

MONDAY, JANUARY 20, 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.

COUNTY OFFICES CLOSED – MARTIN LUTHER KING JR. DAY

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on January 21, 2003.

TUESDAY, JANUARY 21, 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/JIM ATKINSON, AOA

Present at the January 21, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, Wes Hulla, Susan Kunda, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the creation of area plan; Home Grant application; Eagle Transportation grant; Super conference; regional ombudsman.

Commissioner Gipe made a **motion** to deny the request for a Regional Ombudsman position. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. **Nay** - Hall. Motion carried by quorum.

PUBLIC HEARING: O'MYER ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the duly authorized January 21, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Ellen Mae Knutson, Michael Dailey, Leroy and Mildred Sanders, Marsha O'Myer, Dawn Marquardt, Planner Melinda Riley, Randy Shelton, Sharrie Duncan, Assistant Avery, and Clerk Eggum.

Riley reviewed the request submitted by Shane O'Myer to change the area from a SAG-10 Suburban Agricultural zone with 10-acre minimum lot size to a SAG-5 Suburban Agricultural with a 5-acre minimum lot size within the Evergreen and Vicinity Zoning District. The property proposed for rezoning is located approximately 2.5 miles north of East Reserve Drive off of Addison Square in Kalispell. It contains approximately 40 acres and is bordered by SAG-10 on the east, north and south sides, and R-1 on the west side. The Flathead County Planning Board recommended approval of the zone change request.

Commissioner Hall noted that this type of activity is occurring in the adjacent areas. Riley noted that much of the SAG-10 areas are already non-conforming.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request.

Marquardt advised that she was representing the O'Myers in this request for a zone change. She referred to a map noting where R-1 zoning is and where several lots are less than five acres in size and a quarter mile north where there is no zoning. The O'Myers anticipate living on the property and desire to keep it at five acres. They have placed covenants on the property to control the development. They do not want to see one-acre lots in the area. Marquardt noted the road was totally repaved last summer and is a very nice road. Two other properties owners in the immediate vicinity were also desirous of changing the zoning but their properties were not contiguous so opted not to include them in this request.

O'Myer stated that they searched for a long time before purchasing this property. They were searching for an area to raise their family. They are hoping to keep development at a minimum. They would like to see the area stay in 10 acre parcels but realize the concerns related to the care of such a large piece of property and therefore are seeking to have it reduced to five. O'Myer concluded that they were hoping to keep the area as a nice place to live for themselves and whoever would choose to live there.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the zone change.

Shelton advised that he lives approximately 60 feet from the subject property. He noted he is a real estate agent/broker for ReMax and Chairman of the School District 15 Board. Shelton questioned the Commissioners as to the basis of family transfers. Commissioner Gipe responded it was governed by state law. Shelton expressed concern relative to the use of a family transfer to circumvent any subdivision review in this case. He noted the property was purchased in May of 2002, recorded a family transfer on July 2, 2002 and listed the property for sale on June 6, 2002. Shelton stated he has been involved in his own minor/major subdivisions as well as advising clients in such ventures. Shelton continued that the Commissioners' greatest challenge today is sprawl. Since 1990, out of control development has spread throughout this valley. It has created spot zoning; traffic nightmares and has destroyed the countryside. It is going to result in not only market forces but it is the result of the failure of government policies to shape growth. Shelton thinks it should be the challenge of landowners and local officials to effectively meet the demand of rural housing in a way that respects and conserves rural character, maintains natural resources and protects environmental amenities. Approving five-acre tracts shows an incredible lack of foresight for rural character, for fiscal responsibility to adjacent landowners, for affordable housing, and clean water just to name a few. Five-acre tracts are too small to farm and they are too large to mow consequently creating eye sores. Shelton stated this could be seen all over the valleys as he sells property. Turning farm ground into five-acre tracts throughout this valley will be an irreversible course born by generations to come. Shelton requested the Commissioners to say no to this change of zoning to ag five.

Dailey stated he owns 70 acres across the street from the proposed subdivision. He also expressed concern relative to the family transfer and referred to it as an abuse of the system. He noted he is trying to sell his property and move to Livingston but wants to keep the property farm land. He stated he would prefer the proposed zone change property were developed into a denser planned subdivision allowing for a certain amount of open area such as was done on Pine Loop. He commended the developer of Pine Loop for managing an open space for the future. He expressed concern for adjacent landowners going through the same process to have their property turned into five acre tracts for the financial benefits. He referred to the development of Addison Square done 20 years ago as a reason for continuing development

in that area today noting it was an error to approve that subdivision and requested the Commissioners not approve this zone change.

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

Commissioner Gipe questioned when the family transfer was completed on the property and stated he would like to investigate the matter further.

Commissioner Gipe made a **motion** to continue the public hearing to a later date. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall, and Gipe. Motion carried unanimously.

