

## MONDAY, MARCH 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.

**Commissioner Gipe is to attend the Legislature in Helena**

### **OPEN PROPOSALS FOR CONSULTANT: RIVER ROAD BIKE PATH**

Present at the March 17, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Marc Liechti, Kitty Curtis, Carol Pike, Planner Mark Crowley, and Clerk Eggum.

The following proposals were submitted to in response to a request for qualifications: Schwarz Architecture and Engineering, Inc.; Neil Consultants, Inc.; Kadrmas, Lee and Jackson; CTA Land Works Group; Timberland Construction, LLC; Robert Peccia and Associates.

Commissioner Hall made a **motion** to refer the responses to Planning and Zoning for a recommendation. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Curtis submitted a letter in support of Schwartz Engineering as they have provided a great deal of gratis work on behalf of the bike path which read as follows:

March 13, 2003

County Commissioners  
Flathead County, Montana

Gentlemen,

Members of the Columbia Falls Bridge Club endorse Schwartz Engineering in its proposal for providing engineering services on the upcoming River Road bike path project. The project has benefited invaluablely by the firm's gratis work without which there likely would be no funding.

Schwartz has demonstrated a history of similar successful projects throughout the Flathead Valley.

The County would certainly benefit from the value of Schwartz's investment in this project by its prior specific knowledge.

Please give Schwartz your full consideration.

Respectfully,

The Columbia Falls Bridge Club

### **OPEN PROPOSALS FOR CONSULTANT: FARM TO MARKET ROAD BIKE PATH**

Present at the March 17, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Marc Liechti, Planner Mark Crowley, and Clerk Eggum.

The following proposals were submitted to in response to a request for qualifications: Thomas, Dean and Hoskins, Inc.; Timberland Construction; Neil Consultants, Inc.; Kadrmas, Lee and Jackson Engineers, Surveyors and Planners; Schwarz Architecture and Engineering, Inc.; CTA Land Works Group; Robert Peccia and Associates.

Commissioner Hall made a **motion** to refer the responses to Planning and Zoning for a recommendation. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**10:00 A.M. View Miscellaneous Roads w/Charlie Johnson/Road Dept. (till noon)**

**12:00 P.M. On-site Viewing of Lupfer Road Meadows Subdivision**

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

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## TUESDAY, MARCH 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.

**7:30 A.M. Commissioner Hall is to attend the Jobs Now Meeting at WestCoast Hotel, Fireside Room (till 9)**

### **COS REVIEW: BLACK**

Present at the March 18, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Heidi Black, Scott Black, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

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

#### **CONSIDERATION OF REQUEST FOR LEAVE OF ABSENCE: M. KNIGHT**

Present at the March 18, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Milta Knight, OAll requesting a 12 week unpaid leave of absence.

Commissioner Hall made a **motion** to approve the request of Milta Knight for an unpaid 12 week leave of absence. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF PRINTING BIDS: ELECTION DEPT.**

Present at the March 18, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Insty Prints for fire district general election ballots on behalf of the Election Department in the amount of \$354.95. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **MONTHLY MEETING W/JIM DUPONT, SHERIFF**

Present at the March 18, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Sheriff Jim Dupont, Assistant Avery, and Clerk Eggum.

General discussion was held relative to new jail; contracts; compensation board; arbitration; suspended sergeant; cooperation with other government entities.

#### **CONSIDERATION OF LAKESHORE PERMIT: CHRISTENSEN**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by David A. Christensen for Flathead Lake. The applicant proposes to install a concrete retaining wall. General discussion was held.

