

## MONDAY, FEBRUARY 17, 2003

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

### COUNTY OFFICES CLOSED – PRESIDENTS' DAY

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

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## TUESDAY, FEBRUARY 18, 2003

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

### Commissioner Hall is to attend the MACo Midwinter Conference in Helena

#### MEETING WITH LARRY VAN RINSUM/CONSERVATION DISTRICT RE: RIVER BANK STABILIZATION AT VO-AG CENTER

Present at the February 18, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Pete Woll, Larry Van Rinsum, Weed, Parks, and Maintenance, Superintendent Jed Fisher, OES Director Alan Marble, and Clerk Eggum.

Van Rinsum stated that he and Woll will be working with the Vo-Ag class to do some bank stabilization at the Vo-Ag Center. It will be a project the freshman can work on and track through their high school years. Due to high erosion in recent years, the bank has turned into a 20 foot vertical bank with pipes sticking out. He speculated the cause was as much ground water as management of the pasture. The project will not cost the county or the school anything. It will be done entirely with grants and donations. The project would be completed through the 124 permit process and he has already received confirmation from the individual responsible for such permit that the project is a good idea. The project will be professionally designed. They plan to layer back the slope with some heavier stabilization but basically it will be a filter fabric mat and a fiber mat that contains plants that is staked down and then the plants grow and it stabilizes itself. They plan to also use some cross fencing which they hope to obtain through Farm Bill assistance available to the county. Van Rinsum noted that he may require the Commissioners to sign some documents to assist in obtaining those funds. He assured the Commissioners there was no other action required from their office.

#### MEETING WITH BONNIE OLSON/DISTRICT COURT RE: 1) BUDGET, 2) CONFERENCE ROOM

Present at the February 18, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Bonnie Olson, Judge Stewart Stadler, and Clerk Eggum.

General discussion was held relative to the district court budget and the legislative review of the district court; capital improvement plan (3<sup>rd</sup> jury room); contract for law clerk – county fund the same; conference room usage.

#### MONTHLY MEETING WITH JIM ATKINSON, AOA

Present at the February 18, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, AOA Director Jim Atkinson, and Clerk Eggum.

General discussion was held relative to physical area concerns – conference room, mezzanine, additional hot water heater; legislature; transportation; office building behind bus barn; grant for passenger shelter.

#### CONSIDERATION OF WEIGHT LIMITS ON COUNTY ROADS

Present at the February 18, 2003 9:30 A.M. meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution Number 1604. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### RESOLUTION NO. 1604

