

MONDAY, JANUARY 6, 2003

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

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

REORGANIZATION OF BOARD OF COMMISSIONERS

Present at the January 6, 2003 9:00 A.M. Meeting were Commissioners Gipe, Hall, and Watne, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint Commissioner Watne as Chairman of the Board. Commissioner Hall **seconded** the motion. **Aye** – Hall and Gipe. **Abstained** – Watne. Motion carried by quorum.

APPOINT COMMISSIONERS TO VARIOUS BOARDS

Present at the January 6, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint the Commissioners to the boards as follows:

- Commissioner Gipe: Chemical Dependency
Comprehensive Development Center (CDC)
Western MT Regional Mental Health
Family Advisory Council
DUI Task Force
Montana Community Partners
Local Emergency Planning Committee
Health Department Review Committee
Western Montana Regional Juvenile Detention
- Chairman Watne: Refuse Disposal District
Home Health Advisory Committee
Flathead City-County Health Board
- Commissioner Hall: RSVP
Technical Advisory Committee
AOA
Transportation Advisory Board
Port Authority/Flathead Valley Economic Development Authority
Wildlife Mitigation

Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Commissioner Hall as the Commissioners' representative for the Coalition for Forest Counties. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. **Abstained** – Hall. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #406 (PORTION OF ALLEY/BEAR TRAIL)

Present at the January 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Roland F. Meyer, Don Dale, Linda Dale, Assistant Avery, and Clerk Eggum. Norm Williams and Genevieve Drew participated via telephone.

Chairman Watne opened the duly advertised public hearing to any wishing to speak in favor of Road Abandonment #406.

Williams stated he was unsure what position he took as he had several questions. Williams owns Lots 436, 437 and 438. Chairman Watne advised that this abandonment should not affect his lots. Williams questioned whether this would increase the lot size. Commissioner Gipe advised that in subdivisions the road width is divided in half and half of the road width goes to each property owner abutting the road. Williams confirmed that the reason the road was not abandoned to the intersection as it was assumed it would be blocking access to his lots. Williams stated that he would be in favor of the abandonment.

Meyer stated that he was for and against the abandonment. He advised that he is the individual who petitioned to have the road abandoned. However, his petition requested that the road only be abandoned by lots 462, 463 and 464. The surveyor and then Commissioner Williams viewed the property and amended the petition to include the abandonment through lots 469. He stated he was against the additional abandonment. Meyer advised that Dale did not want to have the additional portion abandoned. Chairman Watne confirmed that there was no request to abandon the portion of the road from 465 through 469. Meyer stated that the abutting property belonging to Flathead County was set aside for park land. Commissioner Hall confirmed that the unnamed road was an alley which provided access to Meyer except in the spring when the alley is flooded. Meyer stated if the road was abandoned as he requested he would access his lots through 464. Meyer advised that the individuals that own 461 either come through the meadow or the alley to access their property. Commissioner Gipe advised that he spoke with Jim Burton and confirmed that then Commissioner Williams had requested that the additional portion of the road be abandoned.

Drew advised she owns lots 468 and 469. She stated a concern relative to lack of access to her lots. Commissioner Gipe advised that it was their intention to abandon only that portion that had originally been petitioned to be abandoned.

No one else rising to speak Chairman Watne asked for anyone wishing to speak in opposition to the Road Abandonment #406.

The Dales both advised that they were in opposition to abandonment of the additional portion requested by then Commissioner Williams and Surveyor Burton.

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

Commissioner Hall stated he spoke with the owner of Lot 467 and she expressed concern relative to access to her lot as the road was marked to be abandoned through lot 469.

Commissioner Gipe made a **motion** to approve Road Abandonment #406 described as:

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana and described as follows:

That portion of the Alley and Bear Trail being adjacent to and lying East of Lots 462, 463 and 464 of Happy Valley Home Sites.

and excluding Lots 465, 466, 467, 468 and 469 from the abandonment as stated in the Viewer's Report and subject to the conditions listed on the Viewer's Report dated December 4, 2002. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: ROAD ABANDONMENT #405 (LOT 4, BLK 4, LOT 2/NORTH'S SUBDIVISION)

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

Commissioner Gipe advised that this property has been annexed into the City of Whitefish and therefore no action was required by the Commissioners as the County no longer owned the property. Avery advised that he had received a call late on Friday from Mr. Wilson; the Whitefish Public Works Superintendent stating that due to a recent legal opinion the annexation process was now complete.

MEETING W/JIM ATKINSON/AOA RE: REGIONAL OMBUDSMAN

Present at the January 6, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, AOA Director Jim Atkinson, and Clerk Eggum.

Atkinson recapped the situation as follows: The federal government is requiring the state to have some better continuity in their ombudsman program throughout the state. Due to the state's hiring freeze, they looked to the county to provide a regional ombudsman program. Due to the fact that they had to pay \$4,000 to each of the other two counties in the region, this year there would only be \$32,000.00 plus the \$7,000.00 match from the local AOA office which can be either cash or in-kind. That amount could be utilized for the remainder of this year which would allow for a carry over into the next year. Charlie Rehbein, Director of the Senior Long Term Care Division of the Department of Public Health and Human Services provided a letter to that effect pursuant to a request from the Commissioners. The state is planning on building that program up once they have the data that they need to see how much it really is going to cost to run the program. Atkinson recommended that they hire a person at 36 hours a week even though it is a full time position. He felt with the carry over and the \$40,000.00 for the next fiscal year in addition to the local match of \$7,000.00 they would be able to fund this position. Atkinson responded to Hall's request as to the exact duties of a regional ombudsman. Essentially their responsibility is to keep in contact with all ombudsmen throughout the region and to work with them towards coordinating the way that they do their activities to write reports to the state. To interact with the communities relative to understanding about the ombudsman program in those communities. It wouldn't be so much to interact with the area directors. This person would be responsible to Atkinson as his or her employer but they wouldn't have a whole lot of contact with the other area directors. There would be some travel to keep in contact with the ombudsmen throughout the region and then there would be some training involved and a lot of contact with the state. Examples would be to try to create some continuity between what an ombudsman does and what an adult protective services person does. What should ombudsman be doing? Where do they interact? How do they pass an advocacy question over to protective services?

Atkinson read from Rehbein's letter "We are committed to the ombudsman program and will work hard to see that it is successful in meeting the goals of the Older Americans Act and the needs of Montana's long term care residents." What he is trying to say is the money will be coming forward as the years go on. Atkinson has been told that this is a start. This isn't the finish. This is a start on how they would like to create some continuity relative to the ombudsman program throughout the state. The state is charged by the feds to do this. If Flathead County doesn't do it, they are going to have to find some other way.

Atkinson advised that neither Polson nor Missoula wanted the program. In talking with Susan Kohler from Missoula, she felt that they have the continuity that they need. They just need more manpower to do what they want to do. They felt that their money would be best spent in more manpower in their area. Atkinson's opinion is we need continuity throughout the state. If every other region has a regional ombudsman at this point in time and we three areas were different in that manner, he believes it would look poorly for the state towards the feds. We also felt that if we had this person, we could probably get more work out of them here than just by the nature of the fact that they are here. Another positive thing about it for the state is Susan Kunda is the local ombudsman. She is well known throughout the state and very well respected. She would be very helpful to this regional ombudsman in sharing her information.

Chairman Watne expressed concern relative to the cost of the program to the county and the state not fully funding the program. Atkinson agreed it should be a state employee but the program is needed and the state can't do it. Commissioner Gipe agreed with Chairman Watne adding that the county does not have office space for the person and there are too many questions about what will happen in the future.

Atkinson read two other paragraphs from Rehbein's letter. "As I have stated to you, the other area directors were committed to making the ombudsman program work. The Older Americans Act mandate plus the priority placed on increasing ombudsman services by the area Agencies on Aging, our office and the legislative auditors demand that we continue to build this program so that we have adequate ombudsman coverage across the state. We are committed to this program and we will work at making it fiscally sound as well as a quality program. If this means we put some state funds into it as well as additional federal funds, we are willing to do it and in order to do this, we have a program in place so that we can evaluate the need for additional ombudsmen and additional resources. If for some reason you do not think you can make the commitment to the regional ombudsman program, we need to know now so that we can make other arrangements and get a regional ombudsman position hired in one of the other area offices."

Commissioner Gipe made a **motion** to deny the request for a regional ombudsman. Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PLUM CREEK TAX INCENTIVE (GRECON CHOP LINE)

Present at the January 6, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Plum Creek Northwest Lumber, Inc., of Kalispell, Montana, seeking the application of tax reducing benefits to the expansion of its Remanufacturing Plant at Kalispell, Montana, by replacement of the Optimized Grecon Chop Line. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **28th day of January, 2003, at 9:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Plum Creek Northwest Lumber, Inc.

