

MONDAY, FEBRUARY 3, 2003

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

Commissioner Gipe is to attend the Legislature in Helena

8:00 A.M. Weed and Parks Board Meeting at Weed and Parks Office

MEETING WITH COMMANDER KATHY FRAME AND LAURIE REBUCK RE: STORAGE/SECURITY AT JUVENILE DETENTION CENTER

Present at the February 3, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

This meeting did not take place.

DECISION RE: PRIVATE COUNSEL/FVCC ELECTION BOND

Present at the February 3, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Commissioner Gipe participated via telephone from Helena, Jack Paulson, and Clerk Eggum.

Commissioner Gipe advised he had reviewed the minutes from the meeting of last week. He noted he has received numerous phone calls as well and they were running about nine to one in opposition for the use of tax money to fund a legal inquiry into the FBCC election bond.

Commissioner Hall advised that he has spoken with many different attorneys as to their opinion, read the relevant MCAs and has reviewed correspondence received relative to the matter. Through his research he discovered that the college is a political subdivision which is the same as a city like Columbia Falls or Whitefish or a fire district. He likened the present situation to a council person from Columbia Falls illegally taking money, and the county being involved in a lawsuit to correct that situation. He concluded the obviously the County would not be involved in such an action. Commissioner Hall continued, I think we would all agree that nothing was done maliciously with the election process. It was an educational process. The delaying of the election day was actually a voter advantage. Sending out the other 15,000 ballots was driven from not wanting to disenfranchise people who did not get an opportunity to vote. It was the college's call whether to redo the election or not. They chose not to. They sought a lot of counsel. They actually hired certified independent judges to oversee the election. The Attorney General's advice to us as Commissioners was that it would be their view that only a court could declare the election valid or invalid following the filing of an action as contemplated by the statute. Commissioner Hall concluded that no one acted maliciously or capriciously to do something wrong or illegal in this election process and he was not in favor of the County being involved in a lawsuit against the college.

Chairman Watne stated that it would be setting a precedent to fund such an action.

Commissioner Gipe made a **motion** to deny the request for the Commissioners to provide and pay for independent counsel to investigate the FVCC mail-ballot election. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF POSITION VACANCY REPLACEMENT: ANIMAL CENTER ATTENDANT/ANIMAL CONTROL

Present at the February 3, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Animal Control Director Richard Stockdale advising that Angela D'Addario has been terminated per county policy.

Commissioner Hall made a **motion** to approve the opening for an Animal Center Attendant on behalf of Animal Control. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PRELIMINARY PLAT: HILLBILLY HOLLOW

Present at the February 3, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Dawn Marquardt of Marquardt and Marquardt Surveying, Mike Wymer, Sharon Wymer, and Clerk Eggum.

Riley reported that this was an application by Matthew Wymer for a minor subdivision creating a two-lot residential subdivision. The property is located off of Evers Creek Road near Star Meadows Road approximately 15 miles northwest of Whitefish. The proposed subdivision contains 5.68 acres. Staff recommends approval of the Preliminary Plat subject to 13 conditions.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-01 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Marquardt stated that Evers Road was a Forest Service road so there was no need for a requirement for an approach permit. She requested Condition #10 be deleted.

Commissioner Hall made a **motion** to delete condition #10. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Preliminary Plat of Hillbilly Hollow Subdivision subject to 12 conditions as amended. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WILSON TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the February 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Smith stated that this appeared to be a substantive change. They are asking us to allow certain uses in zoning districts that are currently not allowed. Until the County adopts a growth policy, he advised that the Commissioners refrain from pursuing these types of changes.

Commissioner Hall made a **motion** to deny authorization of the Notice of Public Hearing until such time as the growth policy for the County is addressed. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PROPERTY RIGHTS SECTION TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the February 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Smith stated that in his opinion this change appears to be a substantive change. In addition Smith does not think these types of regulations belong in the zoning regulations and asked the Commissioners to refer to a memo he wrote explaining why.

Commissioner Hall made a **motion** to deny authorization of the Notice of Public Hearing. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HILL ZONE CHANGE/BIGFORK AREA ZONING DISTRICT

Present at the February 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Smith advised that this did not appear to be a substantive change. The property boundaries were not followed for the zone. It is one piece of property with two different zoning classifications. In the past the County has routinely made those changes.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Larry and Carole Hill to change the zoning designation from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial) within the Bigfork Zoning District.

The boundaries of the area proposed to be amended from SAG-10 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to a portion of the property from allowing a district designed to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, to allowing for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines.

The regulations defining the SAG-10 and I-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.

The public hearing will be held on the 18th day of February, 2003, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 3rd day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

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

Paula Robinson, Clerk

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

Publish on February 6 and February 13, 2003.

**EXHIBIT A
LARRY & CAROLE HILL
ZONE CHANGE/BIGFORK ZONING DISTRICT
LEGAL DESCRIPTION**

Location and Legal Description of Property

The property is located approximately 1000 feet west of Echo Lake Café on Highway 83 in Bigfork. The parcel is further described as Parcel B on Certificate of Survey No. 8197.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ESLICK ZONE CHANGE/BIGFORK AREA ZONING DISTRICT

Present at the February 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Smith advised that this did not appear to be a substantive change. The property boundaries were not followed for the zone. It is one piece of property with two different zoning classifications. In the past the County has routinely made those changes.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Paul Eslick to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business). It is the applicant's intention for the entire property to be zoned B-3.

The boundaries of the area proposed to be amended from SAG-5 to B-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to a portion of the property from a district designed to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, to an area allowing for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, and businesses intended to serve the general needs of the tourist and traveler.

The regulations defining the SAG-5 and B-3 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.

The public hearing will be held on the February 18, 2003, at 9:45 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 3rd day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

Publish on February 6, and February 13, 2002.

EXHIBIT A PAUL ESLICK ZONE CHANGE/BIGFORK ZONING DISTRICT LEGAL DESCRIPTIONS

Location and Legal Description of Property

The property is located on the intersection of the Swan Highway and Highway 35 (Streeter's Corner) in Bigfork. The property is further described as the West half of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, excepting therefrom that portion described in Deed to the State of Montana, recorded October 3, 1935 in Book 218, Page 539, records of Flathead County, Montana. Also excepting therefrom that portion described as follows: A tract of land situate, lying and being in the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, and more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 00°28'00" East, a distance of 270.98 feet to the Point of Beginning of the tract of land herein being described; thence North 89°32'00" East and parallel with the North boundary line of Section 27, a distance of 130.00 feet to a point; thence South 00°28'00" East, a distance of 140.00 feet to a point; thence South 89°32'00" West and being parallel with the Easterly boundary line of the tract of land herein being described, a distance of 140.00 feet to the Place of beginning. Also excepting therefrom Tract 1 and Tract 2 of Certificate of Survey No. 5767.

MEETING WITH DAN JOHNS RE: UNION NEGOTIATIONS

Present at the February 3, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Dan Johns, Deputy County Attorney Jonathan Smith, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Johns advised that Avery had requested he provide the Commissioners with an update relative to the union negotiations. Mediation is scheduled for the 18th on both contracts. With regard to the Road Department the union representative stated that they might agree if the issue of the 26¢ was given to the operators and spread it over the three years rather than put it into wages let them put it into the operator's pension fund retro to July 1 and the 2.8%. Johns recommended if that were acceptable a three-year contract be required.

It was agreed to meet again on Wednesday to finalize a proposal to take to the 18th meeting.