TAX REFUND REQUESTS: SMITH, WALKER, BEGLAN

Present at the January 21, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Monty Long, Assistant Avery, and Clerk Eggum.

Long advised that Harry Smith and Jacqueline Smith found an error in the number of front feet taxed.

Commissioner Gipe made a **motion** to approve the tax refund request for Harry and Jacqueline Smith in the amount of \$105.25 for tax year 1998. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Long advised that David J. Walker discovered an error on the square footage of his house for tax year 2001.

Commissioner Hall made a **motion** to approve the tax refund request for David J. Walker in the amount of \$1,584.68 for tax year 2001. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Long advised that Robert L. and Judith M. Beglan's septic system on not been approved for their property thus devaluing the property.

Commissioner Gipe made a **motion** to deny the tax refund request of Robert L. and Judith M. Beglan. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Long advised that the Commissioners recently denied a tax refund request for Sandra Rosetti and she was asking that the Commissioners reconsider.

Commissioner Hall made a **motion** to reconsider the tax refund request. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the tax refund request of Sandra Rosetti. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

Present at the January 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Sheriff Jim Dupont, and Clerk Eggum.

General discussion was held relative to risk management at MACo; jail standards; population; new jail; drug lab response vehicles; steps taken regarding meth lab prevention; legislative bills; personal property collections.

CONTINUATION OF OPEN BIDS: DRUG DETECTION UNIT/SHERIFF'S OFFICE

Present at the January 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Bids were opened on January 14, 2003, however a quorum was not present.

Commissioner Hall made a **motion** to take the bids under advisement and refer them to the Sheriff's Office for a recommendation. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

PUBLIC HEARING: THOMAS DEAN & HOSKINS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the duly advertised January 21, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Tim Fox, Michael W. Fraser, P.E., Tom Sands, Planner Mark Crowley, Robin Morton, Assistant Avery, and Clerk Eggum.

Crowley reviewed the staff report relative to the request by Thomas, Dean and Hoskins to amend the text of the Flathead County Zoning Regulations by modifying the definition of "building line" to allow building eaves to be four feet closer to the property line. The proposed amendment will specifically amend Section 7.03.100. The Flathead County Planning Board recommended approval of the request.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment.

Fraser stated he was with Thomas Dean and Hoskins and was there to speak in support of the amendment. He stated that this was basically a clerical type of amendment being made in an effort to remove confusion relative to setbacks. The definition as it currently exists includes the eaves and the majority of the people measure from the building lot. It affects six zones and allows the buildings to be slightly closer and does not impact anything in these six zones.

Fox stated he was with Harbor Village and has built in Meadow Lake, Whitefish and Whitefish Lake and they are building line not eave line and this amendment would make all the jurisdictions consistent. He stated he was in favor of the amendment.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the text amendment.

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

Commissioner Gipe made a **motion** to adopt Resolution No. 955EJ. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall, and Gipe. Motion carried unanimously.

RESOLUTION NO. 955EJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of January, 2003, to consider a change to the text of the Flathead County Zoning Regulations proposed by Thomas, Dean & Hoskins amending Section 7103.100, the definition of the "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts.

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on January 11 and January 18, 2003;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Section 7.03.100, the definition of the "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts as set forth on Exhibit A hereto.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed changes to the Flathead County Zoning Regulations, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed changes, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed changes will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED, that if forty percent of the freeholders protest the adoption of the proposed change, the change will not be adopted.

DATED this 21st day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

**EXHIBIT A
THOMAS, DEAN & HOSKINS
TEXT AMENDMENT
FLATHEAD COUNTY ZONING REEGLATIONS
SECTION 7.03.100 DEFINITION OF BUILDING LINE**

- A. Proposed Amendment:** The applicants propose an amendment to the Flathead County Zoning Regulations, Section 7.03.100, Definition of "Building Line".

As usual, additions to the text are **bold, italicized and underlined** whereas deletions from the text have been struck through.

7.03.100 Definition of "Building Line" That part of the building nearest the property line including building eaves, corners, faces, covered decks or porches and decks over three feet in height, ~~or other part of the building nearest the property line.~~ **Eaves shall not extend more than two feet into the setbacks.**

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall, and Gipe. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955EJ) on January 21, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendments would amend Section 7.03.100, the definition of the "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 amendments are on file for public inspection at the office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 21st day of January, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

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

Publish on January 25, 2003 and February 1, 2003.

PRELIMINARY PLAT: WHISTLIN ACRES

Present at the January 21, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, Tom Sands of Sands Surveying, Robin Morton, Ron Hurd, Howard and Tracie Keister, Assistant Avery, and Clerk Eggum.

