

MONDAY, MAY 5, 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 JPIA Trustee Renewal Meeting in Helena

8:00 A.M. Weed and Parks Board Meeting at Weed and Parks Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 6, 2003.

TUESDAY, MAY 6, 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.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: SALE OF BAKER AVENUE GRAVEL PIT TO CITY OF WHITEFISH

Present at the May 6, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 1619. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1619

WHEREAS, Flathead County owns certain real property on Baker Avenue in the City of Whitefish which is no longer necessary for the conduct of the County business, said property being described as Lots 2 and 3 of An Amended Plan of a portion of Lots 10, 11 and 12 of Riverside Improvement Company's Acreage, as shown on the map or plat thereof, of record in the Office of the Clerk & Recorder of Flathead County, Montana;

WHEREAS, the City of Whitefish has requested that the above-described property be transferred by the County to the City of Whitefish after payment of the appraised value of \$204,500.00; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, agrees that the above-described property should be sold and transferred to the City of Whitefish upon payment of \$204,500.00.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby passes this resolution of intention to transfer the following described property to the City of Whitefish for a payment of \$204,500.00:

Lots 2 and 3 of An Amended Plan of a portion of Lots 10, 11 and 12 of Riverside Improvement Company's Acreage, as shown on the map or plat thereof, of record in the Office of the Clerk & Recorder of Flathead County, Montana.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution of intention shall be published as required by Section 7-1-2121, M.C.A., and the public shall be invited to comment on the proposal to sell the above-described property to the City of Whitefish.

DATED this 6th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-8-101, M.C.A., that it passed a resolution of intent (Resolution No. 1619) on May 6, 2003, to transfer the following property to the City of Whitefish because it is not necessary for the conduct of County business:

Lots 2 and 3 of An Amended Plan of a portion of Lots 10, 11 and 12 of Riverside Improvement Company's Acreage, as shown on the map or plat thereof, of record in the Office of the Clerk & Recorder of Flathead County, Montana.

Further information concerning the proposed transfer may be received from, and written comments may be sent to, the Board of Commissioners, Flathead County, Montana, 800 South Main, Kalispell, Montana 59901, telephone 758-5503. Oral comments will be received when the Board of Commissioners meets at 10:15 o'clock, a.m., on May 21, 2003, to consider the passage of a final resolution authorizing the property transfer.

DATED this 6th day of May, 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

Publish on May 10, 2003 and May 17, 2003.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the May 6, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Computer Services Director Norm Calvert, Assistant Avery, and Clerk Eggum.

General discussion was held relative to interview for hiring of temporary employee.

PRELIMINARY PLAT: AMENDED PLAT OF MCGREGOR LAKE HIGHLANDS, PHASE 2

Present at the May 6, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Jane Eby of Eby and Associates, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Amended Plat of McGregor Lake Highlands, Phase 2 filed by McGregor Lake LLC. The applicant proposes to create seven (three additional) residential lots on approximately 9.9 acres to be served by multi-user water and multi-user sewer systems. The proposed subdivision is located in the McGregor Lake area approximately 30 road miles west of Kalispell along Highway 2 West. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-06 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat of the Amended Plat of McGregor Lake Highlands, Phase 2 subject to 13 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF REQUEST FOR BUDGET TRANSFER: WEED/PARKS/MAINTENANCE DEPT.

Present at the May 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Supervisor Jed Fisher, Assistant Avery and Clerk Eggum.

Chairman Watne reviewed a letter from Fisher requesting approval of purchase of a used 5200 John Deere tractor for maintenance at the Conrad Complex. Money from Capital outlay can be utilized as funds are available for purchase of a gang mower and outhouse for Bitterroot Lake which can be completed in the next fiscal year. The cost of the tractor is \$23,000.00.

Commissioner Gipe made a **motion** to approve the budget transfer request and purchase of a 5200 John Deere tractor. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF POSITION OPENING: LIBRARY

Present at the May 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Dorothy Laird advising that there is a need for a temporary staff member because of back log in the Technical Processing Department. Laird requested approval to open the position for a temporary Library Technical Assistant I, Range 5.

Commissioner Gipe made a **motion** to approve the opening for a temporary Library Technical Assistant I, Range 5. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: COUNTY BUILDING

Present at the May 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

General discussion was held relative to funding requirements and funding available.