Commissioner Hall made a **motion** to table the permit. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: RAFFEL**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Wesley and Elizabeth Raffel for Flathead Lake. The applicant proposes to replace an existing retaining wall that has failed with a new structure that includes concrete footing and wall and concrete deck that will extend back to tie into the existing grade. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-11 and authorize the Chairman to sign subject to 29 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: PUGH**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Terry Pugh for Flathead Lake. The applicant proposes to replace an existing, deteriorated wood retaining wall with a concrete retaining wall to prevent erosion. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-12 and authorize the Chairman to sign subject to 22 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: LUTHERAN BIBLE CAMP**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Flathead Lutheran Bible Camp for Flathead Lake. The applicant proposes to rebuild an existing "I" shaped wood piling swimming dock. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-13 and authorize the Chairman to sign subject to 17 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: OLSON**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed the application filed by Bernard T. Olson for Flathead Lake. The applicant proposes to install a new wood pole/plank retaining wall immediately in front of an existing, older wall that has deteriorated in many places. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Construction Permit FLP-03-14 and authorize the Chairman to sign subject to 20 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF POSITION REPLACEMENT/CLERK OF COURT**

Present at the March 18, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

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

**FINAL PLAT: ASPEN MEADOW ESTATES**

Present at the March 18, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dawn Marquardt and Debbie McDorman of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by William Knoll for Aspen Meadows Estates Subdivision which creates ten single-family residential lots. The property is located at 675 Ferndale Drive in Bigfork.

Preliminary Plat was approved on August 28, 2002 subject to 13 conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$14,675.00 for road improvements to Carley Lane. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Aspen Meadow Estates Subdivision. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

**FINAL PLAT: SUBDIVISION #214**

Present at the August 6, 2002 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Robert Rinke for Subdivision #214, which creates two residential lots off Birch Drive. Preliminary Plat was approved on February 27, 2002 subject to five conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the State and County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Subdivision #214. Chairman Watne **seconded** the motion. **Aye** –Watne and Gipe. Motion carried by quorum.

**11:30 A.M. Chairman Watne is to meet with Cheryl Schlegal**

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

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**WEDNESDAY, MARCH 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 Gipe is to attend the Legislature in Helena**

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

**PRELIMINARY PLAT: HIGGINS HEIGHTS**

Present at the March 19, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Linda Creighton, Marilyn Noonan, Ardis Larsen of Larsen Surveying, and Clerk Eggum.

Morrison reported that this was an application by David and Linda Creighton for a five lot single-family residential subdivision. The property is located off of Middle Road directly across from Deer Park Elementary School and contains 12.86 acres. The project is in general compliance with the Flathead County Subdivision Regulations. The staff is recommending approval of this subdivision subject to 13 conditions.

Commissioner Hall made **motion** to adopt Staff Report FSR-03-12 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Preliminary Plat for Higgins Heights Subdivision subject to 13 conditions. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

**PRELIMINARY PLAT: GLACIER BUSINESS PARK**

Present at the March 19, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Jane Eby of Eby and Associates, Planner Johna Morrison, Harold Norman Beach, and Clerk Eggum.

Morrison reported that this was an application by Nolan Investments for preliminary plat approval of Glacier Business Center, a five lot commercial subdivision. The property is located on Highway 93 North between Spencer's Restaurant and Fender's Restaurant six miles north of Kalispell and contains 3.80 acres. The project meets the requirements of the Flathead County Subdivision Regulations. The staff is recommending approval of this subdivision subject to seven conditions.

Commissioner Hall made a **motion** to adopt Staff Report FSR-03-13 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

Commissioner Hall made **motion** to approve Preliminary Plat for Glacier Business Park Subdivision subject to seven. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

#### **MEETING WITH LARRY YOKUM RE: HIGHWAY SPEED LIMITS**

Present at the March 19, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Andrea M. Goff, Lance Witt, Larry W. Jochim, Doug Averill, and Clerk Eggum.

Jochim advised that he was a member of the Advisory Board of MDOT and has been working on the Highway 35 project. He would be attending a hearing in Helena on March 27<sup>th</sup> with MDOT and will be presenting a case for lowering the speed limit to 35 in Bigfork from what is currently 45 and 50. He was requesting a letter of support from the Commissioners for such reduction in the speed limit.

Commissioner Hall made a **motion** to write a letter in support of a 35 MPH speed zone in the Bigfork area. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **MEETING WITH RAEANN CAMPBELL/HUMAN RESOURCE OFFICE RE: EAP**

Present at the March 19, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Raeann Campbell, Assistant Avery, and Clerk Eggum.

