

MONDAY, DECEMBER 15, 2003

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

Seeing a several people in the audience, Acting Chairman Gipe asked for public comment within the Commissioner's jurisdiction.

Steve Cummings advised that he wanted to attract the Commissioners' attention to the materials filed early this morning for the Ficken Farm Subdivision. What we did was put together a map showing the parties who had either signed a petition or spoken against both the Ficken Farm Subdivision and the Sky View Subdivision that you will be hearing tomorrow. All of the land that you see on this map is being farmed. The idea that farming is dead in the lower valley I think is a mistake. The only land that isn't being farmed is kind of the four acres that is left over after you put together a five acre subdivision tract and that is kind of reflected in the master plan. The master plan reflects that these two and five acre parcels are too big to keep up and too small to have any agricultural use. We would appreciate your consideration later this morning when it comes up.

Mike Conner advised that he had written a letter last week and wanted to make some comments from the letter. I recommend you postpone the approval of the Ficken Farms 2 and the Sky View Estates Subdivision proposals until further consideration can be given to the impact on the water table and the potential pollution of the aquifers particularly so close to Flathead Lake. I do not intend to keep the current landowners even though they are out-of-state developers from developing their lands but I do want to address some of the history to control the development throughout the lower valley which dates back to my first involvement in the early 1980s. The Conservation District, the Natural Resource Conservation Service and the SCS are looking for options to protect the prime farm land. A study which started about 20 years ago where I was asked to represent the Flathead National Forest since I had a background in civic easements and conservation easements. As a result of the studies, one recommendation was to establish a local land trust which would provide options for farmers who wanted to keep the farms in an economic unit for the next generation for family farms. I do realize that some of this has changed with the tax incentive and those kinds of things. The first project for the Flathead Land Trust along with a national organization called Trust for Public Land was acquisition of Blasdel estate which is now the Blasdel Water Fowl Production area. The Blasdel adjoins the Ficken Farms. Henry Ficken was on the county planning board and was a proponent of protecting farmland. A concerted effort by the Flathead Land Trust to purchase a conservation easement on the Ficken Farms collapsed. I think a big turning point was September 11, 2001 when that disaster dried up committed funds overnight. The money has come back but too late for Fickens. I do ask the Commissioners to encourage your planning staff to take a look at cluster development as an alternative to blocking out unified acres or small tracts two and five acres in size as currently as proposed. This alternative was a recommendation in a planned effort in the valley farms by the conservation district back in the mid 1980s and I think it still holds true. Flathead Lake is there. The water table is higher in the summer time when the lake is up and that has been a big issue in the lower valley. Any development that takes place ought to have in depth studies on the sewage facilities to protect the aquifer.

Dennis Venturini advised that he is a water fowl hunter and concerned about the Ficken development. He had two concerns: The detriment to the wildlife with the family pets and the inevitable shut down of hunting there due to the development.

Warren Illi advised that he was representing the Flathead Wildlife which is a Flathead Valley Sportsman's club. We gave you a letter and a petition on Friday. I just want to reiterate what is in there. Our club is concerned about the loss of hunting habitat especially pheasant hunting habitat in the Flathead Valley. For the working man Blasdel is one of the few places we can hunt without paying high fees or owning a big chunk of ground. As you guys allow residential subdivisions to encroach upon Blasdel it is what Dennis says, the mothers and fathers will come and say we don't want hunting and fire arms discharged next to our homes. I think that is reasonable so I flop that around and say maybe it is unreasonable that you would allow a residential subdivision to come in close to public hunting areas. Perhaps cluster development would allow the developer to have a chance to make a little profit on his development and keep more open space between the residential sites and Blasdel itself.

Gael Bissell advised that she was a wildlife biologist and also past president of the Montana Chapter of the Wildlife Society, a state wide professional organization dedicated to professionalism and wildlife management. I believe the proposed Ficken Farms and Sky View Estates plats will be detrimental to the lower valley area as designed. Combined, they break up nearly 300 acres of prime agricultural soils in a very sensitive wildlife area. Both developments are located in close proximity to wetlands on the Blasdel WPA and along North Somers Stage Road. I am talking about that split pond that North Somers goes through as well as the Weaver Slough or Horseshoe Slough. There doesn't seem to be an attempt on the part of the developer to retain water rights for farming to move development away from the wetlands or public lands or to consider adjoining farm land. The Ficken Farms and Sky View proposed projects are very large and should be considered together for their cumulative impacts on the community. Our chapter of the Wildlife Society embarked on a very large project in the 90s and put together a large bibliography on the effects of recreation on Rocky Mountain wildlife. We addressed the impacts of domestic animals, dogs primarily on wildlife. It confirms through the literature that there is a direct impact through disruption and predation on birds during the nesting season and it can be a really negative factor. There could be as many as 50 dogs. Most homeowners have dogs and 60 cats introduced into this rural area by the residents of these subdivisions. Although the Blasdel WPA is closed in the spring for this very purpose, we all know how our little pets can get away from us. The split pond that North Somers Stage runs through is one of the most premier birding hot spots in lower valley. It is one of those places you can almost any time of the year; see breeding ducks, migrating ducks, and other shore birds and other species. Part of the Sky View Estates subdivision abuts that wetland which would give pets legal direct access to that pond. That again would be another impact. Of course, all of the dogs run down roads and can access the pond from the road as well. Blasdel is not a huge wildlife water fowl production. It is 520 acres and an agency such as the Fish and Wildlife purchased what they feel are the most significant wetland areas. They don't purchase it in a vacuum. They look at the matrix of other lands around it; other wetlands, farmlands and those types of things. In combination Blasdel and the surrounding farmlands that were once there really make this the habitat area, providing foraging opportunities and security for the birds. As you remove that agricultural setting and replace it with development, you gradually reduce the security of those nesting and feeding areas and erode the reasons the wildlife area was set aside. It undermines the purposes of those lands and for the benefits for both wildlife and hunters. It seems to me that you are going to impact those values and it will become an island unit and it wouldn't be functional. We need to replace that somewhere else in the valley and that would be a very expensive proposition. This type of development is more appropriate near the Kalispell or Somers area where the community is expanding. I encourage the commission to take a look at these wildlife and wetland resources of this area and plan growth away from

these areas. The Flathead River and lake system with all of its oxbows, ponds and wetlands mixed with this farm land makes this an extremely vital habitat area and significant on a national scale. I point out that the glaciated valleys of northwest Montana which is a private and public partnership working for land conservation in the Flathead and Mission valleys submitted a request from the North American Wetland Conservation Act, the NAWCA, and just last week received approval for nearly \$1 million to put into land conservation in the Flathead Valley as well a piece in the Mission valley. We should be very proud of this accomplishment. It was ranked in the top 15 of 50 or 60 applications nationwide. There is no doubt in my mind that you have a nationally significant area in the lower valley area.

