

MONDAY, APRIL 7, 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.

MEETING W/JOE RUSSELL, HEALTH DEPARTMENT RE: WEST NILE DISEASE

Present at the April 7, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Health Director Joe Russell, Weed, Parks and Maintenance Superintendent Jed Fisher, Glen Gray, Wallace Wilder, MD, John Erfle, DVM, Assistant Avery, and Clerk Eggum.

Discussion was held relative to the West Nile Virus: Symptoms are similar to those of other viruses. There is a 24% mortality rate in horses. Horses will be the canary to West Nile. Typically they show signs before birds. Malathion is not particularly worrisome in low doses. There are other alternatives to Malathion but they are more expensive. Public health risks of spraying are far less invasive than the effects of West Nile Virus. Larviciding (getting the mosquitoes when they are swimming in the back waters) is a very effective control method. Proactive larviciding now will have low public impact and not affect the organic farmers or bees. Cascade County has a very effective mosquito program at a cost of \$300,000.00 per year. 13,000 signatures would be required to create a county wide mosquito district in Flathead County. Four to six people would be required to effectively operate the program. To be able to spray for mosquitoes, you have to be certified. Certification is gained through an extensive testing process. Public education is the key to getting enough signatures on a petition to enact a county wide mosquito program.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: O'MYER ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the April 7, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Marsha O'Myer, Planner Melinda Riley, Dawn Marquardt of Marquardt and Marquardt, and Clerk Eggum.

Riley advised that this was a request by Shane O'Myer for a zone change from a SAG-10 Suburban Agricultural zone with 10-acre minimum lot size to a SAG-5 Suburban Agricultural with a five-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.

Commissioner Gipe made a **motion** to adopt Resolution No. 797CA. Chairman Watne **seconded** the motion. **Aye** - Watne, and Gipe. Motion carried by quorum.

RESOLUTION NO. 797CA

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21st day of January, 2003, to consider a request by Shane O'Myer to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 11 and January 18, 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 Kalispell City-County Planning Board regarding the proposed change in the Evergreen and Vicinity 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 on property in the Evergreen and Vicinity Zoning District from, SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) 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 Evergreen and Vicinity 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 thereof, the Board will receive written protests to the change to the Evergreen and Vicinity 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 Evergreen and Vicinity 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 in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 7th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By: _____
Gary D. Hall, Member

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

EXHIBIT A
Shane O'Myer
Zone Change/Evergreen and Vicinity Zoning District
Legal Description

Location and Legal Description of Property:

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

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention 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

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. 797CA on January 21, 2003, to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

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 Evergreen and Vicinity Zoning District from persons owning real property within that 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 7th day of April, 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 April 10, 2003 and April 17, 2003.

EXHIBIT A
Shane O'Myer
Zone Change/Evergreen and Vicinity Zoning District
Legal Description

Location and Legal Description of Property:

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

CONSIDERATION OF LAKESHORE PERMIT: VAN HELDEN

Present at the April 7, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Stephen and Naine Van Helden on Flathead Lake to install a new concrete retaining wall three feet in front of the existing wood retaining wall. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-22 and authorize the Chairman to sign subject to 24 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

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

TUESDAY, APRIL 8, 2003

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

7:00 A.M. Commissioner Hall is to attend the North Valley Preservation meeting at Nite Owl

MEETING WITH PATRICK HEFFERNAN/FLATHEAD POLICY CENTER RE: FIRE PLAN

Present at the April 8, 2003 9:00 A.M. Meeting were Commissioners Gipe and Hall, Patrick Heffernan, R. Steven Wirt, John E. Helton, Sheriff Jim Dupont, OES Director Alan Marble, Assistant Avery, and Clerk Eggum.

