

**MONDAY NOVEMBER 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.

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

Present at the November 17, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eisenzimer.

General discussion was held relative to Eagle transit building being constructed; art auction conducted by Montana Coffee Traders with donations going to Meals on Wheels; interest in purchasing 25,000 square feet on the northern end of the Gateway West Mall for Agency on Aging; interest in putting bond issue to vote to raise revenue for AOA or pursuing funding through federal channels.

**PUBLIC HEARING: ROAD NAMING/LM BEACH LANE, TAMARACK RIDGE, NORTH RANCH HILL ROAD, COVILLE LANE**

Present at the November 17, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Assistant Avery, Luther Campbell, Trish Wolf, Krystal Birky, Tom Birky, R Wade Covill, Dean Chisholm and Clerk Eisenzimer.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the naming of roadways Luther Campbell said he would like to name LM Beach Lane so emergency personnel can reach properties.

R. Wade Covill said he was in attendance to ensure the name of the road being spelled correctly.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the naming of roadways

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

Commissioner Hall made a **motion** to adopt Resolution No.1658 Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO.1658**

**WHEREAS**, Flathead County has proposed to name a private road generally running easterly and westerly off of Lion Mountain Drive, then running northerly to the Burlington Northern Railroad right-of-way, in Section 22, Township 31 North, Range 22 West, M.P.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 17, 2003, concerning the proposal, after publication and mailing of notice thereof on November 3, 2003 and November 10, 2003; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named L M Beach Lane.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running easterly and westerly off of Lion Mountain Drive, then running northerly to the Burlington Northern Railroad right-of-way, in Section 22, Township 31 North, Range 22 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named L M Beach Lane.

**BE IT FURTHER RESOLVED** that the naming of L M Beach Lane shall be effective on November 17, 2003.

Dated this 17<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Monica R Eisenzimer  
Deputy

Commissioner Hall made a **motion** to adopt Resolution No.1659 Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum

**RESOLUTION NO. 1659**

**WHEREAS**, Flathead County has proposed to name a private road generally running northerly and southerly off of Tamarack Lane in Section 6, Township 30 North, Range 20 West, M.P.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 17, 2003, concerning the proposal, after publication and mailing of notice thereof on November 3, 2003 and November 10, 2003; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Tamarack Ridge.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northerly and southerly off of Tamarack Lane in Section 6, Township 30 North, Range 20 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Tamarack Ridge.

**BE IT FURTHER RESOLVED** that the naming of Tamarack Ridge shall be effective on November 17, 2003.

Dated this 17<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Monica R Eisenzimer  
Deputy

Commissioner Hall made a **motion** to adopt Resolution No.1660 Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum

**RESOLUTION NO. 1660**

**WHEREAS**, Flathead County has proposed to name a private road generally running northerly and southerly through Sections 25 and 36 of Township 28 North, Range 23 West, M.P.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 17, 2003, concerning the proposal, after publication and mailing of notice thereof on November 3, 2003 and November 10, 2003; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named North Ranch Hill Road.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northerly and southerly through Sections 25 and 36 of Township 28 North, Range 23 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named North Ranch Hill Road.

**BE IT FURTHER RESOLVED** that the naming of North Ranch Hill Road shall be effective on November 17, 2003.

Dated this 17<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Monica R Eisenzimer  
Deputy

Commissioner Hall made a **motion** to adopt Resolution No.1661 Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum

**RESOLUTION NO. 1661**

**WHEREAS**, Flathead County has proposed to name a private road generally running easterly and westerly off of Middle Road, in Section 28, Township 30 North, Range 20 West, M.P.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 17, 2003, concerning the proposal, after publication and mailing of notice thereof on November 3, 2003 and November 10, 2003; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Covill Lane.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running easterly and westerly off of Middle Road, in Section 28, Township 30 North, Range 20 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Covill Lane.

**BE IT FURTHER RESOLVED** that the naming of Covill Lane shall be effective on November 17, 2003.

Dated this 17th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Monica R Eisenzimer  
Deputy

**10:00 Chairman Watne is to view Road Abandonment #414 (portion Deer Cr. Road) w/Jim Burton**

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

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## **TUESDAY NOVEMBER 18, 2003**

**7:00 Commissioner Hall is to attend the Economic Development meeting at Backroom/Nite Owl**

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.

### **PUBLIC HEARING: WGTS, L.L.P. ZONE CHANGE/BIGFORK ZONING DISTRICT**

Present at the November 18, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eisenzimer.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zoning change

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

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

Commissioner Hall made a **motion** to adopt Resolution No. 956AT. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

### **RESOLUTION NO. 956AT**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the - 18th day of November, 2003, concerning a proposal by WGTS, LLP, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on November 6 and November 13, 2003;

**WHEREAS**, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing; and

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster), that area being described on Exhibit "A" hereto.

**BE IT FURTHER RESOLVED** that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area Zoning District, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests will be received from persons owning real property within the Bigfork Area Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

**BE IT FURTHER RESOLVED** that if forty per cent (40%) of the freeholders within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 18<sup>th</sup> day of November, 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: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer  
Deputy Clerk

EXHIBIT A  
WGTS, LLC ZONE CHANGE  
BIGFORK ZONING DISTRICT  
R-1 PUB TO RC-1  
OCTOBER 8, 2003

The property is described as Parcel A of Certificate of Survey No. 13994 in Section 26, Township 27 North, Range 20 West, P.M., Flathead County, Montana.

Commissioner Hall made a **motion** to authorize the publication of the notice of passage of resolution of intention and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**  
**BIGFORK AREA ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No.956AT) on November 18, 2003, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster)

The boundaries of the area proposed to be amended from R-1 and RC-1 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property from providing for a residential district for estate type development in rural areas, away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc. to providing for a residential theme in a rural environment in order to encourage a master planned community with a central recreational focus, and generally requiring a full range of public services, such as public water supplies and sewage treatment, to serve the district, with a gross density for units to be clustered at one (1) unit per acre. Although minimum lot area would decrease to 2,500 square feet, allowed density would remain at one unit per acre.

The regulations defining the R-1, PUD and RC-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 18<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer  
Deputy Clerk

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

Publish on November 22 and November 29, 2003.

**EXHIBIT A  
WGTS, LLC ZONE CHANGE  
BIGFORK ZONING DISTRICT  
R-1 PUB TO RC-1  
OCTOBER 8, 2003**

The property is described as Parcel A of Certificate of Survey No. 13994 in Section 26, Township 27 North, Range 20 West, P.M., Flathead County, Montana.