Campbell presented proposals for employee assistance programs.

The Commissioner agreed to have Campbell pursue investigation of some of the services currently being paid for which could be replaced by this program.

#### **MEETING WITH BONNIE OLSON/COURT ADMINISTRATORY AND PAT WARNECKE/YOUTH COURT SERVICES RE: GRANTS**

Present at the March 19, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Pat Warnecke, Assistant Avery, and Clerk Eggum.

Warnecke advised that he would like to apply for a grant through the Board of Crime Control in the amount of \$100,000.00 to plan for community involvement of at risk children. There has been an active consortium of various service providers, schools, court services and other agencies doing preliminary work with children already and this would just be a funding for such a program. The Commissioners be the host of the money and Warnecke would be the project director. No match is required. The grant can be used for planning only. The Commissioners agreed this would be a worthy cause.

#### **CONSIDERATION OF BUDGET TRANSFER: SOLID WASTE**

Present at the March 19, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Solid Waste Director David Prunty to transfer money originally budgeted for a roll-off contract to pay for contracted services to assist with the landfill flare. Assistance with the flare will cost more than the amount included in the budget. The transfer would be \$10,000.00 from contracted services/containers to Contracted Services/LFG.

Commissioner Hall made a **motion** to approve the budget transfer request. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF POSITION REPLACEMENTS: CUSTODIAN AND BUILDING MAINTENANCE WEED WORKER II/WEED PARKS AND MAINTENANCE DEPT.**

Present at the March 19, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Jed Fisher advising of the resignation of Perry Jensen who is leaving the area. His position is a full time custodian. A six month building maintenance weed worker II position, is also vacant due to the employee (Darren Overcast) failing to advise regarding his intentions.

Commissioner Hall made a **motion** to approve opening of a Custodian and Building Maintenance and Weed Worker II on behalf of the Weed, Parks and Maintenance Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **CONSIDERATION OF POSITION REPLACEMENT: TREASURER OFFICE**

Present at the March 19, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Glenda Love relative to a position opening for an Office Assistant II in the Motor Vehicle Department to replace a person who was awarded the position in the Tax Department recently opened.

Commissioner Hall made a **motion** to open an OA II position on behalf of the Treasurer's Office. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

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

**3:00 P.M. Commissioner Hall is to attend the Legislative Meeting at Commissioners Meeting Room**

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

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## **THURSDAY, MARCH 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.

### **MONTHLY MEETING W/RICHARD STOCKDALE, ANIMAL CONTROL**

Present at the March 20, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Animal Control Director Richard Stockdale, Assistant Avery, and Clerk Eggum.

General discussion was held relative to three months of statistics; overtime pay during a week a holiday falls; raise on-call pay to one hour of hourly pay beginning with the new fiscal year; security system at the shelter – Commissioners requested more information; water softener – the Commissioners agreed with the purchase of a system; cruelty legislative bill.

Commissioner Gipe made a **motion** to approve the request to increase on-call pay to the individual's hourly wage and to pay all emergency call out response at one and one-half times the employee's rate of pay beginning with the new fiscal year. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

Present at the March 20, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

General discussion was held relative to remodeling of old Courthouse; work for records preservation building; confirmation to proceed with Somers Bay landing expansion permits and obtain deed from MDOT; bike path on Willow Glen; maintenance on bike paths; air cooling system needs replaced in Justice Center; boiler water never replaced; remodel of district court.

### **MONTHLY MEETING W/ALAN MARBLE, OES**

Present at the March 20, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, OES Director Alan Marble, Gary Mahugh, Weed, Parks, and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

General discussion was held relative to fuel tank; distributed security information; Fire Marshall letter for upgrades; federal statement of work; terrorism plan; reimbursement for forest fire; 911 committee;/wireless plan; fire plan from Forest Service; activated EOC.

### **CONTINUATION OF FINAL PLAT: HAILEY'S RUN**

Present at the March 12, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Mark Crowley, John Parsons, Wayne Womack, Tom Sands of Sands Surveying, Janet Womack, Jack Quatman, Bake Baker, Michael Collins, Steve Cummings, John Parsons, Susan Moyer, Todd Prescott, Sue Ann Grogan, Assistant Avery, and Clerk Eggum.