DATED this 6th day of January, 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
Deputy

Publish on January 9 and January 23, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PLUM CREEK TAX INCENTIVE (TWIN SHARP CHAIN LINE)

Present at the January 6, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing. Commissioners Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Plum Creek Northwest Lumber, Inc., of Kalispell, Montana, seeking the application of tax reducing benefits to the expansion of its Remanufacturing Plant at Kalispell, Montana, by modernizing the twin sharp chain line. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **28th day of January, 2003, at 9:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Plum Creek Northwest Lumber, Inc.

DATED this 6th day of January, 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
Deputy

Publish on January 9 and January 23, 2003.

CONSIDERATION OF BUDGET AMENDMENT

Present at the January 6, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution #1597. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**BUDGET AMENDMENT RESOLUTION
RESOLUTION NO. 1597**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2002-2003, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1597, allow budget transfers to be made between items in the same fund. The annual budget appropriations may be amended as provided in 7-6-4006(3)c which states appropriations may be adjusted according to procedures authorized by the governing body for any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2002-2003; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 6th day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

MCA 7-6-4006		"B"		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2180-0264-341034	Juvenile Detention Intervnetion/41-5-15		\$58,811.70	
2180-172000	Revenue Control			\$58,811.70
2180-0264-420300-397	Cont Serv/Juv Det Intervention			\$58,811.70
2180-242000	Expenditure Control		\$58,811.70	
<p>Surplus funds remaining from juvenile placement funds from FY2002. From St of MT, Juvenile Corrections Division. "As per the agreement, and approved intervention plan, these funds may be used by Judicial District 11 for less restrictive community alternatives and/or placement for juveniles and must be used by June 30, 2004.</p>				

PRELIMINARY PLAT: RICHSADDLE SUBDIVISION

Present at the January 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, James Boyes, Assistant Avery, and Clerk Eggum.

Riley reported that this was an application by James and Cheree Boyes for a four-lot single family subdivision. The property is located off of Highway 2 West, west of West Spring Creek Road near Kalispell. The proposed subdivision contains 5.0 acres. Riley stated Staff is recommending approval of this preliminary plat subject to 13 conditions.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-02-42 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** for approval of Preliminary Plat of Richsaddle Subdivision subject to 13 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: SUBDIVISION NO. 231

Present at the January 6, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Tom Sands of Sands Surveying, Inc., and Clerk Eggum.

Riley reported that this was an application by Morris Miller for a four-lot commercial subdivision. The property is located off of Highway 2 just south of Birch Grove. The proposed subdivision contains 5.702 acres. Riley stated Staff is recommending approval of this preliminary plat subject to 13 conditions.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-02-45 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Sands advised that the last three words of condition #10 should be scratched as this is a commercial development.

Commissioner Gipe made a **motion** to delete “the new dwellings” from Condition #10. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** for approval of Preliminary Plat of Subdivision No. 231 subject to 13 conditions as amended. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: AGREEMENT/CAB

Present at the January 6, 2002 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Chris Kukulski, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Commissioner Gipe advised that this was an agreement with the three cities as to the distribution of the CAB cash reserve. All agreed that this is a positive step getting this settled and a step forward in an effort to work in a cooperative manner.

Commissioner Gipe made a **motion** to approve the Agreement Resolving the Final Distribution of Property, Cash Reserve, Interest and Liabilities for the Countywide Administrative Board Agreement. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the January 6, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Road Superintendent Charlie Johnson, Superintendent of Schools Donna Maddux, Peter Ciambra, Lori Kaml, Assistant Avery, and Clerk Eggum.

Johnson advised that the Transportation Committee received a request from the bus drivers that the Road Department start a 4:30 a.m. shift instead of a 5:30 shift. Johnson stated the county policy says on weekdays from 5:30 to 2:00 p.m. There are pros and cons to the suggestion. We could put on two shifts which would result in additional expense. The biggest problem is weather prediction. Sometimes 4:30 would work great and other times being done at 1:00 p.m. would be very difficult for the people trying to get home in the afternoon.

Maddux advised that this was being driven to a great extent by just a couple of areas such as **Many Lakes**. Many Lakes is an example of previous commissioners accepting a subdivision where the roads were not built to county standards. We now have a subdivision where people expect to be treated like they would in an urban city-connected subdivision and the roads are difficult; they are too steep. The Flathead High School bus will not go into this subdivision. The Creston School has been warned twice by the County Transportation Committee that the elementary school children should not go in there. Maddux relayed an experience of riding the bus in that subdivision. The bus was picking up a child from a dead stop, was going up a very steep hill and making a right turn. Several times during the winter the bus had slid off on that hill with the turn at the top. The buses are inspected twice a year. Generally speaking bus drivers are very well trained good drivers but there are some circumstances where you might need to just determine it isn't really a road that anyone should drive. Maddux noted that the Creston School Board has close to 20 families in that area and receive a lot of pressure from the neighborhood when they discuss discontinuing service to that area.

Johnson agreed that this was one road that probably should not be getting bus service. When county trucks go in there, they have put chains on. There is a good place down at the bottom of the hill that the County paved several years ago that the children can be brought to and it is easy for the bus to turn around. Johnson advised the road goes back off the main road approximately 30 miles and it is very easy to get lost. Only a portion of road is maintained by the County but the road is continually growing. Several accidents have occurred with county equipment. One night while plowing snow, five accidents were experienced in a span of two hours.

Chairman Watne concurred that the road goes on forever and it is very easy to get lost in that area. Commissioner Gipe also agreed that Many Lakes is among one of the worst roads when there is weather with ice such as we have today.

Maddux advised that Flathead County was the impetus for the billboard campaign around the State of Montana relative to watching for school buses. The whole concept was started in response to bus drivers for the Many Lakes road complaining about the driving habits of the residents in that area. There is nothing more predictable than the school bus. The school sent home a flyer to all of the children reminding people that school was in session and that they needed to be cautious around the bus.

Maddux implored the Commissioners whatever they do for policy, to please adhere to it. It is very hard when you as individual commissioners make arrangements for exceptions to the policy for individuals. Maddux referred to an instance where the bus drivers had complained about branches brushing the side of the bus or obscuring the mirrors and the county's policy is that the brush has to be cut back to a certain visibility distance and an exemption was granted by an individual to an individual where they felt that wasn't necessary because in their special unique circumstances the policy did not apply and when that happens, it really comes back on the employees. We as your employees can rationalize, we can justify, we can explain your policy as long as you stick by them but if you don't stand by your own policies then all of your employees and the rest of us are put in a very awkward position.

Johnson stated that it puts them at a disadvantage to start earlier. It is great to start earlier but when they need to be out there to get snow off the road, they fight ice for four or five days if they start early. If they come in late, they can get the snow off the roads and are done with it in a lot of instances. Johnson expressed a desire to keep things the way they are. Johnson noted that local citizens are not taking responsibility for driving in winter traffic. He utilizes sand for a little extra margin of safety while some citizens choose to drive summer tires during the winter and expect the Road Department to compensate for not having the

right tires on their vehicles. The sand does not make the roads 100% safe. Johnson noted that his department has made changes. Currently a truck leaves directly from the shop to head to Many Lakes. He put on an extra person. Commissioner Gipe agreed that no one knows when it is going to snow. Chairman Watne stated that we don't have the manpower to distribute the work like that. Commissioner Hall stated it was Johnson's decision.

Johnson stated we need to continue the shift the way it is at 5:30. We will continue to make adjustments within the Road Department to accommodate the best we can. But we cannot guarantee that we are going to be everywhere at every time. We got a truck for each area. If that truck goes down, that area is just out of luck. The other day the truck for the Many Lakes area was down. Johnson pulled a truck from Lake Blaine to make sure that Many Lakes was covered but that left the Lake Blaine area without a truck. We don't have any spares and then to set up an entire second shift is going to be pretty expensive. We look at the weather at 4:00 when we start sending people home and we look at it again at 9:00 at night and we decide whether we are going to go early or not. Sometimes we make the wrong decision.

Commissioner Hall wanted to know who makes the decisions relative to which routes buses travel. Maddux responded that those decisions are made by the County Transportation Safety Committee. It is a committee organized in law under statute. The Board of Commissioners is represented on that committee by Charlie because of his knowledge of all the county roads. He has one vote as do each of the school districts. It is a formula. Pleasant Valley for example does not have one vote. There is one vote for each of the four high school districts and then there is a second vote, one vote for all of the elementary schools that send students to that high school. Maddux reiterated that Many Lakes has been warned now for two years that they should look very closely as to whether bus service should continue. Next June will be an important meeting with regard to that decision.