DOCUMENT FOR SIGNATURE: SECTION 5311 VEHICLE REHABILITATION CONTRACT/EAGLE TRANSIT

Present at the May 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed Contract #03-05-0040 Section 5311 Vehicle Rehabilitation Contract from the Montana Department of Transportation.

Commissioner Hall made a **motion** to approve Contract #03-05-0040 Section 5311 Vehicle Rehabilitation Contract and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS #03-07-4-51-103-0

Present at the May 6, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed two contracts between the Department of Public Health and Human Services and Flathead County. The purpose of the original contracts was to deliver of comprehensive outpatient health and support services to meet the needs of HIB-infected individuals and their families.

Commissioner Gipe made a **motion** to approve Contract #03-07-4-51-103-0 and OMB Federal Catalog No. 93-118 Task Order No. 03-07-4-51-103-0 to the Flathead County Master Contract and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

Present at the May 6, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Human Resource Director Raeann Campbell, Assistant Avery and Clerk Eggum.

General discussion was held relative to update on safety committee; insurance committee.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPARTMENT

Present at the May 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 500 business cards and 2,000 reproductive health appointment cards in the amount of \$14.99 and 59.96 respectively. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to award the bid to Northstar Printing for 500 Rx books in the amount of \$78.00. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF TEMPORARY ROAD CLOSURE: KILA ROAD

Present at the May 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Johnson advising of anticipated work on Kila Road to remove rock overburden from the north side of the road along the rock ledges. Johnson requested permission to completely close the road, from the Kila School west to the intersection with Brown's Meadow Road between the hours of 9:00 a.m. and 3:00 p.m. for approximately 10 working days starting Tuesday April 29, 2003.

Commissioner Hall made a **motion** to approve the request to close Kila Road. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF REQUEST FOR BUDGET TRANSFER: SOLID WASTE DISTRICT

Present at the May 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from David Prunty requesting transfer of \$30,000. from Contracted Services/Containers to Capital Outlay/Lined Cell. The money was in the FY04 budget for the new lined cell/lateral expansion but they would like to begin the engineering process and DEQ approval this fiscal year.

Commissioner Hall made a **motion** to approve the budget transfer request. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #408 (ALLEY IN BIGFORK)

Present at the May 6, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Discontinuance of Public Roadway No. 408. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 408**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

Alley to the west, south, and southwest, of Lots 6, 5, 4, 3, 2, and 1 of Block 3, plat of Bigfork, Montana from the center of Electric Avenue (a portion of which was abandoned 6/10/75) to the westerly extension of the north boundary of said Lot 6, Block 3. All of which is located in Government Lot 5 of Section 36, T27N, R20W, P.M.M., Flathead County, Montana

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for Wednesday, May 21, 2003 at 10:00 A.M. in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 6th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

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

Publish on **May 10, 2003 and May 17, 2003**

MEETING w/DEB DEIST/BOOKKEEPING RE: MD&A SEMINAR

Present at the May 6, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deb Deist, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Deist advised relative to the GASB34 seminar she attended. She also advised that it is mandatory that the management discussion and analysis has to be written by the Commissioners and Avery. She noted that it is very involved. They want a discussion of economic factors around the valley, financial statements, a comparative discussion between this year and last and other mandatory sections. Deist provided Avery and Commissioner Hall with copies of the documents received at the seminar and noted that the mandatory sections are highlighted for their benefit. Deist noted that if the information is not complete the county cannot obtain a clean audit opinion and consequences of that determination are extensive. Deist referred to one such repercussion where the money that the county holds for post closure which is several million has to go to a fiscal agent and they get to keep the interest generated from such funds. She reiterated the importance of keeping the unqualified audit opinion.

Commissioner Gipe confirmed with Avery that he was aware of the requirement. Avery responded that he has done them since about 1973 but they did not include the economic factors in the region. It is just a boiler plate set of reporting and discussion standards dealing with financial and accounting data. He assured the Commissioners he would put it together. He commended Deist for all of her help.

PRELIMINARY PLAT: PONDEROSA GROVE

Present at the May 6, 2003 10: 45 A.M. Meeting were Commissioners Gipe and Hall, Planner Melinda Riley, Assistant Avery, and Clerk Eggum.