**PRELIMINARY PLAT: CHAPMAN HILL ESTATES**

Present at the November 18, 2003 9:30 A.M. Meeting were Commissioner Gipe, Commissioner Hall, Michael Fraser of Thomas, Dean & Hoskins Surveying, Planner Johna Morrison, Assistant Avery, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Chapman Hill Estates Subdivision filed by WGTS, LLP. Chapman Hill Estates Subdivision proposes to create 11 single-family lots and 8 townhouse lots on approximately 21 acres. All lots in the subdivision are proposed to have individual and public water systems and public sewer systems. The property is located at 268 & 450 Chapman Hill Drive near Bigfork and contains approximately 20 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-29 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Chapman Hill Estates subject to 23 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF REQUEST OF EXTENSION OF SICK LEAVE**

Present at the November 18, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve extended family sick leave to Vickie Gallo in the Plat Room of Clerk & Recorder's office, Chairman Watne **seconded** the motion. **Aye**- Watne and Hall. Motion carried by quorum.

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

Present at the November 18, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Sheriff Jim Dupont, Assistant Avery, and Clerk Eisenzimer.

General discussion was held relative to laws pertaining to selling of structures that are past methamphetamine labs; services to Forest Service and compensation from FEMA; discussion for agreement to be worked out before fires begin on what is county's responsibility and what is reimbursed; discussed satisfaction of new vehicles; discussed meeting with homeowners in commissioner's office for information about structures contaminated by methamphetamine labs; financial advisor away on family sick leave; discussion of new building and agreement of location; increase in logged calls and miles on patrol cars, average is 220 miles per car per shift.

**PUBLIC HEARING: NORTHSTAR PROPERTIES ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT**

Present at the November 18, 2003 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Forrest Sanderson, Assistant Avery, Planner Johna Morrison, Patricia Jam, Jim Christian, Marc Liechti, Lynn Moon, Billie Little, Bruce Aronson, John Yatchak, Cal Scott, John Schwarz, Andy Hyde, Jane Adams, Jerry Little and Clerk Eisenzimer.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change from R-2 to R-5 for Northstar Properties:

John Schwarz, principal engineer for Schwarz Architecture & Engineering, began with; we've prepared or assisted Mr. Christian in preparation of the application. This follows a second zone change request we did about half way I believe about a year ago. Mr. Christian proceeded with doing a subdivision to put in townhouses, a nice development and proceeded in a similar area and we were a little bit set back and concerned with the Planning Board's recommendation. The R-5 zoning designation is something that should have schools, it should have transportation network, it should have water and sewer infrastructure it should have good transportation system and we believe that this is an ideal site and I talked to one person yesterday that said that if it shouldn't go here, where should it go? And, it does comply with the surrounding area, I think Mr. Christian will come up here and present a map that shows the surrounding area and shows the densities in the surrounding area and shows how it complies with most densities. There was an issue presented by the fire department regarding the proximity of buildings and if you have buildings five feet away and there are several zoning districts that allow buildings, accessory buildings and primary buildings to be within five feet of the property line, we don't have any problem setting those ten feet back, and have that additional condition that quite honestly the place to do that is a subdivision, if there's a mechanism to that here, that's fine. But we certainly can understand the fire department's concern there and don't have any problem complying with that when we present the subdivision application. This a unique piece of property, it has some, it has a gymnasium and other features on it, that we think can be used to the public good, and to do that we believe that we need a density that's suitable to the area so I'd certainly be available anytime to answer any questions.

Chairman Watne asked if anyone else would like to speak in favor of the zone change request.

Jim Christian representing Northstar Properties, added like John said, we did do a subdivision, a same subdivision, this is a subdivision that was completed in 1945, Hoiling Day Acres, and most of the lots were 1,024 feet deep and 104 feet wide, this property is on the south end of that subdivision, the one we did on the north end had the same existing zone of R-2 and went through the planning board and in that case the same planning board we received unanimous approval the first time and also went through the second time because of the lawsuits that were ongoing and was passed by the same planning board at that point too. It's on the north end of this same block as this property is, that property was I believe, five and a half acres, this property is about eleven acres. This property is on East Evergreen Drive which runs on the south boundary; East Evergreen Drive is one of the few roads in Evergreen that's got a sixty foot right of way. It has a stop light at Glacier Bank on LaSalle,

come out to Helena Flats Road to the East, has a pedestrian crossing there and on the north side of East Evergreen Drive is a designated pathway, its marked by a wide white line, one of the things that we'll get into hopefully as we progress further into the process is we've talked to the school superintendent and chairman of the school board to discuss several things. One of them of course was the impact on the schools, what we were told is they always build in some room for expansion, they tend to be a little bit conservative in their expansion because they don't want the people in the school district thinking they're building some facility that's not going to be used. So they did say that they can accommodate some expansion. One of the comments the superintendent made was that when River place, I believe it's called, over behind Nickel Charlie's came on line, they expected a real significant impact on the school and really they could never tell when that came online, so they didn't see real problems from that standpoint. The thing that I've taken kind of personally I guess it that some of the concerns expressed by Andy Hyde or Eric Tullett who were at the planning board meeting, was the footpath traffic on East Evergreen, and if you look at a place where traffic would flow easily, it seems there would be no better place than Evergreen, than East Evergreen Drive, you have a stop light on LaSalle, soon to be a stop light it looks like on Helena Flats, you have a pedestrian crossing on Helena Flats going across to the east. One of the things that we would like to do as developers we work on the property we would like to construct a footpath all the way from the stop light at LaSalle over to Helena Flats and we've told the superintendent and the chairman of the school board that we'd like to work with them on the design of it but with the right of way being sixty feet, we feel that we could not only address any impact the subdivision would have, we can improve the situation that exists there now and there's a lot of places in Evergreen where the foot traffic issue should be addressed. But at least this would be a start and I think it would make any impact the subdivision would have kind of a mute issue. I guess as far as any other issues related to the subdivision there'd be other people that'll speak to those issues, more knowledgeable than myself, but we do want to do a well thought out, well planned subdivision, its not going to be for modular homes or single-wides or anything like that, we're looking for something of a stick-built nature like we did on Harmony and if there's any other questions you'd have about the information we have on the footpath, or the subdivision itself, probably John would be able to answer that the best. The other thing I was going to show you, and I think I've shown you this before; this is a copy of the old subdivisions. These are the two subdivisions within the immediate area of Alliance Church property. This is a, I think it's called Grand Grits tracts, this is Edgewood, it actually runs north and south, this is Solberg where it crosses Spring Creek, and then East Evergreen Drive is down here, the areas that I did in red on this one, are those lots that are zoned R-2 presently which presently exceed R-2 zone limitations. It doesn't deal with there are several commercial operations here as there are in when they. All this deals with are those lots that currently don't meet R-2 zone. The one below it is Hoiland Day Acres, and that's the same way. This one shows, this is an R-5 zone here and this is an R-5 zone here, there's another R-5 zone right here that's a small trailer court, off to the south of East Evergreen drive, the subdivision that we already have gone through the process on are these two lots here, they're 1024 feet deep all these lots on this side of Hoiland Day Acres where that meet. It was these two lots and this lot here and we went from an R-2 zone there to an R-5, the design is for the road to come in here and then come out here. On this one it will probably be a similar arrangement where it comes in and goes back out to East Evergreen, but these areas in pink or purple there are the ones that don't meet R-2 zone requirements. Do you want me to just leave that up there? Chairman Watne responded, yes please.