Commissioner Hall stated that it is not our duty to be in the education process of the citizens that live there but we do have to take control and children are paramount. He asked to be advised closer to the June meeting so that they could be prepared to address a good alternative for the bus traveling in such a hazardous area.

Johnson presented the Commissioners with a request for the "Cabin Fever Bar Stool Races" to be held in Martin City. The permit was requesting use of **Sugar Hill** which is the main street through Martin City. Johnson noted that the organizers of the event have been very accommodating to the Road Department and have made great strides relative to policing themselves and correcting the problems they have encountered in the past. Commissioner Watne stated that residents living on Sugar Hill are the ones who have complained of the race being on the street. The residents on the other street are agreeable to its location there.

Ciambra stated that he was the vice president of the Trap Line Association and all of the issues that have been brought to the association have been addressed to the satisfaction of Jim Dupont, the Fire Department and the QRU in Martin City and they have stated that they have ample access to the hill. There are only two and one-half people who object to the event on Sugar Hill. An overwhelming majority of the residents would like to see the event on Sugar Hill. Ciambra noted that this was the area's big fundraising event and it is for a total of four hours time in the whole weekend once a year. The visibility of the hill when visitors come into town makes a huge difference. The event is raising money for the community. They try to put on two events a year, a summer event and a winter event and that is the only event where permission is needed to use that road. It is a much safer hill than the north hill. The north hill is blind, steep and it comes into an intersection immediately. There is nowhere to run off. It is narrow. Crowd control is difficult to accomplish. Sugar Hill is ideal and it is only for two hours a day. Ciambra offered to put private security in front of any property owner who had concerns. The Association is able and willing to address most any concern that any citizen might have. Commissioner Gipe questioned why the permit requested noon to four if it was only two hours a day. Kaml, president of the association responded that they are preparing the area from about 10:00 in the morning by placing straw bales, food booths and such. Some years we have a lot more participants and it does go a lot longer but it usually does not exceed that time period. Ciambra reiterated that they police themselves by roping off the area, crowd control, security, portasands, garbage cans, four wheelers that patrol and after it is all done they clean the entire area. They make sure that people don't get out of line because they have seen the result of what has happened and they don't like that. We like to be respected in our community. In the absence of rules and regulations for all community events from the Commissioners, Ciambra requested the permit be issued. Ciambra noted that there are events in the county that are virtually in many ways the same as the bar stool races. One of them is in Bigfork and the Whitewater Festival and they get their permits every year. Those events have resulted in arrests, injuries, vandalism, and theft. The bar stool races have never had any problems that have been reported to law enforcement or any other county agency that have required their services in 25 years of racing. Commissioner Gipe stated that the residents in Martin City have expressed concern relative to drug and alcohol use in the presence of the children. He agreed that those concerns were from several years ago. Ciambra stated that it was a concern of theirs as well and they have been doing everything possible to prevent such activities. He noted that they have had sheriff's deputies at the event the past couple of years and they wondered why they were there because there was nothing going on that they needed to address. The Commissioners discussed the need to implement some standards for such events but at the present time there were none. Commissioner Hall confirmed that Johnson was recommending approval. Johnson reiterated the event has changed over the years from a bar event to a family oriented event and that the group deserves to have a chance to prove themselves. The association has been accommodating to the Road Department. Ciambra noted that the association is a separate entity from the bars now which has made for a big change. However, he added that there are few businesses in Martin City and the bars are the main contributors to the association's events. Commissioner Hall noted that changing the name may have a positive impact on the event. Ciambra noted that it is a 25 year event and people recognize it from the name. Kaml stated that they could discuss a name change. Kaml stated that the proceeds are distributed 50% to the children's Christmas fund; 25% to the new Head Start and 25% to the QRU which amounts to about \$2,000.00 even in a bad year. Maddux commended the moms from that area as being focused about what they need for their children and making the Canyon a more family friendly place to live. Maddux referred to Whitefish's history with the winter carnival and their decision to move it away from the bar scene. She encouraged the association to change their name. She stated she would be supporting their application but it is with faith in this part of our valley that they really do want to be a community that people live in not just the part of the valley that is infamous for where we drink. Commissioner Gipe acknowledged that he has been opposed to the permit for so many years that it was hard to change but noted that Sheriff Dupont has made the same comments as Johnson. Commissioner Hall strongly agreed with Maddux. He noted that in his discussions with people in that area they are very concerned with their neighborhood and the community and have a desire to change the reputation that exists. There are a lot of people moving into that area and it is becoming another fast growing community. He again encouraged the name change and advised that with the advertising and the promotion of the event really emphasize the desire to have it be a family oriented event. Ciambra responded that they would make every effort to move in that direction. Kaml advised that they were also going applying for a special events grant through the State of Montana Tourism Bureau which will help with advertising and enable them to make more changes. Commissioner Hall stated that this is a kind of see how it works out this year.

Commissioner Gipe made a **motion** to approve the permit as presented. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Johnson advised he had received a request from **Pleasant Valley School** to plow their drive-way into the Pleasant Valley School. He noted that they have not plowed any school's drive-way or parking lots in the past and does not think it is a practice they should begin. If they do it for one school they will be put in the position of providing the service for all other schools. In addition companies that provide plowing services throughout the county would be disgruntled that the county is taking business away from them. Maddux advised that the Pleasant Valley School is non-operational at the present time. There are no students attending the school this year, however, it is utilized as a community center. Commissioner Hall commented that the county pays for the service one way or the other.

Commissioner Gipe made a **motion** to deny the request from Pleasant Valley School to provide plowing services. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Johnson advised that the mileage amount from the state relative to gas tax mileage is 2,194.747 miles however in talking to Tom Reynolds of GIS his records reflect 3,036 miles. Johnson advised that he needed to respond by February 1st. The Commissioners agreed the discrepancy needs to be dealt with but it was something that was not going to be done within the next couple of weeks.

Commissioner Gipe made a **motion** to approve the gas tax letter from the State as presented. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Johnson provided the Commissioners with an overview of the projects the Road Department is committed to at the present time: Grinding and overlay this summer in **Bigfork downtown** and **Somers downtown**. **Hoffman Draw** was slated for a rebuild and pave job. **Lupfer** (north of Whitefish) railroad crossing reconstruction and paving. Johnson advised that the County has to

provide services to railroad crossings under the 1864 Railroad Act. The state puts up part of the money and the county has to do some of the work. Plans to rebuild and reconstruct **Jellison** and **Pioneer** in a joint venture with some of the gravel companies on the roads. Resolving right-of-way issues and paving back around the apartments on **Mountain View** in Evergreen. Johnson sought confirmation relative to paving one-half mile back into **Garland** north of Whitefish. Hall confirmed the Tennessee company anticipating building a plant would employ six people to begin with and capping out at 30 employees. He added that it is a well established company and is the type of industry that has to have a clean dust free environment and it looks like a good project to come into the valley. Johnson advised it would cost approximately \$50,000.00. He noted the road is a short distance from the Lupfer Railroad crossing project that they will be doing. He continued that they would have to adjust their list of priorities but they are waiting for a decision from the Board. Commissioner Watne confirmed that the project would not be done if the road was not paved. The Commissioners agreed that they should solicit information relative to cost sharing for the project.

Commissioner Hall made a **motion** to allow Johnson to enter into negotiations relative to cost sharing for the paving of Garland Drive. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Johnson advised that he will start making a list of overlay projects and submit them in March for the Commissioners' review. Johnson provided a copy of a map of the streets that were just given to the City of Whitefish pursuant to the lawsuit for annexation brought by the City of Whitefish. He also left the book *Code of the West* for the Commissioners to read. Johnson noted people are moving into this area with great expectations that their roads will be plowed first thing in the morning and there is a plow truck that is going to lead them to their job. He believes realtors and the Department of Motor Vehicles should pass the book out to customers.