Amy Waller stated that there have been a lot of really good points and comments made. I did submit a letter early this morning to you. I am very concerned about the impacts Ficken Farms 2 will have on the neighboring farmers, the county limited agricultural land base, the fish, wildlife and water quality of Weaver Slough and impacts on neighboring Blasdel water production area. I ask you to please consider the cumulative effects this proposed subdivision as well as the proposed Sky View Estates subdivision will have on agriculture and the public's welfare. I also ask you to please deny these subdivisions and direct future high density subdivisions to appropriate growing areas of the county not in the middle of our prime undeveloped agricultural areas.

Dave Heine stated that we need to deny this subdivision. It is not harmonious with the neighborhood. The history of the property is agriculture. The history of the area is agriculture. There has been some other development in the area. This was not done recently and it did not go through the subdivision process. I don't think we should use that as a reason to say yes to this subdivision. We have public land and private land that would be affected negatively by this subdivision and the activities on this subdivision. I don't know if anyone has talked about Lower Valley Road but I don't think the road is capable of handling the additional traffic. I drive it on a daily basis and see the results of the too much traffic and too small of a road. The master plan calls for agriculture. We need to keep it that way. Possibly a cluster development will be a compromise where we maintain some open space and provide a buffer that would protect Blasdel and other adjacent landowners. I do not believe anyone can buy land and have a certain right to use it. If I was to buy a house in town and could not make my payments I shouldn't be allowed to convert that into a use that is not harmonious with the neighborhood and I believe that is the same case here.

Rusby Seabaugh advised that he owns some land adjacent to Ficken Farms. I previously submitted a letter to each of you in which I mention some of these points related to schools and roads and especially related to the Flathead Land Trust projects. I want to be sure that is on record.

MONTHLY MEETING W/JIM ATKINSON, AOA

Present at the December 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, and Clerk Eggum.

General discussion was held relative to well for Eagle Transit; facilities study done in February; fund raiser June 26th; Montana Coffee Traders did a fund raiser for Meals on Wheels; need to move forward and get a better location.

PRELIMINARY PLAT: FICKEN FARMS, PHASE II

Present at the December 15, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Rick Breckenridge and Peggy Mathiason of Montana Mapping Associates, Dawn Marquardt of Marquardt and Marquardt Surveying, Amy Waller, Gael Bissell, Steve Cummings, Mike Conner, Warren Illi, Dennis Venturini, Liz Seabaugh, Rusby Seabaugh, Dave Heine, Ben Long, John Heine, M.D., Sue Cummings, Marian O'Connell, Wally Massie, and Clerk Eggum.

Long submitted petitions for consideration by the Commissioners.

Morrison reviewed the preliminary plat for Ficken Farms 2 filed by Ken Kramer/Kramer Trust. The application is for a 23 lot single family subdivision on approximately 77.70 acres. All lots in the subdivision are proposed to have individual and multi-user water systems and individual sewer systems. The property is located southeast of Kalispell at the intersection of Manning Road and North Somers Road approximately eight miles south of Kalispell. The Planning Board held a public hearing. Seven people spoke in opposition; one spoke in favor. The board passed a motion to approve unanimously.

Breckenridge presented copies of documents prepared by Brosten Farms relative to the Ficken Farms property in addition to a soil survey of the acreage.

Breckenridge reviewed a map pointing out the surrounding areas. This farm land was irrigated last year. Dan Brosten did farm this land and I just want to bring attention to his professional opinion as an agriculture producer in the area. When Ken Kramer bought this property, there were no water rights transferred with it. A main line was put in by Henry Ficken to try to irrigate the property to produce a grain crop. The center pivot pumped 225 acre feet of water out of slough. 225 acre feet of water is enough water to supply the water needs of 1,000 households per year at 200 gallons per day. That is about the average. So 1,000 households of water was put onto this land and as you review Brosten's report, you will see that the grain production on it was very low. According to the soil survey the soils in this area are Somers silt loam. As long as you have a lot of extra moisture this land can be highly productive. But if you don't have it, as Dan Brosten's spread sheet shows what it would cost him and what the final outcome was on his grain production. He couldn't make it. That is why the center pivot is gone and he had the option on the contract to buy if he chose not to exercise that option. He says I am not going to make any money out here on the farm. It is not productive enough. As far as the development goes a no build zone to provide a buffer for the adjacent uses was incorporated into the property. It is 200 feet up here, 100 feet along the south boundary and along the already developed areas over on Sky Ranches. The idea is that we have five acre tracts around the outside and then the smaller tracts on the inside. We had originally looked at doing five acre tracts through the whole thing to be compliant with the master plan; however, the Planning Board through Mr. Bangeman suggested that the development include some smaller tracts so the two acre tracts were changed at the recommendation of the Planning Board. The buffering of five acre tracts along the outside provide a substantial buffer with the clustering in the middle. The reason that we went this way is that each individual who develops this property is going to be responsible for the maintenance and the weed eradication along their property. If you take a look at some of these other places that have cluster developments with large open spaces, no one maintains the property and the weeds become a major concern and a major problem with the development. We keep this in the tax base to the individual and he is responsible for the eradication for any noxious weeds that might appear. The covenants address the issue of the domestic livestock, domestic animals, dogs, cats, and the concerns that the Blasdel had on animals at large and the restrictive covenants do maintain that the owner is responsible and no animals, dogs especially are allowed to run at large on the property. So we have addressed that issue. As far as the road, this is a county road on Lower Valley and Manning. It is more than adequate to supply the transportation requirements of the subdivision. It is paved on North Somers all the way down and it is dirt on Manning Road. We plan to do a loop so we have an entrance and an exit to address the needs of the subdivision. All of the internal roads of the subdivision will be paved. Henry Ficken has made a noble effort to attempt to farm this land and went in debt to the point where he was about to lose it. It is not because he is a poor farmer but as Dan Brosten and the Brosten family has stated this is just not productive agriculture land in the sense you can make a living off of it. Breckenridge provided a picture taken after the harvest to emphasize the scant stubble from the crop and this is after putting 225 acre feet of water on it. It just does not and will not sustain a viable operation. I have talked to a couple of ranchers in that area. They say the only way you can make it is if you grow a cash crop. Like alfalfa where people pay you cash up front on it. That is the only way you can make it. Without water rights being transferred, this is not a viable agricultural area and it has been proven by a professional. He is not a hobby farmer. That is what he does for a living. After one year on the contract, he says I am not a glutton for punishment. I can see why Henry who made a very noble effort could not and his sons could not make it farming in this area.