Bruce Aronson introduced himself, I'm the government affairs director with the Northwest Montana Association of Realtors, last spring we had an affordable housing conference and the applicant attended that conference and we spoke a good deal about affordable housing. Given the increase in land values in our area, affordable housing demands housing on small lots. This zone request does that, um we haven't looked at the details of the project, and without speaking to those details, the association does support the creation of additional affordable housing, and one of those consequence is going to be smaller lots to be able to make that possible. If you have any questions I'd be able to answer them, thank you.

John Yatchak stated I actually work with Century 21 Real Estate, but I also have known Jim for quite a number of years, there's really three points I'd like to make, the first one is I know Jim and I know this project based on my discussions, I know the target is affordable housing, I also know there's enough facilities and stuff onsite that make this a valuable project for the community, not just for the development itself. So I'm very much in support of that. The second thing I'd like to mention, I attended my first planning board meeting when this original thing went through and it was rejected and I saw some peculiarities there that I really don't know how to understand that, I'll just give you a couple illustrations of what I'm talking about, so we talked about affordable housing and all of a sudden everyone on the planning board says, oh yeah, we're for affordable housing but then one of the members comes up and says, if it's not where is it? I think you had someone else mention that before but I found it peculiar that initial illustrations to prevent this subdivision, or arguments against the start, kept sliding as the meeting went on. Another one was is there was a large contingent of people from the community that weren't going to be in support of the subdivision and another one of the planning board members said that if we're just going to make decisions based on the community members or the adjacent neighbors, we may as well shut down this process because we won't get any subdivisions through, so all of a sudden, its so that's not the reason that we're not going to support this, so I saw a number of different things going on there that I couldn't quite understand because it appeared to me the decision was being made and the decisions kept rotating as the meeting went on, so that confused me a little bit. The third thing I wanted to mention was I deal with affordable housing needs every single day. I deal with the single moms with a couple kids that are looking for homes and I can't find them for a year and half. I deal with the newlyweds that are still living with their parents that can't find homes. I also deal with the elderly or the single working people that have to go out and try to find roommates because they can't afford homes. I also just as an illustration, a couple of years ago, a house that I was involved in on a sale for \$85,000 is now back on the market for \$120,000. That takes it completely out of the range, the reason we're seeing this huge increase in prices is the supply and demand question. There is no supply, that's my, thank you very much.

Jerry O'Neil, Senator from Senate District 42, which includes Evergreen said Evergreen historically has had affordable housing, one of the reasons and one of the main reasons is that affordable housing is because it's been a live and let live situation where people can do what they want with their own property. Now these days we're going to more government intervention well if the government wants to justify their intervention then they need to make sure that we have affordable housing. Some people might criticize the high density here but then I've got a cousin who I disagree with strongly who wants more open space. He wants the government to say you can't build out in the farmlands, well you can't have open space out on the farmland and have less density, lower density in the urban areas. So, in order to keep our affordable housing we need to have more dense housing for the people who can't afford five acre lots. I personally have five acres with a nice house and everything else, but I haven't always had that. Sometimes when I was looking for a house I could afford, I wasn't very concerned about how dense, how close the houses were next door. I just wanted to keep warm, I didn't want, I wasn't necessarily that I had five acres to myself, and I think this, I haven't seen the design here, maybe it's not worth a darn, but I think the government's part is to allow them to do it., not to say that it's a good house, your job is to say hey, if there's something wrong here that's going to really harm somebody else, maybe we shouldn't allow it, but just the density, we better allow some more dense proposals in order to have affordable housing for our citizens. Thank you.

Billie Little with Intermountain Mortgage and as a mortgage lender following up on what these gentlemen have been talking about I have a pipeline full of what we call pals, Pre-quals, they can't find homes, they're all in that same price range. From what I've seen of what's been shown to me about the proposed division, it's only going to better the Evergreen community. They are improving on the community and to follow up with the fact that affordable housing is definitely needed. We've got the people, we

have the single mothers, we have the newlyweds, we have the widowers that at this point are all in that hundred thousand dollar category, they've already qualified for the loan, it's just not there. We need to get some affordable housing and this sounds like from what I have seen and what's been proposed that it is something that's not only going to benefit us with our rising economy and with the industry coming into the area, it's also going to improve the Evergreen community.

Cal Scott, manager of the Homeownership Education Center as well as founder and executive director for the Washington Community Housing Network which is a nationally recognized non profit organization for education of real estate development and mortgage financing explained that in addition to that I've been involved in housing matters as well as commercial and community developments for over forty years. Jim came to me with regard to this particular development in this area. I'm also a Kalispell resident, a graduate of Polson High-school and have owned property and been around the country that I love here for a long time. I feel a desperate dire need for affordable housing in this area. The challenge that this type of a development serves is using affordable land that is enabling us to provide that type of affordable housing. One of our challenges is finding affordable land and density that will permit us to build in an economic level that provides housing for our people in this area. We've all read about the pains and the throws of the City of Whitefish and what they've gone through, and we're coming to that point in the city of Kalispell when our outlying areas of Kalispell now where we can't provide housing to serve the very people that work within our community and our infrastructure. Our fire, our police, our city workers and employees are not able to find housing in our own communities to live where they work and serve. I feel this type of development well serves that purpose in a quality construction, not a manufactured housing, not single wide trailers, not put together in a haphazard barrack style manner, but quality type housing where people can live, have a pride of ownership, raise their families to be a credit and asset to our community. One of my concerns about these types of developments is in the county we have some difficulty in being able to support the infrastructure for developments like this and I recognize that's a huge challenge that we have. I ask that we be sensitive to the issues of passing on these costs to the developers which in turn are going to be passed on to the buyers of these properties, primarily because it limits the number of buyers that can buy the properties dramatically. For each thousand dollars of mitigation fees or costs that a developer might suffer on a project like this, it increases the cost of that housing one thousand dollars which means that particular buyer has to make another twenty-six, twenty-seven dollars a month. Another fifteen cents an hour in an area that already is dramatically low in its wages. These are the basic families and single mothers as John alluded to that are desperately affected by the lack of affordable housing in this area. I support the project and I support the betterment of our communities so that we can raise our families in a prideful manner in this area that will become a credit to our community. I'd be glad to answer any questions if you like.