Riley reviewed the preliminary plat for Ponderosa Grove Subdivision filed by Suann Dalton, Jan Boon and Barbara Wolstein. The applicants propose to create a five residential lot subdivision on approximately 2.112 acres. The property is located in the Bigfork area just east of the Post Office along Ichabod Court. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-16 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat of the Ponderosa Grove Subdivision subject to 10 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/STEVE BRECK RE: AUCTION ROAD

Present at the May 6, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Steve Breck, Jason MacFarlane, Lance Swanson, Auos Bowles, Charles Ferree, Assistant Avery, and Clerk Eggum.

Breck had previously submitted a letter from the "concerned residents of Flathead County" with 78 signatures requesting that Auction Road be paved citing dust control, rutted road conditions, safety and property values/business opportunities.

Swanson noted that he was with Kalispell Truck Center and purchased the building three years ago and it was his understanding at that time that paving was in the plans. Swanson advised that the grader was out on Auction Road on day long and it would save time and money for the County if it were paved. He noted washboards were already evident on the road indicating the large volume of traffic. He noted that dust is being raised by the traffic already and during the summer it will only increase. Chairman Watne agreed that was his understanding also.

Breck stated he had spoken with Charlie Johnson and paving Auction Road has been a priority for him for a long time. Breck noted that they have witnessed all kinds of crazy stuff such as driving on the bike path.

Chairman Watne noted the traffic counts for Auction Road and its intersection with Demarsville (1680), Highway 93 South (736) and Fir Terrace (92).

Commissioner Hall suggested that the county court partner with the state and perhaps the local businesses on the road could help with the cost of paving the road. Swanson acknowledged that that was a possibility.

Commissioner Gipe noted that the length of the portion for paving is only three tenths of a mile. He agreed that Brazda should be contacted for input. Commissioner Gipe added that the base road is in pretty good shape and would not require much preparation for paving.

MacFarlane noted that on a hot summer day it is like a fog going through. He cautioned that eventually all the dust will result in a traffic accident. Swanson agreed that it gets thick. Breck added that visibility is so bad he is able to hear people hitting the rumble strip often. Commissioner Gipe noted that if they started having sales at the auction yard again with horse trailers traveling on the road could create a bad situation.

Bowles stated that he is the owner of the manufactured home dealership on the road. His cleaning bill for the homes triples in the summer as a result of all the dust.

Commissioner Hall advised that they would contact Brazda of MDOT and talk to Charlie about paving the road.

Breck expressed appreciation for the Commissioners listening to their concerns and requested a response from the Commissioners as to how they are going to proceed.

MEETING w/ROBERT SAVOIE RE: PETITION

Present at the May 6, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Ken Rowen, Bill Fratt, Charles Ferree, Robert Savoie, Sandra Gage, Fred Hammel, Roy R. Harding, Donna L. Harding, Al Syverson, Assistant Avery, and Clerk Eggum.

Savoie presented a disk of a scanned petition with signatures and another petition relative to the same thing and advised pages are coming in daily for opening the roads.

He then presented the Commissioners with some laws relative to the Commissioners' role xing the pertinent statutes.

Savoie noted he has given the same information to the Mayor of Eureka and the owner of a mill in Eureka. Commissioner Hall noted he would forward this information to the Commissioners of Lincoln County. Savoie stated there was close to 5,000 signatures and he still has people signing the petition on the internet. He was confident it was just going to grow and grow. Most of the signatures are from people in Flathead County. He put the petitions in the businesses in Kalispell, Columbia Falls, Whitefish, Hungry Horse, Coram and Columbia Heights. He noted he had very little resources with which to work from to circulate the petition but he would continue to do so. Savoie referred to a meeting attended by Commissioner Hall and evidence of what people think and they are very angry.

Savoie also expressed concern for the fire danger in Flathead County noting that the Forest Service has no fire prevention plan in place. He suggested the Commissioners take control before it is too late. Chairman Watne agreed that destroying the roads creates a real concern for fighting fires. Savoie stated the Forest Service is destroying roads and a lot of area can go up in flames and no one can touch it. Chairman Watne noted the same concern exists when the roads are bermed as fire suppression units have to sit and wait for equipment to come and move the berm and in the meantime thousands of acres are lost to fire. Savoie stated that there are just too many reasons for the roads to be open.

Savoie referred to the statutes he presented to the Commissioners and suggested that the laws give them the ability to take control of the roads. He noted he has found federal laws but those do not pertain to the Commissioners' authority. He continued that the Montana State Codes are pretty clear that we do have the right and these people are violating our rights. They are even violating our constitutional rights by not acting. The Forest Services should step down and let the county take care of this problem. If their hands are tied by these lawsuits, we need to do it because we are the ones that live here.