Commissioner Gipe made a **motion** to continue the Ficken Farms 2 preliminary plat proposal. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORMS: GRANT WRITER/COMMISSIONERS OFFICE AND PROGRAMMER ANALYST LEADWORKER/COMPUTER SERVICES

Present at the December 15, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed the Personnel Committee Transmittal Form recommending a revised classification description for Computer Services/Lead Worker/Programmer Analyst Range 22.

Chairman Watne reviewed the Personnel Committee Transmittal Form recommending a new classification description for Commissioners/Grant Writer at a Range 14.

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for a Grant Writer. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to continue the Personnel Committee Transmittal Form for a Computer Services/Lead Worker/Programmer Analyst. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF FINAL RESOLUTION/CHRISTENSEN, HAGERMAN ZONE CHANGE REQUEST/EVERGREEN VICINITY ZONING DISTRICT

Present at the December 15, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, William Astle, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution Number 797CM. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 797 CM

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 21st day of October, 2003, to change the zoning designation on property in the Evergreen and Vicinity Zoning District from a R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

WHEREAS, the Board of Commissioners heard public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797CL, dated October 28, 2003) to change the zoning designation from a R-2 (One Family Limited Residential) to R-5 (Two Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 1 and November 8, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation from a R-2 (One Family Limited Residential) to R-5 (Two Family Residential); described on Exhibit "A", as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 15th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: /s/Howard W. Gipe
Howard W. Gipe, Member

ATTEST:
Paula Robinson, Clerk

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

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

**EXHIBIT A
JOHN AND ALICE CHRISTENSEN/CODY HAGERMAN
ZONE CHANGE FROM R-2 TO R-5
EVERGREEN AND VICINITY ZONING DISTRICT
SEPTEMBER 4, 2003**

The property is located in the Evergreen and Vicinity Zoning District on Terry Road just southwest of the Flathead Electric building. The subject properties may be described as Lots 1 – 8, Block 2 Tiegen's Acres a platted subdivision in Section 33, Township 29 North, Range 21 West, P.M., all in Flathead County, Montana.

MEETING W/DENNIS BEE

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

Bee expressed interest in serving on the Flathead County Planning Board and Whitefish City-County Planning Board.

MEETING W/JOHN WEAVER

Present at the December 15, 2003 10:50 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Weaver expressed interest in serving on the Whitefish City-County Planning Board and Flathead County Compensation Board.

MEETING W/MICKI LAPP

Present at the December 15, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Micki Lapp, and Clerk Eggum.

Lapp expressed interest in serving on the Flathead County Weed Board.

11:00 A.M. Regional Task Force for Affordable Housing @ Board of Realtors Office

MEETING W/JAMES ABRAHAM

Present at the December 15, 2003 11:10 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, James Abraham, and Clerk Eggum.

Abraham expressed interest in serving on the Flathead County Planning Board.

MEETING W/JERRY THORNBERG

Present at the December 15, 2003 11:20 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Thornberg expressed interest in serving on the Flathead County Planning Board.

MEETING W/DAN HENDRICK

Present at the December 15, 2003 11:30 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Hendrick expressed interest in serving on the Whitefish City-County Planning Board.

MEETING W/CURT McINTYRE

Present at the December 15, 2003 11:40 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

McIntyre expressed interest in serving on the Airport Authority Board.

CONSIDERATION OF OAI POSITION REPLACEMENT/CLERK OF COURT

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

Commissioner Gipe made a **motion** to approve position opening for an OAI on behalf of the Clerk of Court. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

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

TUESDAY, DECEMBER 16, 2003

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

Seeing a several people in the audience, Acting Chairman Gipe asked for public comment within the Commissioner's jurisdiction.

Dave Heine advised that he spoke yesterday in opposition to the Ficken Farm Subdivision and heard some comments regarding agriculture that bothered him. I have a farm in the Lower Valley. I also have a master's degree in farm and ranch management. We continually hear how farm and ranches are in the tank. Currently cattle prices are at an all time high. We have a lot of things going for us here in the Flathead Valley that other areas do not have. We have never had hoppers totally wipe out our crops. I have never seen wind totally wipe out a crop. I have never seen hail or drought totally wipe out crops. Last summer was one of the toughest grain years in history. I do have some yield data. We were told agriculture is in the tank. This yield data will show that our non-irrigated crops tend to beat other areas irrigated crops. This is all done by MSU Extension so we don't have any management concerns. Each of the extension research centers are managed at the same level of expertise so we don't have management to cause alterations in yields. Heine distributed literature for the Commissioners' review:

Heine continued, on the second page you will see a comparison was done with Bozeman, Kalispell and Sidney on about 20 different alfalfa varieties and Kalispell's yields are 80% higher than Bozeman's, 72% higher than Sidney. That is pretty impressive. The people in eastern Montana are envious of our growing conditions. Table 18 shows alfalfa yields for 1998, 1999, 2000, non-irrigated were three times higher than Bozeman and almost six times higher than Moccasin. Moccasin is the experiment station just west of Lewistown. I am not going to go into the soils. The soils are some of the best around. I have a real estate brokerage company and we have sold some properties with a class one soil on it for horticultural uses. These parcels were large enough that a lot of people couldn't afford them. We had people from all over the east, south and west coasts saying that our valley is the best horticultural location that they could find. The proposal in front of us is for five acre parcels. I presented you with market data earlier that indicated that these people are asking for \$70,000.00 approximately for a five-acre parcel. The market data showed on half the one-acre lots an average price of \$62,500.00. My question is why they don't develop just a part of the property in clusters to recoup their investment. We need to remember that open farmland sells for less than \$5,000.00 an acre. If we had a new sporting goods store come into the valley that was a mom and pop sporting goods store and it failed, like so many do, would we allow that mom and pop sporting goods store location to be turned into a rendering plant that would have a negative impact on all the other retail development around it?