Crowley reviewed the preliminary plat for Whistlin Acres Subdivision filed by Howard and Tracie Keister. The Whistlin Acres Subdivision creates a five lot residential subdivision. The property is located on the northeast side of Highway 93 north of Whitefish. The proposed subdivision contains 20.937 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Hall questioned whether there were any requirements for removal of fuel for fires. Crowley responded that subdivision regulations don't have any requirements for defensible space around railroad property. Condition 2 speaks to the defensible space standards around all primary structures but does not address the railroad property. Sands injected that the property has been logged and is fairly open. He noted there were two lots next to the railroad tracks that did have some trees on them.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-02-44 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Whistlin Acres Subdivision subject to 12 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the January 21, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Road Superintendent Charlie Johnson, Ron Hurd, Robin Morton, Franz Barthel, Jeff Raper, Greg Carter, Harlan Steele, Assistant Avery, and Clerk Eggum.

Johnson noted that Ron Hurd and Robin Morton were there to discuss the paving of **Truman Creek** and **Brown's Meadow**. About five years ago some paving was done in the intersection. Truman Creek should be paved at least to **Coon Hollow** as the traffic count drops off after that. Brown's Meadow has a significant amount of traffic. Johnson did not wish to speak to Brown's Meadow as he lives on that road and did not want that to influence any decision.

Ron Hurd stated he lives on Brown's Meadow Road. He wanted some clarification as to the criteria for determining which roads are paved. He stated he had received three different answers in talking to Chairman Watne, Dale Williams when he was a commissioner and Johnson. He had talked to neighbors who had stated that roads were being paved that had less traffic count than roads that were not being paved.

Chairman Watne responded that they have set a standard of trying to get a mile paved per district per year for each of the three districts. He noted that previously paved roads are requiring overlays which plays an important role in meeting that standard. Johnson noted that meeting the three miles a year standard and overlays expends all available monies. Hurd again requested information as to the plan for 2003 and how those determinations were made. Johnson replied that typically he tries to get a list of priority roads including overlays to the Commissioners in the spring sometime after spring break up. He and the Commissioners discuss the roads that are of concern. Traffic count is used as one of the factors in determining paving. It is good information to have but the Commission can't base their final decision on that one factor alone. **Haskill Basin Road** and **Hoffman Draw** have previously been identified by the Commissioners to be worked on. Hurd referred to a comment Johnson made last fall relative to discussions and decisions made at public meetings that were later changed in private discussions and requested that that practice not be continued. Hurd reiterated that there must be a list available now to discuss. Johnson replied that he has some preliminary plans: Hoffman Draw is still at the top of the list. Traffic count keeps increasing on **Lower Valley**. **Farm Road** is a concern. Hurd responded that he was not trying to tell Johnson how to do his job. He was just

requesting that when a decision is made publicly changes are also made publicly. Johnson stated that each of the Commissioners has their own list of priorities and that with a new member to the board the process will change and hopefully it will be a little more palatable to the public. Chairman Watne cautioned that every taxpayer's road is important to every taxpayer and an organized plan has to be utilized so you are not bouncing all over the county. Hurd requested that a list be prepared and published so that all taxpayers are aware of the route taken to complete road projects then it would not be a matter of the squeaky wheel or who has the most political pull. Johnson stated that he has a proposal that would take a couple of years where the county works on the roads that are already at proper width and the clearing has been done in an effort to get a larger volume of roads paved and then go back to the ones that would require extensive work and money to complete. Hurd reiterated his hope that the Commissioners try to do a more professional job at their planning process for county roads.

Morton stated he lives on a ranch on Browns Meadow Road and he was there to lobby for paving Browns Meadow and Truman Creek Road. He stated he represents other people in the area and they propose that Charlie be the one entirely responsible for making the decision related to roads as he is not subject to political pressure such as the Commissioners. They agree that all roads within the county are important. Commissioner Hall stated at the Commissioners' end it all has to do with budget. Morton pointed out that more than a mile was done in west valley last year as **Phanco, Haywire Gulch, Smith Lake and Kienas** were all paved. Morton questioned the traffic count on Truman Creek and Browns Meadow as he thought the traffic count on those roads was more than the ones that got paved last year. Johnson responded that at the intersection it was about 490 and at the end of the pavement on Truman Creek this year it came in at 430 and Browns Meadow at the end of the pavement was 331. Johnson noted that the traffic counts are taken at different times during the year and they try to stagger traffic counts to give him a better overall view. Johnson reiterated that traffic counts are real good information but they are still raw data and you need to look at the whole picture. Morton noted that Schellinger has built up the road in anticipation of logging 2988 and hauling logs down Browns Meadow road which will add to the traffic. He added that it isn't just the paving but it is the dust and the washboard effect of the road that people are complaining about. Truman Creek is a safety issue. Johnson stated that it is going to take millions of dollars to straighten out Sand Hill and Seven Mile Hill as the grade has to be lowered. These are issues that the Commissioners need to look at and it is becoming more of an issue as more homes are being built in that area. Morton stated they did not want the slope changed on the hills they simply want it paved so that the ice melts off and it is not such a washboard. Johnson stated those are engineering problems that have to be dealt with. The road is not wide enough to have a guard rail. Johnson stated he is hesitant to pave a road he lives on as an angry resident confronted Johnson the last time a portion of Brown's Meadow was paved.