Commissioner Hall referred to one statute that states in order to abandon a county road it is not valid unless preceded by notice and public hearing and questioned whether the Forest Service held public hearings on road closures. Savoie displayed a copy of an ad that ran in the *Daily Inter Lake* for one day for a hearing that was held in Missoula. He noted such notification would not give people in Flathead County much of an opportunity to respond but added that he was unable to locate anyone of all the people who signed the petition who even saw the ad.

Savoie then referred to the Amendment 19 document noting that it is disgusting and makes a person mad just to read it. He read from the beginning of the document which stated that Regional Forester James Overbay approved the forest plan on January 22, 1986. The forest plan would be revised on a 10 year cycle or at least within 15 years. However, the forest plan can be changed at any time to reflect new information. Savoie stated that he has been trying to schedule a meeting with Cathy Barbouletos to present the federal laws to her and she is avoiding him.

Savoie then presented the Commissioners with a copy of a bill proposing to create a Flathead National Park. Savoie speculated that it did not have much chance of passing but brought attention to the representatives who were cosponsors and none were from Idaho, Montana or Wyoming. Savoie suggested that this bill is the impetus behind all the road closures.

Savoie stated that he believes that the bear studies have not shown that there is a shortage of bears. He noted that he is a bear hunter and when he goes out the only bears he can find are the grizzly bears. There seems to be an awful lot of them out there. Savoie noted that there are grizzly bears in the Heights and wandering around in yards. Savoie then referred to a several points referenced on a preliminary study on the grizzly bear project: Grizzly bear survival rates in open road drainages equal rates in habitats where roads have been closed. Adequate space exists to increase the population of bear beyond current levels. Grizzly bear habitat use patterns by age gender are similar in multiple use lands and designated road lands. The density of major bear foods in road and drainage bottoms is similar to those habitats selected by bears. Grizzly bears of all age gender have not been displaced from habitats from variable road density zones. Savoie noted that the final document turned completely around from what the preliminary study revealed. Savoie believes they are using the grizzly bears for an excuse to do the things the Forest Service wants to do. Savoie reiterated the need to take control of the situation. Savoie has no great hope for the current DNA study resulting in a delisting of the bears. He stated that they are going to continue to use the bear as an excuse to close the entire forest so they can make it into Flathead National Park.

Savoie advised that he has been in contact with Judy Martz and she is also working on it although he had no details on exactly what she is doing. He noted that Martz has advised Savoie and the petitioners to get involved in all of these processes.

Savoie stated that the Forest Service is breaking their own laws relative to fire management and the like. He added that they are putting Flathead County in a dangerous situation. If the forests go up, they are gone. They are talking about protecting the wilderness and saving the animals. A forest fire is going to do a whole lot more damage than logging will ever do. In fact logging is good for the animals. It makes habitat for them. Flathead County residents are the ones that are in danger of watching the forest burn and people's homes being destroyed; all of the wildlife being destroyed and that will be the end of the forest for many years. It will take a long time to replace what is destroyed by a fire. Logging is not going to stop the forest fires but it could

control it to a point where the whole entire forest doesn't go up. If a match were put to the South Fork it would burn all the way through the Bob Marshall Wilderness. There is nothing to stop it there anymore. It is all growing back up. Nothing has been done back in there for many years. Chairman Watne agreed that nature would have to put out the fire. Savoie reiterated that the Forest Service has no prevention plan in place and prevention is what is needed and it needs to be done now and fast. Savoie requested that the Commissioners review the laws and assert some authority.

Commissioner Hall presented Savoie with a copy of the president's healthy forest initiative noting that it was a positive impact. He added that one of the main things on the initiative is to reform the appeals process.

Savoie requested that the County take control of the roads before the Forest Service destroys all the roads. If they keep on the way they are going there is not going to be any roads left and it is going to cost a lot of money to put those roads back. The Forest Service didn't put in the roads. The loggers and the miners put the roads here. Savoie stated that he did not see anything in any of the federal laws that give them the right to destroy any roads.

Savoie referred to an article in the paper yesterday where groups are suing again to get 316 closed. He noted that they have clear cut a lot back behind Big Mountain but the road between Big Creek and Big Mountain is all forest and they have destroyed the road and pulled all the culverts out. They are pulling the culverts out on Dead Horse also. There are trees still harvestable where the Moose fire was that are not being logged off.