Rusby Seabaugh advised that he also spoke yesterday. He provided the Commissioners with some documentation to review:

Seabaugh continued, on the front page are the Ficken Farm and Sky View Subdivisions outlined with the soil types listed for each of those properties. Each of them has a category related to the initials and if you turn to page 11, you will see the category 11 which is for the initials FZ and a paragraph describing these soils, I will simply quote the leading sentences. "These are the most desirable soils for crops in the upper Flathead Valley area. They are easily tilled and moderate to high in fertility, and they will hold a good supply of moisture for plants." On SG and CD which is the other predominant soil in both of these areas, on page 13, is a description for that soil. "Grasses, produce good hay and pasture. All crops locally grown are suited to these soils." These are prime agricultural soils and when Flathead Land Trust was applying for federal grants from Ag Heritage and from farm and ranch protection programs, they received large grants for these properties because of the quality of the soil. If you turn to the next to the last page, you will see the sanitation capabilities of these soils. The four soils listed on that page are all included in these subdivision areas and it has absorption facts for septic tank and sewage lagoons and as you can see it is very limited or somewhat limited for each of these types of soils. In this situation, we would be talking about putting dozens of septic systems within a mile or two of Flathead Lake with these perk capabilities. On the final page is listed the prime and important farmland classifications for the Flathead and each of these classifications listed on that page are included in these two subdivisions. I know that I am going to be classified as a hobby farmer here today but last year the late planted grain crops were universally poor. The winter wheat that received early spring moisture was excellent. We combined one winter wheat crop at 90 bushels, it sold for \$4.14 a bushel and the hay crops that were irrigated got over four ton to the acre and sold for about \$85.00 a ton.

Mike Conner advised that he spoke yesterday on the Ficken Farm 2 subdivision and also on the Sky View Estate. I wrote a letter dated December 11th. I have thought more about yesterday. I appreciate you deferring a decision on Ficken Farm yesterday. I ask that you continue to look in that direction. My point is the water quality issues. I think what Dr. Seabaugh had to say about the soils and the risk of development down there and pollution of the aquifers because of the fluctuation of the lake and the studies that were done in the mid 80s on the farmlands that I pointed out yesterday did bring out an issue that there was close to 3400 acres in the lower valley that were highly sensitive to development. I was involved in another proposed development over in Lincoln County that involved a lot of lakeshore and it was a high density development. What happened there is the Department of Environmental Quality was asked to participate. And maybe that is something we want to do in the lower valley, is to really take a hard look at how much development can that land be able to absorb. That is really critical. I don't want us to mess up the quality of the water that we have in this valley or degrade the lake more. I think that we should be sensitive to those issues there. I think it would be good to stop further development down in that area until we actually go through a major research on what the impact the development is going to have as far as water quality and the water table is concerned. Conner referred to a called *Gateway to Glacier*. This report was done and involved people from different walks of life, including the Chamber of Commerce, locally as well as local realtors and there was a lot of input. I think there is a lot of good information.

Commissioner Hall explained the meaning of a cluster development.

Conner advised that he viewed cluster development as the lesser of two evils. The idea behind clustering is to do a high quality sewage type treatment facility. The concept would be to reduce the size of those lots to one acre or even smaller if it is allowed and it might be in that area but adding more open space, you still have as many lots to sell. Allow more lots under the clustering concept and leave more open space, I think that is an alternative to take a look at. This might be more in tune with what this is trying to point out from an ethics standpoint too. Weeds was brought up yesterday, I think if we can keep the open space part in farming activities even where the clustered subdivisions are at that would help keep the weed issues down. I am really sensitive to the farming community here. I think we need to be looking on down the pipeline on how we can help support farming in this valley in different ways from the tax reductions to trying to find bondings or ways to help supplement their income to reduce their debt load to try to keep farm land in farm land and keep that as a part of our area. It is very much a compliment to this valley and it has had a favorable history of making a living on farming. One of the things is that as generations have gone on more than one family has been trying to make a living on the same piece of property.

Amy Waller stated that she believes that the findings show that it does not comply with the requirements of Section 76-3-608(3), the Flathead County Master Plan, and the Flathead County Subdivision Regulations. MCA 76-3-608 states that the subdivision proposal must undergo review for the following primary criteria and that is the effect on agriculture, natural environment, wildlife and wildlife habitat, public health and safety. How do you determine whether this review has been met and whether it is in the public interest? You rely on facts in the environmental assessment. I would like to make the point that the environmental assessment submitted by the surveyor/developer is inadequate. In appendix B of the Flathead County Subdivision Regulations you have clear directions on the environmental assessment. You say that each question should be addressed in full. Those questions not applicable shall be so stated and complete and environmental assessments will not be accepted and you state that the sources of information for each section of the assessment shall be identified. I have a copy of the environmental assessment that was submitted and I would just read a couple of examples how this was inadequate and did not meet your directions. Vegetation: locate a copy of the preliminary plat the vegetation types within the subdivision are marsh, grassland, shrub and inaudible. The answer was pond as indicated. I don't know if they provided a map of vegetation but pond is not vegetation. Wildlife was absolutely grossly inadequate and I believe that you have received letters from Fish, Wildlife and Parks making very clear that they have concerns. In the environmental assessment you ask for species of fish and wildlife. All that this environmental assessment says is deer may be seen. As you know this is a very sensitive wildlife area. The environmental assessment is supposed to include the species. Are there any threatened or endangered species? Are there sensitive plants? Is the Fish, Wildlife and Parks Department given specific direction on how to meet this environmental assessment or are they just suppose to comment in general. My point is I think this environmental assessment was not a thorough analysis. I think you know for a comparable subdivision Ficken, which the Fish and Wildlife felt strongly enough that they actually recommended denial which I doubt is a very rare occurrence for a federal government to actually recommend denial. Historical, archeological or cultural features: None are known is the answer there. Again no sources given for anything for this in terms of U. S. County Commissioners or the Planning Board or the planning department being able to assess whether this information is accurate. You need facts not opinions. None are known. Did they ask anybody? Have they contacted the Historical Society? The question, Sewage Treatment: Indicate the distance to the nearest public or community sewage treatment. N/A. There is a distance there that wasn't given. Again, there are no sources given for this environmental assessment whatsoever. I had real concerns about their interpretation of the emergency services and the fire and the effect on the public health and safety. Just basically said that it was going to be handled by the existing services no idea of how long is the response time. Is there the manpower to do this? They talk about just one sheriff. Was the sheriff or the emergency services contacted so that you could adequately assess the affect on the public health and safety? A huge concern of my was their interpretation of the impact on agriculture. It says for land use describe any comprehensive plan recommendations and other land use regulations on the adjacent site. All it says is it is unzoned. It doesn't even say anything about the master plan. It says describe the present uses of land adjacent to or near the proposed development. The answer the proposed development will not affect the use or access to adjoining lands. It will not affect the use of

Blasdel? It will not affect the use of the farmers? We all understand there are some significant impacts to farm land with having a high density subdivision in the middle of it.