Barthel stated he noticed that the Road Department had cut the brush back to the county right-of-way on Hoffman Draw and was wondering what the plans were. Johnson advised that a group was in last year requesting work on Hoffman Draw. The Commissioners would like to get it paved. However, things move slowly. There are several right-of-way issues: it goes through one house, a garage and a well. They need help from the power companies in removing trees from the right-of-way that could possibly take down a power line. There are several residents on the road who are complaining about removing the brush and trees from the right-of-way and want the clearing stopped. People want you to build the road through the trees and don't want any widening. Johnson explained road right-of-way. The county has what they call declared roads; an easement over your property. You pay taxes to centerline. Those trees belong to you. You are paying taxes on those trees. We have the right to do maintenance. We have the right to remove trees. When we cut those trees down, we don't haul them off. We drop them right in front of your property as they are your trees. According to our brush cutting resolution that we have in place in the county we can tell you to get the trees off the right-of-way, if you don't, we can do it and charge you. However, we have elected to just remove the trees, leave them in place and the owners can do with them as they wish. We leave them to tree length the best we can so the owners can use them as saw logs or firewood or whatever. According to state law, we are only entitled to have an easement across your property. MDOT can have deeded roads or cities can have deeded roads, but the county can't. It is causing some real problems for the Road Department. Some of our roads are deeded. Haskill Basin is a deeded road technically. Supposedly it is illegal to have the ownership retained by the county. This is something the legislature is going to have to deal with at some point in time. Johnson continued that the first portion of Hoffman Draw is in fairly decent shape with some soft spots. The asphalt is broken up from frost boils and needs to be dug out and fabric put down. Some rocks need to be removed. It needs to be widened to 24 feet. Haskill Basin was scheduled to be built and paved last summer but they have been bogged down with right-of-way issues and it appears the same way for Hoffman Draw. Johnson repeated his intention to get Hoffman Draw paved.

Johnson stated he was going to submit his list to the Commissioners with his recommendations. On that list are some safety projects that need to be completed as well. One of them is to get rid of a rock on the Kila Road. In addition the road through Kila needs an overlay but the rock needs to be fixed before the overlay is done.

Johnson noted the actual cost per mile for an overlay if no additional work needs to be is about \$30,000.00 a mile. Reconstruction has been averaging between \$100,000.00 and \$110,000.00 a mile. There are a lot of roads out there. **Jensen Road** in Columbia Falls is one that with a little bit of grading and a little bit of gravel could be paved. Brown's Meadow and Truman Creek could get another mile of paving with just a little bit of gravel. There is no clearing to be done. There are several other roads throughout the county that don't require any additional work and could probably be paved for \$50,000.00 to \$60,000.00 a mile and get some more mileage done.

Commissioner Watne noted that not doing the overlays on the roads that are already paved causes more problems long term. Several roads should have been overlaid last year but they ran out of money and time. Johnson stated they usually do 40 miles of overlay and three to four miles of new construction every year.

Morton questioned the feasibility of a gas tax on Flathead County. Commissioner Hall stated that it has been discussed but that it failed previously when put to a vote. An extensive educational process would be needed for the public.

Johnson noted that 20 years ago we could buy a truck for \$18,000.00. The last two trucks purchased for the Road Department were \$80,000.00 a piece. Inflation eats a lot of the Road Department's revenues coming from all the new building around the county. We definitely have some financial and growth problems in this county. The major portions of our paved roads in this county are inadequate right now. Every time we pave them we narrow them up that much more. We cannot continue to go around and overlay a road every 10 years because you narrow them up three to six inches every time you do it. There is going to have to be some reconstruction of some of these roads. Commissioner Watne noted that roads that were paved years ago were not built up properly before paving. Johnson noted that rural development puts a strain on the finances of the county and in addition changes the traffic flows in the county. Johnson stated that in order to start in the middle and move out as Chairman Watne suggested we would need to hold the development in and build the infrastructure on the way out but you can't dictate to people where they are going to move to. That is an issue that the board struggles with every time they look at a subdivision.

