnson distributed the RFP for the Brist Ashley Lake property noting that he had just received them and had not had an opportunity to review the proposal.

#### **FINAL PLAT: SCHLEGEL VIEW**

Present at the September 15, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Les Schlegel, Jean Johnson, Planner Melinda Riley, and Clerk Eggum.

Riley reviewed the final plat for Schlegel View Minor Subdivision which is an application by Leslie W. and Mary J. Schlegel for approval of a four lot residential subdivision with a remainder. The property is located south of West Reserve Drive. Preliminary plat was approved on December 18, 2002 subject to 14 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve Final Plat for Schlegel View Minor Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **FINAL PLAT: CAYUSE PRAIRIE RANCHETTES, LOT 2**

Present at the September 15, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Richard Swan of Thomas Dean and Hoskins, and Clerk Eggum.

Riley reviewed the final plat for Resubdivision Cayuse Prairie Ranchettes – Lot 2 which is an application by William E. Gross for approval of a two lot minor subdivision along Lake Blaine Road approximately 12 road miles east of Kalispell. The subject property is approximately 10 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat was waived on February 13, 2003 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report FWP-03-22 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Final Plat for Cayuse Prairie Ranchettes, Lot 2. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**4:00 P.M. Commissioner Hall is to attend the Jobs Now Meeting at Central School Museum**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 16, 2003.

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**TUESDAY, SEPTEMBER 16, 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.

**Commissioner Gipe is to travel to Miles City**

**7:00 P.M. Commissioner Hall is to attend the Economic Development Meeting at Back Room, Columbia Falls**

**FINAL PLAT: MCGREGOR LAKE HIGHLANDS, PHASE 3, AMENDED PLAT OF LOTS 19-21 AND COMMON AREA #4**

Present at the September 16, 2003 9:30 A.M. Meeting were Chairman Watne and Commissioner Hall, Reto Barrington, Jane Eby of Eby and Associates, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison reviewed the final plat for Amended Plat of Lots 19, 20, 21, and Common Area #4 McGregor Lake Highlands Subdivision, Phase 3 which is an application by McGregor Lake LLC for approval of five (two additional) single-family residential lots. The subdivision is located in the McGregor Lake area approximately 30 road miles west of Kalispell. Preliminary plat under the name of McGregor Lake Estates was approved on July 24, 2003 subject to 13 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$625,000.00 for completion of the roads, power and phones, sewer, water, clean up and onsite amenities. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for Amended Plat of Lots 19, 20, 21 and Common Area #4 McGregor Lake Highlands Subdivision, Phase 3. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**SELECTION OF ARCHITECT: SOUTH MAIN BUILDING AND EAGLE TRANSIT**

Present at the September 16, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the architectural services for the new South Main building to Architects Design Group. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the architectural services for the Eagle Transit building and septic system to Architects Design Group. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: EMERGENCY SHELTER GRANT/N.W. MONTANA HUMAN RESOURCES, INC.**

Present at the September 16, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Jane Nolan Fiscal Officer for Northwest Montana Human Resources, Inc. advising that they had received an Emergency Shelter Grant in the amount of \$52,092.00 to be used throughout their four county service area to prevent homelessness, provide case management services to homeless families, and provide funds to help defray the costs of area shelters.

Commissioner Hall made a **motion** to approve the Emergency Shelter Grant and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

**MONTHLY MEETING W/JIM DUPONT, SHERIFF**

Present at the September 16, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Sheriff Jim Dupont, Assistant Avery, and Clerk Eggum.

General discussion was held relative to fires status; auto bid; new building; grants; Ninth Circuit; retirement of employee; OES; number of calls; manpower; trip to Mesquite.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BUDGET FY03-04**

Present at the September 16, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Deb Deist, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution Number 1642. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1642  
A RESOLUTION APPROVING AND ADOPTING  
FLATHEAD COUNTY BUDGET FOR THE FISCAL  
YEAR ENDING JUNE 30, 2004**

**WHEREAS**, Section 7-6-4030(2) M.C.A. requires that the Board of County Commissioners, by resolution, approve and adopt the budget for each fiscal year and,