MEETING WITH CHUCK MERCORD, ET AL, RE: SOMERS BIKE PATH AND SOMERS BEACH

Present at the January 6, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Larry Van Rinsum, Horace Sauders, Clyde Fisher, Pete Wool, Jim Buechle, Randy Sanders, Chuck Mercord, Marty Watkins of Fish, Wildlife and Parks, Bill Eisenlohr, Mark Liechti of Schwarz Engineering, Larry Brazda of the Montana Department of Transportation, Ed Boon, Weed, Parks and Maintenance Director Jed Fisher, Road Superintendent Charlie Johnson, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

Mercord introduced himself as the spokesman for a combined effort for the Lakeside Somers bike path, a Somers beach recreational and swimming area and an expansion of the Fish Wildlife and Parks parking area for the boat ramp out of Somers. It is a project he has been personally working on for a couple of years and in conjunction with the agencies involved: Fish, Wildlife and Parks (FW&P), Montana Department of Transportation (MDOT) and the County of Flathead. He became an impetus for the project after visiting Coeur D'Alene and observing the activities on the beach area there. The Somers beach area is currently being used in an undeveloped state and seemed a good location for such a project. He determined that the MDOT owns the property. They are willing to deed the property or provide an easement for their property to be used for not only the bike path but for the Somers beach area and the expansion of the parking currently utilized by the FW&P. FW&P has provided a sketch of what they would like to do as far as parking; however they would not be able to fund the project for approximately a year. Mark Liechti of Schwarz Engineering has done the basic engineering and Dan Brien of Somers is doing a topal of this area so Mark can then do some drawings as to how the beach could be prepared for better public use, grass, etc. Mercord has also secured some donated labor in the form of heavy equipment to get the project started and is hoping to recruit more individuals for equipment, labor and materials. Hopefully the donated equipment will be done as a charitable donation for the Somers Lakeside bike path which currently has a 5013C category and in addition could be utilized for the match for grants that are available. Some county park land was sold in the Somers area and Mercord was hoping the proceeds from that sale could be utilized for this project. Mercord was also aware of a petition circulating for a park area in Somers and was looking to that group to join in the direction of this project. Mercord was also aware of the permits that would be necessary to work within that 20 foot lakeshore protection area.

Watkins advised that they have boat in lieu funding that comes in about every two years and has put this project on the list. It will be at least a year or maybe two years out if it gets funded. There is also a match available but that is a little farther down the road. The funds could be used to expand the parking lot and paving. The trail and beach area would have to be funded through some other mechanism.

Mercord continued the project would have to be done in phases depending on low water to accomplish certain aspects. He is hopeful that this spring some surface preparation and grading could be completed. One of Mercord's visions was to put anchors down and string a line of buoys across the old pilling section that would prohibit power craft from coming in and out of the area to maintain it strictly as a swimming area. In addition, to provide a small access to be utilized for ingress and egress of kayak use.

Van Rinsum spoke to concerns relative to wetlands. The Corp of Engineers spoke favorably to the project as long as the material dredged out of the bay itself is not side cast but taken out completely. It is actually regulatory agencies that will come in line. Watkins added that there is a little wetland on the shore that they would have to keep. She suggested that because of FW&P's mission, the county might have more flexibility as far as making a beach area. Watkins questioned who would take title to the land. In developing a swim beach, it would probably be most logical that this would become a county park. The boat in lieu money could still be utilized for some of the development but it would then become the county's responsibility. Expanding the parking and the trail system could be folded into the Somers fishing access site but the addition of the swimming would necessitate it becoming a county park.

Brazda spoke to the concerns of the DOT. The DOT doesn't have a concern as long as there are no safety issues. He pointed out that what is being proposed appears to be betterment and the accesses will actually be better. Commissioner Gipe agreed the approaches would make for less safety concerns than what presently exists. Brazda stated that the ditches in the old road were a wetland and if they are impacted they have to be mitigated but the drawing reflected the wetlands to the east of where the fill would go. He said a wetland delineation could be done but when you view the property it is pretty obvious the area they are proposing between the accesses, the asphalt parking and the bikeway is not wetland. The shoreline project is a different issue.

Liechti stated that their proposal is to install some floating buoys to prevent people from entering into the wetland areas. There are no plans to improve anything in that area.

Fisher advised that there is \$50,000.00 for this project that has been set aside. In general, the board has been supportive of trying to get something going on the Somers beach. However, Fisher noted that there is a pretty active group in Somers that feels that money should be used within the Somers townsite because that is how the funds were derived from the sale of a Somers townsite park. Some seem to feel that this it is better to have more usage out by the Somers Bay landing but another group definitely wants to see a playground area in town. He stated his concern was long term maintenance. As with every other park the County has and as they continue to build up parks they all have to be maintained. There needs to be some basis to fund this long term because it is going to get very expensive on mowing, clean-up, bathrooms, pumping and the County can't be expected to take care of that internally. They need to look at setting aside some money now for long term maintenance and seeking grants for the up front money that is needed in conjunction with equipment that may be donated.

Eisenlohr stated that he and Mark applied for FW&P grant to PATS through Helena and just received word today that they have received a \$29,960.00 grant for the Somers area. An approximate accounting of bike path funding is \$39,400.00 that is either cash in hand or pledged and the pledges are organizations and corporations. Lakeside has been collecting money for this for quite some time.

Mercord suggested that for maintenance they could look to the community for support and get civic groups involved that would take on such projects. Fisher confirmed that they do support the project but noted that even small parks such as Sliter Park ultimately ends up costing \$10 to \$12,000.00 a year to maintain. Vandalism issues always come up in addition to so many other things. Fisher reiterated that everybody needs to address the long term maintenance of the park.

Mercord confirmed that they had no plans to dredge the lake. He thought it feasible to use some of these fabric they use under roads, put it on top of what is there and then bring in some pea gravel or something but reiterated the plans are not that far along. Sanderson added that either approach is going to take a major variance to the existing regulations of Flathead County. There will be a lot of other entities other than just the county. Lake and Lakeshore Protection regulations could potentially come into play. VanRinsum agreed there would need to be some variances but they would not be insurmountable.

Sanders echoed Fishers comments that this looks like a win-win situation for everybody. People are already using it for a swimming area. There is easy access in there for swimming. Sanders requested that the bark and crap deposited from the mill over the years be removed if possible.

Mercord sought confirmation that if you take something out obviously you are going to have to find a place for disposal and perhaps it could be sold. He also reiterated his desire to work within the 20 foot lakeshore protection zone and hoping that a portion of that work could be accomplished this spring.

VanRinsum then spoke as a private citizen noting that this was the biggest lake this side of the Mississippi and there is nowhere for children to swim because of the boater-swimmer conflict. That is ridiculous. The kids need to have access.

Commissioner Gipe stated that this is a can do operation for the board. We have been talking about it for some time, we should get started.

Brazda cautioned that all the appropriate authorities need to be addressed on an individual basis. He also noted the importance of clarifying terminology to avoid creating adverse public reaction to the project.

Buechle talked relative to the type of material in the area and advised to research before proceeding.

Fisher again voiced support for the project but suggested that all the funds be pooled together and use in-kind match to obtain more funds.

Watkins noted that there would have to be some brainstorming as boat in lieu does not allow the use of work done ahead of time to be used for the match.

Eisenlohr stated the vehicle for the funds is the Lakeside Community Development. Fisher suggested that they add Somers to the name for a little ownership from residents with respect to the money that the county will be putting into the project.

Commissioner Hall suggested an educational process for the local communities to keep them apprised and encourage support. Mercord advised that he was holding off on any kind of an announcement until the project was moving in the right direction. Sanderson advised to move forward with the paperwork now to facilitate work starting this spring. Watkins reiterated the need to go public before work begins.

Watkins again stated the need for confirmation on whether the county would be willing to accept ownership of that piece of property from MDOT. The Commissioners agreed that the issue of maintenance needed to be addressed before the county would commit to such ownership. Watkins stated they would continue to maintain their boat area but would not commit to

maintaining anything else if the property actually did go to county ownership. She stated that her view FW&P would provide capital development and expertise and design and engineering.

Commissioner Hall suggested some type of Interlocal agreement. Watkins responded that it was not out of the realm of possibilities but it would have to go through Helena.

Johnson reiterated the need for maintenance because the county is continuing to build bike paths and the maintenance issues are not being addressed and it is creating a problem. Mercord expressed the high visibility of the area as a deterrent to vandalism.

Mercord advised he would move forward on the permitting process. The Commissioners confirmed their support for the project and offered their conference room as a meeting place if needed. Brazda stated economically it only makes sense to dovetail the project together. The scope of work is going to direct where you need to go first. Fisher confirmed that work would be able to proceed without a title being transferred from DOT. Watkins confirmed that FW&P would provide assistance relative to the boating area but they could not assist relative to a swim beach. Commissioner Gipe confirmed that FW&P restricted overnight parking in the area.

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

TUESDAY, JANUARY 7, 2003

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

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

Present at the January 7, 2003 9:00 A.M. Meeting were Commissioners Hall and Gipe, Superintendent of Schools Donna Maddux, Assistant Avery, and Clerk Eggum.