CONTINUATION OF MEETING WITH TOM JENTZ RE: WHITEFISH GROWTH POLICY

Present at the February 3, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Kim Fleming, Planning and Zoning Director Forrest Sanderson, Tom Sands of Sands Surveying, Tom Jentz, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Jentz acknowledged that the new growth policy is basically the old master plan. The maps have not changed. Jentz stated that the community has already said the council has indicated an interest to start looking at some of the land areas. He reiterated they are not doing that now with the new growth policy but they are desirous of sitting down with the planning board in March or April and really looking at the document in terms of where it is out of date. They would not be updating the whole document itself but looking at those areas that need changed but acknowledging that it could take a year to update.

Commissioner Hall expressed concern noting that Whitefish is a class two city now and the master plan is from when it was a class three. Because we are a signer on the document there is just a little hesitation and concern about the future of working with the city and the county together and with this master plan being in its present condition. We don't really have anything concrete that there is going to be an update that would help the county and the city do business together. The plan does not really reflect the current growth in and around Whitefish. Jentz acknowledged that there are some areas that are continuing to change around the Whitefish area. He stated they want something in place now to allow them to move forward because the process to amend the plan appropriately could take up to two years. Those types of amendments don't come before the city council or the County Commissioners until they are well worked out in the community. The last thing you want to do is have those public hearings aired out here. There are no winners at that point because it is just chaos. There is change going on in Whitefish. Commissioner Hall advised that he has heard maybe and probably but he wanted to hear yes they are going to make changes to the growth policy. Jentz responded that he has already told the council we were going to be there in February or March with the Planning Board to start the serious updating process and talked with the Planning Board Chairman about when they would hold those meeting because it is going to give rise to multiple issues throughout the area. It is going to effect land out in the county as much as it is going to effect land in the city. Commissioner Hall stated that the County's perspective is we want future cooperation and we really want to be able to work together.

Sands stated that they are working off of a document that is 10 years old. Adoption of the growth policy makes it east for the planning staff, councils and Planning Board of Whitefish to simply say no. It is not east to go into the neighborhoods. There is no reason that the City-county Planning Board of Whitefish should control the land four and one-half miles outside the City of Whitefish. The growth policy covers the master plan and the master plan goes out four and one-half miles. Hopefully the legislature will deal with the growth policy issue. Jentz responded that it is the City-county Planning Board that hears the issues. When it is outside the city limits, it is the county staff that takes it forward to the County Commissioners. If we do nothing today, the same document is in place it is just that we can do nothing with it. If McGee's bill passes, the same document is in place. The growth policy takes off the burden of the Attorney General's opinion. Who knows what the legislature might do.

Sanderson interjected what Tom is saying is true. I have gotten several phone calls from people out in rural areas expressing some concerns about the growth policy for Whitefish and the lack of change. Mike Jopek as the president of the Planning Board assured me that they are going to undertake updates recognizing that that is a lengthy process. If McGee's bill passes as I have seen it, it wouldn't change one thing on the master plan. It would require if you do a major amendment, you kick it out to a vote of the public. It does take time. Whitefish is growing and growing fast.

Commissioner Hall stated that we are a partner in this and that is why we are asking these types of questions. In your vision statement, you do state that you are planning on updating the growth policy and it will be an ongoing process. That is basically a trust issue and we have to believe that is going to happen and that we can anticipate those changes are coming.

Commissioner Hall made a **motion** to approve Resolution No. 1602. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1602

WHEREAS, the Whitefish City-County Planning Board has recommended that the Board of Commissioners and the Whitefish City Council revise the Whitefish City-County Master Plan by adopting a growth policy in compliance with the provisions of Section 76-1-601, M.C.A.; and

WHEREAS, the Board of Commissioners has reviewed the proposed growth policy for the Whitefish City-County Jurisdictional Area and agrees that the growth policy should be considered for adoption.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it intends to consider the adoption of the proposed growth policy for the Whitefish City-County Jurisdictional Area, as recommended by the Whitefish City-County Planning Board.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Flathead County will consider any written comments concerning the proposed growth policy which are received in the Board's Office prior to February 24, 2003, and will, after that date, consider whether to pass a final resolution adopting the growth policy.

DATED this 3rd day of February, 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/ Vickie M. Eggum
Vickie M. Eggum, Deputy

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

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 1602, dated February 3, 2003) to consider the adoption of the proposed growth policy for the Whitefish City-County Jurisdictional Area, as recommended by the Whitefish City-County Planning Board.

The proposed growth policy for the Whitefish City-County Jurisdictional Area is on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, where it may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed growth policy for the Whitefish City-County Jurisdictional Area, and will consider any written comments which are received in the Board's Office prior to February 24, 2003. The Board will consider whether to pass a final resolution adopting the proposed growth policy for the Whitefish City-County Jurisdictional Area after that date.

DATED this 3rd day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

Publish on February 6, 2003 and February 13, 2003.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the February 3, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Road Superintendent Charlie Johnson, and Clerk Eggum.

Johnson submitted a proposed resolution for enacting weight limits on county roads. It was noted that with the warmer temperatures the area is thawing.

Commissioner Hall made a **motion** to adopt Resolution #1603. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried unanimously.

Resolution No. 1603

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

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

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

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

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

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.
Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

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

<u>350</u>	<u>400</u>	<u>pounds per inch of tire.</u>
<u>350</u>	___	4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.
<u>350</u>	___	7th St. W in Whitefish from Karrow Ave to Baker Street. (Added 3-19-01)
<u>350</u>	___	Angel Point Road from Frontage road to end of road
<u>350</u>	___	Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
<u>350</u>	___	Antelope Trail from Highway 93 to Hodgson Road.
<u>350</u>	___	Auction Road from Highway 93 to the end of the road

