

Flathead County Weed/Parks/Recreation
MINUTES
Board of Directors
Meeting Date: November 7, 2011

Members of the Board in attendance:

Elise Robocker, Jim Buechle, Clyde Fisher, Ray Sanders

Members of the Board not in attendance:

Jim Watson.

Also in attendance:

Jed Fisher, Superintendent; Gordon Jewett, Assistant Superintendent; and Michele Haarr, Clerk

Others Present:

Todd Garrett – Fish Wildlife & Parks
Evan Carter – Flathead County Weed Department
Jennifer Drew – Lakeside Advisory Committee
Gail Watson Fulsas – Herron/Foys Advisory Committee
Skip Gilmore – Bigfork Advisory Committee
Cliff Kipp – Foys to Blacktail Trails
Kent Landon - Citizen
Steve Robinson – Flathead County Weed Department
Bob Tuman – Flathead County Recreation Department
Jim Vashro – Fish, Wildlife & Parks
Elaine Wilson – Lakeside Advisory Committee
Andy Young – Bigfork Advisory Committee

Call to Order

A regular meeting of the Board of Directors, Flathead County Weed, Parks & Recreation, was held in the conference room at 311 FFA Drive, Kalispell, Montana, on November 7, 2011. The meeting convened at 8:31 AM, Chairman Sanders presiding.

Approval of Minutes

Minutes of the October 3, 2011 meetings of the Flathead County Weed, Parks & Recreation Board of Directors were distributed to the members of the Board.

Jim Buechle made a motion to approve the October 3, 2011 minutes.

Clyde Fisher seconded the motion.

There being no further discussion ~ and all in favor, the minutes were approved.

Public Comment

Dogs off leash in Herron Park – Mr. Kent Landon, a long distance runner, appeared before the Board to express his disappointment with the leash law. He is there almost daily during his off season and has never seen a dog issue. Mr. Landon expressed a desire to see an area dedicated to leash fee dogs. Gordon Jewett, Assistant Superintendent, and Jed Fisher, Superintendent, explained that the leash regulation is a county-wide

requirement in effect for public safety. Mr. Fisher indicated that boundary signs will be posted so that County property will be clearly delineated.

Recreation Update – Bob Tuman

Bob Tuman reported a good year for all sports activities. The Conrad Complex is open Monday and Wednesday only, and the concession stand has been closed for the season. Youth programs are down 1-2 % mainly due to overlapping City programs. Mr. Tuman indicated a benefit of the County programs is that both recreation supervisors actively participate and there are programming options beyond the normal 8am -5pm workday. The current challenge is to get sufficient gym space for all teams. Mr. Tuman commented that since posting the “No Dogs” signs, the dog issues have reduced.

GNC & Famous Dave’s are new team sponsors, along with Jackson Hewitt and Coca Cola for a combined total \$1,225.

Fall Softball – \$6,300 revenue, 16 teams

Women’s Basketball – \$3,000 revenue

Men’s Basketball – \$5,000 revenue, 20 teams during fall. Winter league will have a record of 20 – 25 teams, with approximately \$8,000 revenue.

Adult Flag Football – \$8,500 revenue – \$1,500 goes toward lease fees.

Youth Flag Football –\$10,675 revenue

With less than 2 years left on the Complex lease, lease renewal will be discussed during the winter season. Tuman indicated that Flathead Valley Community College is using the Complex for intramural football and softball. They may be a viable future partner for a gym.

Aquatic Invasive Species Work Group – Caryn Miske

Caryn Miske had not arrived at this point during the meeting.

Weed Law Revisions – Attorneys Peter Steele and Cort Jensen

It was too early in the meeting for the scheduled 9am telephone call to Attorney Cort Jensen, so this topic was delayed.

Fish, Wildlife & Parks Report – Jim Vashro

Jim Vashro introduced Todd Garrett, the new FWP Regional Fishing Access Site Manager. Mr. Garrett reported that Lake Five fishing access is now open for operation. The public has been using the site, which is the 1st public access on the lake. There are plans to install a host pad to keep tabs on the site.

FWP has continued to work with the Weaver family and have signed a Public Lands Fishing Access Agreement and it is hoped to ultimately move this site into Department ownership. A porta-potty is provided at this location.

Old Steel Bridge Access –The Confederated Salish & Kootenai Tribes purchased approximately 150 acres adjacent to the Old Steel Bridge and has allowed this to be open for public access.