Johnson referred to a handout relative to a hearing on a railroad crossing closure on 4th Avenue East in Columbia Falls. He added that the Railroad is the controlling agency relative to these types of issues. He requested that they all meet to discuss

what the county's obligation is going to be. It appears as if the county is expected to widen portions of Fourth Avenue East between Second Avenue West North and Fourth Avenue to a width of not less than 28 feet. That is going to be a fairly costly project because we will have to go from the existing surface width of properly 22 to 24' wide. The road varies from 60' to 10 to 20' off of right-of-way. Basically there is a program from the federal government which provides money to the states. The state administers the railroad crossing safety program. The county has to do whatever improvements are required. The state usually pays for the signaling. In this case on Second Avenue, the state was going to give us \$100,000.00 to do the building but that got shot down. The railroad will install all of the signaling at their expense. We have to do all of the crossing. This is a dangerous crossing. Commissioner Hall agreed that the crossing is dangerous and the county has been trying for years to close the crossing but the public outcry has prevented such closure. Johnson stated the problem is the site distance is inadequate to see oncoming trains. There are five tracks and when a train car is parked on the track it is an obstruction. Commissioner Hall stated that there is not enough space for a truck to get out of the way on time. Whereas Second, where they are desirous of moving the crossing, is about twice as long. Johnson reiterated that the road is setting on Great Northern property and if they put up barricades we have no recourse. They have been good to work with to resolve the issue but basically if the County has to rebuild that portion of Fourth they are talking about widening it and it is going to be expensive. Johnson stated he has a good relationship with the railroad and they may be willing to entertain the idea of allowing the road to remain on their property. Commissioner Hall advised that the City Manager of Columbia Falls is working to have a dip removed and he wants to have the railroad involved in putting a crossing at 13th. Johnson agreed the dip is a dangerous site as well. Johnson stated he would enter into discussions with the railroad relative to right-of-way issues.

Johnson advised that when his staff was cutting brush near Echo Lake a resident threatened to shoot the employee. He stated a need to resolve how to handle situations such as cutting brush when it leads to tense situations in many cases. Commissioner Hall suggested contacting the residents first. Johnson responded that practice was discontinued as it resulted in more residents showing up to fight with the brush cutting efforts.

Johnson stated he was meeting with the plat room relative to a problem on **Bierney Creek and Grayling Road** in an effort to resolve the problem with the road next to Fenchak's trailer.

Johnson advised that the Ashley Lake Homeowners Association would like to have their road paved up over the hill and the speed limit reduced to 15 MPH and in the alternative more gravel put on the road. Johnson noted there are some serious right-of-way problems that need to be dealt with on that road. Chairman Watne noted that the road has switchbacks and would be difficult and expensive to pave.

Discussion was held relative to work the Road Department has completed for other departments with no reimbursement.

CONSIDERATION OF LAKESHORE PERMIT: KELLER

Present at the January 21, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Charles Keller for Flathead Lake. The applicant proposes to install a concrete retaining wall at mean annual high water line to prevent further erosion. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-01 and authorize the Chairman to sign subject to 22 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #03-07-51-007-0 & #03-07-5-11-008-0

Present at the January 21, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Contract Amendment to #03-07-5-11-008-0 CY2003 contract HIV Prevention Services and/or Counseling and Testing Services and Task Order 03-07-4-51-007-0 To Flathead County Master Contract that covers the period of July, 1998 through June 30, 2005. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: ROCKY MOUNTAIN HI RV & CAMPGROUND EXPANSION

Present at the January 21, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery and Clerk Eggum.

Chairman Watne reviewed a letter from Robert W. Stauffer of Schwarz Engineering, Inc. requesting a one year extension to complete improvements including approximately 330 feet of water, sewer and power lines and the road to serve spaces 1 through 10.

Commissioner Hall made a **motion** to approve a one year extension to January 28, 2004. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE AND COUNTY ATTORNEY'S OFFICE

Present at the January 21, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to NorthStar Printing for 5,000 return address envelopes in the amount of \$449.00 on behalf of the Sheriff's Office. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to award the bid to Kalispell Copy Center for five sets of 1,000 business cards in the amount of \$125.95 on behalf of the County Attorney's Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

5:00 P.M. Chairman Watne is to attend the Refuse Board Meeting at Solid Waste Dist.

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

WEDNESDAY, JANUARY 22, 2003

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

Commissioner Gipe is to attend the Legislature in Helena

MONTHLY MEETING W/LEE CORAY-LUDDEN RSVP

Present at the January 22, 2003 9:15 A. M. Meeting were Chairman Watne, Commissioners Hall and Gipe, RSVP Director Lee Coray-Ludden, and Clerk Eggum.

This meeting did not take place.

MONTHLY MEETING W/DOROTHY LAIRD, LIBRARY

Present at the January 22, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Library Director Dorothy Laird, Assistant Avery, and Clerk Eggum.

General discussion was held relative to Library Board meeting; facility needs assessment; increase in insurance costs.

MONTHLY MEETING W/DAVE PRUNTY, SOLID WASTE

Present at the January 22, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Solid Waste Director Dave Prunty, Assistant Avery, and Clerk Eggum.

General discussion was held relative to board meeting – elections; recycling contract out for bid; expansion of landfill; Courthouse East demolition; refuse operations – tonnage stayed the same for last month; new fuel tank; disposition of old tanks; groundwater system working well; gas system working well; union negotiations – voted to reject the county's offer; Cat D300 rock truck purchase – keep old truck for a few years to move dirt – will propose another half time person in the summer to work on that; brush grinding bid; biomass system; budget – everything is tracking where anticipated.