Heffernan advised he was from the Flathead Economic Policy Center which is a 501(c)(3) organization and Flathead Forestry Project. Wirt was from the Forest Service and Helton was from the Martin City Fire District. The Flathead Economic Policy Center has a national fire plan grant to do fuel treatment projects on private land in the Hungry Horse and West Glacier area of the canyon. The first step in that process calls for a hazard assessment for fuel reduction treatments on private land to be conducted by the local fire chief. The Hungry Horse Ranger District is doing some fuel treatment projects within the same area on the adjacent national forest land. There is a need for better mapping and demographic information for the various service departments in the county. With these two projects operating at this time, it made sense to put together a comprehensive geographic information system project to incorporate lots of different information on a risk assessment map that would include things like access routes, power lines, natural gas pipelines and the railroad corridor which in turn begins to have a lot of relevance not just for the local fire departments but also for the sheriff and emergency services for things that might happen in the future. This project would allow us to see where all the different layers are in this particular area. Northwest Management has done several of these in Idaho and they did one for the Rocky Boy Reservation. Basically they just get the different layers that already exist and coordinate the GIS mapping so you can then get all the different layers from the Forest Service information on up to the fine scale county information that might be available. This could be a pilot project to pull all of this together and if it works the next one could be county wide. There is a need to clear and widen roads so that emergency services can get through in the event of a fire. The overlays not only benefit the forest service but help develop strategic plans for all the county services. For this area it was estimated to be \$20,000.00. This will provide such a good blueprint for any activities that goes on in these areas in the future. You have the forest information, the wildlife information, power lines, access; the entire spectrum which will result in a very useful project for the future for whatever reason.

Chairman Watne was seated.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION

Present at the April 8, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Laurie Rebeck, Juvenile Detention, Kathy Frame, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the licensing specialist visit scheduled for next week; roofing repair work is good; concern for alarm system; secure area by offices; legislative issues; Regional Juvenile Detention meeting in Missoula.

PUBLIC HEARING: ARMSTRONG AND WALKER ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the April 8, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison advised that this was an application by Jason Armstrong, Betty Lou Armstrong and Jennifer Walker for a zone change from SAG-10 Suburban Agricultural with a 10-acre minimum lot size to a zone of SAG-5 Suburban Agricultural with a five acre minimum lot size. The property proposed for rezoning is located on the east side of US Highway 93 North and Schrade Road. It contains approximately 34.92 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor or against the zone change. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 837AG. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 837AG

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 8th day of April, 2003, concerning a proposal by Jason Armstrong, Betty Lou Armstrong and Jennifer Walker to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on March 27 and April 3, 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 recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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 Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), 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 Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, 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 Highway 93 North 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 Highway 93 North 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 protest the proposed change in said district, then the change will not be adopted.

DATED this 8th day April, 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

EXHIBIT A
JASON ARMSTRONG, BETTY LOU ARMSTRONG, & JENNIFER WALKER ZONE CHANGE/HIGHWAY 93
NORTH ZONING DISTRICT
LEGAL DESCRIPTION

Location and Legal Description of Property:

Parcels A, B, and C on Certificate of Survey No. 14669, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention Highway 93 North 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
HIGHWAY 93 NORTH 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. 837AG) on April 14, 2003, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 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 Highway 93 North Zoning District from persons owning real property within that 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 8th day of April, 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

**EXHIBIT A
JASON ARMSTRONG, BETTY LOU ARMSTRONG, & JENNIFER WALKER ZONE CHANGE/HIGHWAY 93
NORTH ZONING DISTRICT
LEGAL DESCRIPTION**

Location and Legal Description of Property:

Parcels A, B, and C on Certificate of Survey No. 14669, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana

FINAL PLAT: QUAIL RIDGE, PHASE I

Present at the April 8, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Tom Sands of Sands Surveying, Roger Fricke, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Roger Fricke for Phase 1, Quail Ridge Subdivision which creates 14 residential lots off of Lake Blaine Road. Preliminary plat approval was granted on June 24, 2002 subject to 12 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to accept the Subdivision Improvement Agreement in the amount of \$113,950.00 for road paving. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

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

FINAL PLAT: KRAMER TRUST SUBDIVISION

Present at the April 8, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Peggy Mathiason and Rick Breckenridge of Montana Mapping Associates, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Ken Kramer for Kramer Trust Subdivision which is a one lot minor subdivision along Manning Road, approximately eight miles southeast of Kalispell. The subject property is 45.78 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on December 27, 2002 subject to five conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-09 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat of Kramer Trust Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

AWARD BIDS: SMITH VALLEY RAIL TRAIL/CONTRACTOR

Present at the April 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Bruce F. Lutz recommending a bid award for the Smith Valley Rails to Trails project.

