

MONDAY, APRIL 14, 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 Regional Juvenile Detention Meeting in Missoula

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

This meeting did not take place.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ESLICK ZONE CHANGE/BIGFORK AREA ZONING DISTRICT

Present at the April 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 956AC. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 956 AC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 18th day of February, 2003, concerning a proposal 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, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 AB dated February 18, 2003) to change the zoning designation from a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business) within the Bigfork Zoning District; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 22 and March 1, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, a split zone of SAG-5 (Suburban Agricultural) and B-3 (General Business) to B-3 (General Business) as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 14th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
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.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: HILL ZONE CHANGE/BIGFORK AREA ZONING DISTRICT

Present at the April 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 956 AE. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 956 AE

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

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 AD dated February 18, 2003) to change the zoning designation from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial) within the Bigfork Zoning District; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 22 and March 1, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial) as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 14th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
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.

PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/MISC. HOMEOWNERS

Present at the April 14, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Myron M. Boyle, Lynne Boyle, Katrina Hill, Arlan H. Kohl, Judith J. Royston, Bob Spoklie, Assistant Avery, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the proposed annexation.

Hill advised that she would like to see the property annexed to the South Kalispell Fire District.

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

Judith J. Royston questioned whether her property located in Somers would be affected by this annexation. It was confirmed that it did not affect her property.

Spoklie confirmed it would not affect his property.

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

Commissioner Hall made a **motion** to approve the annexation of the petitioned property removed from the Somers Rural Fire District to the South Kalispell Rural Fire District. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/ALAN MARBLE, OES

Present at the April 14, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, OES Director Alan Marble, Assistant Avery, and Clerk Eggum.

General discussion was held relative to meetings for operation of regional teams; Hazmat teams; FEMA grant; mitigation grant; philosophical take on fire protection; \$5,000 for contracted services for school for 25 people; community meeting;

PUBLIC HEARING: SETTLEMENT/FLATHEAD ALLIANCE FOR SENSIBLE GROWTH v. COUNTY

Present at the April 14, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Michelle (Mickey) Lapp, A.R. Farris, Clarice Ryan, Carl Rauthe, Darlene Jump-Rauthe, Deputy County Attorney Jonathan Smith, Myra L. Shults, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Shults advised that a Complaint and Application for Writ of Mandamus and Writ of Review was filed by Flathead Alliance and other citizens of Flathead County on about September 5, 2002. Representing Flathead County, Shults filed a motion to dismiss the writ of mandate and writ of review and to strike certain portions of the complaint. This motion was fully briefed as of December but Judge Stadler had not made a decision. Judge Stadler made rulings in a similar case against the city and Mr. Wolford decided to move his mall from Highway 2 to Highway 93. The plaintiffs' attorneys and Shults met and discussed how to proceed with the case. In the meantime, status reports have been filed pursuant to the Judge's order. The judge did not want to rule on the motion if the case was going to be dismissed. The reason for the public hearing today is for the Commissioners to decide whether to approve entering into a settlement agreement. Shults read the proposed Stipulation for Settlement into the record: Due to changed circumstances regarding the proposed Glacier Mall, the parties herein have evaluated their respective positions in this lawsuit and have agreed to settle it on the following terms and conditions: 1. The Plaintiffs agree the Court may quash the Alternative Writ of Mandamus, issued by the Court on September 30, 2002, without admitting the Defendants' motion to dismiss has any validity. 2. The Board of County Commissioners of Flathead County, without admitting the allegations found in Plaintiffs' complaint have any validity, agrees to allow the Court to rescind Resolution 790Q (amendment of the map to the City-County Master Plan) and Resolution 797BY (rezoning property adjacent to Highway 2 as described in that resolution). The Master Plan map will revert to the way it was before the amendment on September 28, 2001, and the zoning will revert to that existing prior to September 28, 2001. 3. The Plaintiffs withdraw their challenge to Resolutions 955 DM and 955 DS, as well as to Flathead County's withdrawal from the City-County Planning Board to the procedural and constitutional challenges pleaded in the complaint, and agree to dismissal of this entire case, with prejudice, along with the Court's Order approving this Stipulation for Settlement. 4. Each side is to bear its own attorney's fees and costs.