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

Jane Adams began with I live on Edgewood Drive which is adjacent to the proposed zone change area. I get nervous so I'm going to kind of read my comments if you don't mind. What I wanted to point out is I looked over the application and the proposal report and there are many statements in there that are not backed up with any analysis that I feel are false. They're just completely incorrect and I wanted to go over that, some of those with you and then some of my concerns along with it. The proposal states the requested zone change will not adversely affect congestion in the streets, but it also states that vehicle trips will be increased by five hundred to seven hundred trips per day. That's a big increase that's going to be along East Evergreen Drive. It's not a big street, it's a two lane street and there's a small walkway on both sides that is divided with a white line, but vehicles are definitely going to increase so that was a false statement. The proposal states the health, comfort, safety and general welfare of the public is promoted by construction of the proposed subdivision, again, no analysis to back up this claim and I feel it's false, absolutely false. My biggest concern, I live on Edgewood Drive with my husband and my almost four year old daughter, and my biggest concern is that the increased traffic is going to pose a real hazard to the kids that are walking on that street. On one side of the development to the east you have an elementary school, on Evergreen Drive and then at the other end you have a junior high school. When you look by in the morning and in the afternoon when you drive by, there are kids all over the road. They are not staying to that little narrow walk-way they're walking five, six, and seven abreast with their friends, completely oblivious to the traffic. One of the problems on that road is where it crosses Spring Creek, there is the road narrows and there's a little tiny one person walkway on each side. The kids don't go on that, they walk in the middle of the road, sometimes completely out into the road, and it's a complete bottleneck. You have to be really careful, you have to go really slow and I'm very concerned about my daughter walking on that area. I went around with my husband and we got this petition which I believe you also have. One of the neighbors that we spoke to, Lana Galinski, who I encouraged to come but she's afraid to speak in front of these things so she didn't want to come. But she said she's been trying since 1997 to get a sidewalk system put in along East Evergreen because of the danger to the kids. She has two little boys; she was told by the Montana Department of Transportation that one child has been at least one child's been hit every year on East Evergreen since 1997. She also was told that there's no money to put in a sidewalk and that there are right-of-way problems, so whether or not a sidewalk can be put in I don't know, you know if the developer can do it, that'd be great. I mentioned where Spring Creek crosses. And so if the proposal goes through I would ask you to please require the developer to put in bona-fide sidewalks on both sides of the street because kids walk on both sides of the street and to also put in street lights. In the winter time kids are walking there in the dark, you can't see them and so street lights should be put in so the people can see, with all those additional vehicles there's going to be increased risk and people should be able to see those kids. That's by far and away my biggest concern is the danger to the kids walking to school. There are other things in the proposal too that are incorrect. It states there's a wide range of lot sizes mostly under a half acre in size, this is not true. Most of the lots are well over a half acre, we live in Edgewood Drive on one of the smallest lots and that's .557 acres so you know, I guess there's more houses on some of these lots but or more buildings anyway, but still most of the lot sizes are well over a half acre. The proposal states that the facility does not concentrate population more than already existing. That's blatantly false. The density if you put in single family residence would be about four times the existing density and about eight times the density if they put in duplexes. The report states the requested zone will not have a measurable impact on property or building values. This is not true and that's one of the criteria for evaluating whether to have a zone change or not, is what it's going to do to property values. When we got this petition we went to, we got 38 signatures and only one person declined signing and that was because he didn't live there, he was just, he owns some property there but he didn't live there, he rented it out, so he felt he didn't have enough, he shouldn't have that much say in the zone change, but every single person that lived there did not want this zone change, everyone we spoke to and one of the major concerns was about property values. Two people we spoke to said flat out they would want to move. They'd sell their place and move away, another person that was renting that had the option of buying said they would definitely not buy if this were put through. They felt it would be a much less desirable place to live and they were very concerned about it. Frankly, I don't want to stereotype, but really low income housing tends to bring in some less desirable elements. When I was in college I lived in a rented a house with a girlfriend in a real low income area in California and it was, you didn't want to walk around there at night, it was kind of dangerous. That's the area where the drug dealers lived, you did have some single parents with kids, but you had a lot of noise, a lot of junk cars, a lot of people that worked on those cars at all hours, people would drive really fast in the streets, it wasn't a safe neighborhood. You do get single moms with kids but you also get some other people that you really don't necessarily want in your neighborhood you know. Like some of these people, like I don't know, but the people that spoke in favor, I'd like to ask them, how many people live in your low income areas? I mean this one man admitted that he lived on a five acre parcel, he doesn't choose to live in an area where you have houses really packed closely together. And the people that live there, when they moved there they were moving because it had a rural

feel, they did not want this real high density area. Another thing the proposal states, this R-5 zoning change conforms generally with the existing surrounding property uses. This is not true, if you look at the Evergreen zoning map it shows that most of the surrounding uses are R-1, R-2, R-3 and there small areas of other zones that were grand-fathered in when the zoning was put in place. The proposal states the uses permitted in the requested zone are substantially similar to those found in the existing zone, and while they're similar, there are some important differences. One is that single wide manufactured homes and duplexes are both permitted in R-5, but not in R-2, the lots size is substantially smaller in R-5, allowing for much higher density. The setback requirements are smaller and the permitted lot coverage is higher in R-5, so you know, I just ask you please do not allow this zone change, please. None of these other people live there but we do.