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

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

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

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

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

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

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

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

<u>350</u>	<u>400</u>	<u>pounds per inch of tire.</u>
<u>350</u>	___	4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.
<u>350</u>	___	7th St. W in Whitefish from Karrow Ave to Baker Street. (Added 3-19-01)
<u>350</u>	___	Angel Point Road from Frontage road to end of road
<u>350</u>	___	Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road
<u>350</u>	___	Antelope Trail from Highway 93 to Hodgson Road.
<u>350</u>	___	Auction Road from Highway 93 to the end of the road
<u>350</u>	___	Bald Rock Road from Rhodes Draw to Church Drive
<u>350</u>	___	Batavia Road from Highway 2 to Ashley Lake Road
<u>350</u>	___	Beaver Lake Road from Hwy 93 N. to the end of the road.
<u>350</u>	___	Belton Stage Road from Hwy 2 to Hwy 2.
<u>350</u>	___	Bierney Creek Road from Hwy 93 to the end of the road.
<u>350</u>	___	Big Horn Drive from Hwy 2 to Smith Lake Road. (Added 3-21-01)
<u>350</u>	___	Birch Grove from Helena Flats to Whitefish Stage.
<u>350</u>	___	Bitterroot Drive from Highway 2 to Pleasant Valley Road
___	<u>400</u>	Blacktail Road from Highway 93 to the end of the road.
<u>350</u>	___	Blanchard Lake Road from Hwy 93 to Karrow Ave.
<u>350</u>	___	Boon Road from Highway 93 to end of road
<u>350</u>	___	Brunner Road from Hwy 2 to S. Hilltop.
___	<u>400</u>	Church Drive from Farm-to-Market to Bald Rock Road
___	<u>400</u>	Church Drive from Highway 93 to Farm-to-Market Road
___	<u>400</u>	Columbia Falls Stage and River Road from Highway 35 to Highway 2
<u>350</u>	___	Creston Hatchery Road from Highway 35 to Lake Blaine Road
<u>350</u>	___	Dillon Road for it's entire length.
___	<u>400</u>	East Lakeshore from Big Mountain Road to the end of the road.
<u>350</u>	___	Egan Slough Road from Hwy 35 to the end of the road.
<u>350</u>	___	Elk Park Road from Hwy 206 to the end of the road.
<u>350</u>	___	Fairmont Road south from Highway 35.
<u>350</u>	___	Farm Road from Lower Valley to the end of the road.
___	<u>400</u>	Farm-to-Market from Hwy 93 North, go south to Tally Lake Road intersection.
___	<u>400</u>	FAS 486 (North Fork Road) from end of the oil, north to end of road
___	<u>400</u>	Foothills Road from Lake Blaine Road to Echo Lake Road
<u>350</u>	___	Gopher Lane from Highway 2 to Pleasant Valley Road
___	<u>400</u>	Good Creek Road from American Timber entrance off of Highway 93 to the end of the road.
___	<u>400</u>	Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north to end of the road.
<u>350</u>	___	Grayling Road from Bierney Creek Rd. to Troutbeck Rd.
<u>350</u>	___	Hanging Rock Drive from Highway 82 to Holt Drive.
<u>350</u>	___	Helena Flats from Birch Grove to Hwy 35.
<u>350</u>	___	Hodgson Road from Hwy 93 to Hwy 2.
<u>350</u>	___	Hoffman Draw from Highway 2 to end of road
<u>350</u>	___	Holt Drive the entire length of the road.
<u>350</u>	___	Hubbart Dam Road from Highway 2 to Crossover Road
<u>350</u>	___	Jellison Lane from Hwy 2 to Pioneer Road.
<u>350</u>	___	J P Road for the entire length of the road.
<u>350</u>	___	Karrow Ave. for the entire length of the road.
<u>350</u>	___	Kelly Road from Hwy 93 S. to Willow Glen Drive.
<u>350</u>	___	Kila Road for the entire length of the road.
<u>350</u>	___	LaBrant Road for it's entire length.
___	<u>400</u>	Lake Blaine Road from Highway 35 to Foothills Road
<u>350</u>	___	Lake Five Road form Hwy 2 to the Belton Stage Road.
<u>350</u>	___	Lost Prairie Road from Highway 2 to Pleasant Valley Road
___	<u>400</u>	Lower Valley Road from Highway 93 to Highway 82
<u>350</u>	___	Lupfer Road from Highway 93 to the end of the road.
<u>350</u>	___	Managhan Lane from Highway 2 to Batavia Lane
<u>350</u>	___	Marquardt Lane from Highway 2 to Kienas Road
<u>350</u>	___	Martin Camp Road Highway 93 to the end of the road.
<u>350</u>	___	McMannamy Draw from Farm-to-Market to end of road
<u>350</u>	___	Monegan Road for the entire length of the road.
<u>350</u>	___	North Somers Road for it's entire length.
<u>350</u>	___	Olney Loop Road for the entire length of the road.
<u>350</u>	___	Patrick Creek from Foys Canyon Road to end of road
<u>350</u>	___	Pioneer Road from Hwy 2 to the end of the road.
<u>350</u>	___	Pleasant Valley Road from Highway 2 to Lost Prairie Road
<u>350</u>	___	Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)
___	<u>400</u>	Rhodes Draw from Farm-to-Market to end of road
___	<u>400</u>	Rocky Cliff Road from Highway 93 to Airport Road
<u>350</u>	___	Rogers Lake Road from Highway 2 to Sickler Creek Road
<u>350</u>	___	Rose Crossing from Whitefish Stage to Helena Flats.
<u>350</u>	___	Schrade Road from Hwy 93 to Whitefish Stage Road
<u>350</u>	___	Sickler Creek Road from Highway 2 to Rogers Lake Road. .
<u>350</u>	___	Smith Lake Road from Whalebone Drive to Kila Road
<u>350</u>	___	Snow Line Road from Highway 93 to the end of the road
<u>350</u>	___	Somers Stage Road from Highway 93 to the end of the road
<u>350</u>	___	South Fork Road from Hwy 93 to Spotted Bear Road.
<u>350</u>	___	South Hilltop Road from Hwy 2 to Jellison Road. (Added 3-21-01)
<u>350</u>	___	South Woodland Dr. from Woodland Ave. to Kelly Road.
<u>350</u>	___	Springcreek Road from Hwy 93 to the end of the road.