Commissioner Hall questioned whether Waller presented this information at the public hearing before the Planning Board. Waller responded that she did not. I think a clear reason to deny this is the environmental assessment. I was under the impression that there would be a public hearing before the Commissioners. Commissioner Hall explained the process. The only public hearing is before the Planning Board and that is where the public comment is to be presented. The Planning Board gives the Commissioners a report. The Commissioners study the report and then make a recommendation. That is the legislative process. He suggested that the Planning Board may have presented a completely different recommendation if she had made her comments before the Planning Board.

Waller continued: That book says that it is very clear that you are supposed to follow the county subdivision regulations. The county subdivision regulations, 3.4.e says when use or encroachment of agricultural land is included and affected by the subdivision, all agricultural preservation policies of the county master plan shall be adhered to. I think that is very clear legal issue there and I submitted letters (tape ends) report that you are going to hear next. From my interpretation the planning department is under the impression that they have met all of the concerns that Fish, Wildlife and Parks had with their recommendations. I know that you received their letter and want to reiterate that Fish, Wildlife and Parks clearly recommended that the density be reduced. That was not part of the planning department's recommendation and they asked for buffers and that was not part of the planning department's recommendations.

Sanders advised that he was a lower valley farmer. I live on Somers Stage and I have been farming out there for 45 years so I have a vague idea of what has been going on and I think the density of this subdivision is too great. There are two or three areas here that I think are sensitive. This is an area we are putting into a conservation easement. It is a huge water fowl production area which will be saved for that. We have the Blasdel Water Fowl Production Area. As you get people, dogs, everything this will have a huge impact with that kind of density. I also believe that the infrastructure such as the roads, the school in Somers is an issue. There is a subdivision on the airport but right now there is a runway there is 400 feet set aside and a mile long and that is another thing that is little sensitive to me, I do fly. As soon as this subdivision is allowed traditionally they will shut the airport down and you will lose 400 feet wide and a mile long of open space there too. Traditionally people like to move into on the end of an airport. I can document many many airports that have been shut down because people move off of the end of them. They know the airport is there but as soon as they move in they don't want airplanes flying any more. I am quite sure that will happen here too eventually. The other issue, there is this whole Sky View II slope towards the slough here which in turn moves over and runs into the slough where our conservation easement is going. All of this water will run into that slough and then become stagnant there eventually.

Jim Watson pointed where he operates a 1000 acre buffalo ranch. I also operate with my brother 2100 acres of crop land in the Mississippi Delta. I have a mechanical engineering degree from Bozeman. My wife and I lived in Western Colorado for 12 years. When we first moved into the area it was very rural. We lived in an older house. By the time we left, we lived almost within the city limits. I have seen development occur in agricultural areas. A lot of the people that were moving into the area were coming from large cities principally southern California. They had never lived in a rural area before and did not have a clue of what it was like to live in an area. They liked the open space but they considered the farmers to be part of the atmosphere and entertainment. There were constant complaints coming into the Sheriff's Departments of hay bailers running at night, black cows escape and get out on road, tractors on roads. We had one neighbor that grew onions and there were complaints with neighbors with how they smelled. There was a danger on roads to both the farmers and to the residents that were moving in because of livestock that gets on roads that is common in agricultural areas. Slow moving farm equipment on roads. They just didn't mix that well. The roads are not suitable for this type of high density development with new people moving in. The Farm to Market Road is not a commuter road. There will be increases in accidents due to more traffic on the roads and livestock and other farm equipment on the roads. Expect a lot of complaints from dust and other people that are not accustomed to living in agricultural areas.

Steve Cummings read a letter from his wife: Regardless of your ultimate decision concerning Ficken Farm and Sky View Subdivisions you should consider the testimony of more farmers than just one or two who have failed in farming and have already subdivided or sold their land to developers. Many farmers in the lower valley are still making their living farming and hope to continue to do so. I know this because I am the daughter of a farmer who raised his family, sent his kids to college and set aside money for a retirement for himself and his wife on the income from his farm. My father never irrigated his let yet he not infrequently topped 60 bushels of wheat or barley to the acre. Our land is just across the road and to the north of the proposed Ficken subdivision and less than a mile west of the proposed Sky View. It is now being farmed for hay and is doing very well for us and my cousin who is farming it for us and who I am sure would be very displeased to be called a hobby farmer. He does it for a living and he is a real farmer. There is no question that it is difficult to make a living as a farmer but that is the way it has always been. It takes intelligence, hard work and a lot of determination but it is still possible to make a go of it. If the remaining farmers also have to worry about traffic from 60 new houses, having to keep the dust down from their tractors for the new folks and encroaching residential areas it is just going to get even harder. Please consider all of the evidence concerning these subdivisions. Farming isn't lost in the lower valley unless we lose it ourselves or unless you lose it for us. Cummings advised that the primary difficulty here is density. That is a very pertinent and astute question and I think that is the problem. When the original Ficken Farms Subdivision was proposed you didn't see the neighborhood essentially erupting in protest. That was 13 lots on 160 acres with a good chunk of land that was going to be open space. Maybe that is a reasonable density for this area. There are advantages to clustering that sort of density or maybe the developers would rather have everybody have a full 10 acres. I would like to see more creativity in the development process. To me the issue is how many people we have out there. I think if you went toward a goal of 10 acre lot overall density whether it is clustered or not, I think we would be a lot closer to where we want to be in an area that is fundamentally rural and can continue to be fundamentally rural. The idea that you have to make a living on a farm to keep it a rural farm is necessarily true in my mind. If you had a set aside area of 40 acres, that area can be profitably farmed. You can raise hay on it. It doesn't mean that a family is going to live on it but it is a good piece of ground. It makes sense to use it in that type of use in that area and it maintains a neighborhood character that really is seriously threatened by these two subdivisions with Ficken Farms and the Sky View and I would urge you. As we know Flathead is a special place we would like to think we are doing the best we can to keep it a special place and I hope that we all are able to look back and say to our kids and grandkids that we liked it, we know it was a special place and we did what we could to preserve and make it a special place that our kids want to come back to and live in. I urge you to reject these subdivision proposals as they are written and urge these people to do a lower density type of subdivision.

Gael Bissell stated she wanted to reiterate the comments that she made yesterday and apply also today. The wildlife values of the lower valley area is a whole list of species and concerns and habitats that were not in the planning office's document because the environmental assessment didn't mention them. We filled in the blanks or they were filled in by the Department here and those quotes are just straight out of the planning report saying that they are inadequate. What I

interpret this document to say is that sphere influence of a residential a relatively high density residential area is greater than the boundaries of that residential area. The Sky View development is right adjacent to that important wetland. The split pond is really the key birding area for field trips, educational opportunities. The buffer strips in the proposed plat are pretty small like a couple hundred feet not adequate to really buffer human use from nesting water fowl, shore birds and the like from the animals and the kids and everything that come from a subdivision. So if that buffer could be significantly greater, I think you could mitigate some of the impacts of the development.