Commissioner Gipe made a motion to award the bid to Sandon Construction for the amount of \$183,537.37. Commissioner Hall seconded the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

11:30 A.M. Commissioner Hall is to attend a meeting with Cole Milstead

4:00 P.M. Commissioner Hall is to attend a RAC meeting at Flathead National Forest Service Office (till 6:30)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 9, 2003.

WEDNESDAY, APRIL 9, 2003

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

7:00 A.M. Commissioner Hall is to give a speech at Columbia Falls Kiwanis Club

9:30 A.M. Administrative Assistant Avery is to attend a Meeting with Ore Coco re: RSID

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

1:00 P.M. Commissioner Hall is to attend a Fire Season Meeting at the Justice Center

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

THURSDAY, APRIL 10, 2003

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

7:00 A.M. Commissioner Hall is to speak at Daybreak Rotary at Buffalo Hill Golf Course

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the April 10, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to motor cross track on Somers Road; Conservation District; settlement of *Alliance v. County/Smith* and Shults to attend; reduction of planning board; rural improvement districts; request from Lake County to participate in generation of flyer/no; resolution between City of Bozeman and Gallatin County/to summarize and recommend; Billings workshop subdivision, zoning, legislative enactments; planning board schedule; text amendments and zone changes; approach permits in west valley; mosquito district petition; budgeting; building maintenance.

COS REVIEW: FOSTER

Present at the April 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Brian Sullivan of F & H Land Surveying, Inc., 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.

COS REVIEW: BRUNDIGE

Present at the April 10, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Dan Brien of Brien Surveying, Inc., Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

This was a continuation of the March 25, 2003. Brien advised that the survey was filed in 1990 but the deeds did not get filed until 1995.

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

MEETING WITH LORRAINE REID/HUMAN RESOURCE OFFICE RE: UPDATE ON DEFERRED COMP

Present at the April 10, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Lorraine Reid, Human Resource Director Raeann Campbell, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Reid advised that the state has a deferred compensation plan that county employees can contribute to. However, if the county chooses to utilize that plan, county employees cannot participate in any other deferred compensation plan. The two advantages to the state plan is they are a large group so they are very cost effective resulting in very low fund fees and oversight. The state plan is not actively promoted as the departments are sensitive to the independent businesses. Currently 60 employees are participating in two different deferred compensation plans. Commissioner Hall requested input from the employees as to how they would like to proceed.

MEETING WITH RAEANN CAMPBELL/HUMAN RESOURCE OFFICE RE: SAFETY PRESENTATION

Present at the April 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Robin Boon, OES Director Alan Marble, Deputy County Attorney Jonathan Smith, Human Resource Director Raeann Campbell, Assistant Avery, and Clerk Eggum.

Boon, Marble and Campbell have worked toward building a new safety culture within all county departments. They proposed that a committee be established to oversee the project. The goal is to help each department develop a safety program specific for their department and provide meaningful safety and loss control training. This will result in a reduction in insurance premiums. They were also requesting a line item for safety costs to be immediately added to the general budget for the coming year in the amount of \$5,000.00. They were requesting a formal endorsement of the phased in project before committing the time to such project.

Commissioner Hall made a **motion** to approve the Employee Safety Program and authorize the notice to All Flathead County Employees and Department Heads. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Marble advised that he will be posting a notice to stop everyday use of the fire escape on the Courthouse. He also discussed changes to the drug and alcohol protector.

DOCUMENT FOR SIGNATURE: HEALTH INSURANCE PORTABILITY ACT

Present at the April 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, Human Resource Director Raeann Campbell, Lorraine Reid, Assistant Avery, and Clerk Eggum.

Smith advised that due to the HIPAA laws an agreement was prepared relative to exchange of information from Intermountain Administrators, Inc. (now Allegiance) and Flathead County. The agreement addresses the requirements of the HIPAA Privacy Rule with respect to "business associates" as that term is defined in the HIPAA Privacy Rule. The agreement is intended to ensure that the business associate will establish and implement appropriate safeguards relative to protected information. Commissioner Hall confirmed that Smith had read and approved the agreement. Campbell will be designated as the Privacy Officer and Reid the Privacy Contact.