Savoie stated that he ran a welding shop in Eureka and most of his business came from the timber industry. Sawmills, logging equipment and everything has been shut down. He noted he had a house and five acres and now it is all gone and the same thing is happening with others around here. The motorcycle shops, snowmobile shops, and the like will all suffer just as he has if they are successful in closing all the roads. Commissioner Hall expressed empathy for the anger and bitterness when one loses their livelihood.

Savoie stated that he hiked a road that was destroyed last year and it was painful even to walk on. He stated that Cathy Barbouletos has said the law ties her hands and he has requested that she contact him when a lawsuit is filed and he would file an injunction and countersuit against the groups members personally. Savoie speculated that the Fish and Wildlife Service are giving the groups ammo for their actions.

Savoie reiterated that he was mad and other people are too. The environmental groups are profiting from these actions and they don't care about the environment because if they did they would be promoting fire protection. Savoie stated that he has talked to forest supervisors and they are not upset over these issues. They don't care one way or the other. They don't care what happens to Flathead County. If the forest burns up they will still be federal employees. They won't have to breath smoke. There are loads of firewood out there but the Forest Service has gated it off so that people can't heat their homes. People need that firewood and there is no reason why they can't have it. It is good for the environment to clean that stuff up. It is just miles of dead wood back behind some of these gates. Savoie noted the constitution is being violated. Inalienable rights: All persons are born free have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities. That is being violated every day.

Hammel noted that 22% of Montana's work force work for the federal government. He also noted that Amendment 19 only applies to Montana. It doesn't apply to Idaho, Washington, California, Arizona, Wyoming, only to Montana. Commissioner Gipe suggested that other states probably have amendments but with a different number.

Chairman Watne stated that they have checked into the road issue before. Commissioner Gipe stated that they couldn't find anything. He added they would provide this information to the County Attorney's Office to see if there were any steps to be taken. Savoie stated that jurisdiction does not vest until the United States through proper officers files an accurate map or plat description by meets and bounds of the lands in the office of the County Clerk and Recorder of the County in which the lands are situated. Savoie stated he has researched Flathead County records and there has not been a map or plat filed so they have no jurisdiction. Savoie urged the Commissioners to take total control over this because the Forest Service has no jurisdiction. The state and its inhabitants and citizens reserve the right to fish and hunt and the right of access, ingress, and egress to and through the ceded territory to all persons. We will escort the Forest Service to the state line and we will take control of this before it burns up and it is nothing but a wasteland. Their hands are tied, they are not able to do their job. Savoie noted that the state forests look good and are in pretty good shape because the state is logging and thinning. Chairman Watne agreed we would be much better off if the state had control of the forest lands.

Savoie stated that it would be discrimination to a man who has fought a war protecting this country and returned home permanently disable and unable to walk and the Forest Service not allowing him access to the forest roads. Savoie again requested the Commissioners take control and turn Flathead National Forest into Flathead State Forest and Kootenai National Forest into Kootenai State Forest.

Hammel stated that now is a good time to push for control as President Bush and Congress are starting to look at these issues as well.

Fratt stated that even if the Forest Service had the plat map filed, state law trumps federal law. The federal government only has five reasons to own land: dock yards, magazines, courts, post office and supporting buildings. Right now in the Flathead County there is a powder keg. Fratt suggested that people would look at this county as an example and follow suit. Lincoln county would follow suit the very next day. Fratt acknowledged that the Forest Service would never be abolished but it is possible to stop them from destroying the forests and roads.

Fratt stated he had talked to Cathy Barbouletos and she said that 56 miles up the North Fork and 46 more down the South Fork are slated for closing and destroying. Wounded Buck is subject to be closed at the main road. Doris Mountain half way up is going to be closed. Lost Dunn that whole road is closed and they had a bid on it to refurbish that road and now they are going to close it down.

Savoie noted they are not waiting they are destroying roads every day. Chairman Watne noted that Lost Johnny is a real critical road to be locked up as it is the back side of Strawberry Lake and if a fire gets started up in that area there will be no way to gain access.

4:00 P.M. Commissioner Hall is to attend the RAC Meeting at the Commissioners' Meeting Room

7:00 P.M. Commissioner Hall is to attend the Ice Cream Social at Montessori School re: LaSalle Connector (Conrad Connector) Neighborhood Workshop

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 7, 2003.