Andy Hyde lives on Edgewood Drive. The area of the proposed zone change is in my own backyard both literally and figuratively. My property backs up to the existing school yard, which is a vacant lot right now, so it literally is in my backyard. So predictably I don't want to see the zone change from R-2 to R-5 so that I could end up with six backyards backing up to my one backyard. I was going to take a picture of my backyard and show you the proposed lot sizes that this zone change has. The minimum lot width, fifty feet minimum lot area is 5400 square feet, so you could end up with a rectangle 50' by 108' and you could put many of those lots in my backyard literally. Where we have our swing set for our daughter would be dwelling unit and that doesn't take up much of my backyard. R-5 one of the allowed uses is duplexes, so if you take a 5400 square foot lot with a duplex on it you've got 2700 square foot per dwelling unit. The density of that type of development, if you assume a 50 foot lot, 108 foot deep lot with a 60 foot wide right-of-way, you'll end up with about thirteen units per acre. Now, the colors here I doubt any of them are thirteen units per acre, as a matter of fact I know, I looked ,the two existing mobile home parks that Jim referred to, this one here and then the one on the south side of East Evergreen Drive are half that density. So the highest existing density of the surrounding area is half that that's being proposed today with the R-5. So I just want you to know that R-5 is a very very dense zone. As a matter of fact, if you look at the Flathead County Subdivision regulations or Zoning regulations, the zoning steps go from R-1, R-2, R-3, R-4 and the highest R-5, so what's being proposed right now is a change from Suburban Residential to the highest density, urban density allowable and I'm here to speak in opposition to that. I think we're jumping over two residential zones to get to the absolute maximum density allowable. If you read the zoning regulations, it says that all community facilities are to be available for R-5 zones. You've heard already that all community facilities are not available. There's a concern already with a pedestrian path. We have two schools, one to the east, and one to the west. The junior high is at LaSalle and East Evergreen, the elementary school is Pheasant, Parliament just north of East Evergreen Drive. East Evergreen Drive is a major corridor for school traffic, what you're being asked to do is approve a zone change that allows fifty to seventy additional home units here. They're going to be affordable housing, we heard that typically those gravitate to the lower income younger people with kids, so you can expect to have many many more kids walking along, I think that's a county arterial, it is a busy street and at certain times of the day its highly congested. Before school and after school you heard Jane describe kids walking five abreast in the quasi pedestrian path. That's a community facility that is absolutely essential to this kind of density. If you're going to put more kids on the street and have them dodge the cars, you need to have facilities in place, they're not in place. That's a fact; you've actually heard the developer admit that. One of the things in the testimony of the proponents today, we've heard over and over and over again that affordable housing is a real key issue and I agree with that. IF you go out and look at the real estate ads right now you know, you can find very little in the bottom end. Is the zone change to R-5 absolutely essential to create that opportunity here? The answer is no, the current zoning is R-2, if you remember Al Swilling when he came in to subdivide River place, he wanted a higher density zone, or higher density development than was initially, that actually was granted. I think he put in somewhere between seventy and ninety acres on that property and the zoning there is R-2. That's what I see in terms of a successful development, that I think is possible here with the current zoning. You haven't heard one bit of information that would support the idea that jumping from R-2 past R-3, R-4 to R-5 is even reasonable. I think several of the proponents of affordable housing suggested that they do not know the details of the development here. Nobody knows the details right now; it hasn't been laid before us. I can pessimistically look at the R-5 zoning and see what is allowed there. Mobile home parks are allowed, duplexes are allowed, fifty foot wide lots are allowed with duplexes on them, so I think you'd have to assume that that's the direction that they're going in because intentionally the other zones were ignored and those are not being proposed. So I think that's a big red flag here, we don't know the details and are going to the top of the list in terms of densities. I want to talk about that for a little bit. I apologize for kind of being all over the place but there are so many reasons to mention here, I'll try to be coherent as I go. Again, I'm opposed to the development because it is too dense. Gary last month up in Columbia Falls, you spoke I think against the Cedar Creek proposal with I think exactly the same argument, it's too dense, so I figured you were probably on our side with this one. I have exactly the same concerns. R-5 is just too dense for Evergreen when you look at the surrounding area and I did do some homework on that, the property that's contiguous to area that has the proposed zone change on Edgewood Drive, Harmony Drive and East Evergreen Drive, there's a total of sixty units on a total of almost thirty-seven acres, it's 36.87 acres and that comes out to an average density of one unit for every 1.65 acres. What's being proposed now with the fifty foot wide lots and the sixty foot right-of-ways, and I'll talk about the sixty foot right-of-way versus a forty foot right-of-way here in a second. The maximum density that would be allowed is .079 acres per unit which is about 8 times the average density of the surrounding neighborhood. One of the steps toward criteria for zone change is to consider the character of the surrounding area. Approving a zone change that would allow densities eight times the average density of the surrounding area I believe is not adequately considering the surrounding area. I believe what you're doing is you're creating an area that is much, much different than the surrounding area. And again I guess, back to this affordable housing deal, I'm not against affordable housing but I think we need to do it in a reasonable and good way rather than squeezing twenty units in a five unit subdivision, or a five unit area and that's basically what is being proposed here. I think the R-5 is overkill. Some of the other statutory criteria for when you consider a zone change are whether it will lessen congestion in the streets and I think there's been enough said about that, we know it will not lessen congestion in the streets. We know it's going to increase congestion, you're also supposed to consider safety from fire panic and other dangers. The fire marshal for Evergreen Volunteer Fire Department has expressed a concern that the five foot setbacks will hinder the performance of his duties when structures are burning, basically there's just not enough room if you've got adjacent, or structures on adjacent lots five feet from each property line, you have a five foot corridor on each side of a fence, and a fireman's not going to be able to squeeze between the burning building dragging a hose and getting to the back of the property so I think that's legitimate concern. Chairman Watne asked if he could please wrap it up as we are behind in schedule. Andy continued with, I guess there are a lot of reasons to oppose this proposal. One thing I want to leave you with since I said this is in my own backyard in Evergreen. There are two other R-5 subdivisions that have recently been created. One is Pheasant Run which is just to the west of this property about a quarter of a mile and I think there's the Swan Mountain Estates or something like that. Another R-5 development, Pheasant Run was created two years ago and it created twelve lots, currently as of today, three of those twelve lots are occupied, the other nine are vacant. Given the high demand for affordable housing, if you can only fill up one quarter of your subdivision in two years, I think that's the market place, not Andy Hyde whose backyard has this in it, but it's the market place saying that the R-5 doesn't make sense for Evergreen. The other one, Swan Mountain Estates created sixty lots and I've seen their ads all summer long the housing price is somewhere between sixty-nine, seventy-nine, eighty-nine, not one of those sixty lots has anybody living in it yet. Why? That's an R-5 and no one wants those. I think you have to consider that very strongly again, this isn't me talking, this isn't someone in my neighborhood talking, this is the marketplace saying that affordable housing of this nature does not make sense, so I think if I have to leave you with anything, I'll leave you with that , that the proposal I believe doesn't make sense and given the other zoning alternatives that are available starting, even staying with R-2, or looking at the other lesser dense zones, those all could promote affordable housing, I think in an intelligent way that



conserves the values of the neighborhood and you'd actually end up with a quality development rather than something that is not desirable at all. So I could go on forever but I'll stop there.