350 — Bald Rock Road from Rhodes Draw to Church Drive
350 — Batavia Road from Highway 2 to Ashley Lake Road
350 — Beaver Lake Road from Hwy 93 N. to the end of the road.
350 — Belton Stage Road from Hwy 2 to Hwy 2.
350 — Bierney Creek Road from Hwy 93 to the end of the road.
350 — Big Horn Drive from Hwy 2 to Smith Lake Road. (Added 3-21-01)
350 — Birch Grove from Helena Flats to Whitefish Stage.
350 — Bitterroot Drive from Highway 2 to Pleasant Valley Road
400 — Blacktail Road from Highway 93 to the end of the road.
350 — Blanchard Lake Road from Hwy 93 to Karrow Ave.
350 — Boon Road from Highway 93 to end of road
350 — Brunner Road from Hwy 2 to S. Hilltop.
400 — Church Drive from Farm-to-Market to Bald Rock Road
400 — Church Drive from Highway 93 to Farm-to-Market Road
400 — Columbia Falls Stage and River Road from Highway 35 to Highway 2
350 — Creston Hatchery Road from Highway 35 to Lake Blaine Road
350 — Dillon Road for it's entire length.
400 — East Lakeshore from Big Mountain Road to the end of the road.
350 — Egan Slough Road from Hwy 35 to the end of the road.
350 — Elk Park Road from Hwy 206 to the end of the road.
350 — Fairmont Road south from Highway 35.
350 — Farm Road from Lower Valley to the end of the road.
400 — Farm-to-Market from Hwy 93 North, go south to Tally Lake Road intersection.
400 — FAS 486 (North Fork Road) from end of the oil, north to end of road
400 — Foothills Road from Lake Blaine Road to Echo Lake Road
350 — Gopher Lane from Highway 2 to Pleasant Valley Road
400 — Good Creek Road from American Timber entrance off of Highway 93 to the end of the road.
400 — Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north to end of the road.
350 — Grayling Road from Bierney Creek Rd. to Troutbeck Rd.
350 — Hanging Rock Drive from Highway 82 to Holt Drive.
350 — Helena Flats from Birch Grove to Hwy 35.
350 — Hodgson Road from Hwy 93 to Hwy 2.
350 — Hoffman Draw from Highway 2 to end of road
350 — Holt Drive the entire length of the road.
350 — Hubbart Dam Road from Highway 2 to Crossover Road
350 — Jellison Lane from Hwy 2 to Pioneer Road.
350 — J P Road for the entire length of the road.
350 — Karrow Ave. for the entire length of the road.
350 — Kelly Road from Hwy 93 S. to Willow Glen Drive.
350 — Kila Road for the entire length of the road.
350 — LaBrant Road for it's entire length.
400 — Lake Blaine Road from Highway 35 to Foothills Road
350 — Lake Five Road form Hwy 2 to the Belton Stage Road.
350 — Lost Prairie Road from Highway 2 to Pleasant Valley Road
400 — Lower Valley Road from Highway 93 to Highway 82
350 — Lupfer Road from Highway 93 to the end of the road.
350 — Managhan Lane from Highway 2 to Batavia Lane
350 — Marquardt Lane from Highway 2 to Kienas Road
350 — Martin Camp Road Highway 93 to the end of the road.
350 — McMannamy Draw from Farm-to-Market to end of road
350 — Monegan Road for the entire length of the road.
350 — North Somers Road for it's entire length.
350 — Olney Loop Road for the entire length of the road.
350 — Patrick Creek from Foys Canyon Road to end of road
350 — Pioneer Road from Hwy 2 to the end of the road.
350 — Pleasant Valley Road from Highway 2 to Lost Prairie Road
350 — Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)
400 — Rhodes Draw from Farm-to-Market to end of road
400 — Rocky Cliff Road from Highway 93 to Airport Road
350 — Rogers Lake Road from Highway 2 to Sickler Creek Road
350 — Rose Crossing from Whitefish Stage to Helena Flats.
350 — Schrade Road from Hwy 93 to Whitefish Stage Road
350 — Sickler Creek Road from Highway 2 to Rogers Lake Road. .
350 — Smith Lake Road from Whalebone Drive to Kila Road
350 — Snow Line Road from Highway 93 to the end of the road
350 — South Fork Road from Hwy 93 to Spotted Bear Road.
350 — South Hilltop Road from Hwy 2 to Jellison Road. (Added 3-21-01)
350 — South Woodland Dr. from Woodland Ave. to Kelly Road.
350 — Springcreek Road from Hwy 93 to the end of the road.(Lksd)
350 — Tamarack Creek Road from Hwy 93 N. to the end of the road.
350 — Tamarack Lane from 4th Ave NW to East Edgewood Drive.
350 — Thompson River Road from Highway 2 to County Line
350 — Timber Lane for the entire length of the road.
350 — Trumble Creek Road from Hodgson north to Highway 40
350 — Voerman Road for it's entire length.
350 — Walsh Road from Hwy 2 to South Hilltop Road. (Added 3-21-01)
350 — West Evergreen from Highway 2 to Whitefish Stage Road
350 — West Springcreek from Highway 2 to Three Mile Drive
350 — West Valley Road from Highway 2 to Four Mile Drive
400 — Whitefish Stage from Kalispell City Limits to Reserve
350 — Wiley Dike Road for it's entire length.

350 ____ Yoeman Hall from Hwy 206 E. to the end of the road.

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

BE IT FURTHER RESOLVED, that this resolution shall be effective February 3, 2003, and shall be in effect until load limits are removed by motion of this Board.

Dated this 3rd day of February, 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/ Vickie M. Eggum
Deputy

Johnson advised that a sand truck was wrecked on **Rogers Lake Road** because of the steepness and icy conditions of the road. He added that Rogers Lake Road and **Spoon Lake** road have a history of wrecking sand trucks. There are some roads that the County should close because they are too dangerous.

MEETING WITH MARC LIECHTI/SCHWARZ ENGINEERING RE: HAPPY VALLEY UTILITY EASEMENT

Present at the February 3, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Dawn Marquardt of Marquardt and Marquardt Surveying, Bob Stauffer of Schwarz Engineering, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Stauffer advised he was there to talk about placing water lines on the County right-of-way. Marquardt advised that the Health Department is requiring an easement from the Road Department for placing the lines in their right-of-way. Johnson concurred that the Health Department has requested an easement but he has advised the Health Department that he does not grant easements he authorizes the placement of utilities in the right-of-way through a permit process. Johnson noted he did not think he could legally grant an easement on an easement. Johnson advised he has spoken with Jerry Johnson and advised him of his position. Stauffer requested that the Commissioners together with Johnson prepare a letter to send to the Health Department explaining their inability to provide an easement and the permit is adequate for the Health Department to issue an approval. Stauffer requested that they state the County requires an approach permit prior to the installation of these lines as he has several other jobs in the same situation.

The Commissioners advised Johnson to prepare a letter and submit to them for signature.

Johnson expressed concern relative to the amount of utilities running down the easements for various reasons.

MEETING WITH BIERNEY CREEK ROAD RESIDENTS RE: ROAD CONCERNS

Present at the February 3, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, James Fenchak, and Barbara Fenchak, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Fenchak advised that they in the trailer on the corner. In the past they have had water under their trailer in addition to other property owners in the area having water in their basements. Those water problems have since been resolved. Someone has purchased the lot behind the Fenchaks and they are concerned if their driveway is installed incorrectly utilizing the county right-of-way that they will end up with water problems like they used to experience. Johnson advised he has received a request for a permit to move a house onto what he is assuming is that property but is refusing to sign the permit until he can talk to the landowners but has been unable to locate them. The Commissioners viewed a map with the Fenchak of the surrounding property. Discussion was held relative to who owned what properties. The Fenchaks stated they would try to locate the name of the legal owner of the property and provide the same to Johnson.

The Fenchaks asked Johnson to assist them in abandoning that portion of the county road. Johnson advised they would need to follow the petition process and approval could only be granted by the Commissioners.

MEETING WITH JOHN KIDWELL RE: MANAGHAN LANE AND DANIELSON ROAD

Present at the February 3, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Road and Bridge Superintendent Charlie Johnson, John Kidwell, Sharon Kidwell, Matt Burg, Pam Burg, Bob McWhorter, Judy McWhorter, Rick Johnson, Sandy Glazier, and Clerk Eggum.

McWhorter expressed concern relative to the deep ruts created by the trucks driving on **Managhan**. Johnson responded that he was not able to control trucks driving on the road unless he puts weight limits on the roads.

Burg expressed concern with the type of material Johnson was using on Managhan and the need to put gravel on the road. Johnson advised that they had started preparing Managhan for paving last fall but did not complete the project before winter hit. He stated the type of rock material he utilized on the road was what the County uses to subgrade all of the roads. Kidwell stated his background was in construction and the County was wasting their money by not getting that job completed before winter and allowing cars to drive on the material that had been put down. The tires push the existing rock through the material. Asphalt won't bridge is the material is saturated causing the road to break up.

Kidwell expressed the present need to make Managhan passable until it could be paved. Managhan is the only access to Danielson. The road is so bad the school bus won't drive on it and he was sure an ambulance would attempt driving the road either. He reiterated McWhorter's comment that cars are dragging bottom because the ruts are so deep. Kidwell and Burg expressed dissatisfaction with the way in which Johnson was paving roads in the area. Johnson replied that he does not have the personnel to build roads and pave roads at the same time. He has expressed concern several times to the Commissioners a need to decide between maintaining roads and building roads. Kidwell requested an answer to making the road drivable today. Johnson advised that there is frozen ground underneath and thawed conditions on top and the water cannot penetrate that material. Commissioner Hall noted the road is a clay base but they are attempting to make the road better to accommodate the anticipated increase in traffic. Johnson advised he could haul gravel on the road but in time they will end up with the same ruts. McWhorter requested that weight limits be put on to help prevent the ruts. Kidwell stated that with the increase of traffic has to come an increase in maintenance. Judy McWhorter stated she hasn't seen maintenance on that road for 30 years. She advised Chairman Watne that when he was running for election he promised to fix the road. Chairman Watne responded that they were in the process of getting Managhan paved.