Commissioner Hall made a **motion** to approve and authorize the Chairman to sign the Business Associate Agreement Between Flathead County Employee Benefit Plan and Intermountain Administrators, Inc. and the Individuals Authorized by Plan

Administrator/Employer to Receive Personal Medical Information on Behalf of the Plan for Plan Administration Purposes. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: DOVE ESTATES

Present at the April 10, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Cody Hagerman for Dove Estates Subdivision which creates a one lot minor subdivision along Stillwater Road, approximately six miles west of Kalispell. The subject property is 15.00 acres in size and is located in the West Valley Zoning District. Preliminary plat approval was waived on June 26, 2002 subject to seven conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report FWP-03-10 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 of Dove Estates Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORM: SUMMER EMPLOYEES

Present at the April 10, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Director Raeann Campbell, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Personnel Committee Transmittal Form proposing entry level employees receive \$6.50 per hour. Second year returning employees be paid \$6.75 per hour and any year after the first two, the employee would "top out" at \$7.00 per hour. Campbell advised that this was a request on behalf of the Fair.

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for the Fair. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: TEMPORARY MICROCOMPUTER SUPPORT SPECIALIST/COMPUTER SERVICES

Present at the April 10, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from Norm Calvert relative to an employee's extended illness and the need to hire a full time temporary microcomputer support specialist in the interim.

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

CONSIDERATION OF RELEASE OF COLLATERAL: GLACIER PINES MOBILE HOME PARK

Present at the April 10, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the release of collateral. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING: GENERAL PARKS AND REC WORKER/WEEDS, PARKS AND MAINTENANCE DEPT.

Present at the April 10, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a request from Weed, Parks and Maintenance Director, Jed S. Fisher for two part time general parks and recreation workers to help at the Conrad Complex this summer.

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

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 10th day of April, 2003, approve payroll and claims for payment in the amount of \$1,941,720.15 for the period beginning March 1, 2003 and ending on March 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 10th day of April, 2003.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson

Paula Robinson, Clerk

Publish April 15, 2003.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of March 1, 2003, and ending on March 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 10th day of April, 2003.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish April 15, 2003.

12:00 P.M. Brown Bag Luncheon w/Flathead County Planning Board

1:30 P.M. Commissioner Hall is to attend a meeting with Mayor Feury, et al.

2:00 P.M. AOA Board Meeting at Kalispell Sr. Center

7:00 P.M. Commissioner Hall is to attend the Flathead County Central Committee Meeting at the Outlaw Inn

7:30 P.M. Fair Board Meeting at Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 11, 2003.

FRIDAY, APRIL 11, 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.

7:00 A.M. Commissioner Hall is to attend a Friday Focus at Kalispell Chamber of Commerce

AUDIT EXIT INTERVIEW W/DENNING, DOWNEY AND ASSOCIATES

Present at the April 11, 2003 9:00 A.M. Meeting were Bob Denning, Clerk and Recorder Paula Robinson, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Karen Okamoto, Treasurer Patty Arnold, Sybil Noss, Michelle Anderson, Deb Deist, AOA Director Jim Atkinson, Beverly Martinez, Sassie Forden, Justice of the Peace David Ortle, Computer Services Director Norman Calvert, Assistant Avery, and Clerk Eggum.

Denning reviewed the audit for year ending June 30, 2002 for the County. He advised that the County gets an unqualified opinion from the auditor. That is the highest opinion they can give. He commented on the "Deb/Sybil team" and their real progressive thinking relative to accounting changes. He noted he does not see this thing across the state and he audits 18 counties. He added if he could he would hire both of them to work for him and urged the Commissioners to keep them on staff. He concluded that they make the audit go smooth.

Denning reviewed the comments contained in the report as things that need improvement: CDGB program; loans between funds; fund balances instead of revenues; bank accounts balanced to bank statements and lists of inmates; Justice Court Trust Account disperse all money once a year or another policy; County Attorney Office Trust Account how to disburse money; Clerk of District Court Case Registry Unit Money needs to flow through District Court fund/separation of duties; transportation community system/Davis Bacon wages; Family Planning Grant reports not agreeing with county records; county benefits/accountable plan; corrections; responses to findings; suggested preliminary report before final report to review and make corrections.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 14, 2003.