Laurel Fullerton-Wilson advised that she was on the riparian corridor of the Flathead River. I am working in my own way to try to protect the property I am on, 70 acres, and working with a future conservation easement. I am mostly concerned about the plan for the valley farm land. I would like to see farm land preserved for the next generation that does want to farm. As far as development a plan and a vision what are we going to do with the farm land cluster development versus open space? I am just very concerned about the future of the farm land. There are so many proposed developments yet there is no planning and zoning no vision in the area and it is critical habitat for wildlife, open space, quality soils, there are so many issues down there, flood plane, infrastructure of roads that weren't developed. I just think we need a plan and any help we can get from you that would just be welcomed.

Marion O'Connell advised that they were fourth generation farmers in the lower valley. My son is the fifth and I think the reason that this subdivision is being questioned is because of the density. When you sell a large amount of ground like that you know it is going to be sold for houses because the farming community cannot afford to pay the price that they pay for it and let the farmer get what he thinks is a fair price and still continue to farm it and make a living from it. I would like to see a lesser density. We do have the wildlife. It is very much geese and ducks in the spring and in the fall and the swans these were not mentioned which are down there and their area to land and nest and everything is getting cut down and I would like to see the density lowered on both subdivisions.

PRELIMINARY PLAT: SKY VIEW ESTATES #2

Present at the December 16, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Jim Davis, Rusby Seabaugh, Marion O'Connell, Jim Watson, Gael Bissell, Ray Saunders, Steve Cummings, Dave Heine, Brian Parnell, Mike Conner, Dennis Venturini, Liz Seabaugh, Rick Breckenridge, Amy Waller, Laurel Fullerton-Wilson, and Clerk Eggum.

Morrison reviewed the preliminary plat for Sky View Estates #2 Subdivision filed by Dennis and Allyson Weinberg. The application is for a 25 lot single-family subdivision on approximately 134.82 acres. The property is located southeast of Kalispell along Manning Road. One person spoke in opposition to the proposal at the public hearing before the Planning Board. The Flathead County Planning Board passed the motion to approve the plat unanimously.

Marquardt advised that she represents the Weinbergs. I have heard over and over this morning even though this isn't part of hearing that this is a high density development. I do not think that is a fact. We are in compliance with the master plan. Forever, I have been told that in agricultural areas of the master plan, a five acre density is acceptable. This is over five acre density. People have been bringing up water quality. Like any subdivision, this subdivision will go to the state health department to determine whether or not we are going to degrade the water quality. That is more than they have out there now. Farmers are not required to do anything as far as how much fertilizer, how many nitrates they put into the ground and how that affects water quality. They don't have to answer to that. People that subdivide have to answer how many nitrates they put into the ground, whether that is going to degrade the water quality. I personally feel that this could be better for the water quality than what is happening out there now. In the letter that Warren McConkey wrote, he was the person that farmed this last year, said that he had used excessive amounts of fertilizer to make any gains on this property. When we wrote the environmental assessment, we spoke with Fish and Wildlife before that was turned in. We talked to them about what they would like to see. They were happy having the pond surrounded as parkland. They did state that they would ask for things to mitigate their concerns and we were well aware of that. Those conditions were imposed on the conditions of approval. One of things that have been brought up are schools. I believe that Somers Schools are happy to get new students. I haven't heard anything otherwise and in the past that is always what I have been told is that they want more students down there. I don't think this is going to upset them. I don't think they ever responded. They do get a copy of the proposal and I don't they responded either way.

Commissioner Gipe made a **motion** to continue consideration of the preliminary plat for Sky View Estates until January 12, 2004. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMES/GRIZZLY BEAR GULCH, VON VIEW, MOUNTAIN GOAT TRAIL

Present at the December 16, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of three Notices of Public Hearing and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **GRIZZLY BEAR GULCH**.

Road generally running southerly off the extension of Hoffman Draw and located in the west half of the west half of Government Lot 6, Section 6, Township 27 North Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **6th day of January, 2004, at 9:30 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 naming of **GRIZZLY BEAR GULCH**.

This notice shall be mailed to each landowner who has access off of the proposed **Grizzly Bear Gulch**, who has an address assignment on the proposed **Grizzly Bear Gulch**, or who owns property along the proposed **Grizzly Bear Gulch**.

Dated this 16th day of December, 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 December 20, 2003 and December 27, 2003.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **MOUNTAIN GOAT TRAIL**.

Road generally running northeasterly and southeasterly off Star Meadows Road and located in the NE1/4 of the NE1/4 Section 7, the SE1/4 SE1/4 Section 6 and in the NW1/4 NW1/4 Section 8, all in Township 30 North, Range 24 West, P.M.M., Flathead County, Montana

The public hearing will be held on the **6th day of January, 2004, at 9:30 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 naming of **MOUNTAIN GOAT TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **Mountain Goat Trail**, who has an address assignment on the proposed **Mountain Goat Trail**, or who owns property along the proposed **Mountain Goat Trail**.

Dated this 16th day of December, 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 December 20, 2003 and December 27, 2003.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **VON VIEW**.

Road generally running northeasterly off Von Der Heide Lane and located in Government Lot 2 in Section 31, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **6th day of January, 2004, at 9:30 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 naming of **VON VIEW**.

This notice shall be mailed to each landowner who has access off of the proposed **Von View**, who has an address assignment on the proposed **Von View**, or who owns property along the proposed **Von View**.

Dated this 16th day of December, 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 December 20, 2003 and December 27, 2003.

DOCUMENT FOR SIGNATURE: NOTICE TO CITY BOARD OF ADJUSTMENTS FOR NEW FAIR BUILDING

Present at the December 16, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed a letter to the City of Kalispell Board of Adjustment regarding the Flathead County Fairgrounds new building.

Commissioner Gipe made a **motion** to approve the letter to the Board of Adjustment. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

Present at the December 16, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Sheriff Jim Dupont, and Clerk Eggum.

General discussion was held relative to contract for meal service; flu shots.

PRELIMINARY PLAT: SKEES ESTATES

Present at the December 16, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Tim Beck, Ardis Larsen and Jeff Larsen of Larsen Engineering and Surveying, Dick Skees, Lynn Pearce, Patricia K. Widener, George Widener, Lynn Carnsew, James Ward, Pam Shorb, Ray Shorb, Doug, Honthaas, Veronica Honthaas, and Clerk Eggum.