McWhorter stated that the hill on Danielson needs to be addressed as there are big rocks coming up out of that hill and drivers are not adhering to the road laws. She suggested that signs be put up advising drivers to keep to the right and to slow down. She also suggested that the big boulders be removed and filled with gravel. She noted the road cannot be graded adequately with the boulders sticking out of the road. Chairman Watne responded that it is impossible to hold gravel on the hill. McWhorter responded that the Commissioners or the Road Department allowed a road to be built straight up to the top of the hill and now all the water that runs off that hill runs right down the county road. Chairman Watne responded that the road has been there for quite some time. McWhorter retorted that we now have a large volume of traffic which makes the road inadequate. Johnson interjected that the road is also an inadequate width. Commissioner Hall stated that the issue of this road is compounded by the fact of the development at the end of the road adding that we probably wouldn't be sitting here today if it wasn't for that development. McWhorter agreed that they wouldn't.

Rick Johnson was speaking on behalf of the Summit Preparatory School. This is a college preparatory level high school for kids who are having difficulties in regular high schools and also having difficulties with their families. We are not taking court order kids. We are not taking kids from the juvenile justice system. We are actually trying to work with kids prior to them getting to that point. We will have the capacity for 64 students; 32 boys and 32 girls. Rick Johnson expressed concern as they anticipate having 40 employees together with parents and children needing a safe road to travel. He advised that the school spent \$10,000.00 for dust oiling the road last year. He stated that they anticipate truck travel on the road for the school to discontinue after May.

Kidwell stated he visited the school and it is really nice. They did a tremendous job. They are going to have three shifts which is going to result in an additional 1200 vehicle trips a day on that road. Maintenance for the road is going to take a beating. He stated he has heard rumors of a county road grader hitting one of those rocks. Johnson stated if the grader hits one of those rocks it does some damage. Kidwell advised he just spent \$130.00 to have his front end aligned. Sometimes you can't avoid the rocks when you meet a car coming the other way, you take the ditch, you take them head on or you take the rock and sometimes the rock is the least of the evils. Kidwell expressed concern not only for the staff but the children. Johnson stated we all agree the whole landscape of the neighborhood has changed by the school building on that road but the question is how are we going to deal with the improvements that are needed.

Burg advised she lives on Danielson Road and if the plan is to pave Managhan, Danielson needs to be attached to that paving project. There are only five families that live on Managhan.

Commissioner Hall reminded everyone that he spent five hours looking at roads all similar to Managhan and Danielson. Little subdivisions are going up everywhere which is increasing the traffic on roads that are too narrow and not adequate to handle additional traffic. We have a huge valley and an incredible amount of new development going on everywhere. We are trying to prioritize. We have money to pay three miles of road a year. Commissioner Hall emphasized his concern for their plight be noted we get people in here every week talking about their roads. Kidwell responded that the Commissioners should require developers that are making an impact on an area be required to mitigate the impact by paving the roads. Kidwell noted that Rick has probably spent 10 times the money it would take to pave that whole area. Commissioner Hall agreed with impact fees and advised they are looking at such fees in the legislature but he advised that at this time you cannot mandate such work without legal authority to do so.

Rick Johnson stated he would be willing to talk to his board about working with the County to help in paving the road. Chairman Watne stated that they would appreciate that effort. Commissioner Hall suggested that he invite Johnson in on those discussions.

McWhorter questioned the process to widen a road when the County has a 60' easement. Johnson responded that he is running into the same problem all over in the County estimating that 50% of the roads were off right-of-way some place. Nobody really surveyed the roads when they were built. He referred to Hoffman Draw where there is a house; a two car garage and a well all in the right-of-way. Johnson noted Managhan was a little bit closer than most roads but Danielson could very well be into people's yards on the curve. Kidwell claimed the Commissioners were well aware of eminent domain and could obtain right-of-way through that avenue. Johnson responded that he makes every effort to work with the people before going to that extreme. He was only noting the time involved in resolving the right-of-way issues when an effort is being made to improve a road. There are problems. In order to clean that right-of-way, all the trees are removed; the banks are cut out and people are not going to be happy because they are viewing it as the County on their property. I am going to come up and work on it for two weeks and get over to some place else. These are the issues we have to work out. Kidwell responded that in all the times he has done that very thing, survey the road and if an issue needs to be addressed, a team goes out there to the property owners. We got a couple of guys who are ironing out these details so whenever the iron hits the ground you are ready to hit it. Johnson responded that he is working on right-of-way issues all over the county constantly. Unfortunately with the County there is no team. Johnson is the only one staffed to handle such issues.

Burg questioned what the plan was for making these roads passable noting they are only going to get worse as we get into spring. We are taxpayers here. We are paying to have those roads passable. You have to do something. Don't turn the cheek and walk away. You have to do something to make the neighborhood passable. Commissioner Hall responded they were here because they were not turning a cheek. Commissioner Hall suggested rerouting the trucks to help keep the road in better shape. McWhorter advised that Managhan was being used both ways off Danielson. McWhorter stated the shoulders are so soft if you even step off a little bit too far you sink into the shoulder.

Chairman Watne asked whether the top material could be bermed off to get back towards the base. Johnson responded that the base is three inch rock and about 6% silt. That is what comes out of our Shepherder Pit. That is the only pit in that area to operate out of. It works well once it is laid down and compacted. The heavy truck traffic has caused a lot of the present problems. We need to get the heavy truck traffic off the road. Kidwell stated the trucks have an equal right to use the road. The needs to have crush hauled like was done on Danielson when it blew up. Johnson noted he hauled three inch onto to Danielson. Kidwell suggested Johnson get some rock and forget that dirt. Johnson was agreeable to such a plan but noted the minute County trucks start running across, the same problem that is being created by the trucks that are hauling to the school is going to result. That is going to pump that mud right up through that rock. Johnson advised he could haul the rock and get the road drivable but unless we decide to keep the truck traffic out of there and put the weight limits on the road it will not solve the problem. Johnson stated Managhan is not the only road suffering these types of problems. The Commissioners can decide whether they just want to put weight limits on Managhan or countywide. Johnson advised that it is to a point where it needs to be done throughout the county. Kidwell noted that it has been a spring-like winter so things are not normal anyway.

Rick Johnson reiterated that the heavy trucks should be finished by spring. Rick Johnson noted that the issue is the unsafe road.

Kidwell questioned what determines which roads are paved each year. Commissioner Hall responded that an evaluation process is conducted by the Commissioners with the Road Department. Kidwell questioned the reasoning behind paving Phanco last year. Commissioner Watne responded it was rebuilt longer than three years ago; it was done by traffic count and also that whole thing has been figured to be a phased in project. Everything coming out from Kalispell is what I have tried to do out there is bring everything out as we go and just keep working our way out. Kidwell then asked why they were skipping past Danielson to go out to Hoffman Draw? You have done Kienas, you skipped Marquardt, you are skipping Danielson and you are going out to Hoffman Draw. Johnson responded that a commitment was made to Hoffman Draw last summer. Hoffman Draw currently has 451 cars a day up Hoffman Draw. At the time that decision was made, the development on Danielson had not occurred. Once you get committed to these projects, do we go back and pull them off the list? Kidwell responded that yes you should if a road has more traffic. Johnson responded that Hoffman Draw is in the top 10. What is happening to Managhan and Danielson is actually moving those roads up the ladder past other projects because of the increased traffic.