- 350 \_\_\_ Stillwater Road from Highway 424 to the end of the road
- 350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.
- 350 \_\_\_ Thompson River Road from Highway 2 to County Line
- 350 \_\_\_ Timber Lane for the entire length of the road.
- 350 \_\_\_ Trumble Creek Road from Hodgson north to Highway 40
- 350 \_\_\_ Voerman Road for it's entire length.
- 350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road. (Added 3-21-01)
- 350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road
- 350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive
- 350 \_\_\_ West Valley Road from Highway 2 to Four Mile Drive
- \_\_\_ 400 Whitefish Stage from Kalispell City Limits to Reserve
- 350 \_\_\_ Wiley Dike Road for it's entire length.
- 350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

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

BE IT FURTHER RESOLVED, that this resolution shall be effective February 18, 2003, and shall be in effect until load limits are removed by motion of this Board.

Dated this 18<sup>th</sup> day of February, 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: \_\_\_\_\_  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Deputy

**PUBLIC HEARING: HILL ZONE CHANGE/BIGFORK AREA ZONING DISTRICT**

Present at the February 18, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Carole Hill, Larry Hill, Planner Johna Morrison, and Clerk Eggum.

Morrison advised that this was a request by Larry and Carole Hill for a zone change from a split zone of SAG-10 Suburban Agricultural and I-1 Light Industrial to an I-1 Light Industrial within the Bigfork Zoning District. The property proposed for rezoning is located approximately 1000 feet west of the Echo Lake Café on Highway 83 in Bigfork. It contains approximately 10 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request. No one rising to speak, Chairman Watne asked for any wishing to speak in opposition to the zone change request to do so. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution Number 956AD. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**RESOLUTION NO. 956AD**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18th day of February, 2003, concerning a proposal by Larry and Carole Hill to change the zoning designation within the Bigfork Area Zoning District from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on February 6 and February 13, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Bigfork Area Zoning District for a period of thirty (30) days after 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 per cent (40%) of the freeholders within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 18<sup>th</sup> day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
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

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

**Location and Legal Description of Property**

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

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Bigfork Area Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
BIGFORK AREA ZONING DISTRICT**

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 intention (Resolution No. 956AD) on February 18, 2003, to change the zoning designation in a portion of the Bigfork Area Zoning District from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial).

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

The regulations defining the SAG-10 and I-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 18<sup>th</sup> day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on February 22, 2003 and March 1, 2003.

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

**Location and Legal Description of Property**

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

**PUBLIC HEARING: ESLICK ZONE CHANGE/BIGFORK AREA ZONING DISTRICT**

Present at the February 18, 2003 9:45 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Paul Eslick, Planner Johna Morrison, and Clerk Eggum.

Morrison advised that this was request by Paul Eslick for a zone change from a split zone of SAG-5 Suburban Agricultural and B-3 General Business to a B-3 General Business within the Bigfork Zoning District. The property proposed for rezoning is located on the intersection of the Swan Highway and Highway 35 (Streeter's Corner) in Bigfork. It contains approximately 11 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request. No one rising to speak, Chairman Watne asked for any wishing to speak in opposition to the zone change request to do so. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt resolution number 956AB. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**RESOLUTION NO. 956AB**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 18th day of February, 2003, concerning a proposal by Paul Eslick to change the zoning designation within the Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on February 6 and February 13, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Bigfork Area Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Bigfork Area Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Bigfork Area Zoning District for a period of thirty (30) days after 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 per cent (40%) of the freeholders within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 18<sup>th</sup> day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
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

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

**Location and Legal Description of Property**

The property is located on the intersection of the Swan Highway and Highway 35 (Streeter's Corner) in Bigfork. The property is further described as the West half of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, excepting therefrom that portion described in Deed to the State of Montana, recorded October 3, 1935 in Book 218, Page 539, records of Flathead County, Montana. Also excepting therefrom that portion described as follows: A tract of land situate,

lying and being in the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, and more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 00°28'00" East, a distance of 270.98 feet to the Point of Beginning of the tract of land herein being described; thence North 89°32'00" East and parallel with the North boundary line of Section 27, a distance of 130.00 feet to a point; thence South 00°28'00" East, a distance of 140.00 feet to a point; thence South 89°32'00" West and being parallel with the Easterly boundary line of the tract of land herein being described, a distance of 140.00 feet to the Place of beginning. Also excepting therefrom Tract 1 and Tract 2 of Certificate of Survey No. 5767.

