

**LAKESIDE COMMUNITY COUNCIL MEETING – December 2011 – open to the public**

DATE: 12/27/2011 TIME: 7:00pm

PLACE: Lakeside Sewer District Meeting Room; 253 Bierney Creek Rd.

NOTICED: County P&Z website Calendar of Events page; Lakeside Plan Committee's website Calendar Page, posters in Library and Post Office in Lakeside, submitted to DIL Daybook column.

**AGENDA:**

1. Call to order and Sign-in sheet.
2. Public Comment for items not on the agenda
3. Approve Agenda.
  - a. Suggested changes to standing agenda
  - b. Approve agenda for 12/27
4. Approve prior meeting minutes –
  - a. Approve meeting minutes from November 2011
5. Review/recommendations on any County applications in the Lakeside planning area (if any are scheduled)
  - a. None
6. Guest presentations or reports (listed below, if any are scheduled)
  - a. None
7. Sub-committee reports from any LCC authorized subcommittees (listed below, if any are scheduled)
  - a. None
8. Procedural discussions or items (listed below, if any are scheduled)
  - a. Possible scheduling of presentation on water quality of lake.
  - b. Janet: attorney confirmation that her term is 3 years.
  - c. Update on Blacktail Trail
  - d. Update on Lakeside Plan and discussion of how we move forward once the injunction is lifted.
  - e. Decide if December meeting should be cancelled (proximity to holiday)
9. Meeting adjourned

**MEETING MINUTES:**

Council Members attending: Janet Conroy, Gene Shellerud, Craig Koontz, Keith Brown, Barb Miller

Council Members not attending: David Fetveit, Mike Wilson

P&Z attendees: None

Public: Jim Clark, Jan Williams, Richard Williams

**MINUTES:**

1. Meeting called to order 7:00pm.
2. Public comment for items not on the agenda: Jim Clark submitted a paper (attached) regarding his disagreement with Lakeside Plan boundaries.
3. Approve agenda:
  - a. Changes suggested at the County's Board Training session were incorporated into this agenda and in the Council's standing agenda:
    - i. Public comment at the beginning of the meeting.
    - ii. Advanced notice of agenda of 7 days
    - iii. Accept public comment throughout the meeting on all agenda items.
  - b. Janet motioned, Barb seconded and passed unanimously to approve meeting agenda.
4. Craig motioned, Barb seconded and passed unanimously to approve the meeting minutes for November 2011.
5. No County applications to consider.
6. No Guest presentations scheduled.

7. No sub-committee reports.
8. Procedural items:
  - a. Craig reported on the research he completed regarding Jim Clark's voting precinct. Maps and information he found are attached. Jim contends he is not receiving ballots and is not authorized to vote for the Council. There may be confusion arising from the fact that, in the GIS system, his physical address is Somers and his mailing address is a P.O. Box in Lakeside. Craig agreed to ask the Election Department to pull a list and see if Jim is on it. If he is not, it is not within the Council's charter to make sure he gets a ballot. Jim should work with the Election Department to get the situation corrected to his satisfaction.
  - b. Council discussed some of the information given in the Board Training session, including meetings, records storage, and use of email. Barb suggested that we have some sort of orientation for new Council members because Board Training occurs in December and again in February, but Council's new members take office in June. Barb agreed to put together an orientation package which the Council can review in their January meeting. Keith motioned, Craig seconded and passed unanimously to proceed with an orientation package.
  - c. May 2012 expiring seats & election:
    - i. Expiring seats:
      1. Mike's position is appointed by the Commissioners. The county recommended in Board Training that the existing Council should submit recommended candidates' names and not wait for the new Council to start in June. After the window closes for candidacy filing for the 2 elected seats (Feb. 23, 2012), Council members are encouraged to solicit interested parties to submit letters of interest and resumes to the Council. Barb moved, Keith seconded and passed unanimously to publicize this open appointed seat in March 2012 and to place on the May 2012 agenda to finalize recommended names to send the Commissioners.
      2. Election Department scheduling and instructions: Information from the Election Department's website was discussed:
        - a. Window for filing for candidacy: 8:00am, Dec. 27, 2011 – 5pm, Feb. 23, 2012 and proper documentation must be filed with the Election Department by Feb. 23.
        - b. Voter registration closes 5pm, April 9.
        - c. Election is May 8, 2012.
        - d. The election will be conducted using the vote by mail election process.
        - e. See Election Department Website for details and candidacy forms:  
<http://flathead.mt.gov/election/>
      3. Publicizing the elected seats to generate interested candidates: Barb motioned, Gene seconded and passed unanimously to send a letter to the editor from the Council to the Daily Inter Lake, West Shore News, Flathead Beacon and the Lakeside-Somers Voice (email distribution list) and to post the open positions in the Post Office, Library, and Blacktail Grocery. The letter (as amended in this meeting), is attached.
    - d. Blacktail Trail: 501(c3) sponsor needs to be confirmed and the County is asking them to sign the Project Agreement. The Lakeside Community Development Foundation is still considering filling the role of sponsor, but has not yet signed the Project Agreement. The county expects this issue to be resolved by the end of January. Enough local match funding has been collected to allow proceeding with the engineering survey and design. From this survey, the right of way along Blacktail Road will be verified, any easement issues can be identified, and potential route and costs alternatives can be made. However, the County will not proceed until the sponsor is