MEETING W/RON BUENTEMEIER RE: WHITEFISH GROWTH POLICY & ROAD ROW

Present at the January 22, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Road and Bridge Superintendent Charlie Johnson, Ron Buentemeier, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Buentemeier distributed a map and informational handout relative to Stoltz Lumber Company. He referred to the map and Stoltz land in the valley. He provided an overview of Stoltz. Stoltz has been a long time landowner in the Flathead. Mr. Stoltz came into this valley in the late 1800s. He became a landowner thereafter and currently owns about 36,000 acres of timberland in the valley. Our number one goal is obviously to supply wood fiber to our saw mill at Half Moon. The Stoltz operation locally puts in almost \$17,000,000.00 in the local economy. That is right here in the Flathead. Those are basic dollars that start in our economy. That is what makes everything else go. We are in a world of hurt as far as wood supply. I am here today about the new "growth policy". A master plan was developed seven or eight years ago. We have been a participant all the way along. Our company has been involved in neighborhood plans. Unfortunately, the way I look at it, the large landowner can only lose in planning. You just determine how much you are going to lose. Obviously, we want to lose the least amount as we possibly can. A growth policy was adopted for the Whitefish area. It was discovered that they had developed a document for a bicycle pedestrian trail system. Adopted it and put it into effect and some trails are on Stoltz land in the Haskill Basin area. I went to the planning board meeting and it was conveyed to me that it wasn't important and they weren't going to change anything. I went to the council meeting. Luckily, they removed the trail from the growth policy document. However, I think it is ill conceived to adopt a growth policy that has the age on it that the Whitefish policy has and the changing in that community without first looking at where the changes in that policy need to be. I have a great fear about the difference between a growth policy and a master plan. I believe, because of the legislation, the growth policy is a much more difficult document to change and we have to recognize that there has to be change around the communities. As you can see, we have quite a bit of ownership in the valley. We have property surrounding a development. We certainly don't want to sell that property but when you get too much pressure from the surrounding areas forestry and the harvesting of timber does not fit with those landowners' needs. A good example is the Northwoods development. A couple of years ago we wanted to harvest some trees on a portion of that area of about 20 acres in an effort to improve the site, reduce the fire hazard. We came under all kinds of criticism because we were creating a fire hazard let alone the traffic we were putting on their roads and they do not like us being there. We went ahead and did it but that is just part of the problem. Obviously at some point in time this piece of property has to be looked at as a subdivision because we are surrounded. In the master plan and the growth policy that they have, that is not going to happen unless we change some of the verbiage contained in the document. If that is to be 40 acres or larger in tract size, that is not going to work. Part of that has already been zoned. In the Haskill Basin area new zoning was created without any input from Stoltz. By the time we found out about them, it was up for the hearing. That is too late. You are not going to change anything by the time of the hearing.

We are never involved and it is strictly an effort by certain individuals who muster the community and say well lets draw this boundary out here and we don't want anything to happen over here because that is our playground. Stoltz family all of the time that they have owned their land has had an open lands policy that you can recreate on their land. That is fine. We still want to have that but when you start dictating what someone can do with my property because you live next door, you have a problem. Even if the legislation that is being proposed in Helena to change the problems with have with growth policy master plan even if that gets changed and gets us out of the gridlock that we are in, still the master plans are up for revision. Something has to be done. In your deliberations, we need to think about how we are going to handle large landowners when the community moves around them. That has to be factored in there somehow. I am pretty visible in the community so if you've got something going on Stoltz's land I would think we ought to be involved in those discussions and in Whitefish we have just been totally left out and I don't want that to happen in the rest of the community. Buentemeier reminded the Commissioners that they have some say relative to Whitefish because of this four and one-half mile extra-territorial as opposed to one or two miles.

Commissioner Hall assured him that it was a proposed four and one-half mile but it is not necessarily going to end up that way.

Buentemeier noted that they just wrote growth policy on the front of the master plan so it is the same area that was in the master plan. We requested that they examine what they are doing but it just fell on deaf ears. Buentemeier stated he supports a community developing around where it can provide necessary services: water, sewer, roads, etc. It has to be that way. To restrict larger land owners when the community moves around them is a problem.

Buentemeier confirmed he had no involvement in the writing of the growth policy amendment for Whitefish. He stated he made a presentation but received little acknowledgement. At the City Council meeting the bike path was taken out but they adopted the proposed policy that they are forwarding to the Commissioners. There is a lot of pressure on this community and we need to be looking at where changes should be made before we adopt the policy. Buentemeier stated Stoltz has been a good citizen and is willing to work with the community.

Commissioner Watne urged Sanderson to take steps to straighten out the situation. Sanderson stated that he has had discussions with Ron and members of Stoltz's crew as it pertains to the county growth policy. He expressed concern with some of the language and the growth policy law in general. He concluded there are issues. Sanderson stated he would meet with Ron this morning and talk about a theoretical line on Stoltz, county and city and factor that into the discussions.