Commissioner Gipe made a **motion** to authorize the publication of Notice of Passage of Resolution of Intention Bigfork Area Zoning District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
BIGFORK AREA ZONING DISTRICT**

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 intention (Resolution No. 956AB) on February 18, 2003, to change the zoning designation in a portion of the Bigfork Area Zoning District from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business).

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

The regulations defining the SAG-5 and B-3 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 18<sup>th</sup> day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on February 22, 2003 and March 1, 2003.

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

**Location and Legal Description of Property**

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

**MONTHLY MEETING WITH JIM DUPONT, SHERIFF**

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

**This meeting did not take place.**

**MEETING WITH ED ENGLE, ET AL., RE: BERNE CREEK ROAD, GRAYLING ROAD, ETC.**

Present at the February 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Road and Bridge Superintendent Charlie Johnson, Ed Engle, Jean Johnson, Deputy County Attorney Dennis Hester, and Clerk Eggum.

Engle advised that he has a client who is trying to build an RV park in the area of Berne Creek and Grayling. He anticipates it would be used for high end RVs and million dollar buses. He is aware the county only has a 30' right-of-way through the property. He was trying to obtain access to his property for the RVs through Grayling. 30' is not wide enough and a resident owns a five foot strip of property which is making it difficult to develop the whole area. Engle believes the purpose of the strip is to prevent any further development of the area. He noted he was not even allowed an easement for a water main across the strip four or five years ago. C. Johnson noted another resident is attempting to put a house on a foundation on a piece of property that is going to cause water problems for the Fenchaks. Engle reviewed a map with the audience and discussed all alternatives. C. Johnson noted this was an ongoing problem. We have a malfunction junction starting. It doesn't line up. This road needs a tremendous amount of work done. Engle discussed converting parkland butting up against Forest Service or Plum Creek property located at the west end of the development into five lots, selling those lots and using the money on the roads in Troutbeck. Engle noted there are hurdles to this proposal. The Commissioners would have to approve such an option as well as a supermajority of the Troutbeck ownership. C. Johnson encouraged with whatever is decided today the plan encompasses straightening out the whole road system in the area. Engle noted that even if the hill were rebuilt, that would not alleviate his client's problems. C. Johnson was hoping to include all residents in the area to participate in resolving the road problems. Johnson noted the intersection is only going to get worse. Engle stated he spoke with Bill last week and he would be more than willing to sell the land the road is encroaching on to the county in exchange for one of the lots down here below and get access off of Berne Creek. Johnson stated that still doesn't solve the problem. C. Johnson noted the County has prescriptive use but Hester stated that prescriptive use is limited to the use you put it to. He advised it is better not to rely on prescriptive. It is better to clean it up and get everyone to participate. All agreed they would meet to view the property.

### **MEETING WITH CHARLIE JOHNSON, ROAD DEPARTMENT**

Present at the February 18, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Ryan Conner, Greg Carter, John G. Weaver, Gary Jorgenson, and Clerk Eggum.

Johnson advised that currently there are no weight limits on the **North Fork Road**. When limits are placed they will probably be set at 400. However, the Road Department has issued a permit to Stoltz Lumber Company to continue hauling logs on the road. JC Helicopter was asking for a permit to haul logs on the North Fork Road as well. Johnson noted the County controls the gravel portion but not the asphalt portion. Jorgenson stated they would like to continue hauling. They still had quite a few trips to make and would continue for a considerable amount of time. He added that they were willing to do whatever was requested to work cooperatively with the Road Department. He noted that the Forest Service has been letting them haul partial loads to get a full load to haul to Bonners Ferry. Jorgenson noted that 400 is great as they are used to 350. Johnson stated that when the state places weight limits on their portion of the road they will be required to follow the state regulations. Johnson asked that if the road starts to break up that they stop working for the day, not try and finish the day out. Jorgenson responded that they try not to haul have 12:00 noon. He noted that it is still freezing at night. Commissioner Gipe noted that the weather is to get a little cooler by the end of the week.