committed. Jim asked if the Council, which is an advisory board, appointed the Trails committee. Keith indicated the Council did appoint the Trails Committee and when the CTEP application was completed, disbanded the committee. The Council's By-Laws allow the Council to establish sub-committees as it deems necessary.

- e. The preliminary injunction has still not been lifted so implementation strategies were not discussed. Jim also asked the status of the Plan (what has been done or not done). Keith noted: The 2010 Plan which was adopted by the Commissioners Dec. 1, 2011 is on hold because of the preliminary injunction imposed Feb. 24, 2011. Until that injunction is lifted, no implementation of the 2010 Plan can begin. The 1995 Plan is still in force and the 2010 Plan contains a Chapter on the Community Council that gives status of the implementation of the 1995 Plan.
  - f. Keith moved, Craig seconded and passed unanimously to approve the 2012 meeting dates and Barb passed out a calendar highlighting 2012 meeting dates and the deadline for providing input to the agendas so they can be published 7 days in advance of the meetings. Meetings are Jan. 31, Feb. 28, Mar. 27, Apr. 24, May 29, Jun.26, Jul. 31, Aug. 28, Sep. 25, Oct. 30, Nov. 27, and Dec 18.
9. Meeting adjourned at 8:20pm.

## **Research by Craig Kootz:**

Please inform us in the issues below: Questions from Public Comment to address:

1-How are the voting boundaries in flathead county determined?

**13-3-101 MCA. Establishment of election precincts.** (1) The territorial unit for elections is the election precinct. All election precincts shall be designated by numbers, names, or both.

(2) The governing body of each county shall establish a convenient number of election precincts, equalizing the number of electors in each precinct as nearly as possible.

**The precinct boundaries will be redrawn after the 2012 elections to correlate with redistricting for House and Senate Districts.**

2-Which precincts vote on LCC(Lakeside Community Council)?

The portion of Precinct 13 and the portion of Precinct 24 that are within the boundaries of the Lakeside Community Council. Each Precinct has different "splits" that encompass those properties that are entitled to vote in the different districts that affect their property.

3-How does the Lakeside Neighborhood plan correlate with voting boundaries/ ballots?

**It appears that the Lakeside Neighborhood plan has the same boundaries as the Lakeside Community Council and how those two tie together I'm not sure. I will tell you that we don't have Planning Districts or Neighborhood plans included in our voting database. The only two that have called out are Bigfork Land Use Advisory Committee and the Lakeside Community Council as its Directors are to be voted on by the electors registered in those districts.**

Jim Clark's property on Hill Dale Drive, Somers MT 59932 is shown in Precinct 13 map, but the list of voting precincts clearly states that "precinct 13, 24 (Lakeside addresses only)." I see a disconnect here. We are looking for a logical path of communication for us to follow and determine how Jim's voting boundaries are established, or the information will be acknowledged as inconsistent and changes will be put in motion to correct the inconsistency.