Buentemeier then solicited the Commissioners' suggestion for resolution of the policy of 10 feet for power lines. Buentemeier advised that a very large percentage of Stoltz land is in the inner interface in the valley. You can stand in the valley and look at 80% of Stoltz's ownership. There are numerous county roads that follow that ownership. The Road Department has requested that the utilities be put on the edge of the 60' road right-of-way. About three years ago Flathead Electric prepared a handbook setting out specific standards. Flathead Electric has gotten very aggressive in clearing for their power line right-of-ways. One of the standards of Flathead Electric is clearing 10 feet on the adjoining landowner's property. Considering the miles of property that Stoltz has power lines running along it, it adds up to quite a few acres. Flathead Electric is the only rural electric company with such a set of standards. Johnson advised that Flathead Electric is basically telling people they will not put power in certain areas because Stoltz won't give them the additional 10' feet outside the county right-of-way. Stoltz is paying taxes to center line of that road and he can't grow trees on the road and now he can't grow trees on an additional 10' outside of the road right-of-way. Buentemeier requested the Commissioners consideration when reconstruction is taking place and expanding new right-of-ways. Johnson stated a solution to the problem is on all new subdivisions require that the utilities go underground. He has pushed that philosophy with Flathead Electric whenever he is reconstructing roads but he only gets his way 20-30% of the time. He noted on Haskill Basin, he argued for three months for underground utilities. Johnson noted it is a real problem in the outlying areas because it is more costly to go underground. Johnson advised that when he reconstructs Hoffman Draw it is going to be a big problem because individual landowners don't want to give up 10' of their property either.

Chairman Watne stated we need to write up a regulation that it is mandatory that the power lines go underground. Buentemeier just requested that there be reasonable requirements and communication.

Buentemeier then requested that an evaluation of how paperwork is handled relative to road abandonments be done to assure that all abutting landowners are advised of the abandonments.

PUBLIC HEARING: ROAD ABANDONMENT #407 (ROAD IN LOT 1, 6-28-23)

Present at the duly advertised January 22, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Dawn Marquardt of Marquardt and Marquardt Surveying, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Discussion was held relative to the location of the requested abandonment. Johnson advised that the developer of a three-lot subdivision has built a new and improved road up above the present road and they want to abandon the county's road to build the house sites. Johnson's recommendation was if we get a better road than what we started with then he has no problem with it as long as it does not affect other people's access and drainage and things like that. He added that the further he can get his road away from the lake; the better it is for all concerned.

Sanderson stated that the developer was complying with the subdivision regulations which state no lot shall be split by a public road so they are moving the road to get around a regulation. The relocation of the road also serves to improve water quality by moving the road further away from the lake. Sanderson stated it was positive across the board.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or against Road Abandonment #407. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to approve Road Abandonment #407 described as:

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.

and as recommended by the Viewer's Report dated December 16, 2002. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH REQUEST FOR PROPOSALS: CONSULTANTS/RIVER ROAD BIKE PATH AND FARM TO MARKET ROAD BIKE PATH

Present at the January 22, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Planner Mark Crowley, Planning and Zoning Director Forrest Sanderson, Weed, Parks and Maintenance Director Jed Fisher, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Fisher and Johnson wanted to reiterate the need to have the funds available for maintenance of the paths after they are built and to encourage procurement of those funds before the paths are built. State mandates maintenance of the paths and someone has to be responsible for such maintenance.

Commissioner Hall made a **motion** to authorize the publication of the Request for Proposals and Statements of Qualifications Engineering/Consulting Services for the River Road Bike Path and Farm to Market Road Bike Path and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**REQUEST FOR PROPOSALS
AND
STATEMENTS OF QUALIFICATIONS
ENGINEERING/CONSULTING SERVICES**

Flathead County has received approval from the Montana Department of Transportation (MDT) to develop a Federal-aid Community Transportation Enhancement Program (CTEP) project titled "FARM TO MARKET ROAD PATH".

The Flathead County Board of Commissioners are requesting statements of qualifications and proposals for preliminary and construction engineering and design services to assist the Flathead County Planning & Zoning Office in the design and oversight of construction of this 6,000 foot trail in compliance with all applicable requirements under the MDT CTEP.

Copies of the detailed request for Statements of Qualifications and Request for Proposals are available by contacting the Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, MT 59901. Telephone: (406) 751-8200. This packet includes a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses.

Completed proposals must be submitted to the Clerk & Recorder, 800 South Main, Kalispell, Montana 59901, 758-5537 no later than 4:00 p.m. on March 14, 2003. Please indicate on the envelope "FARM TO MARKET ROAD PATH". The proposals will be opened by the Commissioners on March 17, 2003 at 9:45 a.m., West Annex, 800 South Main, Kalispell, MT.