No one else rising to speak, Chairman Watne closed the public hearing and opened board discussion, Commissioner Hall read a report from the Fire Marshal that set backs are ten feet. Commissioner Hall questioned Jim Christian as to intentions for manufactured home structures.

Jim Christian answered that definitely not, what we're trying to do is get some kind of housing that will appreciate rather than depreciate and it's a genuine concern, it's a genuine request to get people into stick built house for under a hundred thousand dollars, that's our goal. On Harmony we managed to get it down to a hundred and ten thousand for a stick built house that includes land. Some of the properties that Andy talked about are with just the house. The barrier to getting affordable housing is the real estate. We've got to figure out some way to get the costs of the real estate so that we can get in that hundred thousand dollar range, and we're at a hundred and ten now. On Harmony we had an R-5 zone and there's a lot of talk about density, we could have done double the residents than we did on Harmony, we chose to go fifty percent of the density, so just because these are the parameters doesn't mean we have to go the max and we would stipulate against anything but stick built housing the subdivision once we get to that stage. The other thing we would stipulate is the footpath. Going from LaSalle over to Helena Flats, we intend to not only construct that at our cost, but we also intend to maintain it at our cost. So that there's no cost to the county or any of the residents, we would like to work with the street department in the design, we'd like to work with the school, the superintendent, the chairman of the school board have both said that they would really like to have some input, but we would also like it real clear that that's not at a cost to the school district or anyone other than the subdivision. Proposed footpath is ten foot wide with definite demarcation.

Commissioner Hall questioned Jim Christian about leaving gymnasium that is currently on property. Jim Christian explained that he would like to center subdivision around gymnasium and turn it into community center along with gymnasium.

Commissioner Hall questioned Jim Christian as to whether zone change to R-4 would be sufficient, Jim Christian agreed with suggestion.

Chairman Watne questioned Johna as to if the nonconforming lots were grandfathered into zone plan

Commissioner Hall made a **motion** to continue discussion until 9:15 A.M, December 1, 2003 to rule on zone change request. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WINTER SPORTS, ET AL, MASTER PLAN AMENDMENT**

Present at the November 18, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Forrest Sanderson, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to continue adoption of final resolution. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: FINANCIAL TECH/PAYROLL & OA II/CLERK & RECORDER'S OFFICE**

Present at the November 18, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve request for position replacement. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF PRINTING BIDS: JUSTICE COURT**

Present at the November 18, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve request for printing bids from Towne Printer for Justice Court A) 5000 Case cards at \$368.03 and B) 5000 Time payment cards at \$185.70. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve request for printing bids from Big Sky Business Forms for Justice Court for 5000 contract cards for \$210.30. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: VISTA ESTATES**

Present at the November 18, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Marquardt & Marquardt Surveying, Assistant Avery, and Clerk Eisenzimer.

Beck reviewed the preliminary plat for Vista Estates Subdivision filed by Doug Skoczek. Vista Estates Subdivision proposes to create four residential lots. The subdivision is proposed on 20.16 acres and will be served by individual water and sewage systems. The property is located off of Columbia Falls Stage, approximately six miles south of Columbia Falls. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt amended Staff Report #FSR-03-35 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to amend Staff Report by changing "Pheasant Road" in condition 7 to "Columbia Falls Stage Road", and eliminating Condition 12, Chairman Watne **seconded** the motion. **Aye**- Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Vista Estates subject to 16 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: WADMAN**

Present at the November 18, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Jay and Roxanne Wadman on Flathead Lake to install a shore station and boat shelter and four concrete pads in slip # 130 in Mission View Terrace Marina. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-98 and authorize the Chairman to sign subject to 20 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**FINAL PLAT: MIDDLE VIEW ESTATES**

Present at the November 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Lindsay Morgan, Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Morgan reviewed the final plat for Middle View Estates Subdivision which is an application by Doug Skoczek for approval of a four lot minor subdivision along Middle Road, approximately four miles south of Columbia Falls. The property is approximately 19.52 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on May 15, 2003, subject to seven conditions of approval. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-03-33 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for Middle View Estates. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**FINAL PLAT: WEST VALLEY VIEWS**

Present at the November 18, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Lindsay Morgan, and Clerk Eisenzimer.

Morgan reviewed the final plat for West Valley Views Subdivision which is an application by Agnes Gustufson for approval of a one lot minor subdivision with a remainder. The proposed subdivision is located along West Valley Drive, approximately three miles west of Kalispell. The subject property is approximately twenty acres in size and lies in the West Valley Zoning District. Preliminary plat was waived on November 6, 2003 subject to 5 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-03-32 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for West Valley Views Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: CLARK**

Present at the November 18, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Lindsay Morgan, Assistant Avery, and Clerk Eisenzimer.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Donald P. Clark on Whitefish Lake to remove existing stairway and replace with new stairway and concrete pads. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-34 and authorize the Chairman to sign subject to 14 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**MEETING W/ CLERK AND RECORDER PAULA ROBINSON**

Present at the November 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Clerk and Recorder Paula Robinson, Raeann Campbell and Clerk Eisenzimer.

Clerk Robinson explained that Lesli is going to Stewart Title, resignation effective November 28, 2003. Paula related that she and Tom have spoken with Jonathan. The situation is that Clerk Robinson has two chief deputies, under state statute the department only needs one, proposal is to eliminate chief deputy in plat room, making that position a hired position. Tom and Paula have agreed with is that Tom would be manager over entire land services since both offices work so interactively together, that way he would be able to make sure that everything is working together cohesively and interactively. Then in the plat room, a lead person would receive a permanent position which would afford stability to the employee, the department and the county. The employee's position would not be at the mercy of the elected official. She thinks that position is the heart and soul of the Clerk and Recorder's department. New elected officials make changes every four years and the position is currently at their mercy. By statute, the department does need to have one chief deputy which would be the chief deputy currently staffed in the Clerk and Recorder's office. Proposal is expected to save money; wage will be set by experience. Commissioners advised to proceed with proposal through the personnel committee.

**4:00 Commissioner Hall is to attend FBIA meeting at First Interstate Bank Board Room**

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

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**WEDNESDAY, NOVEMBER 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.

**9:15 Commissioner Hall is to attend an RSVP meeting at Windward Place**

**11:00 County Attorney meeting at County Attorney's**

**12:00 DUI Task Force meeting at The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 20, 2003.

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## **THURSDAY, NOVEMBER 20, 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/JED FISHER, WEED, PARKS AND MAINTENANCE DEPARTMENT**

Present at the November 20, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eisenzimer.