Kidwell questioned whether Hoffman Draw was a school bus route and whether the developer building on top of Hoffman Draw was contributing to paving the road. Johnson responded no. Kidwell urged for safety reasons to put more than just a band aid on Danielson. Johnson advised that he has been in communication since last summer trying to resolve the problems. Kidwell advised Johnson to tell the developer on Hoffman Draw that unless he is going to contribute to the paving project Hoffman Draw was not going to get paved. Johnson replied that that developer has nothing to do with why that road is getting paved. Most of the traffic from that development will come out on Vonderheide. The residents on Vonderheide will be the next group to come in and talk about that road because of the increased traffic.

Chairman Watne noted that Hoffman Draw would take some time because of all the right-of-way issues. Kidwell suggested that Danielson be done while they were waiting especially since there is someone who is prepared to help with the project. Chairman Watne reminded the audience that topic had to go to the board for confirmation on a contribution.

Rick Johnson stated that they obviously wouldn't have spent thousands of dollars oiling the road last year if there wasn't a commitment to doing what is right for the community. If weight limits are imposed, it is obviously going to raise costs for the project by increasing the number of trips a truck would have to make. Rick Johnson noted the board would rather spend the extra money helping partner to fix the road. Kidwell advised how to get around the weight limit problems for the truckers. Johnson noted that the other problem with weight on a road is frequency of travel. Kidwell felt the road would heal itself in between trips.

Commissioner Hall sought Johnson's recommendation for fixing the road now until Managhan could be paved. Johnson responded he could put some gravel on the road but he would use inch and a half not three. He noted he did not want to gravel any more than absolutely necessary because some building on that road was required before paving. More fill had to be hauled on the road to try to take the majority of the dips and dives out.

McWhorter asked what was going to be done about fixing Danielson. Commissioner Hall responded that at this point today it would be made passable and that the Commissioners were not going to forget about the road. McWhorter noted the pot holes were getting so big. Johnson responded the County has reached a point where gravel roads are not serviceable any more. Truman Creek, Brown's Meadow, Haskill Basin, Edgewood are all atrocious. The ground hasn't thawed completely, all we do is go out and blade mud back and forth. We just make it worse. Once you get above 200 cars a day, a gravel road is not serviceable for maintenance. Johnson noted there are approximately 10 or 12 roads in the entire county that has under 200 cars a day. Commissioner Watne stated there was not much to do about pot holes because it is inappropriate to blade the crust right now.

McWhorter questioned what was to be done about the boulders in the road noting they have been there for about 30 years. She relayed a story about her daughter who rolled her car when she hit one of the boulders and expressed regret for not having sued the County at that time for failing to maintain the road. Johnson advised there is little that can be done. In his experience the portion that is sticking out is usually just a small portion of a very large rock underneath the surface. To cover it with gravel is useless as the gravel turns to dust and is blown away. McWhorter noted there is one that has been there forever and four or five more are coming up. Commissioner Watne advised the frost drives them up. McWhorter stated that the rocks would have to be removed. Kidwell advised that the process is to drill the rock, shoot it, process the material and compact it back down and put asphalt on top. Kidwell stated the hill would hold rock if it is a select grade of rock. Johnson stated the road needs paved. If he fixes it now, a month or so it will be right back where it was.

Kidwell requested that they look at it long term and economically it is cheaper to completely fix the road now rather than continue to maintain a dirt road. Johnson noted the County has 1100 miles of gravel roads that need paved. It costs the County approximately \$100,000.00 a mile to pave. If the width and grade met specifications, they could pave it for \$30,000.00 to \$40,000.00. Johnson noted the budget for building new roads is \$500,000.00 a year. He admitted the County is not efficient at building roads. The Road Department is a maintenance organization. They don't have the equipment and only three qualified employees. Johnson noted he had employees certified in blasting four or five years ago but at this point in time all of the blasting is contracted out because of the liability issue. A major concern about drilling a hole in a rock and blasting it, especially as dry as it has been in the last three years, if a well goes dry, the County will be blamed because of the blast on the rock. Johnson noted he was not going to dig a rock out of the middle of the road and leave the road narrow. Some construction needs to be done on that road. So what project is bumped to do this project? The County is involved in several ongoing projects right now. Haskill Basin needs to be completed. Hoffman Draw has been started. A project on Flathead Drive has been put off two or three years now.

Kidwell questioned how many projects have outside sources that are willing to contribute. He urged the Commissioners to take advantage of that opportunity. Johnson said his contribution could be to build his section of the road. Rick Johnson noted that they weren't quite finished with the road on their property yet. Some work still needed to be done in the spring. He stated his board was available and wanted to know how quickly they could meet to discuss the road. Johnson expressed his concern for the cluster of houses on the hill and the curve. That is an area that is going to have to be addressed as well as the rest of Danielson. Rick Johnson suggested that it could be phased in project.

Kidwell again urged the Commissioners to take advantage of the Summit Ranch opportunity. McWhorter reiterated a requested to install signs to keep to the right; 15 MPH; and no passing on the hill.

Commissioner Hall advised Johnson would fill in the road to make it passable. Chairman Watne warned that they didn't want to bust the frost that is already on top or that would create a bigger mess. McWhorter again requested a 15 MPH limit on the road so gravel is thrown to the side of the road. Chairman Watne responded that if there is no one there to enforce the limit it would have little effect.

Commissioner Hall concluded that they appreciated and understood their concerns. Charlie is doing the best he can do. I am glad it is Charlie and not me. Give us a little time to work on this. It is not going away. We are not forgetting about Danielson. We will look and see what we can do.

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on February 4, 2003.

TUESDAY, FEBRUARY 4, 2003

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

Commissioner Gipe is to attend the Legislature in Helena

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

Present at the February 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Superintendent of Schools Donna Maddux, and Clerk Eggum.

This meeting did not take place.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the February 4, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Computer Services Director Norm Calvert, Assistant Avery, and Clerk Eggum.

General discussion was held relative to replacement machines; purchase of new machines.

CONSIDERATION OF WORK PLAN/HOMESTEAD HOUSE

Present at the February 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Marcile Sigler of the Montana Department of Environmental Quality relative to the need for a work plan by February 27, 2003. Commissioner Hall requested information relative to the clean-up process and additional time to review the matter.

AWARD BIDS: GAS/DIESEL, TIRES, PROPANE, ASPHALT, HEAVEY EQUIPMENT RENTAL, CRUSHING/ROAD DEPARTMENT

Present at the February 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to accept all the bids received for heavy equipment on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Montana Refinery as low bidder for asphalt PG64-22, PG58-22 and SS 1 Tack Oil on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Montana Refinery as low bidder for Emulsified Asphalt CRS 2 on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Schellinger Construction as low bidder for gravel crushing on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Northern Energy as low bidder for propane on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Tire Rama as low bidder for new Tires and Les Schwab Tire Center as low bidder for recap tires on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

10:00 A.M. Commissioner Hall is to attend the North Fork Interlocal Agreement Meeting at Fish, Wildlife and Parks Regional Headquarters (N. Meridian Road)

1:00 P.M. 911 Meeting at Justice Center

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

WEDNESDAY, FEBRUARY 5, 2003

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

Commissioner Gipe is to attend the Legislature in Helena

9:00 A.M. Egan Slough Zoning Commission Meeting re: Proposed Amendment/Salvation Army

MEETING WITH DAN JOHNS RE: UNION NEGOTIATIONS

Present at the February 5, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Dan Johns, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Johns reviewed with the Commissioners a list of comparable jobs and wages and benefits in the area. Owens thought refuse would settle if they received 2.8 retro to July 1. He thought the operators with the Road Department would settle if they were able to pick up that same 26¢ and put it into the pension. Johns advised that this was not an official settlement proposal. Johnson advised that when the SALIK study was done the Road Department was not provided a wage analysis and were told to wait until their contract was due for renewal to seek and increase in wages. Johns advised that offering more than the cost of living would certainly help. All agreed splitting the retro would be palatable.