WEDNESDAY, MAY 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.

CONSIDERATION OF POSITION OPENING/WEED AND PARKS

Present at the May 7, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Weed, Parks and Maintenance Supervisor Jed Fisher requesting approval to open two positions for General Parks and Recreation Workers to man the Concession Stand.

Commissioner Gipe made a **motion** to approve the opening for two general parks and recreation workers. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENTS: VARIOUS FIRE DISTRICTS

Present at the May 7, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Jim Swab, Deborah Beck and Leland Brooks to the Blankenship Rural Fire District Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Brian M. Doyle and elect by acclamation Stephen W. Marquesen to the Columbia Falls Rural Fire District Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to elect by acclamation John Gillespie and Frank A. Kellenbeck to the Coram/West Glacier Rural Fire District Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall excused himself to attend a 9:00 meeting.

Commissioner Gipe made a **motion** to elect by acclamation Daniel Leighty and Thomas J. Arnone to the Creston Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to elect by acclamation William M. Packer and Kenneth Sorley to the Hungry Horse Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne, and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Don Marvel and James N. Wood to the Marion Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to elect by acclamation Barbara Lietz and Thomas Torpen to the Martin City Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to elect by acclamation Tami Filipek and LeAnn Libby to the Olney Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint Richard Sutton and Doug Scarff to the Smith Valley Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to elect by acclamation Dennis Gene Hensley to the Somers Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to elect by acclamation Robert C. Goldizen and Ben Taylor to the South Kalispell Rural Fire District Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to appoint William J. LaBrie and Bill Beck to the Whitefish Fire Service Area Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR VACATION TIME EXTENSION: C. JOHNSON

Present at the May 7, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Charlie Johnson advising that he has been unable to use all of his must use or lose vacation by the May 15th deadline due to unscheduled meetings he was required to attend. Johnson requested until the end of May to use the balance of his must use leave.

Commissioner Gipe made a **motion** to extend must use leave time to May 31, 2003. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

9:30 A.M. The Commissioners are to attend the Treasurer State Coalition at Central School Museum (till noon)

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

THURSDAY, MAY 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.

8:00 A.M. Commissioner Hall is to attend the Kalispell Development Coalition at Kalispell Chamber

8:30 A.M. Commissioner Gipe is to participate in a MACo Conference Call

CONSIDERATION OF LAKESHORE PERMIT: FLATHEAD COUNTY WEED AND PARKS

Present at the May 8, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Weed, Parks and Maintenance Director Jed Fisher, Rick Breckenridge, Peggy Mathiason, Earl Bach, Michael Murphy, Christine Bailey, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Flathead County Parks Department on Flathead Lake to install a concrete retaining wall that extends across property owned by three separate entities. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLV-03-03 and authorize the Chairman to sign subject to 28 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING

Present at the May 8, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Clerk and Recorder Paula Robinson advising Janet Zachary submitted a letter of resignation effective May 30, 2003 and requested permission to open the OAll position.

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

CONSIDERATION OF LIFTING LOAD LIMITS

Present at the May 8, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Charlie Johnson advising that roads are drying out and he would like to lift all the load limits.

Commissioner Gipe made a **motion** to approve lifting of all load limits throughout the county. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF AMENDMENT #1 TO CONTRACT #03-07-5-31-004-0

Present at the May 8, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a contract between Flathead County and the Department of Public Health and Human Services

Commissioner Gipe made a **motion** to approve and an Amendment #1 to Contract/Task Order #03-07—5-21-011-0 and authorize the Chairman to sign on behalf of the Health Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the May 8, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to Planning Board meetings;

Commissioner Hall was seated.

flood plane violation; budget preparation; resignation of AOII; certification of Mark Crowley for floodplane review; intention to have Sanderson and Beck certified also; will not be requesting an increase; lakeshore and subdivision revisions; Spruce Park violation; lakeshore permit; waiver of right to protest RSID; gas tax.

Sanderson advised that Shawn Richmond would be resigning.

Commissioner Gipe made a **motion** to approve the opening of an OAll position on behalf of Planning and Zoning. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

Commissioner Gipe excused himself.