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

Ryan advised she is in favor of this mall. It hurts me to see all of this fumbling around with zoning, codes, and master plans. Sometime I think all of this planning stands in the way of progress and common sense. I think it smacks of smart growth and I have seen so much of this reversed psychology in trying to sell something under a good term and to me smart growth can mean stupid stagnation. I know that the present business owners may have some merit. They see someone big coming in and possibly taking customers. There are only so many customers. However, big is not necessarily bad. It can be very good. What it does is give us a choice. When we go shopping in a major city area, we do enjoy the big city malls. But I will bet you we will end up in old town having an ethnic meal. There is merit in choice. I like to shop in quaint little shops that are novelty shops, maybe look in a dress shop that is very exclusive that you just don't see those same styles in a department store. When you have more choice, you draw in more customers from a wider range. The local people don't have to keep trying to see how far we can spread the coins out of our piggy bank. There will be money coming in from outside; lots of it. One our senators faxed me something that I thought was really apropos for this: Our top 25 business equipment tax payers have almost \$1.5 billion in equipment market value. These same companies employ more than 13,000 Montanans and have payrolls exceeding \$440 million. Most of these companies are traded primary sectors and have very high multipliers between two and three. These companies support directly or indirectly more than 50,000 jobs in the state. The common sense approach for the citizens of this valley is to make the necessary amendment. I really admire and appreciate Mr. Wolford's enthusiasm to bring in his own money to invest in this valley and to help this valley develop and grow. Smart growth is not necessarily smart growth. It can be stupid stagnation. I hope that we will proceed with smart growth.

Shults clarified that the purpose of the hearing today is whether or not to sign the settlement agreement that rolls back the zoning. It really is not a forum on the mall or no mall. It is just a very narrow hearing on whether the County Commissioners should allow the court to roll back the master plan map the way it was before September 28, 2001 and to roll back the zoning to the way it was before September 28, 2001. It is not a referendum on whether a mall is good or not for Kalispell. It is rather a settlement of the case that attacks procedure.

Jump-Rauthe advised that she does support entering into the agreement.

Commissioner Hall stated that he believes it is in the best interests of the county and it is important to hear Mrs. Jump-Rauthe say she would like to see it settled.

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

Lapp advised that she lives on Columbia Falls Sage Road and also owns commercial property on Kelly Road in Kalispell and property located on Stillwater Road and Three Mile Drive in Kalispell. My family and I have lived and owned businesses in the Flathead Valley for 34 years. Over the course of these 34 years, we have, on occasion, found ourselves to be both plaintiffs and defendants after which time we were presented with an invoice from our attorneys. Commissioners, do you know who paid our attorney's fees? We did. I welcome growth, and the Glacier Mall to this valley. The Flathead Alliance for Sensible Growth does not represent me, my views, nor my best interests, and as a 34-year Flathead County taxpaying veteran, I shudder to think a group such as this wants my tax dollars to fund their ridiculous lawsuit. In 2002 my Flathead County taxes were over \$10,000.00. Therefore, I respectfully request your consideration in concluding that Flathead County taxpayer dollars not be used to fund this lawsuit and settlement not be made. I think it sets a precedence for future frivolous and ridiculous lawsuits should you settle. I request that you give consideration to not settling.

Shults reiterated that the last line of the settlement is each side shall bear their own attorney's fees and costs. Flathead County is not paying Flathead Alliance's attorney's fees or costs. That was the deal.

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

Commissioner Hall thanked Lapp for speaking up and expressing her feelings concerning this whole issue. I think we are all in agreement that frivolous lawsuits are a waste of time and taxpayer money and I was pleased to see that the settlement stipulation was that we would not be paying their attorney's fees. We wouldn't even be looking at that if that was the case. We believe that the work that Myra Shults has done for us on this is in the best interests of the county and its residents. To roll back the zoning to what it was before so that Mrs. Jump-Rauthe and others can move forward with what they are hoping to do is the right thing to do. We have new growth policy laws on the books now that will help us and hopefully alleviate a lot of these things we have had to deal with in the past.

Chairman Watne advised that if the stipulation provided for the county paying attorney's fees, we would not be where we are right now.

Commissioner Hall made a **motion** authorizing settlement pursuant to the terms of the Stipulation for Settlement. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried quorum.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORMS: OA III & LEADWORKER CUSTODIAN/WEED, PARKS AND MAINTENANCE DEPT.

Present at the April 14, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Weed, Parks and Maintenance Director Jed Fisher, Superintendent of Schools Donna Maddux, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Personnel Committee Transmittal Forms responding to a request from the Weed/Parks/Recreation and Building Maintenance Department for a lead worker for evenings for the maintenance staff. This will result in a Range 5 getting a 5% increase. The second form was a request for the present Office Assistant III position with the Weed/Parks/Recreation and Building Maintenance Department now qualifies for an Office Administrator Range 16.