CONSIDERATION OF POSITION OPENING/CLERK OF COURT

Present at the February 5, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Clerk of Court Peg Allison requesting the opening of an OAll position due to a recent resignation.

Commissioner Hall made a **motion** to approve the opening of the OA II position on behalf of the Clerk of Court. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

MEETING WITH FLATHEAD LAND TRUST RE: COUNTY PURCHASE OF DEVELOPMENT RIGHTS ON FARM LAND

Present at the February 5, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Robert O'Neil, Ken Siderius, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

O'Neil introduced himself as the Co-chairman of the Ag Committee for the Flathead Land Trust. The Ag Committee is concerned with trying to protect farm land in the valley and continue to maintain a farm economy. The farm economy in the valley is about \$30,000,000 a year. That is real money. It is even better than manufacturing because the manufacturer brings in supplies and materials from outside and so we are sending money out in order to bring money in. Farming is like lumbering. We have the resources here and we don't need to bring anything in except buy some equipment and so it is all net economic gain for the county. It is not just \$30,000,000 it is what \$30,000,000 does to the economy. We are here to bounce an idea off you and get some advice, get some reaction and see what you think about where we are going. Mostly we want to keep you well informed and keep you from receiving second hand information.

Siderius stated his goal was to give farmers and ranchers other options to subdividing their property.

O'Neil continued that most farmers now need money. If they are going to pass the farm on or if they want to sell, of course, a developer is going to give a much better price than selling for farming. Farmers are in a squeeze. How can they retire? That land is their retirement. The last thing most farmers want to do is see that land go out of production. When you are being squeezed, what else can you do? We want to come up with some alternative to offer to the farmer so that he doesn't have to put the land out of production and he can pass it on to his kid or he can sell it to somebody else who wants to farm it. The instrument he has at his disposal to do this is a conservation easement. In effect the farmer sells not the land but the development rights of the land. There are development rights on the land when you buy the land just as there are water rights and mineral rights and surface rights that you can give to the power company or sell to the power company or whoever else. We have had some success in buying development rights largely because there are some large federal grants available. The Farmland Protection Act will have in the next farm bill over \$100,000,000 a year available to buy development rights on farm land. These funds come from the Department of Agriculture Farmland Protection Program. That is the largest piece but there is a large amount of money in wetland preserves for purchasing development rights on wetlands. Some of that has been used in the valley. Luckily, most of the best farmland in the valley is either adjacent to or includes wetlands of one kind or another; sloughs, marshes and of course the three rivers that run through the valley. So there is quite a bit of money available there. Until Bonneville started to go broke, we had been able to get a good deal of money in Bonneville Power mitigation money. But to get these funds, you have to have local seed money. Two years ago, we had that local seed money through the Montana Agriculture Heritage Program, a legislative program that provided seed money for this kind of money. We for instance completed one easement where we purchased development rights on a farm using the seed money from the Heritage Program and getting farmland protection money and some money from a type of foundation. They were able to pay the landowner two-thirds of the development value of the land and he was able to keep his farm, keep it in farming and then pass it onto his kids without terrible taxes on it because it now only has one-third the value that it had before and therefore it becomes affordable for the younger generation to take it on. They don't have to sell it to pay the inheritance taxes. But because of the conservation easement, the land has to remain in farming. All they are getting is a farm. They are not getting developable land. There is no legal history of that having ever been turned around.

Siderius advised that one of the reasons that were here is the County Commissioners are the only legal entity. They hold those conservation easements. So what we are trying to do involves you people a great deal. That is why we are here before we proceed with this we want to get some kind of a feel on what you people feel about this proposal. Bob made a presentation to

the Board of the Land Trust so you are the second group. We needed to have permission from the land trust to proceed and so our procedure is to keep you people informed so you know what is going on and don't hear it from somewhere else.

O'Neil continued the Montana Agriculture Heritage Program is now unfunded and will certainly not be funded in the present legislature. Farmers are not high on the priority list. We need to have local seed money and that is where the county can come in. That is what they did in Gallatin County. The county floated a bond issue for \$10,000,000 and they managed to pass it with more than a 60% vote. The county now is contributing the seed money which is normally matched at about two to one. Exactly how much it should be is something we need a lot of advice about; what the terms should be. \$10,000,000 per 10 years costs the ordinary taxpayer the same per month as \$20,000,000 for 20 years would cost. They successfully floated that bond issue and so that is the trial balloon we want to put out. Is it feasible to float a similar bond issue in Flathead County to buy the development rights on that farmland? Now there is no doubt that the farmland that we are talking about has got to be prime land. Prime land in Flathead County is a premium. He referred to a map noting the prime land is in three areas of the county. There is not much sense in trying to preserve land that is already being engulfed by urban growth. There is not a lot of sense in trying to preserve land that is not highly productive. The average production on an acre in Montana of wheat and barley is about 32 bushels to the acre. Prime lands in Flathead Valley produce more than three times that much. We can compete with a couple other counties in the state for productivity but we are way ahead of the state average. Although we don't have a large farm area, according to state average, one acre counts for three here. We get off one acre what eastern Montana gets off three acres. Also we are in a mild climate where we have only begun to explore the possibility of specialty crops of local production and things like that could boost the farm economy from what it is now if it weren't so concentrated on wheat and barley. We are talking about important farmland. We are raising money now for the first thing we want to do. In November we would like to conduct a good thorough phone survey. They did this in Bozeman and it helped them enormously. The first thing that might happen in a phone survey is we find out there is no way this is going to pass. If that happens that is the last you are going to hear about this.

Chairman Watne noted a bond issue is real tough to get passed in Flathead County.

O'Neil agreed and stated they don't have any optimistic views. But, we have got from now until November to talk to people and we are going to be out talking to every group we can. I think the more they understand about the possibility, the better chance we have. If that survey is encouraging then we would go ahead and then we would some time after that ask you to put the bond issue on the ballot for the general election for November of 2004. We will not ask you unless that survey really encourages it and it looks like there is a good chance of it passing. We would educate the public about this issue through almost entirely volunteers. We will need money for the phone survey and we have got one commitment for part of that now and we have a couple of other foundations that sound like they are going to be willing. I think we are going to be able to pay for the phone survey if we get that far. Where this actually becomes a campaign, we would have to form a campaign committee under the laws of Montana and it would raise money for financing the campaign but we are not even looking at that yet except to know that it is out there. So for the next eight to nine months we are just going to be getting out and talking to everybody we possibly can. Service clubs, any kinds of organizations, trying to get people to understand how this works and what goes on. Economically, it makes sense. That is, it would probably pay for itself. We would succeed in diverting some development from prime farmland onto less productive land which of course makes obvious economic sense. But the land that is not productive then it is ideally suited for residential or commercial development. If it is prime farmland that is putting out \$600 to \$800 a year in income and you have a choice of putting your development on one or the other, it obviously makes economic sense to put it on the non-productive land rather than productive land. The way it works in Bozeman, if the Commissioners set up a board to administer this money, they have to have criteria by which the land will be chosen and obviously the most important criteria there is how productive is the land. There is no sense putting the money into non-productive land. The other criteria is this land right square in the path of development and if it is, it makes no sense to try and throw a sacrificial lamb. This would protect productive farmland but would not affect range land or anything like that. That is one thing we want to find out from a phone survey, would people rather support a broader application. If they would we would be wise to make it apply to range land too. If people would think no, they would vote for farmland but they would not vote for range land, we are just going to let that phone survey tell us a lot about what form the whole thing should take.

Siderius advised that the phone survey is going to be an \$8 or \$9,000 project. It is not just going to be some local jane on the telephone. It is a survey done by experts and will give us the results that we would then share with the Commissioners.