Beck reviewed the preliminary plat for Skees Estates Subdivision filed by Dick Skees. The application is for a 20 lot single-family subdivision on approximately 12 acres. All lots in the subdivision are proposed to have multiple user water systems and shared sewer systems. The property is located along Jensen Road southeast of Columbia Falls. The Columbia Falls City-County Planning Board recommended denial of the proposal to the County Commissioners.

Commissioner Gipe made a **motion** to deny approval of the Preliminary Plat Skees Estates Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: BURKE 2 SUBDIVISION

Present at the December 16, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Tim Beck, Ardis Larsen and Jeff Larsen of Larsen Engineering and Surveying, Lynn Pearce, Doug Honthaas, Veronica Honthaas, Robert Burke, Rosetta Burke, and Clerk Eggum.

Beck reviewed the preliminary plat for Burke 2 Subdivision filed by Robert Burke. The application is for an eight lot single family subdivision on approximately 8.62 acres. The property is located near the intersection of Columbia Falls Stage Road and Burke Lane near Columbia Falls. The Columbia Falls City-County Planning Board recommended denial to the County Commissioners.

Commissioner Gipe made a **motion** to return to the Planning Board for reconsideration. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/TIM BECK/PLANNING AND ZONING OFFICE RE: WILLIAMS LAKESHORE

Present at the December 16, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Tim Beck, Richard DeJana, Doug Williams, Sr., and Clerk Eggum.

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

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

WEDNESDAY, DECEMBER 17, 2003

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

9:00 A.M. Commissioner Hall is to appear on KOFI Talk

9:15 A.M. RSVP Meeting at Windward Place

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

12:00 P.M. Commissioner Gipe is to attend the DUI Task Force Meeting at the Summit

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

THURSDAY, DECEMBER 18, 2003

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

MONTHLY MEETING W/RICHARD STOCKDALE, ANIMAL CONTROL

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

General discussion was held relative to statistics; meeting with State Vet Board; protection of drugs, population.

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

Present at the December 18, 2003 9:00 A.M. Meeting were Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, and Clerk Eggum.

General discussion was held relative to new hire; request to reopen position; acquiring parks as they annex out; assuming CTEP administration; Christmas lights.

Commissioner Gipe made a **motion** to approve the opening of a Building Maintenance Worker II. Commissioner Hall **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

MEETING W/CHRIS KUKULSKI/CITY OF KALISPELL RE: PLANNED AREA BOUNDARY

Present at the December 18, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Chris Kukulski, Jayson Peters, Hank Olson, Bob Heron, Mayor Pam Kennedy, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Discussion was held relative to the proposed city planning area boundary. Kennedy distributed a map and reviewed the same with the Commissioners.

CONSIDERATION OF ADOPTION OF RESOLUTION: 1999 TAX DEEDS

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

Commissioner Hall made a **motion** to adopt Resolution No. 1671. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1671

WHEREAS, Flathead County assessed taxes on the properties listed on Exhibit "A" attached hereto;

WHEREAS, taxes on the properties listed on Exhibit "A" have been delinquent from 1999;

WHEREAS, the Flathead County Clerk and Recorder gave notice to interested parties, pursuant to Section 15-18-212, M.C.A., that a tax deed to the properties could be taken if all delinquencies were not paid on or before November 21, 2003; and

WHEREAS, the taxes on the property listed on Exhibit "A" attached hereto have not been paid and remain delinquent.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby directs the County Treasurer to issue a tax deed to Flathead County for each of the properties listed on Exhibit "A" hereto.

Dated this 18th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Robert W. Watne, Chairman

By: /s/Howard W. Gipe
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

Exhibit A

0187745

Improvement 687 on Tract 3D (Forman Land) in Section 22, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

0982889

Northwoods 1 Private Roads as shown on the map or plat of Northwoods 1 Subdivision, located in Section 20, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana.

0035495

Tract 2BA in Lot 1, Section 18, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: ASHLEY LAKE ROAD PROJECT RELOCATION

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

Commissioner Hall made a **motion** to authorize the publication of the Section 00100 Invitation to Bid and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**SECTION 00100
INVITATION TO BID**

Ashley Lake Road/Road Relocation Project

Flathead County will receive separate sealed bids for the construction of the "Ashley Lake Road/Road Relocation Project" at the office of the Flathead County Commissioners, 800 South Main, Kalispell, Montana 59901, **until 10:00 a.m. local time January 15, 2004**, and shortly thereafter will be publicly opened and read aloud.

Generally, the work consists of excavation, filling, compaction, road surface and road shoulder preparation and finishing, erosion and drainage control, culverts, cattle guards, signage, bank stabilization, hydraulic seeding, traffic control, utility protection, geotextiles, demolition, mailbox protection or relocation, painting striping, together with all associated materials, labor and equipment to complete the project.

***The Project is located on a 0.9 mile section of Ashley Lake road approximately 4 miles from the intersection of U.S. Hwy #2 approximately 15 miles west of Kalispell, Montana.**

The contract documents consisting of drawings and specifications can be obtained from Jackola Engineering and Architecture, PC, 1830 3rd Avenue East, Suite 302, Kalispell, MT, after December 2, 2003 at the cost of \$50.00 per set which is refundable upon return of sets in good order within 10 days after bid date.

In addition, the drawings and specifications may also be examined at the following locations:

Flathead Builders Exchange	Jackola E&A – Southfield Tower
1440 Hwy 35 East	Clock Tower Building South of the Outlaw Inn
Kalispell, MT 59901	1830 3 rd Avenue East – Suite 302
	Kalispell, MT 59901

Contractors and any of the CONTRACTOR'S subcontractor's doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, P.O. Box 8011, 1805 Prospect, Helena, Montana 59604-8011. Information on registration can be obtained by calling 1-800-556-6694. CONTRACTORS are required to have registered with the DLI prior to bidding on this project.

All laborers and mechanics employed by CONTRACTORS or subcontractors in performance of the construction work shall be paid wages at rates as may be required by the laws of the State of Montana. The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. This project is subject to the Montana Contractors Gross Receipt Tax.

The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

Each bid or proposal must be accompanied by a certified check, cashier's check, or bid bond payable to Flathead County, in an amount not less than 10 percent (10%) of the total amount of the bid. Successful BIDDERS shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one hundred percent (100%) of the contract amount. Insurance as required shall be provided by the successful BIDDER(S) and a certificate(s) of that insurance shall be provided.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the office of the Flathead County Clerk and Recorder.

No bid may be withdrawn after the scheduled time for the opening of bids.