Commissioner Hall reiterated his concern that the lead worker position will require a qualified person to do that job otherwise to all of a sudden assume this authority role then the work part stops and they don't jump in and be a part of the team. That takes a really unique individual that will do that.

Commissioner Hall made a **motion** to approve both Personnel Committee Transmittal Forms as presented. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING WITH MAYOR FEURY, ET AL., RE: COUNTY OWNED PROPERTY/WHITEFISH OFF 13th STREET

Present at the April 14, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, John A. Kramer Jr., Dan Weinberg, Doug Mahlum, Gary Marks, Andy Feury, Assistant Avery, and Clerk Eggum.

Weinberg advised that for the past 25 years the Whitefish Community has been trying to build an indoor swimming facility but have been unsuccessful for one reason or another. The projects always required annual infusion of funds from the community and from the City of Whitefish. In health clubs the swimming part; the water is the most expensive part of the facility for maintenance and for construction. A group of citizens have established a 501(c)(3) private non-profit designation and have worked on putting together a project which incorporates lots of different activities: A competition swimming pool, a warm water therapy pool, exercise area, aerobic area, physical therapy, racquetball, handball, daycare center for kids of people using the facility, a community room for group meetings. There are going to be professional managers and even though it is a private non-profit, it is going to be run like a for profit facility. Doug Malham and a partner have four Montana Athletic Clubs. They do very well. They operate in the black and they operate first class operations and they will be the paid managers of our facilities.

Mahlum advised that he is at the Montana Athletic Club in Bigfork. They also have clubs in Great Falls, Coeur D'Alene and Edmonton, Washington. There are some that they do management contracts for also in other areas around the northwest.

Weinberg continued that the proposed facility is 37,000 feet under one roof and the cost will be between \$5 and \$5.5 million. They anticipate having only about \$1.5 million of debt. The group is convinced that not only could they raise the money for the project but it would be self-sustaining and it won't require ongoing help from the City. Local banks are fighting over their business because they want to be part of this project. They have already raised \$1.5 million. The City of Whitefish has put aside \$550,000.00 for such facility. The physical therapist component will probably contribute in the neighborhood of \$750,000.00 to be included in the facility. It is a real cooperative effort between the city, private donors, and bankers. They anticipate serving residents at least in a 10 mile radius which would include Columbia Falls. It is not just a Whitefish project. Columbia Falls would be particularly interested in the non-summer months because their pool is an outdoor facility that is open only a few months a year. They have already talked to the school superintendents of both communities. They would like to have high school programs in this facility. Swim programs for competition. They would like every kid in their service area to learn to swim.

Kramer advised that they will be creating about \$2.5 million in construction jobs in the Flathead and creating about 15 full time and another probably 10 to 15 part time jobs once the facility gets open.

Weinberg advised that the dues are going to be below the standard for the health club industry and give scholarships to those who cannot afford to be members. They want everybody to be able to use the facility. As they become more successful and get

more members, they we will continue to lower the dues as they can. This is a private non-profit to its core. Nobody is wanting to make money on this project. They are looking to provide a service to the community.

Weinberg advised that they have looked at many sites but the one that stands out is he property on Baker Avenue where two parcels of land are owned by the County. The property is right next to the 19 acre business park that has been proposed and planned. They think it is a great site. It is close to the middle of town. It will allow kids to get there on their bicycles. It will be most convenient. They were hoping to We get the property at a cost from the county below market. Appraisals had been provided to the Commissioners appraising the lots at a total cost of \$204,500.00. They are raising \$3 million from private donors and they would like to include Flathead County as being contributors to the project and put the county's name on the sign with the other people who are helping make this a reality.

Mahlum stated that he and his partner Jack Tawney have been very surprised on the tenacity of these people to continue to put this project together. They are not afraid to go out and get the funds that are needed. With the amount of money this group is raising and the fact that they are going to have very little debt, it makes this project very viable. For every dollar that the payment of land is reduced gives them another dollar to put into this project to make it more viable for the residents of the North Flathead Valley and the County. Mahlum noted that was the reason the people where looking to the Commissioners for help.

Weinberg stated that they would like to pay \$1.00 for the land. This is something that the County can get behind, because it is really going to increase the quality of life in the north valley. This facility is going to benefit the communities financially and economically. It is creating a healthier way of being for a lot of people; a healthier quality of life. It is of great benefit to the community.