COS REVIEW: RICHARDSON

Present at the May 8, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Jane L. Eby of Eby and Associates, Inc., Debbie Richardson, 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 RELEASE OF COLLATERAL: LAKESIDE ESTATES, PHASE I

Present at the May 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Bret A. Birk P.E. advising that all improvements to the subdivision have been completed and are in substantial compliance with the plans and specifications. Birk requested that the SIA bond be released at this time.

Commissioner Gipe made a **motion** to release the bond for Lakeside Estates, Phase I. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO BIG MOUNTAIN FIRE DISTRICT/WINTER SPORTS, INC. AND F.H. STOLTZ

Present at the May 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Hearing for Annexation of Property to the Big Mountain Rural Fire District and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

NOTICE OF HEARING FOR ANNEXATION OF PROPERTY TO THE BIG MOUNTAIN RURAL FIRE DISTRICT

A Petition for the annexation of real property to the Big Mountain Rural Fire District has been filed with the Board of County Commissioners. The area to be annexed to the Big Mountain Rural Fire District is described as follows:

Tract 1: Parcel 1: The southeast Quarter of the Northeast Quarter and the South Half of the South Half of Government Lot 1 of Section 3, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Parcel 2: The Southwest Quarter of the Northwest Quarter and the South Half of the South Half of Government Lot 4 of Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2: A tract of land in the North Half (N1/2), Section 1, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, described as follows:

Commencing at the Section corner common to Sections 1, 6, 31 and 36, which is a found aluminum monument; thence, along the North boundary of said Section 1, N.88°14'00"W. 288.59 feet to a section pin and the POINT OF BEGINNING of the tract herein described; thence, S.23°15'48"E. 421.14 feet to a set iron pin; thence, S.22°21'08"W. 517.31 feet to a set iron pin; thence, S.05°41'39"E. 185.58 feet to a set iron pin; thence, S.08°11'55"E. 408.22 feet to a set iron pin; thence S.04°18'28"E. 442.96 feet to a set iron pin; thence N.87°04'48"E. 114.39 feet to a set iron pin; thence, S.10°35'00"W. 90.17 feet to a set iron pin; thence, S.20°03'55"W. 431.13 feet to a set iron pin; thence, S.87°12'41"W. 3167.26 feet to a found iron pin; thence N.26°40'10"E. 1760.68 feet to a found iron pin; thence N.78°22'03"E. 951.48 feet to a found iron pin; thence N.60°22'25"E. 793.86 feet to a found iron pin; thence, N.35°58'59"E. 486.21 feet to a found iron pin on the said North boundary of Section 1; thence, along said North boundary, S.88°14'00"E. 436.50 feet to the POINT OF BEGINNING and containing 120.00 acres, more or less.

Tract 3: A tract of land, for lease purposes only, in the Northwest Quarter, the Northeast Quarter, the Southeast Quarter and the Southwest Quarter of Section 1, AND in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter (NW1/4NE1/4 and NE1/4NW1/4), Section 12, ALL OF WHICH being located in Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, described as follows: BEGINNING at the Quarter Corner common to said Sections 1 and 12, which is a found iron pin; thence, in Section 12, S.10°57'29"W, 736.83 feet to a set iron pin; thence S10°46'02"E, 596.67 feet to a found iron pin and the Southeast corner of the said NE1/4NW1/4 of Section 12; thence along the South boundary of said NE1/4NW1/4 N.88°28'30"W 1332.01 feet to the Southwest corner thereof; thence, along the West boundary of said NE1/4NW1/4 N.01°39'42"E. 1299.60 feet to a set iron pin and the Northwest corner thereof; thence in Section 1, N.00°48'26"E. 1914.51 feet to a found iron pin; thence, S.89°02'41"E. 600.00 feet to a found iron pin; thence, N.00°40'23"E. 751.47 feet to a found iron pin; thence N.87°12'41"E. 3167.26 feet to a found iron pin; thence, S.20°03'55"W. 225.88 feet to a set iron pin; thence, S.55°51'31"W. 1452.16 feet to a set iron pin; thence, S.53°42'22"W. 636.22 feet to a set iron pin; thence, S.07°57'15"W. 632.26 feet to a set iron pin; thence S.06°01'23"E. 431.13 feet to a set iron pin; thence, S.20°46'44"E. 244.56 feet to a set iron pin; thence, S.27°44'55"E. 486.88 feet to a set iron pin; thence, S.77°38'58"W. 219.39 feet to a set iron pin; thence, N.68°04'49"W. 550.95 feet to a set iron pin; thence N.61°34'04"W. 261.97 feet to the POINT OF BEGINNING and containing 183.512 acres, more or less.