The right is reserved to reject any or all proposals received, to waive informalities, to postpone the award of the contract for a period of not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid which is in the best interest of the OWNER.

OWNER CONTACT: ASHLEY LAKE ROAD/ROAD RELOCATION PROJECT
Flathead County, Montana
Attn: Charlie Johnson
Flathead County Road Department Superintendent
Address: 1249 Willow Glen Drive
Kalispell, MT 59901

Phone: (406) 758-5790

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
800 South Main
Kalispell, MT 59901

ATTEST:
Paula Robinson, Clerk

BY: /s/Howard W. Gipe, P.T.
Robert W. Watne, Chairman

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

Publish December 23, and December 30, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: BALLOT COUNT SCANNER/ELECTION DEPARTMENT

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

Commissioner Hall made a **motion** to authorize the publication of the Request for Proposals and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

REQUEST FOR PROPOSALS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive proposals for the purchase of a Central Tabulating Optical Scanner, and related support hardware and software, for central tabulation of optical scan paper ballots.

The Instructions for Vendors for the Central Tabulating Optical Scanner and related support hardware and software to be purchased, may be obtained from the Flathead County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, telephone 758-5530.

Each vendor must deposit with his proposal, a bid security in the amount of ten percent (10%) of the proposal to secure the vendor's express covenant that if the vendor is awarded the contract, the vendor will, within ten (10) days, enter into a formal contract for the purchase of the Central Tabulating Optical Scanner and related support hardware and software. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bond executed by a surety corporation authorized to do business in Montana.

The vendor shall include with his proposal a contract form to be executed by the parties. Flathead County reserves the right to negotiate the terms of said proposed contract (excluding prices contained therein) and to consider the terms of said proposed contract in determining the award of a contract under this request.

No vendor may withdraw a proposal after the actual date of the opening thereof.

All sealed proposals, plainly marked "Proposal for Central Tabulating Optical Scanner" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before **5:00 o'clock p.m., on January 15, 2004**. Bids will be opened and read at **9:30 o'clock a.m., on January 20, 2004**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any proposal and to waive any irregularities which are deemed to be in the best interest of the County.

The award of a contract will be made solely by the issuance of a letter of award to the successful vendor by the Office of the Flathead County Clerk and Recorder.

Dated this 18th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/Howard W. Gipe, P.T.
Robert W. Watne, Chairman

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

Publish: December 23, and December 30, 2003.

CONSIDERATION OF POSITION REPLACEMENT: OA II/ELECTION DEPARTMENT

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

Acting Chairman Gipe reviewed a letter from Clerk and Recorder Paula Robinson advising that Deb Williams has submitted her letter of resignation. Robinson was requesting approval to immediately open the position of OAII for rehire on behalf of the Election Department.

Commissioner Hall made a **motion** to approve the request to open an OAII position on behalf of the Election Department. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF EXTENSION OF LEAVE TIME: K. GRICE

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

Acting Chairman Gipe reviewed a letter from Clerk and Recorder Paula Robinson regarding Kay Grice's need for an extension of leave without pay to January 5, 2004 due to injuries received in a vehicle accident.

Commissioner Hall made a **motion** to approve the request to extend leave without pay for Kay Grice to January 5, 2004. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: DOWLING SUBDIVISION

Present at the December 18, 2003 10:15 A.M. Meeting were Commissioners Gipe and Hall, Planner Tim Beck, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Tom Dowling, and Clerk Eggum.

Beck reviewed the preliminary plat for Dowling Subdivision filed by Sharon M. Dial and Hazel M. Dial Life Estate. The application is for a two lot single family residential subdivision. The property is located between Berne Road and Monte Vista Way, south of U.S. Highway 2 East and is approximately 1 mile northeast of Columbia Heights. The property contains approximately 2.71 acres. The project does not comply with Section 3.6(G) of the Subdivision Regulations which states "No lot shall have an average depth greater than three times its average width unless the average lot width is more than 200 feet." Lot 1 measures approximately 595 feet (595.14' and 595.19') deep, and ranges from 104.55 feet to 108.86 feet in width. The subdivision reflects the existing shape of the subject property which is long and narrow. Single family dwellings and garages are present on each of the proposed lots and in order to place the existing structures on separate tracts of land, the lots must be subdivided as proposed.

Commissioner Hall made a **motion** to adopt Staff Report FSR-03-39 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the variance as requested to Section 3.6(G) of the Flathead County Subdivision Regulations. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve preliminary plat for Dowling Subdivision. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CC&R WAIVER PAGE/SOUTH ECHO RIDGE

Present at the December 18, 2003 10:15 A.M. Meeting were Commissioners Gipe and Hall, Donald Fodel, Deb Fodel, Donna Paulson, and Clerk Eggum.

Acting Chairman Gipe reviewed the Waiver of Requirement of Approval for Amendment of Covenants, Conditions and Restrictions for South Echo Ridge Subdivision.

Commissioner Hall made a **motion** to approve the Waiver of Requirement of Approval for Amendment of Covenants, Conditions and Restrictions. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

MEETING W/TURNER ASKEW

Present at the December 18, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Askew expressed his interest in serving on the Airport Authority Board.

MEETING W/NANCY ASKEW

Present at the December 18, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Askew expressed her interest in serving on the City-County Health Board.

MEETING W/LEN TRIPP

Present at the December 18, 2003 10:40 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Tripp expressed his interest in serving on the Fair Board.

MEETING W/CAL SCOTT

Present at the December 18, 2003 10:50 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Scott expressed his interest in serving on the Flathead County Planning Board.

MEETING W/RUSS VUKONICH

Present at the December 18, 2003 11:00 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Vukonich expressed his interest in serving on the Columbia Falls Planning Board.

MEETING W/JIM McKIERNAN

Present at the December 18, 2003 11:10 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

McKiernan expressed his interest in serving on the City-County Health Board.

MEETING W/CHRIS MILLER

Present at the December 18, 2003 11:20 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.
Miller expressed his interest in serving on the Whitefish City-County Planning Board.

MEETING W/FRANK BECKER

Present at the December 18, 2003 11:30 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.
Becker expressed his interest in serving on the Bigfork Land Use Planning Board.

MEETING W/JOHN ANDENORO

Present at the December 18, 2003 11:40 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.
Andenoro expressed his interest in serving on the Flathead County Planning Board.

MEETING W/PAT MAHAR

Present at the December 18, 2003 11:50 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.
Mahar expressed his interest in serving on the Fair Board.

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

FRIDAY, DECEMBER 19, 2003

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

No Meetings Scheduled.

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