**Jim Clark is in Precinct 13. Precinct 13, along with the Lakeside addresses of Precinct 24, vote at the Lakeside School Gym during Primary and General Elections.**

**Precinct 24 includes Kila and Lakeside addresses and instead of making the Lakeside people drive to Kila to vote, we added a second polling place for that precinct and they use the same polling place as Precinct 13.**

**If there is an election for Directors in the Lakeside Community Council, and they want to do a poll election, the electors will vote at the Lakeside School Gym on School Election Day.**

Research results below. This is the information that I am using to address the issues. If there are any errors with this direction of information, please let me know. The web link below is a list of the voting precincts and their physical location to vote:

<http://www.flathead.mt.gov/election/documents/pollingplaces.pdf> This link will get you to individual maps of the above voting precincts: <http://flathead.mt.gov/departments/downloads.png> Directions: open file GIS Web Downloads, then open file Downloadable Maps, then open file LegislativeDistricts, then open file Precincts, then open file of desired Precinct ## map. This link (same as above) shows the "Lakeside Neighborhood Plan Final Adopted Version": <http://flathead.mt.gov/departments/downloads.php> Directions: open file Planning and Zonings Web Downloads, then open file Neighborhood Plans, then open file Lakeside NPFV; Chapter 2- listed as page 9 in the table of contents = physical page 24 is the "Lakeside Community Boundaries." The web link below details Community Council Election calendar/ procedure guidelines: <http://www.flathead.mt.gov/election/documents/2012FIRECALENDAR.pdf>

From the Election Dept. Website:

**2012 SPECIAL DISTRICTS ELECTION CALENDAR  
(FIRE DISTRICTS AND COMMUNITY COUNCIL ELECTIONS)**

**8:00 a.m. DEC 27, 2011 START OF FILING**--each candidate will need to file a petition of nomination signed by at least five electors of the district, an affidavit of person circulating and gathering the signatures of the petition AND an Oath of Candidacy

**5:00 p.m. FEB 23, 2012 CLOSE OF FILING!** Last day to return petitions of nomination, affidavits and oaths of candidacy. Petitions must have five valid signatures. **Last day to withdraw for candidacy.13-14-113**

**5:00 p.m. APRIL 9 REGULAR VOTER REGISTRATION CLOSSES** for fire and special district elections. 13-2-301

**MAY 8 ELECTION DAY!**

**MAY 15, tentative** Official canvass of returns by the County Canvassing Board, 7 days after election, start at 8:30 am

Election supplies and ballots will be furnished and printed by the Election Department. We will once again be conducting Fire District Elections as vote by mail elections.

ALL QUALIFIED PETITIONS OF NOMINATION will be **filed** upon receipt of them in this office. Section 7-33-2106(4) of the MCA 2011 allows that: If the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304 MCA.

DECLARATION OF INTENT FOR WRITE-IN CANDIDATES (13-10-211 MCA) (1) and (3) A person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. In this case, the declaration of intent must be filed with the election administrator, the declaration must be filed no later than 5 p.m. on the 26<sup>th</sup> day before the election (April 12, 2012).

If an election is not held, the county governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position. **If a nomination is not made for one or more trustee offices, the county governing body shall appoint one or more trustees as necessary to fill those offices.** A trustee taking office pursuant to this subsection serves the trustee term of office as if that trustee had been elected.

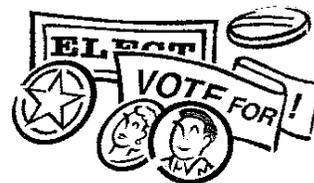
**PLEASE VERIFY YOUR BOARD MEMBERS FROM THE ENCLOSED LIST.**

Contact this office **IMMEDIATELY** if any discrepancies are found. Please feel free to copy filing forms, remembering that each candidate must file all three forms. Filing forms are also available on the Election Department's website – <http://flathead.mt.gov/election>

Contact information:

**FLATHEAD COUNTY ELECTION DEPARTMENT  
800 S MAIN – Room 115  
KALISPELL, MT 59901**

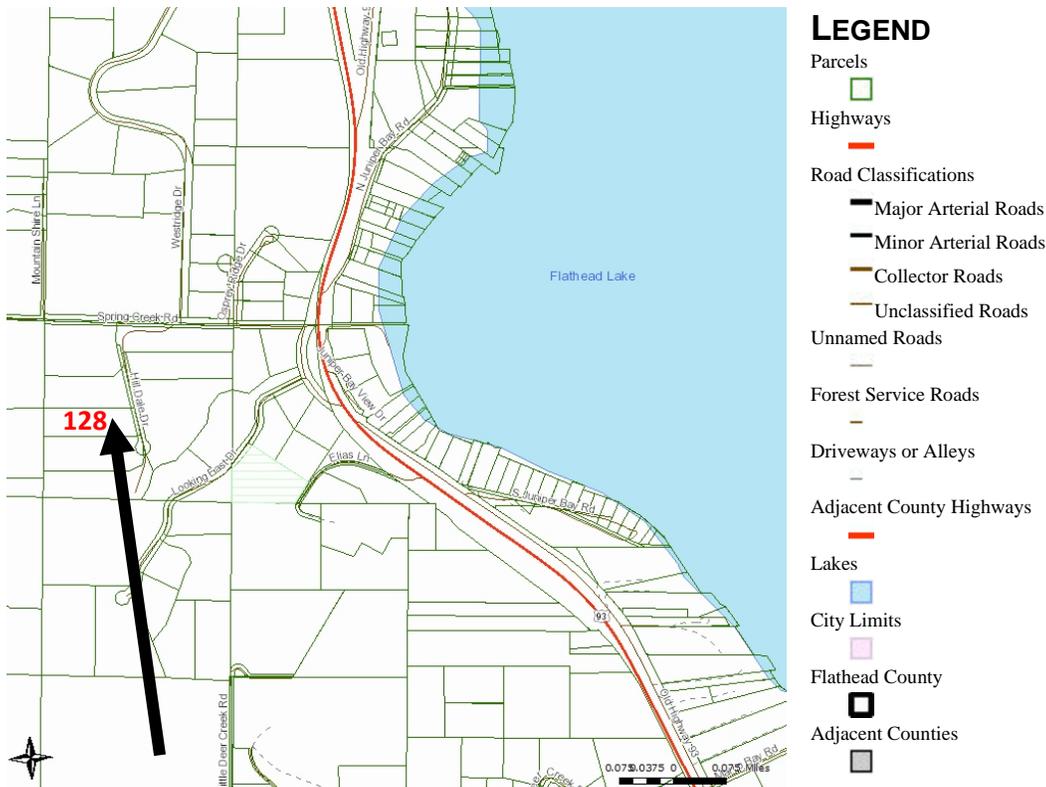
PHONE: 758-5535 OR 758-5536  
FAX: 758-5877



11/18/2011

PRECINCT	POLLING FACILITY	PHYSICAL ADDRESS
1,2,3,4,25,32,41,50	Expo Building	265 N Meridian-Kalispell
6,30*,34*	County Fair Kitchen	265 N Meridian-Kalispell
7	US Army Reserve Center	2989 US Hwy 93 N-Kalispell
8	Deer Park School	2105 Middle Rd-Col Falls
11	Cayuse Prairie School	897 Lake Blaine Rd-Kalispell
13, 24(Lakeside addresses only)	Lakeside School Gym	255 Adams St-Lakeside
14	Martin City QRU	320 Central Ave. -Martin City
16	Columbia Falls City Council Room	130 6th St W Room A - Col Falls
17	West Glacier School	160 Old River Bridge Rd-W Glacier
17*	Halfway Restaurant	14840 US Highway 2 E - Essex
19	New Covenant Fellowship	436 Birch Grove -Kalispell
20, 47	Whitefish Senior Center	121 2nd St E - Whitefish
21, 35	Columbia Falls High School	610 13th St W- Columbia Falls
21*	Columbia Falls Fire Department	130 6th St W Room A- Col Falls
24 (Kila addresses only)	Kila Country Church	190 Cottage Ln-Kila
26	Marion Fire and Auxiliary	180 Gopher Ln-Marion
26*	Pleasant Valley School	7975 Pleasant Valley Rd
29	Somers School Gym	315 School Addition Rd
33, 34	Central Bible Church	902 1st Ave E
36	West Valley School	2290 Farm to Market Rd
38	Bethany Lutheran Church	8559 Montana 35-Bigfork
39	Olney Fire Hall	11 Olney Loop Rd-Olney
42	Swan River School	1205 Swan Hwy-Bigfork
43	Fair-Mont-Egan School	797 Fairmont Rd-Kalispell
44, 46	First Baptist Church	6232 US Hwy 93 S-Whitefish
45	Moose Home	230 W 10th St-Whitefish
48	Whitefish City - Armory	305 Armory Rd-Whitefish
49	United Methodist Church	1150 Wisconsin Ave-Whitefish
89	Smith Valley School	2901 US Hwy 2 W-Kalispell

which precincts ~~are~~ vote for LCC?