General discussion was held relative to meeting with Charlie Owens, Chaplin for the Whitefish Police Force and emergency preparedness; tight budget this year because of move; teenage drinking; training.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the January 7, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Computer Services Director Norm Calvert, Assistant Avery, and Clerk Eggum.

General discussion was held relative to no more moves; salvage equipment; too many machines in Blue Building; annual replacement program; institution of lead worker position; GIS.

OPEN BIDS: MODULAR RESPONSE UNITS/SHERIFF'S OFFICE

Present at the January 7, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Steve Apgar, Robert Fuller, Peggy Johnston, Assistant Avery, and Clerk Eggum.

The following bids were received for the Modular Response Unit:

Apgar Ambulance in the amount of \$175,978.00
Braun Northwest, Inc. in the amount of \$175,170.00
Billings Truck Center in the amount of \$195,000.00

Commissioner Gipe made a **motion** to take the bids under advisement and refer to the Sheriff's Office for recommendation. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: DEPUTY COUNTY ATTORNEY

Present at the January 7, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from the County Attorney's Office advising that a new deputy county attorney was needed to replace Ed Corrigan who was elected to the County Attorney office.

Commissioner Gipe made a **motion** to open the deputy county attorney position as presented. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENTS: VARIOUS

Present at the January 7, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Nancy F. Askew, W. Turner Askew, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Betty J. Norem to the Conrad Mansion Museum Board. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint John James to the Desert Mountain TV District Board. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Orville Peters to the Fairview Cemetery District. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Rand Robbin to the Flathead County Museum Board. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint W. Turner Askew to the Flathead Economic Development Authority Board. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Jean Johnson to the Kalispell City Planning Board. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Richard L. Barron to the Tax Appeal Board. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Jack Van Lindern to the Columbia Falls Cemetery Board. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONTINUATION OF PRELIMINARY PLAT: MONTANA EAGLE DEVELOPMENT, PHASE I

Present at the January 7, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Melinda Riley, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt and Debbie McDorman of Marquardt Surveying, Mel Allen, Nancy F. Askew, W. Turner Askew, Assistant Avery, and Clerk Eggum.

Riley advised that they have received a recommendation from the County Attorney's Office that these Montana Eagle Developments be renamed.

Riley reported that this was an application by Plum Creek for approval of Montana Eagle Development Phase I, a five lot residential subdivision. The property is located approximately one mile south of Lakeside off of U.S. Highway 93 across the highway from Peaceful Bay. The proposed subdivision contains 50.3 acres. Because of the large lot sizes and the terrain, the length of the cul-de-sac road does not meet the road and street design standards. The regulations state the cul-de-sac road cannot be over 1,000 feet long if it serves four or more lots. They are requesting a variance to such requirement. Cul-de-sacs have been placed approximately every 1,000 feet throughout the subdivision to allow for turnaround spaces. Staff recommends approval of the preliminary plat subject to 14 conditions. Riley requested that an E and F be added to condition number 5 as follows: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations."

Riley noted that Alan Marble Director of OES was to review the property and suggested that reserve tanks or something be utilized in that area.

Commissioner Hall questioned the distance to the nearest sewer line in Lakeside. Marquardt advised that she goes by the state regulation and it is over 500 feet. He voiced concern from residents in the Lakeside area relative to the amount of development in the Lakeside area and effluents going into the lake. Allen advised that the property is about 1,000 feet from the sewer. There is a subdivision to the west which is 20 acre parcels that are on septic. The concern in the Lakeside area is the half acre parcels on septic systems. 10-acre parcels allow for a greater distribution. Commissioner Gipe advised that the Commissioners have never supported reserve tanks and certainly not in area that is in such close proximity to the lake.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-02-34 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to amend Condition #5 to add the following: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations." Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance requested to Section 3.9, Street and Road Design Standards. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Preliminary Plat of Montana Eagle Development Phase I subject to 14 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONTINUATION OF PRELIMINARY PLAT: MONTANA EAGLE DEVELOPMENT, PHASE II

Present at the January 7, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Melinda Riley, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt and Debbie McDorman of Marquardt Surveying, Mel Allen, Assistant Avery, and Clerk Eggum.

Riley reported that this was an application by Plum Creek for approval of Montana Eagle Development Phase II, a five lot residential subdivision. The property is located approximately one mile south of Lakeside off of U.S. Highway 93 across from Peaceful Bay. The proposed subdivision contains 53.7 acres. Because of the large lot sizes and the terrain, the length of the cul-de-sac road does not meet the road and street design standards. The regulations state the cul-de-sac road cannot be over 1,000 feet long if it serves four or more lots. They are requesting a variance to such requirement. Cul-de-sacs have been placed approximately every 1,000 feet throughout the subdivision to allow for turnaround spaces. Staff recommends approval of the preliminary plat subject to 14 conditions. Riley requested that an E and F be added to condition number 5 as follows: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations."

Marquardt advised that her client has obtained an emergency access easement out of the property to the south to be used for emergencies. It will not be a main access but it will be available in an emergency situation.

Commissioner Hall noted under the recommendations the remark that the area will be frequented by animals but the Fish and Game had requested that information be inserted related to such and it has not been done.

Sanderson advised that the Planning and Zoning Office inserts the statement that you are moving into an area which is frequented by animals and to contact Fish Wildlife and Parks so that all species of animals are addressed for whatever area they are in to prevent inadvertent omission of animals in a particular area.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-02-35 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to amend Condition #5 to add the following: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations." Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance requested to Section 3.9, Street and Road Design Standards. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Preliminary Plat Montana Eagle Development Phase II subject to 14 conditions as amended. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONTINUATION OF PRELIMINARY PLAT: MONTANA EAGLE DEVELOPMENT, PHASE III

Present at the December 19, 2002 10:15 A.M. Meeting were Commissioner Watne, Planner Melinda Riley, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt and Debbie McDorman of Marquardt Surveying, Mel Allen, Assistant Avery, and Clerk Eggum.

Crowley reported that this was an application by Plum Creek for approval of Montana Eagle Development Phase III, a five lot residential subdivision. The property is located approximately one mile south of Lakeside off of U.S. Highway 93. The proposed sub division contains 67.6 acres across from Peaceful Bay. Commissioner Gipe made a **motion** to amend Condition #5 to add the following: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations."

Commissioner Hall made a **motion** to adopt Staff Report #FSR-02-36 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to amend Condition #5 to add the following: "E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited. F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations." Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance requested to Section 3.9, Street and Road Design Standards. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Preliminary Plat of Montana eagle Development Phase III subject to 14 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #407 (ROAD IN LOT 1, 6-28-23)

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Discontinuance of Public Roadway No. 407 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY NO. 407**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A tract of land located in Government Lot 1 of Section 6, T28N, R23W, P.M.M., Flathead County,, Montana and being 30 feet on either side from the centerline of the traveled way and more particularly described as follows:

Commencing at the Southeast Corner of Government Lot 1; thence along the South line of Government Lot 1 N88°58'14"W 797.89 feet to the Point of Beginning; Thence N55°43'44"W 170.43 feet; thence N43°12'05"W 309.80 feet; thence N46°06'01"W 136.01 feet; thence N48°21'36"W 92.89 feet to the West line of Government Lot 1 and the terminus of said centerline.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **January 22, 2003 at 10:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 7th day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
PAULA ROBINSON,
CLERK AND RECORDER

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

Publish on **January 11, 2003 and January 18, 2003**

AUTHORIZATION TO PUBLISH CALL FOR BIDS RENTAL OF HEAVY EQUIPMENT/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the rental of equipment, with operators, for work to be done under the direction of the Flathead County Road Department on Flathead County roads, between April 1, 2003, and March 31, 2004.

The equipment to be rented is as follows:

Trucks: Three-axle dumps, 300 horsepower minimum, 12 cubic yard or more,
Three-axle dumps, 300 horsepower minimum, 12 cubic yard or more with pup trailer, 12 cubic yard or more,
Three-axle tractors, 300 horsepower minimum, 20 cubic yard minimum, semi-bottom dump, windrow type;

Excavators: Caterpillar 315 with thumb or equivalent;

Bulldozers: Caterpillar D5 or equivalent,
Caterpillar D8 or equivalent;

Compactors: Caterpillar 824 or equivalent,
Caterpillar 825 or equivalent,
Bomag 213PD Sheepsfoot or equivalent,
Rago 410A or equivalent;

Scrapers: Caterpillar 613 or equivalent,
Caterpillar 627 or equivalent,
Caterpillar 637 or equivalent,
Caterpillar 623 or equivalent,
Terrix TS18 or equivalent;

Water Truck: 4,000 gallon minimum.