The Department of Natural Resources and the Forest Service has acquired 15,000 acres of Plum Creek land in the Swan. The north half is owned by the Department of Natural Resources, approximately 7,500 acres, and the

south half is owned by the Forest Service. The land continues to be used for timber and grazing, and has public access.

Pine Grove Pond, Kalispell – This well used area is just closing, having enjoyed an average of 70-100 people on weekends. Handicapped access will be worked on this year.

Beaver Lake – Eurasian Watermilfoil was recently discovered at the boat ramp, which was subsequently closed. The weeds were hand pulled with barriers laid down. Superintendent Jed Fisher reported that staff members have been to the site a few times to collect fragments from the original work and also found a separate area of infestation. The Weed Department will continue conversation and coordination the FWP as we move forward. It is hoped that this popular ice fishing site will be open soon with buoys marking the infestation areas.

There was discussion regarding having an inspection station, however it is hard to justify a local coordinator for 1 – 2 boats per day. There is an inspection station south of Ronan that handles up to 100 vehicles/boats per day.

Weed Law Revisions – Attorneys Peter Steele and Cort Jensen

The 9:00AM telephone call was placed to Cort Jensen, the Chief Attorney for the Department of Agriculture. A copy of a flow chart illustrating the weed law process prepared by Peter Steele was distributed to the Board – see **Attachment A**. Mr. Jensen gave the background for the revisions in the weed laws effective October 1, 2011 – MCA 7-22-2123 and 7-22-2124. While it was initially the intent to clarify and simplify the law, the current modification took a very different direction, with several large landowner groups weighing in. After 12 drafts in an attempt to balance the needs of both groups, the process took a different direction, and the new law is in effect for 2 years. The concern of the large landowner groups is illegal takings and possible trespassing. In particular, the Stockgrowers and the Cattlemen want court orders all of the time.

Jensen stated that *if* the Weed District wants a civil penalty, they *have* to go before a judge. This is supposed to be optional. It was recognized that in most cases, the District does not need to enter the landowner's property, but can visually verify the existence of noxious weeds. A court order would need to be obtained prior to entering a property.

Jensen would like to see an estimate of the costs added to the Weed District's enforcement letters. He clarified that the 10 day notice is 10 calendar days.

Peter Steele asked about any discussion on how to obtain a court order. Jensen replied probable cause or proof of notice to do spraying. Jensen reiterated that the Weed District may or may choose not to obtain a court order to reflect legislative intent. A management plan may be submitted as a good faith effort. Mr. Steele requested that the Invasive Plant Management form currently used by the Weed District be forwarded for his review.

The law allows for a lien, or a civil fine. The County Commission approves the fine upon review of the basis and calculation for the fine.

Superintendent Fisher suggested and it was agreed by the Board to enter the names of non-compliant landowner(s) into the minutes.

GPS Mapping Update

This topic was delayed so that County Attorney Peter Steele could update the Board regarding the Church Slough Lawsuit.

Update on Church Slough & Discussion of Court Ruling

County Attorney Peter Steele reported that due to a difference of opinion in managing the Church Slough lawsuit, the County has opted to discontinue MACo representation and has hired Angie Jacobs of Hammer, Hewitt, Jacobs & Floch, a reputable firm with experience in land use cases. The County has put in a motion to continue and has not heard back. The court date is currently scheduled for the beginning of January and if the County is not granted a continuance County Attorney Tara Fugina will be our representation.

Signs have been placed at the launch limiting use to boats 16' and under. There are no installed barriers because an agreement could not be reached on width. Spot checks at Church Slough now indicate 1 – 2 users at any given time. Duck hunters are currently accessing the Slough, and ice fishing occurs there during the winter months.

Aquatic Invasive Species Work Group – Caryn Miske

Due to Caryn Miske's absence, Superintendent Jed Fisher advised the Board that the Weed District was first notified of the presence of Eurasian Watermilfoil by the AIS Workgroup. This group is working in conjunction with Eric Hansen, a former employee of the Department of Agriculture. Ms. Miske appeared before the County Commission approximately 2 years ago to request 5k for Mr. Hansen to continue his work with aquatic weeds. The request was denied, although Lincoln, Lake and Sanders Counties have all participated. Subsequently, Larry Van Rinsum contributed the 5K from the local soil conservation district.