**From Flathead County GIS System:**

Tract ID:2721X34-HD1-3

Assrno: 053059

Geocode: 07383434402050000

Owners: James E Clark; Barbara Ann Hartwell

Physical Address: 128 Hill Dale Drive; Somers, MT 599329723

Mailing Address: P.O.Box 842; Lakeside, MT 599220842

**From the revised 2010 Lakeside Neighborhood Plan:**

## Chapter 2 Lakeside Community Boundaries

The planning boundaries in the 1994 Plan have not been altered in this revision (see Figure 2-1). These boundaries (from Lake County line to Spring Creek Rd., and from lake front to approximately the USFS boundaries), roughly correspond to the Postal ZIP code 59922. Some areas just south of Spring Creek Road are actually serviced by the Somers Postal ZIP code, 59932. Lakeside Community boundaries also roughly coincide with the US Census Bureau’s Lakeside Census Demographic Profile (CDP) used in the 2000 Census.

Some parts of the planning area are zoned. Zoning districts, in effect at the time this plan is adopted by the county, remain unaffected by this plan. However, the plan does recommend new zoning efforts for areas currently unzoned and does recommend re-evaluation of the downtown zoning district. The map below depicts the community boundaries as well as areas of existing zoning within the planning boundaries.

# LAKESIDE ZONING DISTRICTS

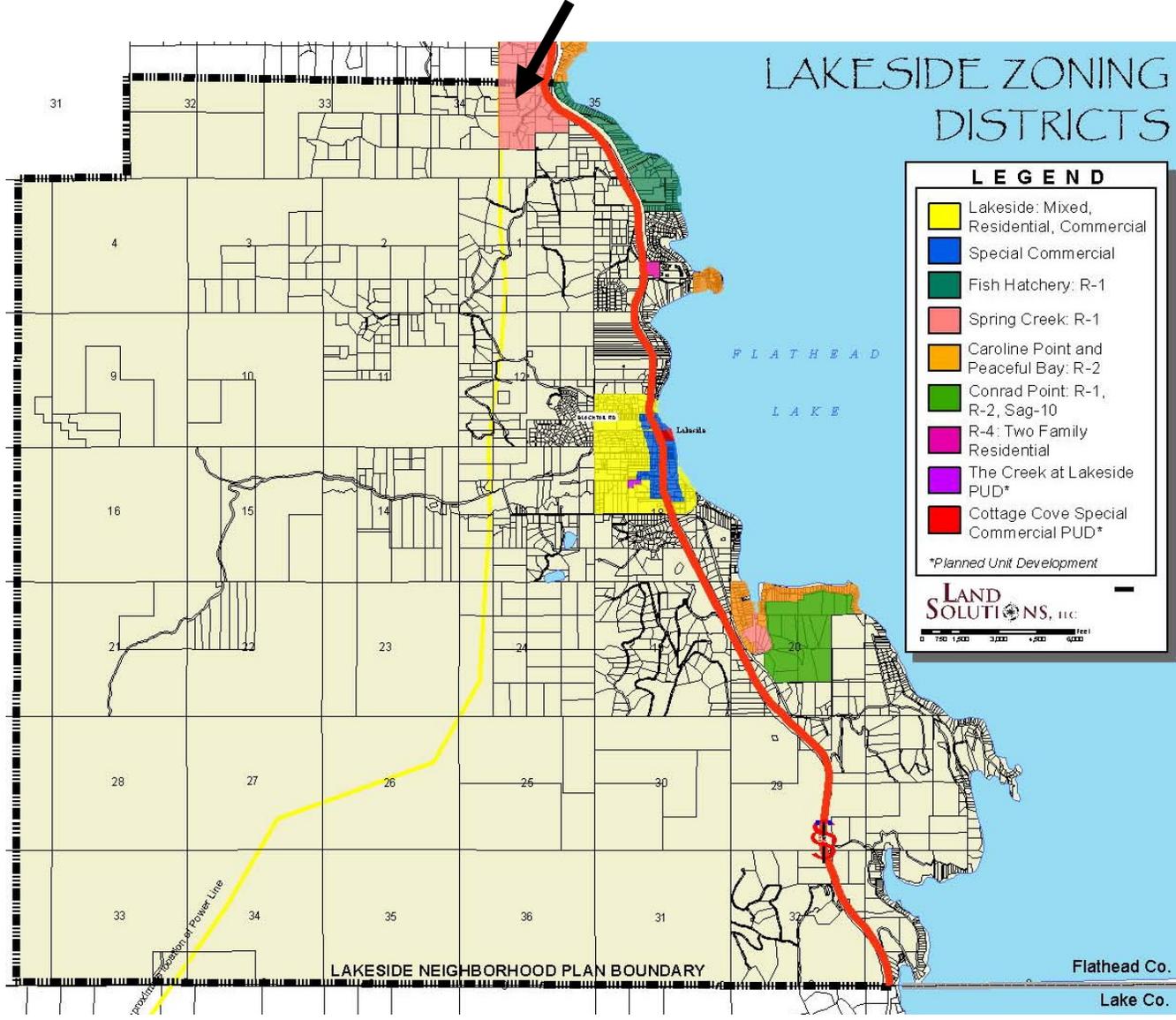
**LEGEND**

- Lakeside: Mixed, Residential, Commercial
- Special Commercial
- Fish Hatchery: R-1
- Spring Creek: R-1
- Caroline Point and Peaceful Bay: R-2
- Conrad Point: R-1, R-2, Sag-10
- R-4: Two Family Residential
- The Creek at Lakeside PUD\*
- Cottage Cove Special Commercial PUD\*

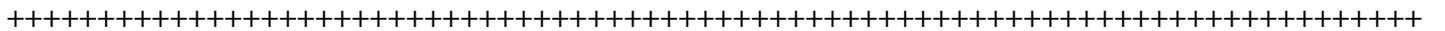
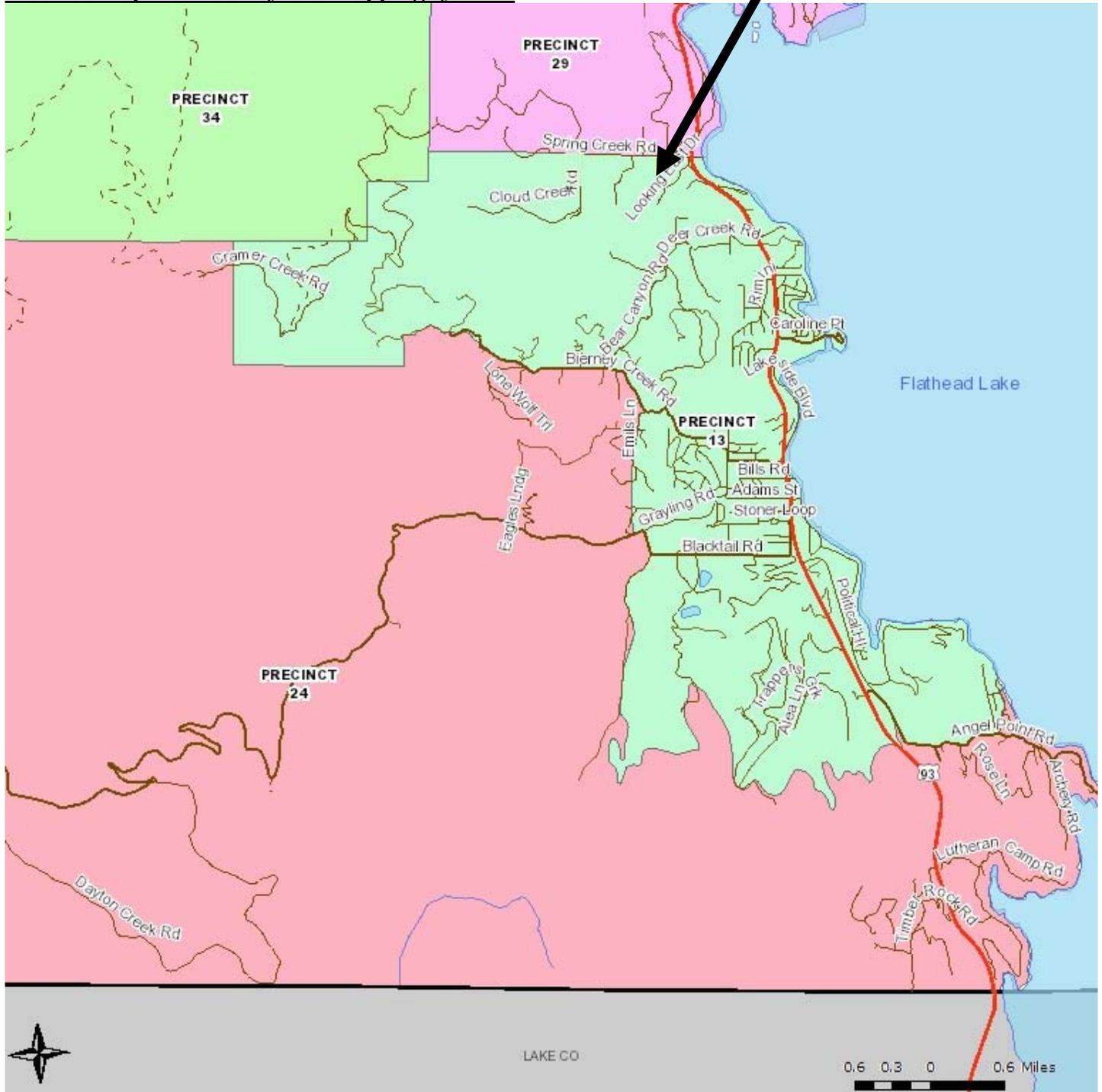
\*Planned Unit Development