The Petition has been checked and the County Plat Room has certified that said Petition contains the signatures of the owners of fifty percent (50%) or more of the area of the privately owned lands of the area proposed to be annexed, and constitutes a majority of the taxpaying freeholders within such proposed area to be annexed, whose names appear on the last completed assessment roll.

Therefore, it is hereby ordered that a hearing is to be held on such Petition on **May 27, 2003 at 10:30 A.M.** in the Office of the County Commissioners, West Annex, Courthouse, 800 South Main Street, Kalispell, Montana, at which time any taxpayer may appear and will be heard for or against the annexation of the above described property to the Big Mountain Rural Fire District.

DATED this 8th day of May, 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 **May 13, 2003 and May 20, 2003**

CONSIDERATION OF EXTENSION REQUEST: SIA/CABIN CREEK LANDING

Present at the May 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Shane D. Jackola, P.E. advising that the developer Russell Olsen has asked for an extension to the SIA. The extension request is for 30 days.

Commissioner Gipe made a **motion** to authorize a 30-day extension to the SIA. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING w/RAEANN CAMPBELL, HUMAN RESOURCE OFFICER

Present at the May 8, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Human Resource Director Raeann Campbell, Planning and Zoning Director Forrest Sanderson; Assistant Avery and Clerk Eggum.

Sanderson advised that this was a personnel issue and requested that the meeting be closed.

10:30 A.M. Canvass Fire District Election

APPEAL HEARING: W. WORRELL

Present at the May 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road and Bridge Superintendent Charlie Johnson, Guy Foy, John M. Owens, William Worrell, Larry W. Yerian, Dan Johns, Human Resource Director Raeann Campbell, Assistant Avery, and Clerk Eggum.

Chairman Watne swore Worrell in. Worrell then requested that the meeting be open.

Owens stated that he thinks Worrell was terminated unfairly and too quickly noting that Worrell has been an employee of the county since March of 1999. Worrell's biggest concern in his position as lead man was safety at the site. Owens presented U.S. Department of Labor statistics which revealed that the last three years that Worrell has been in charge of the crusher site for the county, there have only been four violations. The three years prior to that there were 31 safety violations. Owens speculated that management response to Worrell's action was driven by their lack of desire to address safety concerns brought to their attention by Worrell. Owens referred to animosity created amongst the work force when unqualified teamsters are operating equipment. Owens stated that verbal altercations happen frequently at the Road Department some even escalating to pushing and shoving matches. Owens advised that he was recently made aware of a death threat occurring between employees at the Road and Bridge Department. Worrell discussed the requirements for a person to be a loader operator on the crusher. Worrell discussed his intention when the statements were made and expressed remorse for the misunderstanding. Worrell thanked the Commissioners for having the hearing. Owens counseled the Commissioners on appropriate steps to take when reprimanding a union employee.

Yearin advised that he was the Shop Stewart for the Road and Bridge Department and stated that he felt they were hitting on the right cylinder.

Johns questioned Worrell relative to the incident, prior incidences, chain of command, comments made to fellow employees, work history, management's reaction to previous events, appropriate behavior in the workplace.

Johnson was sworn and Johns questioned Johnson as to his interpretation of the events. Johnson discussed the reasons for his decision, previous incidents, letters, concern for providing a safe working environment, similar incidents and actions, and statements.

Worrell explained previous similar situations, his desire to remain a county employee, his willingness to resolve the situation and take preventative steps and expressed remorse for the incidents leading up to his termination.

Owens expressed concern relative to the work environment creating undesirable situations. Johns clarified the issue is the workplace and not circumstances away from the workplace and what people hear, not what is said. Worrell noted an employee's position within the structure of the workplace can in and of itself create problems.

Clarification was made to communication between Worrell and management.

Commissioner Gipe made a **motion** to take the matter under advisement and issue a written decision within 10 days. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Johns clarified the Commissioners' responsibility with regard to discussions of this issue.

2:00 P.M. Commissioner Hall is to attend the AOA Board Meeting at Kalispell Senior Center

7:00 P.M. Republican Central Committee County Convention at 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 May 9, 2003.

FRIDAY, MAY 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.

The Commissioners are to attend the Urban Counties Meeting in Helena.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 12, 2003.