Dated this 22nd day of January, 2003

Board of County Commissioners
Flathead, County

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum
Deputy

Publish: January 29, 2003 and February 5, 2003.

**REQUEST FOR PROPOSALS
AND
STATEMENTS OF QUALIFICATIONS
ENGINEERING/CONSULTING SERVICES**

Flathead County has received approval from the Montana Department of Transportation (MDT) to develop a Federal-aid Community Transportation Enhancement Program (CTEP) project titled "RIVER ROAD PATH-COLUMBIA FALLS".

The Flathead County Board of Commissioners are requesting statements of qualifications and proposals for preliminary and construction engineering and design services to assist the Flathead County Planning & Zoning Office in the design and oversight of construction of this 4,400-foot path in compliance with all applicable requirements under the MDT CTEP.

Copies of the detailed request for Statements of Qualifications and Request for Proposals are available by contacting the Flathead County Planning & Zoning Office, 1035 First Avenue West, Kalispell, MT 59901. Telephone: (406) 751-8200. This packet includes a description of the services to be provided by respondents, the minimum content of responses, and the factors to be used to evaluate the responses.

Completed proposals must be submitted to the Clerk & Recorder, 800 South Main, Kalispell, Montana 59901, 758-537 no later than 4:00 p.m. on March 14, 2003. Please indicate on the envelope "RIVER ROAD PATH". The proposals will be opened by the Commissioners on March 17, 2003 at 9:30 A.M., West Annex, 800 South Main, Kalispell, MT.

Dated this 22nd day of January, 2003

Board of County Commissioners
Flathead, County

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

ATTEST:
Paula Robinson, Clerk

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

Publish: January 29th and February 5th, 2003.

BOARD APPOINTMENT: KALISPELL TECHNICAL ADVISORY COMMITTEE

Present at the January 22, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Mark Twechel to the Technical Advisory Committee. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

AWARD BIDS: MODULAR RESPONSE UNITS/SHERIFF'S OFFICE

Present at the January 22, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Sheriff Dupont recommending that Apgar Ambulance/Wheel Coach be awarded the bid in the amount of 169,170.00.

Commissioner Hall made a **motion** to award the bid to Wheel Coach in the amount of \$169,170.00 on behalf of the Sheriff's Office. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

CONSIDERATION OF CONTRACT FOR FAIR BUILDING

Present at the January 22, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the Contract Flathead County and Pearson Construction for the building at the Fairgrounds. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

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

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on January 23, 2003.

THURSDAY, JANUARY 23, 2003

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

Commissioner Gipe was to attend the Legislature in Helena

MEETING WITH GREG JACKSON/MACo RE: JPIA

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Kim Thomas, Robin Boon, Greg Jackson, Deputy County Attorney Dennis Hester, Health Director Joe Russell, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Greg Jackson with the Montana Association of Counties Joint Powers and Insurance Authority was there representing the property liability pool for the Association of Counties. Every year he visits all of the member counties in January and February to update the member counties as to what the board of trustees and the pool is planning on doing relative to the next renewal effective July 1, 2003. Jackson discussed the expected major changes in the program for this year.

10:00 A.m. Quarterly Jail Facility Tour

BOARD APPOINTMENT: WHITEFISH FIRE SERVICE AREA

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Bill Beck to the Whitefish Fire Services Area Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONTRACT FOR ASSISTANT COUNTY SURVEYOR/B. BLOCK

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the Professional Services Agreement between the Board of Commissioners for Flathead County and Bryan Block Surveying. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

CONSIDERATION OF AMENDED BYLAWS: AOA COUNCIL

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the Amended Bylaws for the Area IX Agency on Aging Advisory Council Bylaws. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

MEETING WITH JED FISHER/WEED, PARKS & MAINTAENANCE RE: ELECTRICAL

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Weed, Parks and Maintenance Supervisor Jed Fisher, Don Mills, Assistant Avery, and Clerk Eggum.

General discussion was held relative to maintenance of Juvenile Detention; boiler at Justice Center; proposed new building; Fisher sought confirmation that he should continue to do general maintenance with the Old Courthouse; praise for Mills; Treasurer and Health Department to come back to maintenance in-house; need to repair elevator in Justice Center; Flathead Electric proposal for lighting.

MEETING W/ TOM JENTZ/TCPO RE: WHITEFISH GROWTH POLICY

Present at the January 23, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, Tom Jentz Eric Mulchay, Tom Sands of Sands Surveying, and Clerk Eggum.

Jentz reviewed the Whitefish Growth Policy with the Commissioners and asked for approval of the same.

Commissioner Hall made a **motion** to continue consideration of the resolution of intent. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried unanimously.

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on January 24, 2003.

FRIDAY, JANUARY 24, 2003

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

Commissioner Gipe to attend the Legislature in Helena.

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on January 27, 2003.