The equipment will be rented on the following conditions:

1. The hourly bid rate is to include operation, maintenance and repair of the equipment.
2. The equipment must be available to the Road Department on 24 hours notice.
3. Prevailing wages must be paid and a certified copy of the bidder's weekly, biweekly or monthly payroll must be provided to the Road Department within 10 days of the date of the payroll.
4. All bid prices are to be on a hourly basis with a 4-hour minimum.
5. Any mobilization costs will be bid separately from the hourly contracted rate.
6. The successful bidders shall be required to provide proof of the following:
 - i) Workers' Compensation and Unemployment Insurance coverage;
 - ii) Vehicle Insurance;
 - iii) Vehicle MDOT Inspection Certificates;
 - iv) Liability Insurance in the minimum amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), with Flathead County as a named insured; and
 - v) Valid CDL driver's licenses with appropriate endorsement and medical examination forms.

Each bidder must deposit with his bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded a contract, the bidder will, within ten (10) days, enter into a formal contract for the rental of equipment. 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 bid bond executed by a surety corporation authorized to do business in Montana.

Bidders shall bid each piece of equipment separately and may bid more than one piece of equipment. In the event that more than one piece of equipment is bid by a single bidder, one bid bond will be sufficient to cover all pieces bid. The County will contract to rent equipment on the basis of the best overall cost to the County for each piece of equipment.

The form of Bid Sheet and Contract to be signed are on file and may be obtained from the Clerk and Recorder's Office, Flathead County Courthouse, Kalispell, Montana. No bidder may withdraw a bid after the actual date of the opening thereof.

All sealed bids, plainly marked "Equipment Rental Bid" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 o'clock a.m., on January 27, 2003, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

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

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.

Dated this 7th day of January, 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
Deputy

Publish on: January 11, 2003 and January 18, 2003

AUTHORIZATION TO PUBLISH CALL FOR BIDS LIQUID ASPHALT/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Emulsified Asphalt - CRS 2 -- 500 tons

Bidding is to be by the ton F.O.B. to Flathead County and the specific site, which will be disclosed at the time the order is placed. Bid price is to also include appropriate placement of materials on County site by successful bidder. Distributor to be mounted with a Bear Cat computerized spray bar with a minimum 4,000 tank or equivalent. Supplier shall have oil sample test results on hand and available upon request of Flathead County. Bidder will be responsible for proper product, temperature, consistency, and application.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery. All orders to be delivered at 7:00 a.m. the next morning. Tanks to be equipped with factory mounted visual thermometers.

Bidder will be responsible to provide County with two (2) oil samples to be taken at the point of delivery, before application begins. Oil samples will be labeled and ready to be tested. Labels and attached documentation are to include date, type of material, temperature, and any other information needed for adequate testing.

Bid to be from February 1, 2003 through January 31, 2004, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder. Bid price is to include on site delivery within Flathead County and for materials to be placed on the road by the vendor.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; 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 a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be plainly marked "LIQUID ASPHALT BID" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 a.m. on January 27, 2003 in the Commissioners' Office in the West Annex of the Courthouse.

Where bids and quality of product are comparable, preferences will be given to materials of Montana production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a 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.

Dated this 7th day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

/s/ Vickie M. Eggum
Deputy

Publish on: January 11, 2003 and January 18, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BIDS PG64-22 7 PG58-22/SS1 TACK OIL/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Asphalt - PG64-22 & PG58-22 -- 2,000 tons
Asphalt - SS 1 Tack Oil -- 30 tons

The award of bid will be made to a single vendor who will supply both types of liquid asphalt. The award of bid will be made on the basis of an overall low bid determined by use of the County's estimated usage for each type of liquid asphalt and the bidders' price for each type of liquid asphalt. The estimated usage figures are to be used only for the purpose of determining an overall low bid; actual usage of each type of asphalt for 2003 asphalt season may vary from those estimates.

All pricing is to be by the ton F.O.B. to the Flathead County Asphalt Plant in Kalispell and/or to the Flathead County Shop in Kalispell.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery, at which time the contractor will be told the type of oil to deliver. All orders to be delivered at 7:00 a.m. the next morning. All trucks shall have pumps to unload in overhead tanks. Asphalt will be 290 degrees Fahrenheit at time of delivery. Emulsified asphalt will be 140 degrees Fahrenheit when delivered. Tanks to be equipped with factory mounted visual thermometers. Supplier shall have oil sample test results on hand and available upon request to Flathead County.

Bid to be from February 1, 2003 through January 31, 2004, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; 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 a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be **plainly marked "LIQUID ASPHALT BID"** and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 a.m. on January 27, 2003 in the Commissioners' Office in the West Annex of the Courthouse.

Where bids and quality of product are comparable, preferences will be given to materials of Montana production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a 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.

Dated this 7th day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

/s/ Vickie M. Eggum
Deputy

Publish on: January 11, 2003 and January 18, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BIDS PROPANE/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

Propane Fuel

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (propane) that Flathead County will use in the next year, February 1, 2003 through January 31, 2004.

PROPANE - estimated usage - 200,000 gallons

Vendor to provide the 11,000 gallon minimum porta-pac/tank, the pump and motors, all piping and pressure regulating valves and gauges and related equipment to the liquid propane manifold which will meet the burner specifications on both volume and pressure down to a temperature of 32 degrees Fahrenheit, see attached diagram with specifications. If rental agreements are applicable, pertinent information maybe listed at the appropriate space provided. This should include the delivery and removal of the tank and equipment upon job completion and or the termination of said contract, including any man-hours required for set up or removal.

Bidder will provide the equipment necessary for the hookup between the porta-pac and the liquid propane manifold. Flathead County agrees to purchase any items needed for the hookup that are specific to our particular plant.

Once the porta-pac has been moved to the site Flathead County will bear the costs of any further relocating.

Bidder must be able to deliver materials to the Old Steel Bridge Pit, 1333 Holt Stage Road, Kalispell, MT. 59901, or to another predetermined location within Flathead County, on a keep full basis. Alternate delivery locations will be given to the vendor one-week prior to the effective date of change.

Delivery/Shipping will be F.O.B. to the specified plant location.

Bidder to furnish propane at net state prices (laid in price, rack price). At the time a net state prices (laid in price, rack price) fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on net state prices (laid in price, rack price) and the total cost per gallon delivered.

For fuel provided under the term contract, net state prices (laid in price, rack price), delivery prices, totals per gallon, invoice total and meter reading measurements before and after delivery must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of propane fuel on the bid form.

Bidder is to bid only the delivery cost per gallon over the net state prices (laid in price, rack price) on the attached bid form.

Award of bid will be made only to a single vendor who can supply propane fuel, porta-pac unit, and related items needed to hook up to the liquid propane manifold. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered shall meet or exceed Federal Fuel Commodity Specifications.

NOTE - If quality of fuel is questioned, the County reserves the right to have fuel tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said propane fuels. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

Where bids and quality of product are comparable, preferences will be given to materials of Montana Production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 a.m. on Monday, January 27, 2003 in the Commissioners' Office at the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interests of Flathead County.

The award of a 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.

Dated this 7th day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

/s/ Vickie M. Eggum
Deputy

Publish on: January 11, 2003 and January 18, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BID TIRES/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

TIRES

Tires for Flathead County Road and Bridge Departments.

Bids for new tires, tubes, recaps, and recapping.

Bidder will deliver and pick up tires at the Flathead County
Shop Compound, 1249 Willow Glen Drive, Kalispell, MT.

There may be one bid for new tires and tubes and one bid for recaps and recapping.

Bid to be "firm" throughout contract period of February 1, 2003 through January 31, 2004 or until the County Commissioners call for new bids.

Bidder to furnish Net State Prices.

Tire Sizes: New Tires

11R24.5 12 ply (minimum) Highway

11R24.5 12 ply (minimum) Summer Traction

1400R24 12 ply (minimum) Non Directional Grader Tires

20.5X25 L5 Loader Tires

23.5X25 L5 Loader Tires

225/60R16 Speed Rated All Season

225/60R16 Speed Rated Mud and Snow

235/85R16 10 ply All Season

235/85R16 10 ply Mud and Snow

Tire Sizes: Recap Tires

11R24.5 Gripper Caps (Using County Casings)

Any other specialty tires needed will be purchased at Net State Prices.