Crowley again reviewed the Staff Report for Hailey's Run Subdivision. The subdivision is located on Big Mountain. Preliminary plat approval was granted on June 3, 2002 subject to eight conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of Final Plat of Hailey's Run Subdivision.

Crowley advised that a Memorandum of Understanding had been entered into relative to the parties on the southern end, however, no agreement was reached with Kristianna Condos as to the easement across Lot 2.

Commissioner Hall confirmed that the architects have not been on site and noted that it appears any number of things could be done to mitigate the accessibility of people skiing over the property as has been done previously. Collins advised that all they have is conceptual layouts and they feel comfortable they can put three buildings in those two lots.

Cummings advised that he was the attorney for Winter Sports. At preliminary plat it was at Womack's insistence condition #8 was included. Winter Sports has met that condition by showing the 12' easement in a place to be located and without knowing where the buildings are going to be located today, it is subject to being moved but it is not subject to being taken off. Hall noted that there is no guarantee that it is going to be where it is now so that it connects to the county road. Cummings advised it will hook up to that road but it is not clear exactly where it will be.

Quatman advised he was speaking on behalf of Kristianna. He displayed a map of the plat. He stated they were not there to stop the development. He noted that the board has historically, throughout all the developments on Big Mountain, considered the historical ski easements. Quatman noted the plat reflects a 12' trail but because of the language was concerned whether Winter Sports would relocate the easement. He added that is it is not just Mr. Womack who is uses the trail but several condo units with hundreds of people have use that easement and have for 20 years. Quatman noted the concern relative to it being just a pedestrian trail rather than a skier/pedestrian trail. He expressed fear if the board allows this to go through as worded on the plat, Winter Sports can place the easement anyplace and it will become a pedestrian trail where you will be required to remove your skis and walk the trail rather than ski across as they have done for 20 years. Quatman requested a 12' ski easement to be located substantially where it is. As they build, they may find they have to move it one way or the other. But if it is moved to come down around here, it would impossible to ski. Not everybody who skis this is an Olympic skier. Quatman concluded that all they were asking is that it is maintained in substantially the same position as the easement sits today and has been for 20 years.

Collins clarified that at preliminary plat, Winter Sports made a concession because of concerns expressed at that time to give an easement for skier/pedestrian use. At that time Winter Sports acknowledged that at some point skiers will have to take off their skis and walk on part of the easement. The diagram reflects use of the 40' wide county right-of-way for vehicular access to two proposed buildings. That road is going to come in and turns and services the lower building parking and the upper building parking. There is no easement of record. This plat reflects an easement so

Condition #8 is met. We are trying to do a good project. We think it is the right thing to do for this site. It was identified in our 1991 master plan. We envisioned four acres here for employee housing 30 units.

Quatman expressed concern for having the road paved if that many people will be utilizing it for access. He reiterated his request that the easement be placed where it has been maintained and used for the past 20 years.

Commissioner Hall confirmed with Crowley that this subdivision should have triggered the requirement for paving but it was an oversight. Collins advised that if Subdivision 1 gets their roads paved Winter Sports would be happy to be a participant.

Womack expressed concern for the use of the county road for access when it is not on right-of-way, the county does not maintain it and it is basically a one lane dirt road.

Cummings noted that the discussion was straying way far from where the meeting ought to be. Today the question is have the eight conditions been met to allow approval of final plat. Condition #8 says Winter Sports will provide a 12 foot pedestrian skier access. There wasn't one before. They have done that. They have met that condition.

Commissioner Hall noted that an agreement was reached with the group at the bottom he was hoping that an agreement would have been reached relative to this issue as well. Collins responded that Winter Sports made the concession at preliminary plat to address the concerns brought up by Mr. Womack. The condition has been met and it is inappropriate now to request changes. Commissioner Hall noted others felt the condition had not been met.