**LAND SOLUTIONS, LLC**

0 150 300 450 600 feet



Precinct Map from county GIS mapping system: 128 Hill Dale Dr. in Precinct 13



**Submitted by Jim Clark:**

## Lakeside boundary Concerns

### **Lakeside Boundaries as of 1994**

#### **Location of information**

Page 2 Paragraph C Line1 of the plan.

#### **Description of boundary**

Neighborhood Boundaries of the planning area are flexible, but initially for convenience correspond to the Postal ZIP code 59922(Lake County line to Spring Creek, Lakefront to USFS boundary).

#### **Spring Creek Road**

This road is not mentioned in the description of the neighborhood boundaries. Spring Creek Road is not mentioned in the 1994 Neighborhood plan at all.

#### **Boundary moving**

While it is acceptable to move the boundary this has been done in a secrete fashion with no input from the people that are being forced into the neighborhood. It is legal to change the boundary as noted in this document and in the County Growth Policy that was created later. The problem is that if the boundary change increased the size of the neighborhood then the Neighborhood plan document could not be revised. A new neighborhood Plan needed to replace the old on.

#### **Results.**

The boundary description in the 1994 never mentions Spring Creek Road. Therefore there is no reason to believe that Spring Creek Road was the northern boundary of Lakeside when it was established in 1994.

### **Lakeside Boundaries as of 2010**

#### **Location of information**

Page 9 Chapter 2 first paragraph and the first 3 lines of the paragraph

#### **Description of boundary**

The planning boundaries in the 1994 plan have not been altered in this revision. These boundaries (from Lake County Line to Spring Creek Rd., and from lake front to approximately the USFS boundaries), roughly correspond to US Postal ZIP code 59922. These two sentence contradict each other. If the boundaries in the 1994 plan are the same as those in the 2010 plan the wording should be the same.

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The first sentence in the paragraph above is a nice idea but in fact the boundary was moved from US Postal Zip Code 59922 to Spring Creek Road.

## **Spring Creek Road**

Spring Creek was replaced by Spring Creek Road in the revised version of the Neighborhood plan. This moved the reference approximately 1 mile to the north. This change is minor as long as it is being used as a reference in locating the actual boundary which is U.S. Postal Zip code 59922. If the boundary is change to Spring Creek Road instead of U.S. Postal Zip Code 59922.

## **Boundary moving**

The boundary has been moved. The north portion of the boundary has been relocated approximately 1 mile north to the location being used in the 2010 Neighborhood Plan. The result is approximately a 16% increase in the size of lakeside. This increase in size should require a new neighborhood plan not a revised plan.

## **Voting and Survey**

### **Voting**

Myself and my neighbors are not allowed to vote for the community council.

### **Survey**

Myself and my neighbors were not mailed the surveys that have been discussed as being so meaningful.

There is only statement that the information in the plan has any value. The public has no idea the number or responses to any item that was graphed in chapter 3. Since including the request for including the number of responses for each item was denied by the committee I can only think they were trying to hide the number of responses to make the graphs look more important than they are.

## **Reasons for Challenge**

### **Voting**

I'm not allowed to vote for the community council positions

I was not allowed to vote on the survey nor was my neighbors.