Johnson advised that Carter and Weaver were representing **Hope Ranch**. The County owns a road across a meadow on their property. Hope Ranch was seeking to have the road abandoned as they desire to make improvements to the road but they don't want to have to build it to county standards. Johnson has stated his only concern is that access is to remain open for a piece of Forest Service land adjacent to the property and four other parcels of land back behind Hope Ranch. Chairman Watne expressed concern relative to closing off a public access to Forest Land. Weaver noted the Forest Service already has an easement across their property and that would remain in place. He added that he has already talked to the four property owners and offered to give them a transferable easement. Chairman Watne again expressed concern that the access to the Forest Service land would need to be open to the public. Weaver noted that mountain access comes down from the south comes in from the south and then there are several other accesses. Everything up there is landlocked by the Forest Service. There are several other accesses to it. Hope Ranch is the most well known access. But it is only over a quarter of a 40 that they were talking about. The rest of it is private. Weaver questioned exactly what the Commissioners would need to see to agree to the abandonment. Johnson suggested that the Forest Service engineer and Kathy Barbouletos both be contacted and recommend that they write a letter agreeing to such access. Carter confirmed that from the Commissioners' standpoint if they received easements for those that are private and the Forest Service acceptable to them then they would consider the abandonment. Chairman Watne again noted the concern for public access to public lands. Commissioner Gipe agreed with those concerns. Public access needs to be available to the Forest Service property. Carter asked if the Hope Ranch was willing to provide a statement to the county that there would be public access to the Forest Service lands over the road, that they are not going to gate it or anything like that, would that be sufficient. Johnson advised that as long as they provide easements and everybody is happy, it would be acceptable to him noting that the County Attorney would want to review any such documents.

Johnson advised he will be meeting with the owner of the property on **Garland** that is building a factory and Lincoln Electric to determine what steps have to be taken relative to the road.

Johnson advised that he anticipates having a list of paving projects and overlays for the year to the Commissioners by the first of March.

Johnson advised he is working on the easements for **Haskill Basin**. They have all been mailed out to protect the gas line problem. He has received one back so far but anticipates receiving the others.

Johnson advised that he has been receiving a lot of calls relative to the bad shape of the gravel roads. He requested if the Commissioners receive any calls to refer them to the Road Department and they will try to get them bladed as quickly as possible. The freeze thaw weather has been difficult to deal with.

Johnson discussed the need to hire a full time surveyor. He noted that they are running into some real serious problems in the valley and it is slowing moving into the outlying areas. He noted people are assuming the gravel road is on the right-of-way and so they measure their property from the center of the road. Johnson referred to **Hoffman Draw** as a prime example. It has two garages, a well and a house on the right-of-way. While he is addressing current right-of-way issues, more problems are being created by the building taking place on other roads. Johnson stated he has not talked with the people with the garages or the well. He noted someone may have to move a well. **Lupfer** is 150' off of where it should be but fortunately Plum Creek owns both sides of the property. That problem will not be hard to correct. Commissioner Gipe questioned the present wage range of a surveyor. Johnson thought a surveyor would probably get \$55,000 to \$60,000 a year. Johnson noted that this year he budgeted \$30,000 (\$10,000 more than last year) and he is already \$5,000 over budget. He noted he is surveying only when he absolutely has to. Johnson stressed the need to be doing preventive surveying throughout the county. Johnson added he could use the money he is currently budgeting for surveying and in addition the money he has to hire a right-of-way position as he has not been able to locate an individual qualified for the job. Johnson noted the surveyor would need an assistant as well. Johnson noted the amount of time he is spending on right-of-way issues. He described how he has to straighten out the survey, then go

back and get easements. Johnson mentioned that the Clerk and Recorder has stated she could keep a surveyor busy one day a week with 509s. Chairman Watne noted that most of the roads being worked on have right-of-way issues. Johnson reiterated it is everywhere he goes. **Lutheran Camp** has four houses on the right-of-way and he has been trying to deal with that for over a year. **Haskill Basin** is a mess.