Bidder to attach a typed copy of the above tire sizes listing the brand, size, tread style, grade or quality, and prices for bid comparison and to be attached to the contract if awarded the bid. Bidder is requested to include a catalog of their bid products that would include photos of tires and treads.

Delivery: Pickup and/or delivery/shipping will be F.O.B. to the Flathead County Shop at 1249 Willow Glen Dr. Kalispell, MT 59901.

Each bidder must deposit with his bid, a bid security in the amount of one thousand dollars (\$1,000.000) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the period of February 1, 2003, through January 31, 2004. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

Where bids and quality of product are comparable, preferences will be given to materials of Montana production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The successful bidder must be able to deliver materials within ten (10) days of their being ordered by the County.

Should continued problems arise with the materials being supplied by the bidder or if the bidder cannot supply the materials needed, Flathead County reserves the right to purchase the bid items from another supplier in order to maintain operations and safety standards.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, MT.

All sealed bids, plainly marked as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 a.m. on Monday, January 27, 2003 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a 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.

Dated this 7th day of January, 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
Deputy

Publish on: January 11, 2003 and January 18, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BIDS GASOLINE AND DIESEL/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

GASOLINE AND DIESEL

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (gasoline and diesel) that Flathead County will use in the next year, February 1, 2003 through January 31, 2004.

DIESEL - estimated usage - 225,000 gallons
REGULAR NO LEAD - estimated usage - 100,000 gallons

Bidder must be able to deliver materials to the following delivery points on a keep full basis.

Bid prices for all materials must be listed for each delivery point listed below, on the bid form.

Delivery/Shipping will be F.O.B. to the following destinations.

Delivery Points:

Martin City Premium No Lead Gas and Red Dyed Low Sulfur Diesel

Columbia Falls Premium No Lead Gas and Red Dyed Low Sulfur Diesel
Busch Pit Premium No Lead Gas and Red Dyed Low Sulfur Diesel
Olney - Mielke Red Dyed Low Sulfur Diesel
Kila - Widgren Red Dyed Low Sulfur Diesel
Bigfork - Sullivan Red Dyed Low Sulfur Diesel
Bigfork - Thoennes Red Dyed Low Sulfur Diesel
County Shop, Road Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Mixing Plant Red Dyed Low Sulfur Diesel Fuel
Main Courthouse Regular No Lead Gasoline and Red Dyed Low Sulfur Diesel

Diesel fuel to be blended a minimum of 30% in winter months, approximately from November 1 through March 31, at the discretion of the Flathead County Road Department, depending upon winter weather.

Bidder to furnish net state prices. At the time a price fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on his "Base Price".

For fuel provided under the term contract, prices and meter readings or "stick" measurements must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of gasoline and/or diesel fuel being on the bid form.

Bidder to include the following taxes with their price breakdown per gallon per delivery point on the attached form:

Gasoline include state tax - no federal tax
Diesel include no state tax no federal tax

Award of bid will be made only to a single vendor who can supply both gasoline and diesel fuel. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered under the terms of this contract shall meet or exceed Federal Fuel Commodity Specifications as referenced below:

Fuel Quality Requirements:

Gasoline - All gasoline provided shall meet or exceed Federal Specifications, VV-G-1690B.
Diesel Fuel - All diesel fuels provided shall meet or exceed Federal Specifications, VV-F-800B with reference to grades DF-#1 and DF-#2.

NOTE - If quality of fuels is questioned, the County reserves the right to have fuels tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said gasoline and diesel fuels. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

Where bids and quality of product are comparable, preferences will be given to materials of Montana Production and to Montana resident bidders over non-residents, if an appropriate affidavit under Section 18-1-113, M.C.A., accompanies the bid.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before **5:00 P.M. on Friday, January 24, 2003**. Bids will be opened and read at 9:30 A.M. on January 27, 2003 in the Commissioners' Office at the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interests of Flathead County.

The award of a 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.

Dated this 7th day of January, 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
Deputy

Publish on: January 11, 2003 and January 18, 2003

AUTHORIZATION TO PUBLISH CALL FOR BIDS GRAVEL CRUSHING/ROAD DEPARTMENT

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 70,000 tons of 3/4" inch minus crushed gravel at the Old Steel Bridge Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 392, Table 701-15, crushed top surfacing Type "B".

Specified asphalt minimum three piles: 1. Course, 2. Crushed Fines, 3. Natural Fines.

<u>Sieve Size</u>	<u>Job Mix</u>	<u>Job Mix Grade Three</u>
<u>Tolerance</u>	<u>Target Limits</u>	
3/4"		100 %
1/2"	+(-) 7	86-90 %
3/8"	+(-) 7	75-79 %
No. 4	+(-) 7	53-57 %
No. 10	+(-) 6	34-40 %
No. 40	+(-) 5	16-18 %
No. 200	+(-) 1	5-7 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Natural fines shall be 100 % passing 3/4" sieve size.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed, any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Flathead County shall assess a penalty of \$100. per day for failure of the contractor to complete the contract in sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract without penalty.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor.

All sealed bids, **plainly marked** as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before **5:00 P.M. Friday, January 24, 2003**. Bids will be opened and read at 9:30 A.M. on January 27, 2003 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a 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.

Dated this 7th day of January, 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
Deputy

PLEASE PUBLISH IN YOUR ISSUES OF: January 11, 2003 and January 18, 2003

PRELIMINARY PLAT: FOLEY SUBDIVISION

Present at the January 6, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, M. Foley, Bill Dakin, Brian Sullivan, Assistant Avery, and Clerk Eggum.

Morgan reported that this was an application by Foley Trust for a one lot residential subdivision. The property is located southwest of West Glacier approximately three quarters of a mile from the intersection of Lake Five Road and U.S. Highway 2 East. It is located along Belton Stage Road and abuts Halfmoon Lake along the west shore. The proposed subdivision lies on approximately 25.27 acres with the proposed lot size being 8.42 acres. Staff is recommending approval of this preliminary plat subject to 13 conditions.

Relative to compliance with the Canyon Area Land Use Regulatory System the minimum lot size of the Canyon is 10 acres but the proposed lot size is 8.42 for the remainder being over 16 acres. He was granted a variance to the minimum lot size from the Board of Adjustment. The reason he was granted a variance is because the lot is already geographically separated. There is one legal description but there are two properties that actually lie in between this tract of land.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-02-41 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance to section 4.1F(2) for minimum lot size. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** for approval of Preliminary Plat of Foley Subdivision subject to nine conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING/THOMAS DEEN & HOSKINS TEXT AMENDMENT AND O'MYER ZONE CHANGE

Present at the January 7, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice 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, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by Thomas Dean & Hoskins.

The proposed amendment would amend Section 7.03.100, the definition of "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 723 5th Ave. East, Kalispell, Montana.

The public hearing will be held on the 21st day of January, 2003, at 10:30 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 to the text of the Flathead County Zoning Regulations.

DATED this 7th day of January, 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
Deputy

Publish on January 11, and January 18, 2003.

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 Shane O'Myer to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be changed from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended 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, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 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. 9327013500.

The public hearing will be held on the 21st day of January, 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 Evergreen and Vicinity Zoning District.

DATED this 7th day of January, 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
Deputy

Publish on: January 11, 2003 and January 18, 2003

EXHIBIT A

Shane O'Myer

**Zone Change/Evergreen and Vicinity Zoning District
Legal Description**

Location and Legal Description of Property:

The property is located approximately 2.5 miles north of East Reserve Drive off of Addison Square. The property is further described as Parcels A, B, C, & D of Certificate of Survey No. 15165 in Sections 26 and 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

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

WEDNESDAY, JANUARY 8, 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 P.M., the Board continued the session until 8:00 o'clock A.M. on January 9, 2003.

THURSDAY, JANUARY 9, 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/FORREST SANDERSON, PLANNING & ZONING OFFICE

Present at the January 9, 2002 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Watne, Planning and Zoning Director, Forrest Sanderson, Planning Director Forrest Sanderson, and Clerk Eggum.

CTEP trails: Meridian Trail continues to crack; Great Northern Trail two easements secured; Helena Flats Trail was awarded \$10,000 from FEC's Roundup for Safety; Red Bridge and Kila Trail both submitted for funding this summer; River Road and Farm to Market Road Paths are in the process for publishing for engineering services; Lakeside Trail will need to apply to MDT for CTEP funding; quarterly report statistics; Flathead County Planning Board schedule; Conference Room/PA system for Earl Bennett Building.

PRELIMINARY PLAT: HARMONY COURT SUBDIVISION

Present at the January 9, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Bryan Schutt, John Schwarz, Jim Christian, Assistant Avery, and Clerk Eggum.