### **Control of the people**

#### **Cost imposed on Spring Creek zoning district.**

The Lakeside Community council cost the good people with property in the spring creek zoning district approximately \$10,000.00 in time and money and a delay of 45 days getting to the planning board. The meeting spent most of it time discussing the appropriateness of removing Osprey Ridge

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property from the zoning district. The only people at the meeting that knew the location of Lakeside's northern boundary (This assumes that Spring Creek Road is the boundary.) was the Lakeside community council. They could have stopped the entire reason for the meeting by stating that since Osprey Ridge was north of Spring Creek Road it was not in the jurisdiction and therefore Lakeside had no opinion on having the property excluded from the zoning district. That would also lead some credence to the idea that Lakeside's northern boundary went to Spring Creek Road.

They could have also provided a letter supporting zoning and a statement that they had no reason to oppose the citizens south of Spring Creek Road being a member of the zoning district. All of this could and should have been provided with the cost to Spring Creek Zoning District and the delay in getting the request to the planning board and the County Commissioners for consideration.

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**Approved, amended letter to the editor to publicize the expiring Council seats:**

**THE LAKESIDE COMMUNITY COUNCIL NEEDS YOU!**

On May 31, 2012, the terms of two elected members of the Lakeside Community Council will expire. The Lakeside Community Council is asking for Lakeside residents interested in serving a 3-year term on the Community Council beginning June 1, 2012, to please step forward. **Lakeside needs YOU!!**

The Council represents the community of Lakeside with opportunities to review applications for development, subdivision, zoning, variances, etc., affecting our planning area. The boundaries of the Lakeside planning area are: Spring Creek Road to the north; Lake County boundary to the south; Flathead Lake to the east; and approximately to the US Forest Service Lands to the west. The Council makes recommendations to the County Commissioners on these applications, based on information supplied by the Flathead County Planning and Zoning Department. The Council is also accountable to facilitate communications within the community and with those who govern Lakeside infrastructures, such as the Sewer and Water Districts, Somers Rural Fire District, the Upper West Shore QRU, and the Lakeside school. The Council meets once per month on the last Tuesday of every month, at 7:00pm in the Lakeside Sewer District Building on Bierney Creek Road in Lakeside. All meetings are open to the public and comments, suggestions, or questions are welcome and encouraged.

These elected positions are filled following processes set forth in Montana state law and in Flathead County Election Department procedures. The election is scheduled for May 8, 2012 and will be conducted as a "vote by mail" Fire District Election. Registered voters within Precinct 13 or with Lakeside addresses in Precinct 24 should be mailed ballots. To validate your inclusion in the mailing of ballots, contact the Election Department no later than April 9, 2012, which is the deadline for voter registration.

Candidates for Council positions must be registered voters within the planning area boundaries. To apply for nomination and put their name officially on the election ballot, a candidate, including incumbents who may desire to serve another term, must complete a **Declaration of Nomination** and a **Petition of Nomination**, supplying all information requested and must have at least 5 people sign an **Affidavit of Signature Gatherer** form. These candidacy forms must be filed no later than **5:00pm on Thursday, February 23, 2012.**

Those who sign the Affidavit must give their local physical address and be registered voters in the Lakeside planning area. The Election Department will verify that persons signing the Affidavit are registered voters when the candidate files the forms with the Election Department. It's advisable that candidates get more than

5 signatures in case some are not registered voters. These forms can be found on the Election Department's website: [http://flathead.mt.gov/election/filing\\_dates.php](http://flathead.mt.gov/election/filing_dates.php) . Find a copy of the Council's By-Laws at <http://lakesideplan2008.com/> .

Since there are two seats opening, an election will be held if there are more than two candidates filing valid election forms by February 23, 2012. If only two candidates file, no election will be held and the two candidates will fill the open seats. If none or only one candidate files, any positions left open will be appointed by the County Commissioners for the full 3-year term of the vacant seats.

Let's take accountability for our own community and elect our own Council members! Please step up and file your candidacy. Should you have any questions about the scope of the Council or its procedures, please contact Council Chairperson Keith Brown at cell 406-270-6530 or email address [keithbrown@gmail.com](mailto:keithbrown@gmail.com) or email address [lakesidecommunitycouncil@bresnan.net](mailto:lakesidecommunitycouncil@bresnan.net) .

THE LAKESIDE COMMUNITY COUNCIL