General discussion was held relative to house being moved from vacant lot east of Earl Bennett building and renovation of same lot to temporary parking lot; removal and plans for structures south of State Farm Building; a group of people who want to raise money to buy Flathead Christian Gymnasium through grants and or fundraising to be used by private groups and have it remain under county management; development of branch library in Bigfork; moving of fuel tank by Northwest Fuel Systems for Eagle Transit; land swap of Conrad/Herron at Foy's Lake area.

### **DOCUMENT FOR SIGNATURE: PLUM CREEK PROPERTY EASEMENT/GREAT NORTHERN RAIL TRAIL**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Mark Crowley, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize document for signature. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

### **DOCUMENT FOR SIGNATURE: SHERIFF'S EMPLOYEE'S ASSOCIATION AGREEMENT**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eisenzimer.

Document is regarding budgetary issues and contracts.

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

### **CONSIDERATION OF AMENDED PERMIT: SPRUCE PARK**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Forrest Sanderson and Clerk Eisenzimer.

Commissioner Hall made a **motion** to sign amended permit. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

### **AUTHORIZATION TO PUBLISH REQUEST FOR QUALIFICATIONS: ENGINEER/CONRAD CONNECTOR**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Request for Engineering Proposals LaSalle Extension Road Improvements Project. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

#### **Request for Engineering Proposals LaSalle Extension Road Improvements Project**

The Flathead County Board of Commissioners is seeking proposals from qualified Engineering firms to provide technical assistance in environmental permitting, bridge design, and construction administration for the LaSalle Extension Road Improvements Project.

At this time, topographic survey work has been completed, and a preliminary design of the road has been completed. A copy of all information completed to date can be obtained by contacting the Flathead County Board of Commissioners, 800 South Main Street, Kalispell, MT 59901.

#### **Required Services**

The required engineering services may include, but will not necessarily be limited to the following tasks:

#### **Phase 1 –**

1. Work with the Flathead County Board of Commissioners and staff to establish the necessary environmental permits required for the project.
2. Prepare applications for environmental permits. Provide technical discussion regarding the project and mitigation plans, if necessary in preparation of the permit applications.

3. Remain available through the permitting process to meet with regulatory agencies during the review process. Work with the regulatory agencies through approval of the permits.
4. Provide order-of-magnitude construction costing input for budgeting for the Commissioners.

Phase 2 –

1. Host design charette meeting on behalf of the Commissioners to secure input on the final design of the project.
2. Prepare project documents. It is anticipated that this project will either bid as using performance specifications and concept plans, or designed in full and bid as a unit price contract.
3. Prepare project plans and specifications.
4. Prepare bid documents.

Phase 3 –

1. Provide recommendation to the Commissioners on selection of the contractor.
2. Provide owners representation during project construction including inspection and testing services.
3. Prepare As-built drawings for the project.

The scope of services for this contract is expected to only include Phase 1 services. The Flathead County Board of Commissioners may solicit proposals for subsequent phases or may continue working with the selected Engineering firm at the Board's discretion.

**Closing Date and Mailing for Submittals:**

Proposals will be accepted until 2:00 pm December 31, 2003, at the offices of the Flathead County Board of Commissioners, 800 South Main Street, Kalispell, MT. 59901. Six copies shall be submitted in sealed envelopes, clearly identified as "Engineering Proposals for LaSalle Extension Road Improvements Project". Faxed proposals shall not be considered.

**Content of Proposals:**

Minimum requirements of the proposals shall include the following information:

1. A description of the firm identifying all personnel involved in the project.
2. A proposal schedule for completing the Phase 1 tasks within the project.
3. Resumes, references, and office location of individuals proposed to be involved in the project.
4. Qualification questionnaire responding to the following:
  - 4.a. Company's date of inception and history of relevant engineering projects.
  - 4.b. What types of roads and bridges has your firm designed?
  - 4.c. If your company is not located within Flathead County or its immediately adjacent counties, how do you plan to maintain a presence throughout the project?
  - 4.d. What experience does your firm have in working through the environmental permitting process?
5. Fee schedule for staff members anticipated to be involved in the project.

The proposal may also include at the consultant's discretion:

1. Understanding of the project detailing the consultant's review of the project requirements.
2. A project work plan identifying proposed task items and staff to be dedicated to each item.

**Evaluation of Proposals:**

Each consultant's proposal will be evaluated according to the following criteria by a ranking panel:

1. Experience in the design, specification and construction management of similar projects.
2. Completeness and clarity of the proposal.
3. Capability to meet time and project budget requirements.
4. Qualifications and experience of professional personnel assigned to the project.
5. Present and projected workloads.
6. Proposed Scope of Work.
7. References and recommendations.
8. Location of company and personnel involved in the project.
9. Recent and current work for the agency.
10. Factors deemed in the best interest of Flathead County and the project.

Any questions relative to this project may be directed to:

Charles Johnson  
Road Superintendent  
(406) 758-5790

Dated this 20<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer

Deputy

Publish on November 25, 2003 and December 2, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF SALE: TAX DEED PROPERTIES**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Sale of Tax Title Properties by the County and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**NOTICE OF SALE OF TAX TITLE PROPERTIES BY THE COUNTY**

By the order of the Board of Commissioners of Flathead County, Montana, entered in its minutes of the 20<sup>th</sup> day of November, 2003, the Board will on December 12, 2003 beginning at 10:00 a.m. of said day, at the Flathead County Justice Center, Community Room, 920 South Main in the City of Kalispell, in Flathead County, State of Montana, offer for sale at public auction to the highest bidder all right, title and interest, estate, lien, claim, and demand of the County of Flathead in and to the following real property and the board determined and fixed the value of the property at the amount set forth after the description.

NO BID BELOW FAIR MARKET VALUE IS ACCEPTABLE

TERMS OF SALE CASH - 10% of successful bid at time of sale, balance within 48 hours or forfeit the 10% down.