Johnson stated he has been hauling gravel out to **Managhan Lane**. It is a little course right now. The road can be traveled. He noted he has received a letter requesting that only half of Managhan be paved and the other half of the pavement go to paving **Danielson**. He added he has not heard from the Summit Preparatory School.

Chairman Watne questioned how the county can enforce the need for encroachment permits on declared roads. Johnson responded because the County Attorney has stated that we are in control of our easements. The state statute provides what can go on the county's easements. He added it is the same way the County is cutting the trees and the brush on the right-of-way. The County has the right to maintain its easements. Chairman Watne noted that anything cut off of the right-of-way belongs to the landowner. Johnson responded the statute states we can have easements. We technically cannot have deeded right-of-ways but we can have easements and we can control what goes on in those easements. The prescriptive easement has been tested in the Supreme Court several times and upheld.

#### **FINAL PLAT: KISER ADDITION**

Present at the February 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Melinda Riley, Dawn Marquardt, Debbie McDorman of Marquardt and Marquardt Surveying and Clerk Eggum.

Riley reviewed the Staff Report for Kiser Subdivision which will create a minor subdivision along Smith Lake road, approximately eight miles west of Kalispell off of Highway 2 West. The subject property is 12.63 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 6, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant, Keith Kiser. Staff recommends approval of Final Plat of Kiser Subdivision.

Commissioner Gipe made a **motion** to adopt Staff Report #FWP-03-02 as findings of fact. Chairman Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

#### **FINAL PLAT: KATTERBACH SUBDIVISION**

Present at the February 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Melinda Riley, Dawn Marquardt, Debbie McDorman of Marquardt and Marquardt Surveying and Clerk Eggum.

Riley reviewed the Staff Report for Katterbach Subdivision which will create a minor subdivision along Rhodes Draw, approximately 11 miles northwest of Kalispell. The subject property is 10.12 acres in size. Preliminary plat approval was waived on June 16, 2002 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant, Bruce Gunderson. Staff recommends approval of Final Plat of Katterbach Subdivision.

Commissioner Gipe made a **motion** to adopt Staff Report #FWP-03-04 as findings of fact. Chairman Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

#### **CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: TEMPORAY CUSTODIAN/LIBRARY**

Present at the February 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the opening of a temporary custodian on behalf of the Library. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF PRINTING BIDS: AOA**

Present at the February 18, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to Kalispell Copy Center for 5,000 sheets of stationary and 5,000 numbered small pink envelopes in the amount of \$170.00 and \$285.00 respectively on behalf of Agency on Aging. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to award the bid to Northstar Printing for 5,000 #10 envelopes, 5,000 labels and 5,000 small return envelopes in the amount of \$162.00, \$98.00; \$150.00, respectively on behalf of the Agency on Aging. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to award the bid to The Towne Printer for eight sets of 500 business cards in the amount of \$121.50 on behalf of the Agency on Aging. Chairman Watne seconded the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

The Chairman and the Clerk of the Board authorized the publication of the following notices:

#### **PUBLIC NOTICE**

The Board of Commissioners of Flathead County did this 13th day of January, 2003, approve payroll and claims for payment in the amount of \$2,451,904.18 for the period beginning January 1, 2003, and ending on January 31, 2003.



The full and complete claim list is available for public view in the Office of Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk Recorder.

Dated this 18<sup>th</sup> day of February, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish February 24, 2003.

#### **PUBLIC NOTICE**

The Board of County Commissioners' proceedings for Flathead County for the period of January 1, 2003, and ending on January 31, 2003, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 18<sup>th</sup> day of February, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish February 24, 2003.

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

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#### **WEDNESDAY, FEBRUARY 19, 2003**

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

**Commissioner Hall and Gipe and Assistant Avery are to attend the MACo Midwinter Conference in Helena**

**9:15 A.M. RSVP Meeting at RSVP Office**

**12:00 P.M. DUI Task Force Meeting at The Summit**

At 5:00 P.M., the Board continued the session until 8:00 o'clock A.M. on February 20, 2003.

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#### **THURSDAY, FEBRUARY 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.

**Commissioner Hall and Gipe and Assistant Avery are to attend the MACo Midwinter Conference in Helena**

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

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#### **FRIDAY, FEBRUARY 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.

**Commissioner Hall is to attend the Meeting with Regional Forest Service in Missoula**

**Commissioner Gipe is to Travel from Helena**

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

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