Chairman Watne confirmed that they can sell the land for whatever they want but the buyer knows that there are restrictions on what that land can be used for. Chairman Watne then questioned the effect it would have on family transfers down the road. O'Neil responded that you are going to have to think ahead and try to think ahead a generation or two or even three and it is not easy because you have to get it into the original easement.

O'Neil continued that one of the functions of the board that the county would set up is to make sure people are informed about what they can do. The easement is set up by the landowner. The landowner can put almost anything he wants into that easement. As long as it doesn't violate the basic premise that it remain farmland. He can carve out three acres here for a house, three acres over here or five acres and that will go into the agreement. O'Neil advised that if the property is already listed as farmland, there wouldn't be any additional break for taxes.

Siderius advised that when neighbors don't want farmland being developed then the neighbors ought to buy the farmland. This gives the landowner the option of saying I would like to keep it farmland. It also tells those people like me and everyone else that comes in and says that we don't want a development here an opportunity to say okay, if I want to keep it in farmland, then I ought to be willing to contribute to something to keep it there. It answers two questions: It protects the right of the farmer as far as his developmental rights and it gives the people in the community including the people of Kalispell who like to drive and view the wildlife and look at the farms, it gives them an opportunity to participate in the preservation of that farmland and that is what we are really asking for. We are not asking you for a dime other than if we get a very positive survey that we would ask you to put this issue on the ballot.

Sanderson stated the discussion has merit. They are on the right track in the terms of how they are proceeding forward.

Siderius advised that they feel so strong about this, they spent two days in Bozeman at their own expense to visit with the board. He encouraged the Commissioners to visit with the Commissioners in Gallatin, Missoula and Lewis and Clark County.

O'Neil advised that the selling point to the voters is going to have to be why should I as a voter pay a farmer for the development rights on his land. It adds up. But it adds up over 20 years. The voter thinks I am paying taxes right now. It is costing me right now and it is very hard to look out over 20 years and say well in 20 years it is going to be a wash for me because I am going to be preserving the farm economy which of course helps our tax base, we are preserving water quality too,. The best protection the lake has is the farm land above the lake and along the river. If we can keep that in farmland, we have a real chance to

protect the water quality all through the valley. It will mean lower taxes because developing farmland raises taxes. Study after study has shown that result. It should not restrict development because if you look at the map two-thirds of the valley can be developed. It is not taking construction money away, it is just moving it from productive land to less productive land. It should keep taxes lower and it should help both the quality of life here where you can look out over the farmland, the mountains, you get a great view and if it was a bunch of used car lots along there, people are not going to be as likely to stop and spend some time. So there is a lot in it for the average taxpayer.

Commissioner Hall advised that people in the Many Lakes area have expressed interest in keeping the land around there as farmland.

O'Neil concluded that this just gives one more option to the landowner. It should give more options to the landowner and put fewer restrictions on what he can do with his land. We are trying to go in the opposite direction of regulation toward encouragement rather than regulations. Siderius concluded that Flathead Land Trust is listed in the phone book if there are any questions.

MEETING WITH GLEN BRIST RE: COUNTY ROAD

Present at the February 5, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Robert Windauer, Judy Windauer, Lee C. Harris, Clell Hoffman, John MacLean, Russ Olsen, Ralph Johnston, Glen Brist, Ronald Buentemeier, Mary Carol Astle, Road and Bridge Superintendent Charlie Johnson, Lane Bennett, Richard C. Ramis, Assistant Avery, and Clerk Eggum.

Brist presented the Commissioners with the photographs and a brief history of Ashley Lake Road: 10 years ago when the County was improving Ashley Lake Road when they got up to our section line Dad and Jack Lingle agreed to trade right-of-way to make the road straighter. The road was only completed up to 80%. At the present, part of that road is being used right now for the gravel pit and logging operations. It is a 7% grade on the south end and 2.6% grade on the north end. The road that goes by our place below our house it gets to be a roller coaster every spring because of the bog and there is a big pine stump in the road and there is a spring right there. Brist had a letter written by his mother and father agreeing to give the gravel to the county for the road project from their pit which is located probably a quarter of a mile from the site.

Brist was asking the Commissioners to finish the road for the benefit of the public and to the benefit of the homeowners. He noted the Ashley Lake area is growing. The road will have be addressed at some point in time. He said he was still willing to honor the gift of the gravel for use on the project. Brist also sold crush gravel that was there in Schlegel's way for \$21,600.00 and put it in a separate account and is willing to contribute that to completion of the project.

Chairman Watne, Commissioner Hall, the audience and Johnson all agreed the Brist's need some closure one way or the other. This has gone on for a long time. Johnson expressed concern relative to the water quality and the steepness of the grade. Johnson advised that when the project was worked on 10 year ago and there was no regard to water quality. Sedimentation was allowed to run off down into the creeks. It is going to take significantly more cut up there to get the steepness of the grade down. By making the cut you will be into big rock. Commissioner Hall confirmed the rock is what stopped the project before. Johnson responded the rock and the cost. He stated this road is one of these kinds of things you really need to see what is up there before you commit to what you want to do.

Brist advised that a lot of the material has already been taken out including several huge boulders which he sold to Schlegel. Brist thought one or two more blasts was needed. Brist confirmed that a spring was located of the edge of the road but that the road has sat for 10years and it is solid material now.

Commissioner Hall asked Johnson if a few more blasts were all that was needed. Johnson replied that the Commissioners were going to have to decide what they thought was acceptable. Brist stated he has had several people look at the road and suggested that perhaps the building of the road should go out to a private contractor.

Olsen advised that he had evaluated the road and he it was his opinion that completing to crush gravel and bringing the grade to 6% would cost approximately \$100,000.00 but that did not include guardrails. He added that is assuming the all the crush and gravel would come out of Brist's pit. Brist stated he had gotten a bid for what guardrails he thought were needed and its was \$20,000.00 installed. Johnson advised that if it is done, it should be done by a private contractor. He noted that Jackola Engineering had done a topal of the entire project and had designed the road except no specifications were prepared. It is going to have to have guardrail. The slopes are going to have to be extended further out to accommodate the guardrails. Brist replied that he agreed the road is going to need to be straightened out a little more to give you more road surface but as much of the dirt can be pushed down as they want.

Hoffman advised that the homeowners association has a mailing list of about 325 property owners of which you could guess half are affected by Batavia and half are affected by the access road. That obviously did not count the many campers, users of the Forest Service land that is on the other side of the lake.

Commissioner Hall advised that the County has huge issues with roads breaking up this year and the County is getting behind the eight ball with the amount of needs that are out there with all the development that is going on. Increased traffic and just trying to make a plan on how to deal with the roads in the county. 1100 miles of gravel roads alone that are breaking up and we have to figure out to deal with it. He stated the Commissioners are making a commitment to deal with this road.

Buentemeier advised that he is the General Manager of Stoltz Lumber Company and in addition owns property at Ashley Lake. When this project was started because Stoltz Lumber Company accessed their land through that gravel pit area they spent three days of D8 time in the early part of this project working to make it happen. Buentemeier encouraged the Commissioners to live up to the agreement of the people in the past.

Bennett advised that he is a member of the Ashley Lake Board as well as a homeowner and also an attorney for the board. He stated that it was his opinion the county entered into an enforceable contract with the Brist's and there were considerations on both sides of that contract which makes it an enforceable contract. The Brist's have chosen not to take legal action. Bennett also encouraged the Commissioners to hold up their end of the agreement.

Johnston stated he was also a property owner on Ashley Lake. He too, encouraged the Commissioners to look favorably upon completing this and getting it over with. It would be cheaper to do it now than any other alternative that we have heard here today.