The Whitefish Lake Institute, the Aquatic Invasive Species Workgroup and the Flathead County Weed District plan to continue to work on funding and monitoring of lakes during the next fiscal year, with the goal of early detection. Superintendent Fisher reported that the Weed District just spent \$2,600 on the Beaver Lake project, which we are trying to recoup through a grant.

There was discussion regarding the feasibility of stopping continued growth of the aquatic noxious weeds. Jim Buechle suggested tabling the discussion in order to do more research. Fisher suggested working with FWP on a press release.

GPS Mapping Update

Evan Carter of the Flathead County Weed District reported that the department is continuing to work with CartoPac on the spray reports. Tansy Ragwort mapping was performed at Star Meadows last Thursday and Friday and seemed to work fine. The data will be sent to the Forest Service who will add it to grant presentation materials. Assistant Superintendent Gordon Jewett stated that the department is working cooperatively with the Forest Service on the Tansy project.

Bigfork Advisory Report

Skip Gilmore reported the last meeting was two weeks ago. Plans for the upcoming year are under discussion and will continue at the November meeting. The majority of the sporting activities at Carlyle Johnson have been concluded.

Foys/Herron Advisory Report

Andy Young reported weed spraying went off as planned and it sounds like everything is on track between the Weed Department and Foys to Blacktail Trails.

Foys Lake Improved Access Design – Liz Mackman has been in regular contact with Planning & Zoning and can help move the project forward if needed.

Herron Park Culvert Crossing at Birch Creek – The creek is overflowing and channeling out in numerous locations. An alternate road to the sled hill is recommended through gate 1 and along the ridge.

Assistant Superintendent Gordon Jewett reported that he and Greg Iverson of the Road & Bridge Department met onsite to review the situation. They walked the entire creek and sent in a culvert cleaner. In addition, staff went in with hip waders to be sure there is clear flow. It was determined that adding a culvert won't solve this concern because the water will likely push out in another location. The plan is to operate through Gate 1 and plow out to the hill. This road will be back bladed and the ruts will be filled in.

Foys to Blacktail Trails Report

Cliff Kipp reported that by November 1st the group had hoped to close on the purchase of an additional 60 acres to add to Herron Park. This has not occurred due to wording in the agreement regarding taxes. It is anticipated that the closing will take place within the next month.

Mr. Kipp offered to assist with mapping or any other effort as needed. Chairman Ray Sanders reported that he toured the area with Liz Seabaugh and was very impressed with the trail design and work. People are distributed well throughout the area and the views are clear.

Lakeside Advisory Report

Tamara Tanberg expressed her appreciation for the parks in Lakeside. She requested permission to work with groups who are interested in helping with garbage pickup. Superintendent Jed Fisher responded that this would be welcome and requires a training session reviewing proper lifting and safety techniques. The training session could take place on site. The use of power tools is prohibited.

A public comment period is underway for a flashing light at Adams Street in Lakeside, adjacent to Volunteer Park.

Ms. Tanberg reported that the Lake Somers Voice posted a notice from the Lakeside Parks Advisory Committee that expressed appreciation for a great season in the County's new and newly-improved parks. Jennifer Drew requested winter use of the vaulted bathroom for storage of tennis nets.

Middle Forks Advisory Committee

There was no one present.

Kila Park Site Plan

Superintendent Jed Fisher distributed a site plan for Kila Park – **see Attachment B**. This Board has previously approved \$4,000 of capital improvement funds toward the project and Jeff Hutten continues to raise funds. The plan illustrates two curved paths running north and south along the east side of the highway. The longer natural pathway farther from the highway includes 3 interactive site stops, a picnic area and pavilion. The shorter path closer to the highway calls for a raised boardwalk. The existing bicycle path runs alongside the highway the entire length of the park.

There was discussion about the need versus the cost of a raised boardwalk.

Elise Robocker made a motion to proceed with expenditure of funds for construction of the longer pathway, then reevaluate the feasibility of a raised boardwalk.

Jim Buechle seconded the motion.

There being no discussion, and all in favor ~ the motion was carried.

Other Business

There was no other business.

Adjourn

Jim Buechle made a motion to adjourn the meeting at 10:10AM.

Clyde Fisher seconded the motion

There being no discussion, and all in favor ~ the motion was carried.

The time and place of the next regular meeting is Monday, December 5, 2011 at 8:30 AM in the conference room at 311 FFA Drive, Kalispell, Montana.