**WHEREAS**, the proper public hearings have been held in regard to the setting of such budget for the fiscal year ending June 30, 2004,

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners for Flathead County does hereby approve and adopt the final budget for Flathead County for the fiscal year ending June 30, 2004, as set out in the budget document attached and incorporated herein as a part of this resolution; and

**BE IT FURTHER RESOLVED** in accordance with Section 7-6-4030, the Board of Commissioners establish the legal spending limit at a level of detail which will allow more flexibility and that level of budget control shall be at the Fund/Department level. Expenditures which have exceeded line item budget, but have not exceeded the fund/department budget, will not require budget line item transfers; and

**BE IT FURTHER RESOLVED** that the Board of County Commissioners for Flathead County does hereby approve and adopt the levies required to fund the final budget for Flathead County for the fiscal year ending June 30, 2004, as set out in the budget document attached and incorporated herein as part of this resolution; and

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners for Flathead County does hereby order the Clerk and Recorder to enter the budget document and tax levy schedule in the official minutes of the Board of County Commissioners and to send copies of the budget as approved and adopted to all necessary offices of the county and the State of Montana.

APPROVED AND ADOPTED BY THE BOARD OF FLATHEAD COUNTY COMMISSIONERS, THIS 16<sup>th</sup> day of September, 2003.

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

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

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

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

**DOCUMENT FOR SIGNATURE: SERVICE AGREEMENT/MONTESSORI SCHOOL AND EAGLE TRANSIT**

Present at the September 16, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a Service Agreement between Flathead County Area IX Agency on Aging, Eagle Transit and the Montessori School of Kalispell to provide transportation for students from Montessori School to and from the Flathead Valley Christian School for the 2003 – 2004 school year.

Commissioner Hall made a **motion** to approve the Service Agreement and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: CONSULTANT SERVICES AGREEMENT/FARM TO MARKET ROAD PATH**

Present at the September 16, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Jeff Schmidt of Neil Consultants, Planner Mark Crowley, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Chairman Watne reviewed a letter from Mark Crowley advising that the Consultant Services Agreement between Flathead County and Neil Consultants, Inc. for evaluations, surveys, environmental research and documentation, and design for a construction contract and any other specified items pertaining to, except as explicitly stated otherwise for federal aid project STEP 15(52), Farm to Market Road Path-Kal located north of West Valley School on Farm to Market Road.

Commissioner Hall made a **motion** to approve the Consultant Services Agreement and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: MONTANA OLDER AMERICAN ACT PROGRAMS CONTRACT/AOA**

Present at the September 16, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Jim Atkinson requesting approval of Contract Number: 04-22A-A009 Between Montana Department of Public Health and Human Services and Area IX Agency on Aging for Montana's Older American Act Programs Effective: July 1, 2003 through June 30, 2007. The purpose of the contract is for the development and maintenance of a comprehensive and coordinated service delivery system for the provision of supportive, nutrition, information, caregiver and advocacy services to older individuals in accordance with the Older Americans Act and the approved Area Plan.

Commissioner Hall made a **motion** to approve Contract Number: 04-22A-A009 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**COS REVIEW: COBLER**

Present at the September 16, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, James Burton of Jackola Engineering, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

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

**FINAL PLAT: CRESTVIEW TERRACE, PHASE 2**

Present at the September 16, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eggum.

Riley reviewed the final plat for Crestview Terrace Phase II Subdivision which is an application submitted by Charles and LeAnn Siderius for approval of a 42 lot residential subdivision. Preliminary plat was approved on September 13, 1995 subject to 28 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat for Crestview Terrace Phase II Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF POSITION CHANGE/CLERK AND RECORDER'S OFFICE**

Present at the September 16, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the change of status of a part time person in the Election Department to a full time person. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF SECURE RURAL SCHOOLS AND COMMUNITY DEVELOPMENT ACT**

Present at the September 16, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to select Title II under the Secure Rural Schools and Community Development Act for the 2003 -2004 budget cycle. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 17, 2003.

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**WEDNESDAY, SEPTEMBER 17, 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.