Chairman Watne stated they would get some cost estimates. Johnson confirmed that the Commissioners wanted to get an actual formal bid with specifications. Johnson stated he would have to get specifications from Jackola. Commissioner Hall advised that they were making all kinds of commitments around the valley to finish certain projects and roads. He questioned Johnson relative to the likelihood of completing this project. Johnson replied that he would need to sit down with the Commissioners and go through the priorities throughout the county. He added that he had concerns that the job could be completed for \$100,000.00 and even if it were possible, where the money is going to come from.

Windauer stated the road is vulnerable to water running down the middle and if there was a way to address that. Johnson replied as long as the road remains gravel it will remain a problem. They can put crowning to the road but the bottom line is Ashley Lake is like every other gravel road in this county there is too much traffic on it to maintain it as a gravel road. Johnson stated he would just as soon see it paved. Chairman Watne stated they would have to look at that down the road. The main focus has to be just to complete the road. Johnson agreed by stated if he has gravel down he would just as soon spend the \$20 to \$30,000.00 to have the paving done. There is just no way to maintain gravel roads in this county.

11:00 A.M. County Attorney Meeting at County Attorney's Office

2:00 P.M. Building Commission Meeting

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on February 6, 2003.

THURSDAY, FEBRUARY 6, 2003

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

Commissioner Gipe is to attend the Land Use Committee Meeting in Helena.

8:30 A.M. Commissioner Hall is to attend the AOA TAB meeting @ Brendan House Conference Room

CONSIDERATION OF LAKESHORE PERMIT: DNRC (SECTION 17/20)

Present at the February 6, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by the Montana Department of Natural Resources and Conservation for Little Beaver Lake. The applicant proposes to recontour a portion of the road by pulling top slope down and replanting brush and shrubs. General discussion was held.

Commissioner Hall made a **motion** to continue Lakeshore Construction Permit FLP-03-05. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: DNRC (SECTION 20/21)

Present at the February 6, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Montana Department of Natural Resources and Conservation for Beaver Lake. The applicant proposes to recontour portions of the road by pulling the top slope down and replanting brush and shrubs. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-06 and authorize the Chairman to sign subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: WILLIAMS

Present at the February 6, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Doug Williams for Ashley Lake. The applicant proposes to install a waterline, transplant one large tree, remove large rocks, rip-rap approximately 60 feet of shoreline and restructure soil within the Lakeshore Protection Zone. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLV-03-01 and authorize the Chairman to sign subject to 20 conditions; deny the tree removal request and table the rock removal/rip-rap/soil alteration. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM: HUMAN RESOURCE ASSISTANT

Present at the February 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Avery advised this was conversion of a job Lorraine Reid held as the chief deputy to the auditor to a HR assistant. The job was reclassified by the personnel committee.

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for classification of a Human Resource Assistant at a Range 14. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM: RECORDS MANAGEMENT SPECIALIST

Present at the February 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Becky Eslick, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Robinson advised that this was a new position for a records program specialist. We have renovated the old computer building out by Weed and Parks and are now creating a records preservation department with a records preservation specialist to man the office. The person that will be hired will be responsible for basically creating that department from bottom up under my direct supervision. I have asked for a grade 14.

Commissioner Hall made a **motion** to approve the Committee Transmittal Form for a Records Management Specialist at a Range 14. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT. AND CLERK & RECORDER'S OFFICE

Present at the February 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for six sets of 500 business cards and two sets of 250 business cards in the amount of \$89.94 and \$14.99 respectively on behalf of the Health Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Northstar Printing for 1,000 WIC Release of Information Forms and 2,000 WIC Flow Sheets in the amount of \$38.00 and \$92.00 respectively on behalf of the Health Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Hungry Horse Printing for 40,000 recording slips in the amount of \$159.50 on behalf of the Clerk and Recorder's Office. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: CABIN CREEK LANDING

Present at the February 6, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Melinda Riley, Dawn Marquardt and Debbie McDorman of Marquardt and Marquardt Surveying, Carolyn Hurst, Gerald W. Hurst, Russell Olsen, Connie Davis, Paul Randall, Assistant Avery, and Clerk Eggum.

Riley reviewed the final plat which is an application by Russell Olsen for approval of Cabin Creek Landing Subdivision which will create 24 residential lots off Highway 2 approximately 2.5 miles southwest of Marion. Preliminary plat was approved on July 26, 2001 subject to 24 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 a Subdivision Improvement Agreement in the amount of \$77,375.00 for completion of street grading and paving. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

Hurst sought information relative to how the Commissioners would view dividing one of the lots. Riley advised that at this point it would be considered a one lot major subdivision, unzoned. She stated she wouldn't see a problem as long as there was nothing in the covenants restricting such division. Hurst stated they wrote in the covenants that it could be divided as long as approved by the county. Riley stated she could not make any guarantees that it would be approved at this time because an application has not been submitted and it would ultimately be up to the Commissioners. Commissioner Hall responded that it would depend on the recommendations from the staff.

Hurst stated they wanted to divide it to build on half and hold half of it for future use of some sort or another. There is a possibility Hurst might put a shop for mechanics. Olsen advised that issues such as this had been addressed in the covenants. Hall stated that unless it is a major variance they look at all the conditions and make a decision.

FINAL PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE 3, AMENDED PLAT OF BLOCK 3, LOTS 1A-16B, BLOCK 1

Present at the February 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner, Johna Morrison, Richard J. Swan, and Clerk Eggum.

Morrison advised that this was an application from Rocky Mountain Recreational Communities LLC for final plat approval of the Amended Plat of Block 3 and Lots 1A through 16B of Block 1, of the Harbor Village at Eagle Bend Phase III which will not create any more lots but take acreage from the golf course and add it to the lots. This application is before us because it is an amendment of more than five lots. If it were processed in increments of five lots, it would not require the review and approval of the Board of Commissioners.

Commissioner Hall made a **motion** for to adopt staff report # FFP-03-07 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** for approve Final Plat for Amended Final Plat of the Amended Plat of Block 3 and Lots 1A through 16B, Block 1 of Harbor Village at Eagle Bend Phase III. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: SUBDIVISION NO. 227

Present at the February 6, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner, Johna Morrison, Tom Sands of Sands Surveying, and Clerk Eggum.

Morrison reviewed the final plat which is an application by Robert Goerz for approval of a two lot minor subdivision along Mission Trail, approximately one-half mile north of Kalispell. The subject property is 1.373 acres in size and is located in the R-2 Evergreen Zoning District of Flathead County. Preliminary Plat approval was waived on June 25, 2202, subject to six 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-03-03 as findings of fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** for approve Final Plat for Subdivision #227. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: GRANT DEED/HENRY GOOD GRAVEL PIT

Present at the February 6, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to approve Grant Deed from Flathead County to Leslie M. Keller. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: ACE LIGHT COMMERICAL PARK

Present at the February 6, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Mark Crowley, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Crowley reviewed the final plat which is an application filed by AC Enterprises for approval of Ace Light Commercial Park Subdivision which will create five commercial lots on Highway 40, half way between Columbia Falls and Whitefish. Preliminary plat was approved on May 29, 2002 subject to five conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Crowley confirmed with Marquardt that all utilities are extended into all lots in both subdivisions.

Commissioner Hall made a **motion** to approve Final Plat for Ace Light Commercial Park Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: ACE LIGHT COMMERICAL PARK NO. 2

Present at the February 6, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Mark Crowley, Dawn Marquardt of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Crowley reviewed the final plat application filed by AC Enterprises which is an application for approval of three commercial lots on Highway 40, half way between Columbia Falls and Whitefish. Preliminary plat was approved on July 24, 2002 subject to six 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 Ace Light Commercial Park Subdivision #2. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AWARD BID/GAS AND DIESEL/ROAD DEPARTMENT

Present at the February 6, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Valcon Distributing of Kalispell for Gas and Diesel on behalf of the Road Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on February 7, 2003.

FRIDAY, FEBRUARY 7, 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 meeting scheduled.

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on February 10, 2003.