Chairman Watne advised he would not support selling the property for \$1.00 or anywhere near that amount and advised that discussion could continue until Commissioner Gipe was available and there was a full Board of Commissioners. Commissioner Hall acknowledged if he was in their position, he would be asking for a sales figure of \$1.00 but requested they provide a different figure. Chairman Watne suggested that perhaps they a gravel pit they could trade. Feury responded negatively. Feury advised that the auditor for the City of Whitefish complemented them on how they deal with government finance because they have investments in the community. They don't see those dollars coming back right up front, just as the county would not if the property was given for no value, but you look long term and think about how such a facility is going to pay back the community over time. Whitefish has added \$98 million in construction value in the last couple of years. Investments in the community in streets, roads, and parks and all of those kinds of things come back many times over the years in terms of what is achieved through tax dollars and they see this project as just one more things that can do that for the state, the county and for the city. When everything is all said and done years from now, looking back this will have been a pretty cheap amount of money to get that kind of return. For the County, it is not so much as dollars out of your pocket, but it is an opportunity clause. It is an opportunity of not selling to the private sector and getting that dollar out.

Commissioner Hall noted that the Commissioners all had varying opinions of the amount of money to ask for the property. He noted the County is working on a building fund for a companion building for the Health Department and trying to obtain funding for such project. He noted the County bought two houses for \$110,000.00 and sold them for \$20,000 just so the County could obtain the land. Chairman Watne concluded that we can't keep going to our taxpayers as we are giving stuff away on the other side.

CONSIDERATION OF CONTRACT/SUMMER EMPLOYMENT/FAIR BOARD

Present at the April 14, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Leland B. Peters of Peters and Associates Architects relative to conversations with Fair Director Jay Scott to provide engineering/architectural services on behalf of the Fair.

Commissioner Hall made a **motion** to authorize Jay Scott to enter into an agreement with Peters and Associates. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to authorize the Fair to hire Harry Johnson, a returning summer employee for the summer season. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

1:30 P.M. The Commissioners are to attend the Compensation Board Meeting

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 15, 2003.

TUESDAY, APRIL 15, 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

DEPARTMENT HEAD MEETING RE: FY 03-04 BUDGET (TILL NOON)

Present at the April 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, AOA Director Jim Atkinson, Tina Frownfelter, Weed/Parks and Maintenance Superintendent Jed Fisher, Brenda Hall, Clerk and Recorder Paula Robinson, Lesli Schreiner, OES Director Alan Marble, Treasurer Patty Arnold, Animal Control Director Richard Stockdale, Health Director Joe Russell, Computer Services Director Norman Calvert, Deb Deist, Solid Waste Director Dave Prunty, Michelle Anderson, Planning and Zoning Director Forrest Sanderson, Fair Director Jay Scott, Ted Gilbertson, Guy Foy, Sassi Forden, Human Resource Officer Raeann Campbell, Road and Bridge Superintendent Charlie Johnson, Library Director Dorothy Laird, Extension Agent Cheryl Weatherell, Carol Mizze, Ed Corrigan, Francis Ivie, Clerk of Court Peg Allison, Justice of the Peace David Ortle, Peggy Johnson, Lynn Ogle, Assistant Avery, and Clerk Eggum.

Avery advised that the main fuel tank behind the old courthouse will be eliminated and changing over card boxes and card application forms are available to complete for staff using such facilities; budget/salary worksheets distributed; 1.6% COLA for 2004; insurance increases; fund maintenance expectations; safety and training.

12:00 P.M. Commissioner Hall is to Speak for the Lion's Club at Scotty's

1:30 P.M. Commissioner Hall is to attend a meeting with Gary Callahan

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 16, 2003.

WEDNESDAY, APRIL 16, 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 April 16, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Animal Control Director Richard Stockdale, Assistant Avery, and Clerk Eggum.

General discussion was held relative to statistics; dogs killing livestock; board position on National Association have to pay for election meeting – if elected, board pays; employee certified CPR trainer and instructor; multi year contracts.

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

Present at the April 16, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

General discussion was held relative to mosquitoes; funding need for at least two more people for larva work; letter approving District Court renovations; Somers project; Bitterroot launch area; weed control projects; carpets on second floor of Justice Center over Memorial Day weekend; sprinkler in median.

CONSIDERATION OF WORK SCHEDULE CHANGE

Present at the April 16, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a memo from Jed Fisher requesting staff to begin working 10 hour days beginning May 5th excluding office staff, recreational and general parks and recreation workers weed compliance or janitorial personnel

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

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

MEETING WITH DEB DEIST/BOOKKEEPING RE: ENTITLEMENT PAYMENTS TO AIRPORT AND PORT AUTHORITY

Present at the April 16, 2003 9:30 A.M. Meeting were Commissioner Gipe, Deb Deist, Treasurer Patty Arnold, Liz Harris, Assistant Avery, and Clerk Eggum.