**Commissioner Gipe attended the MDOT Transportation Commission Meeting in Miles City**

**9:15 A.M. Commissioner Hall is to attend the RSVP Meeting at Windward Place**

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

**12:00 P.M. DUI Task Force Meeting at The Summit.**

**4:00 P.M. Commissioner Hall is to attend the Kalispell Chamber Transportation Committee Meeting at Kalispell Chamber**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 18, 2003.

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**THURSDAY, SEPTEMBER 18, 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/RICHARD STOCKDALE, ANIMAL CONTROL**

Present at the September 18, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Animal Control Director Richard Stockdale, and Clerk Eggum.

General discussion was held relative to statistics, donations, ramp, safety committee, news coverage.

**MONTHLY MEETING W/JED FISHER, WEED, PARKS AND MAINTENANCE DEPARTMENT**

Present at the September 18, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Chuck Mercord, Assistant Avery, and Clerk Eggum.

General discussion was held relative to Bitterroot access; Ben Williams park; vandalism to bathrooms; focus on parks up in the canyon area; signs on Foys Lake access; back to mowing; West Nile Virus/petitions; completing county attorney's office; conference room for county attorney's office; cement around old courthouse; canopy; Somers Beach; Somers/Lakeside bike path.



### **MONTHLY MEETING W/ALAN MARBLE, OES**

Present at the September 18, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, OES Director Alan Marble, Tina Frownfelter, and Clerk Eggum.

General discussion was held relative to fire issues; hazmat; training; security issues; costs reimbursements; mitigation; new rules for type 6 trucks.

### **MEETING WITH RAY BARNICOAT/MACo RE: WORKERS COMPENSATION**

Present at the September 18, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Ray Barnicoat, Robin Boon, Human Resource Officer Raeann Campbell, Assistant Avery, and Clerk Eggum.

Boon addressed the issue of insurance for the County Library building which is partly owned by the school district. The Commissioners agreed that they would insure the entire building and the school district would reimburse for their portion of the building.

Barnicoat distributed an analysis of the work-related injuries for the county. He discussed the increases in premiums over the last four years. He stressed the importance of safety training and motivational techniques to encourage safety in the work place. General discussion was held.

### **CONSIDERATION OF PRINTING BID: HEALTH DEPARTMENT**

Present at the September 18, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to The Towne Printer for 5,000 FCCHD Vaccine Administration Records in the amount of \$100.75 on behalf of the Health Department. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 4,000 Inactivated Influenza Vaccine – What You Need to Know in the amount of \$128.14 on behalf of the Health Department. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### **FINAL PLAT: QUAIL RIDGE, PHASE II**

Present at the September 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Melinda Riley, Tom Sands of Sands Surveying, Roger Fricke, P. C. Musgrove, Assistant Avery, and Clerk Eggum.

Riley reviewed the final plat for Quail Ridge Phase II Subdivision which is an application by Roger Fricke for final plat approval of a 17 lot residential subdivision. The proposed subdivision is located approximately 10 miles southeast of Kalispell in the Lake Blaine area on Lake Blaine Road, approximately one-eighth mile west of Cayuse Prairie School. Preliminary plat was approved on June 24, 2002 subject to 12 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve Final Plat for Quail Ridge, Phase II Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

### **CONSIDERATION OF LAKESHORE PERMIT: SUGARMAN**

Present at the September 18, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsey Morgan, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Burt Sugarman on Whitefish Lake to install a new EZ dock with four jet ports to constitute a "private marina". The Whitefish Lakeshore Protection Committee denied the application as the property does not meet the definition of "private marina" and an undue hardship does not exist for a variance. General discussion was held.

Commissioner Gipe made a **motion** to deny Lakeshore Permit #WLP-03-30 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: NORTH FORK ZONING DISTRICT**

Present at the September 18, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider changes to the text of the Flathead County Zoning Regulations proposed by the North Fork Land Use Advisory Committee.

The proposed amendments amend Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at

the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **9th day of October, 2003, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 18th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on September 23 and September 30, 2003.

**2:00 P.M. Commissioner Watne is to attend the Health Board Meeting at E. Bennett Building**

**7:00 P.M. Fair Board Meeting at Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 19, 2003.

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### **FRIDAY, SEPTEMBER 19, 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.

**Commissioner Gipe is to attend the Mental Health Council Meeting in Superior**

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

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