<u>Assessor #</u>	<u>Legal Description</u>	<u>Value</u>
E000844	Tract 3DD in HES 822, Sec.16, 17, 18 T30N-R16W (14318 Hwy 2 E, Essex, MT)	\$ 1,000.00
E000832	Lot 381 Happy Valley Homesites Sec 25-T30N-R22W (423 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000842	IMP 53 on leased land, Sec. 20-T31N-R22W (1150 Beaver Lake Rd, Whitefish, MT)	\$ 1,000.00
E000829	Lot 10 Blk 3 Potters Add Martin City , Sec.04-T30N-19W (288 Old Hwy 2 W, Martin City, MT)	\$ 1,000.00
E000835	Lot 401 Happy Valley Homesites Sec 25-T30N-R22W (348 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000838	Lot 433 Happy Valley Homesites Sec 25-T30N-R22W (339 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000831	Lot 380 Happy Valley Homesites Sec 25-T30N-R22W (419 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000830	Lot 364 & 365 Happy Valley Homesites Sec 25-T30N-R22W (337 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000834	Lot 382 Happy Valley Homesites Sec 25-T30N-R22W (427 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000837	Lot 432 Happy Valley Homesites Sec 25-T30N-R22W (325 Bear Trail, Whitefish, MT)	\$ 1,000.00
E000839	Lot 434 & 435 Happy Valley Homesites Sec 25-T30N-R22W (343 Bear Trail, Whitefish, MT)	\$ 1,000.00
E000836	Lot 402 Happy Valley Homesites Sec 25-T30N-R22W (352 Cougar Trail, Whitefish, MT)	\$ 1,000.00
E000828	Lot 1 Robbin Sub, Sec 26-T27N-R20W (595 Holt Dr., Bigfork, MT)	\$ 1,000.00
E000843	Imp 297 on Forest land, Sec 14-T29N-R16W (14950 Hwy 2 East, Essex, MT)	\$ 1,000.00
E000847	Lot 65 Amd PI Amd Eagle Bend Except pt in Eagle Bend No 19, Sec 26-T27N-R20W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00
E000833	Tract 5E in Lot 12, Sec 6-T28N-R21W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00
E000848	Lot 8 except Lots 8A & 8B Blk 4 Ashley Sub Sec 18-T28N-R21W (contact Plat Room in Clerk & Records office for address)	\$ 162.00

E000849	Tract 3J in NE4SE4, Sec 23-T27N-R21W (350 School Addition Rd, Somers, MT)	\$ 1,000.00
E000882	Part of Lot 14 Buffalo Head 92, Sec 06-T28N-R21W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00
E000869	Tract 2 – west of Lot 1 Peaceful Waters Sec 20-T26N-R20W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00
E000907	Park in Sunrise Bay, Sec 06-T27N-R19W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00
E000898	Tract 8 – South of Tract 5 Sec 16-T30N-R20W (contact Plat Room in Clerk & Records office for address)	\$ 1,000.00

DATED this 20<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer  
Deputy Clerk

PUBLISH on November 25, and December 2, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF SALE: BALD ROCK PROPERTY**

Present at the November 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

**NOTICE OF SALE**

The Board of Commissioners of Flathead County hereby gives notice that it will sell at public auction (pursuant to Section 7-8-2212, M.C.A.) the following surplus property:

Tract 3A in the NW ¼, SE ¼ of Section 18, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana (Parcel 1 on Certificate of Survey No. 8422) located at 490 Bald Rock Road and containing 1.138 acres.

The auction of the described property will be held at the front door of the Flathead County Justice Center, 920 South Main, Kalispell, Montana, on the 9<sup>th</sup> day of December, 2003, at 2:00 o'clock, p.m. Bidding will start at 90% of the appraised value of the property, as follows: the appraised value is \$35,000.00; bidding will start at \$31,500.00.

Interested parties may arrange to inspect the property prior to sale by contacting the County Commissioners Office, 800 South Main, Kalispell, Montana, telephone: 406/758-5503.

Terms of the sale will be cash at the time of sale. The County is selling the property "as is" and transferring it by grant deed without any warranty or guarantee of any kind whatsoever.

DATED this 20<sup>th</sup> day of November, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By /s/Monica R. Eisenzimer  
Deputy

Publish on November 25, and December 2, 2003.

**CONSIDERATION OF TEMPORARY STREET CLOSURE: GRAND & ELECTRIC AVENUES/PARADE**

Present at the November 20, 2003, 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve Grand Avenue temporary closure with enclosed stipulations of notification of Sheriff and Emergency Services when road is to be closed. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF RELEASE OF COLLATERAL: BEAR MOUNTAIN ESTATES**

Present at the November 20, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize Chairman Watne to sign release of collateral. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORMS: BLDG MAINTENANCE WORKER III, GIS SURVEY ANALYST, GIS ANALYST, GIS SENIOR ANALYST**

Present at the November 20, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Tom Reynolds, Assistant Avery, and Clerk Eisenzimer.

Discussion was held to adding a maintenance worker III and reclassifying job descriptions of GIS Survey Analysts.

Commissioner Hall made a **motion** to add maintenance worker Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve reclassification of job descriptions for GIS Survey Analyst. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve reclassification of job descriptions for GIS Analyst. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve reclassification of job descriptions for GIS Senior Analyst. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: JOHNSON/STEFFARUD**

Present at the November 20, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Lindsay Morgan, Assistant Avery, and Clerk Eisenzimer.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Dennis Johnson & Orva Steffarud on Whitefish Lake to remove one set of existing stairs and replace with new stone stairway, also replace portion of other stairway with new stone steps and install stone patio, buoy and additional rip-rap and remove 3 dead trees in Lakeshore Protection Zone. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-02-37a and authorize the Chairman to sign subject to 31 conditions. Chairman Watne **seconded** the motion. **Aye** – Hall and Watne Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: SHABERT**

Present at the November 20, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Ted Shabert on Ashley Lake to install a floating dock, a shore station boat lift, temporary power, restore existing pump house, install 12 to 15 native willow and spruce trees, install boat rail systems. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-97 and authorize the Chairman to sign subject to 64 conditions. Chairman Watne **seconded** the motion. **Aye** – Hall and Watne Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: YOUNG**

Present at the November 20, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Mike Young on Flathead Lake to remove and replace piling dock and install a boat shelter. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-99 and authorize the Chairman to sign subject to 25 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall Motion carried by quorum.

**FINAL PLAT: HIGGINS HEIGHTS**

Present at the November 20, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the final plat for Higgins Heights Subdivision which is an application by Larsen Engineering and Surveying Inc. for approval of a subdivision that will contain five lots with a remainder. The subject property lies on Middle Road south of Columbia Falls. Preliminary plat was approved on March 19, 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 Final Plat for Higgins Heights Subdivision. Chairman Watne **seconded** the motion. **Aye** – Gipe and Hall Motion carried by quorum.

**MEETING W/SANDY PENROD RE: VIOLENCE PREVENTION COUNCIL GRANT**

Present at the November 20, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner and Hall, Assistant Avery, and Clerk Eisenzimer.

Sandy Penrod was present to request the county's portion of the pledged funding for setting up the database of Domestic Violence Offenders; county's portion is needed before using federal grant monies.

Agreement was made to grant the monies.

**2:00 Chairman Watne is to attend Health Board meeting at The Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 21, 2003.

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**FRIDAY, NOVEMBER 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.

**No meetings are scheduled**

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