Morrison reported that this was an application by Don Gatzke for preliminary plat approval of Harmony Court. The applicant proposes to create a 34 lot single family townhouse/duplex subdivision located along Harmony Road and Solberg Drive in Evergreen. Staff is recommending approval of this preliminary plat subject to 16 conditions.

A variance is requested to Section 3.9, Table 3 of the Flathead County Subdivision Regulations road right-of-way width, for the use of a 40 foot right-of-way width as opposed to 60 feet.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-02-20 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the variance to Section 3.9, Table 3 allowing for a 40 foot right-of-way width. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** for approval of Preliminary Plat of Harmony Court Subdivision subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: GLACIER MEADOWS

Present at the January 9, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Shirley Anderson, Alma Hume, Robert Anderson, Russell Olsen, Jim Edmiston, Marla Edmiston, Laretta Olson, Linda Christensen, Ray Zdimperi, Penni Chrisholm, Jerry Siderius, Peter A. Burkett, Harm Toren, Roxanne Watkins, Dell McManus, Sherry Iavicoli, Linda Johnson, Angie Olsen, Michael Blend, Assistant Avery, and Clerk Eggum.

Morrison reported that this was an application by Ray and Cleona Lybeck for preliminary plat approval of the Glacier Meadows. The applicant proposes to create 217 new single family residential lots and two commercial lots approximately six and one-half miles northeast of Kalispell in the Helena Flats area one-half mile east of Costco Wholesale. The proposed subdivision is located in an unzoned area of Flathead County along Helena Flats Road. The Flathead County Planning Board recommended denial of this preliminary plat.

Commissioner Gipe concurred with the findings of the Planning Board.

Shirley Anderson submitted a map for inclusion in the record.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-02-17 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall stated that there has been a lot of community effort related to the subdivision. It is an outstanding plan with the courtyard and the work that went into the project. It is the kind of subdivision we would like to see in the valley. Having it closer to municipalities is better and this location is just not the best location for such a development.

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

FINAL PLAT: ASPEN KNOLL

Present at the January 9, 2002 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Mike Fraser of TDH, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Tom Symmes of Aspen Knoll LLC for Aspen Knoll Phase 1 which creates 26 single family residential lots. The property is located in the West Side area off of Two Mile Drive approximately one mile west of Kalispell. Preliminary plat was approved on March 12, 2002 subject to 13 conditions. Morrison indicated that all conditions had been met or otherwise addressed by the applicants. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$133,022.23 to fund the base course, asphaltic concrete, seeding and clean up, wells – pump house and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Final Plat for Aspen Knoll Phase 1. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: LAKE HOLLOWES 2

Present at the January 9, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Assistant Avery, and Clerk Eggum.

Riley reported that this was an application by Scott Hollinger for creation of a one-lot residential subdivision. The property is located approximately 20 miles southeast of Kalispell off of McCaffery Road near Peterson Lake. The proposed subdivision contains 41.7 acres. Riley stated Staff is recommending approval of this preliminary plat subject to 13 conditions.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-02-43 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** for approval of Preliminary Plat of Lake Hollowes 2 Subdivision subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

COS REVIEW: YARDE

Present at the January 9, 2003 10.45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Rick Breckenridge of Montana Mapping Associates, Inc., Scott Yarde, Assistant Avery and Clerk Eggum.

Sanderson reviewed the chain of title for the property.

Breckenridge advised that the occasional sale law was revoked in 1993 but the COS was filed so creation was done over 10 years ago but a deed was not filed until 2000. Scott and Laurel own the tract to the south of it as well. When this tract came available he purchased the property. The evaluation criteria was triggered because this is one tract over the allowable amount that 509 triggers. There is legal access back to this property. We have extended that 30 feet all through on the north tier of the tract. That is all there is available out there. Across the Helena Flats Ranchetts there is only a 30 foot access and so we did discuss the possibility of doing a subdivision but we couldn't acquire the county easement for that to take place. He has the road built to county standards into the place but we just can't get the additional 30 feet. We tried to explore all possibilities in trying to get Scott the parcels he wanted for development for his family.

Yarde stated he has a daughter that is 21 and she has been married for three years and wants to transfer a tract to her to get her a start. His son is 18 and he is engaged but he wants to wait a few years before transferring to his son. Therefore, he and his wife feel they should just keep the property in their names for a few years.

Commissioner Gipe made a **motion** to approve the Yarde COS as presented. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE IV

Present at the January 9, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Mike Fraser of TD&H, Tim Fox, Assistant Avery, and Clerk Eggum.

Morrison reported that this was an application by Rocky Mountain Recreational Communities for preliminary plat approval of the amended plat of Amended Plat of Harbor Village at Eagle Bend Phase IV. The applicant proposes to amend the preliminary approval for Harbor Village at Eagle Bend by converting 42 proposed condominiums into 42 town home lots and one marina and clubhouse lot and increasing the area of the subject property to include the harbor, marina, and clubhouse. The site contains approximately 28.842 acres within the Bigfork Zoning District. All of the lots in the subdivision area propose to have public water and sewer. The property lies along Holt Drive near Bigfork. Staff is recommending approval of this preliminary plat subject to 25 conditions. A variance is requested to Section 3.9, Table 1, Road Design Standards, right-of-way width for local subdivision streets for the internal road system serving the interior of the townhouse lots. The minimum right-of-way width inside the subdivision does not meet the requirement of 60 feet. The interior road is 24 feet in width. The plat reflects there are suitable roads all the way around the development with suitable right-of-way. This is just a private road to get to the inside of the area to the garages. No utilities will be run there. The road width will be 20 feet there will just be no right-of-way. Fraser advised that the interior road system meets all the requirements of the county subdivision regulations except right-of-way. Because all the roads are private and allocated to the lots it is all basically easement area. Each lot fronts on a dedicated street. The access to the garages will be on a street that is designed and built to county standards. All parking requirements to the subdivision regulations are met. There are double car garages and the streets have been signed no parking allowed.

Morrison stated on #8 the last sentence "Discharge of storm water into the marina harbor or other body of water is prohibited." is not necessary as this issue has been addressed prior by a storm discharge permit that they have obtained. The sentence should be deleted.

Fraser advised that condition #17 was a restatement of condition #8.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-02-18 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to delete condition #17 and amend #8 by deleting the last sentence: "Discharge of storm water into the marina harbor or other body of water is prohibited.". Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the variance to Section 3.9, Table 1, Road Design Standards. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** for approval of Preliminary Plat of Amended Plat of Harbor Village at Eagle Bend, Phase IV, subject to 24 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: RIVER PLACE SUBDIVISION, PHASE 3

Present at the January 9, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Jeff Larsen of Larsen Engineering and Surveying, Assistant Avery, and Clerk Eggum.

Morrison reported that this was an application by ARICO (Al Sylling) for preliminary plat approval of the amended plat of River Place Subdivision Phase III. The applicant proposes to create 26 single-family residential lots on 15.82 acres approximately 500 feet north of Nickel Charlie's Casino and southwest of Evergreen School in Kalispell. The property lies along River Road near Kalispell. Staff is recommending approval of this preliminary plat subject to 14 conditions.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-02-19 as findings of fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** for approval of Preliminary Plat of River Place Subdivision Phase III subject to 14 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

FINAL PLAT: FOY'S GRANDVIEW ESTATES

Present at the January 9, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe and Hall, Planner Melinda Riley, Tim Severson, Renee' Roybal, Paul Roybal, Debbie McDorman of Marquardt and Marquardt Surveying, and Clerk Eggum.

Riley reviewed the Staff Report regarding the application filed by Paul Roybal for Foy's Grandview Estates which will create four residential lots along Foy's Lake Road. Preliminary plat was approved on July 17, 20002 subject to eight conditions. Riley indicated that all conditions had been met or otherwise addressed by the applicants. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Gipe made a **motion** to approve the Subdivision Improvement Agreement for construction of a road base and paving of a road in the amount of \$30,220.00 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve Final Plat for Foy's Grandview Estates. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried by quorum.

FINAL PLAT: LABRUM MEADOWS

Present at the January 9, 2003 11:45 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Kurt and Harlene Labrum for Labrum Meadows which is a minor subdivision along Sullivan Road, approximately five miles north of the Highway 206 and 35 intersection west (sic) of Kalispell. The subject property is 10.00 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat was approval was waived on August 13, 2002 subject to five conditions. Staff recommends approval for the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-02-33 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat for Labrum Meadows Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

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

FRIDAY, JANUARY 10, 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 P.M., the Board continued the session until 8:00 o'clock A.M. on January 13, 2003.