Deist advised that when the entitlement money was received, it was gray as to how it was to be used and there was a decision made not to forward funds to the Port Authority. It was questioned at the time. The Department of Revenue has now advised that the County does owe that money to the Port Authority. Arnold and Deist are in the process of rearranging the numbers to include the Port Authority. She will review the numbers at a workshop Deist is attending in Missoula next week to confirm the correct way to proceed. The money will have to be paid back to the Port Authority. Deist estimated it would be \$50,000 for one and \$34,000 for the other plus the distributions for this year. There is money available in the entitlement funds now to make the payment but it will result in less going to the building fund.

MEETING WITH MARTY FLEURY/AFLAC

Present at the April 16, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Martin P. Fleury, Mike Anderson, Human Resource Officer Raeann Campbell, Assistant Avery, and Clerk Eggum.

Fleury presented the Commissioners with a folder of information relative to options available to county employees for out of pocket expenses. AFLAC does business with 34 counties in Montana and Fleury was hoping to become a part of the benefits offered to employees on a volunteer basis. He noted 130 responses to request for information were sent out by AFLAC. He requested an opportunity to announce to county employees AFLAC is available.

Commissioner Gipe requested that Fleury provide a break down of costs and they will discuss the information with Campbell.

CONSIDERATION OF LAKESHORE PERMIT: MAGUIRE

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Don and Blanche Maguire on Whitefish Lake to remove an existing wooden dock and replace it with an I-shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

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

CONSIDERATION OF LAKESHORE PERMIT: WEINBERG

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Daniel Weinberg on Whitefish Lake to install an "F" shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-05 and authorize the Chairman to sign subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: MARTINEAU

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Alan Martineau on Whitefish Lake to install an "L" shaped dock; relocate two previously approved shore station; create a wheelchair accessible walkway instead of a stairway. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-02 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: PADE

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Bill Pade on Whitefish Lake to enlarge an "L" shaped EZ Dock to create an F-shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-06 and authorize the Chairman to sign subject to 14 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: BANDY

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Tom Bandy on Whitefish Lake to enlarge an existing L-shaped EZ Dock to create an F-shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-08 and authorize the Chairman to sign subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: VAUGHN

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Jane Vaughn on Whitefish Lake to replace and old wooden dock with an L-shaped EZ Dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-10 and authorize the Chairman to sign subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: FLATHEAD COUNTY PARKS

Present at the April 16, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Larry Brazda, Chuck Mercord, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Flathead County Parks on Flathead Lake to place fill gravel in Somers Park area for creation of a swim beach. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLV-03-04 and authorize the Chairman to sign subject to 24 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF EXTENSION REQUEST: SCENIC TRACTS, RESUBDIVISION OF LOT 5, BLOCK 2

Present at the April 16, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve an extension request to June 15, 2004. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF EMPLOYEE'S HOURS EXTENSION: M. DYON

Present at the April 16, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne requested a request from Weed, Parks and Maintenance Director Jed Fisher to extend Michael Dyon's employment for an additional 100 hours for this season. The extra hours are needed for scheduling involving outside gym activities. He was scheduled to end 4/18/03. Fisher estimated there would need to be a year end budget transfer to suit this request but believed the budget was available for such expense.

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

CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE

Present at the April 16, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to American Printing for 12 sets of 500 business cards each in the amount of \$174.50. 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 sick call/medical charge slip on NCR paper with a yellow copy in the amount of \$248.00. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

11:00 A.M. Commissioner Gipe is to participate in a MACo Conference Call.

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

12:00 P.M. Commissioner Gipe is to attend the DUI Task Force Meeting at The Summit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 17, 2003.

THURSDAY, APRIL 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.

Chairman Watne is to attend the National Fire Plan Workshop at MACo Office in Helena

9:00 A.M. Commissioner Gipe is to View Road Abandonment #408 (alley Lots 1-6, Block 3, Bigfork) w/Jim Burton

2:00 P.M. Health Board Meeting at the Earl Bennett Building.

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

FRIDAY, APRIL 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.

10:00 A.M. Commissioner Gipe is to attend the CDC and Mental Health Council Meetings in Thompson Falls

10:00 A.M. Assistant Avery is to attend the Annual RSID 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 April 21, 2003.