Sands was concerned because his name was the one on the plat. He noted that the road was county right-of-way. It is a public right-of-way. The easement has to be shown to a road. Condition 8 says a pedestrian skier easement shall be shown on the plat to be relocated at a later date when the design is done and that is going to happen. Sands stated he has worked with many developers and this is all part of the process. The condition has been met by the notation on the plat. Commissioner Hall noted that they were not questioning what is being said. The concern is a lot of people use that access. Sands advised that they are still going to have access. Commissioner Hall reiterated that the concern is that the easement will be relocated at a later date nowhere close to where it is reflected today. He also stated that he didn't think walking 100' is not that far to have to walk with your skis. But he noted that the issue is the location of the easement and some assurance that the public's use of that access to their properties and to their historical use of that easement is kept.

Cummings suggested that language be added saying that a reasonable grade to connect to the existing 40' road might solve the issue. Commissioner Hall stated that was acceptable to him. He agreed with Sands that WSI has worked hard to mitigate this problem. Chairman Watne stated the addition of the language would work. Collins requested acknowledgement that it would be part skiing and part pedestrian. Commissioner Hall noted that is just a reality.

Cummings reiterated the statement on the plat would read: A 12' ski/pedestrian easement actual location to be determined upon completion of the development of lot 2 at a reasonable grade to connect to the existing 40' road.

Womack questioned how far a skier would be able to ski. Commissioner Hall responded that we don't know that and this addition addresses the concerns. Womack stated he was still concerned that the easement location could be moved. Commissioner Hall reassured him that he was hopeful WSI would do the right thing as they were aware of what the parties were expecting.

Sands made a change to the plat to read: A 12' ski/pedestrian easement actual location to be determined upon completion of the development of lot 2 at a reasonable grade to connect to the existing 40' road.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$76,595.13 for access roads, water system, sewer system, drainage and miscellaneous work, utilities and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

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

#### **AUTHORIZATION TO PUBLIC NOTICE OF PUBLIC HEARING/ANNEXATION TO SOUTH KALISPELL RURAL FIRE DISTRICT**

Present at the March 20, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the publication of the Notice of Public Hearing of Withdrawal of Property from Somers Rural Fire District and Annexation to South Kalispell Rural Fire District and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **NOTICE OF PUBLIC HEARING OF WITHDRAWAL OF PROPERTY FROM SOMERS RURAL FIRE DISTRICT AND ANNEXATION TO SOUTH KALISPELL RURAL FIRE DISTRICT**

The Board of County Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 7-33-2122 and 7-33-2126, M.C.A. that it will hold a public hearing to consider the annexation of territory contained in the Somers Rural Fire District to the South Kalispell Rural Fire District.

The boundaries of the proposed territory to be annexed to the South Kalispell Rural Fire District are as follows:

The NW1/4 of the NW1/4, and the SW1/4 of the NW1/4, and the S1/2 of 9-27-21 minus Tract 3NE, plus Tract 18DA 10-27-21. Flathead County, Montana.

The public hearing will be held on the 14<sup>th</sup> day of April, 2003 at 9:30 o'clock A.M., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the annexation of the territory from the Somers Rural Fire District to the South Kalispell Rural Fire District.

DATED this 20<sup>th</sup> day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Please publish on **March 28, 2003** and **April 4, 2003**.

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

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 20th day of March, 2003, approve payroll and claims for payment in the amount of \$2,181,197.18 for the period beginning February 1, 2003 and ending on February 28, 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 20<sup>th</sup> day of March, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish March 25, 2003.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of February 1, 2003, and ending on February 28, 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 20<sup>th</sup> day of March, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish March 25, 2003.

**10:30 A.M. On-Site Viewing of Lupfer Road Meadows Subdivision**

**12:00 P.M. Brown Bag Luncheon w/Flathead County Planning Board at Commissioners Meeting Room**

**2:00 P.M. Chairman Watne is to attend the Health Board Meeting at Earl Bennett Building**

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

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**FRIDAY, MARCH 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.

**12:00 P.M. Commissioner Hall is to attend the Pachyderm Club Meeting at Outlaw Inn**

**3:00 P.M. Commissioner Hall is to attend a Meeting with DNRC at the Justice Center**

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

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