

## MONDAY, MAY 12, 2003

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

### MEETING WITH CLARENCE TABER RE: FOREST HEALTH

Present at the May 12, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Clarence Taber, Fred Hodgeboom, Steve Funke, Brenda Williams, Deputy County Attorney Jonathan Smith, County Attorney Ed Corrigan, Deputy County Attorney Dennis Hester, Assistant Avery, and Clerk Eggum.

Taber advised that they were there to discuss a lawsuit Montanans for Multiple Use is working on trying to help retain jobs, a healthy forest, forage for wildlife and access for citizens.

Taber reviewed the forest plan that was created in January of 1985. The plan mitigated for the grizzly bears by setting aside large blocks of land for the bears including the north end of the Glacier View District of the Canadian border down to Red Meadow. To provide for income and make a healthy forest they called for 100 million board feet of timber which was the average from 1946 to 1985. That number has never been met and it continued to spiral down. Amendment 19 dropped the number down to 54 million board feet. The Forest Service's own calculations equated that to 1,000 jobs. The Forest Service promised if the industry bought expensive logging equipment they were going to sustain it with timber sales so they could get a return on their investment. What the Forest Service has done every time they have done anything, they have again mitigated for the bears. In the draft forest plan 3100 miles of road would have been opened to the public. In the forest plan itself, 2643 miles were going to be opened to the public. Access has dropped down to where we now have about 1500 miles of road open to the public today. Our timber sales have gone from 100 million down to just whatever they happened to sell in a year. Today it includes firewood and all things. 100 million was to be green timber sold only. That is jobs to our community. It is a source of taxes that a percentage goes to roads and schools. It was access for people that enjoyed the forest and had for all the years that we have had settlers here. It was wildlife. It opened up a little ground here and there that provided forage at the same time timber harvest peaked so did the mule deer harvest in the North Fork. Our harvest of wildlife in the North Fork now is so bad they run a check station periodically on weekends. Today the Forest Service has gone into obliteration of roads. Taber referred to a map showing where the road obliterations are taking place. Taber referred to several roads in the Big Creek drainage itself that are being or have been obliterated. He noted that in the Big Creek Basin a network of roads was designed and planned by planners within the Forest Service for access for hunters, firewood collection, fighting fire, etc. But as the Forest Services continues to mitigate for the bear with Amendment 19 they are destroying all of those roads. Hundreds of miles of roads have been completely destroyed. The Big Mountain decision calls for areas of roads to be open to the public in that decision the same Forest Service has been using that document to say it says they have to be destroyed with the Moose Fire. They were using that document to say it gives direction to destroy these roads. That document clearly says they are open to the public and it doesn't say obliterate, it says allowed to re-vegetate naturally. It is very plain. We see a Forest Service that used to be our friend and our livelihood. Taber worked for the Forest Service for 34 years and Fred worked as a planner. Taber now sees a Forest Service that is doing everything possible to completely eliminate the road systems. He noted there are no timber sales in the North Fork and haven't been for quite some years because of sediment. They don't want any sediment. The Moose Fire in the Big Creek drainage burned that whole area and there was no mention of sediment or consequences. We have lost a 1,000 or more miles of access to the public; a couple thousand jobs; the healthy forest and firewood opportunities. That is all gone. The forest plan said if it ever dropped below 200 out there on the stump uncut for flexibility they would cut 120 million. So by the forest plan we should be cutting 120. Amendment 19 they have used said this is an insignificant document therefore; we don't have to do an EIS audit. We have tried unsuccessfully to work with the Forest Service. Litigation is all that is left. Taber requested the Commissioners to join in the lawsuit as the elected leadership of Flathead County. We do need jobs. At the same time we need a healthy forest. We need wildlife and prey base.

Hodgeboom referred to a chart reflecting Forest Service inventory data for the Flathead National Forest classified into fire hazard risk. The chart reflected mostly red area which is high fire danger for Flathead County. In July of 2001, Montanans for Multiple Use asked for many organizations and government agencies to meet with the Forest Service to see if they couldn't establish a collaborative planning process of how to deal with the catastrophic fires that build up. This kind of fuel loading is eventually exported. The Moose fire was exported into Glacier National Park. The rest of the forest is threatening private property and citizens' lives and property. Not only is this a fire hazard but the state of the timber in terms of the insect and disease that is created in this unhealthy stress stands are exported then to private forests where people are trying to make a living and pay the taxes on the property. Many people came to that meeting representatives of utility companies, local fire departments, emergency response groups but unfortunately the Forest Service never even responded. The Forest Service was asked to start setting up a collaborative effort where these people could help determine and implement the provisions of the national fire plan for strategic fuel breaks to protect life and property. Part of the reason the map reflects so much red is what is going on with the road closures. Without access to the forest you cannot timely catch these fires in order to prevent the catastrophe from building and the only to stop the fire is the weather changes. Last year close to 7,000,000 acres burned in the United States. We have participated with the Forest Service. We have sent comments in on their projects. We even filed appeals to try to stop the road obliteration. We think it is wrong. It is illegal. They are violating the National Forest Management Act. When they go out there and obliterate the access to the suitable base. They have changed the Forest Plan without telling the public. That is a violation of the National Forest Management Act, a violation of National Environmental Policy Act, a violation of public trust. It is not good stewardship. It is unprofessional. We feel we have tried our best. We have participated in these rallies. The preservation groups which are financed by big foundation money have filed suits year after year forcing the Forest Service to implement only the opinion the U.S. Fish and Wildlife Service under the Endangered Species Act while they are ignoring all of the other acts that direct the Forest Service how to manage the forest. They are ignoring the Multiple Use Sustained Fuel Act, the National Forest Management Act, they misusing the NEPA (National Environmental Policy Act)

Incrementally our industry is being lost. We have lost Superior Lumber, Louisiana Pacific in Columbia Falls, American Timber in Olney and Flathead Lumber. Those are just the ones here in the Flathead. Not to mention all of these other mills around over the state. Trout Creek closed last year and Tricon Lumber in Superior is just about gone for lack of supply. We see our per capita income slide to almost last in the nation. We see the bind that our governments are in because minimum wage jobs don't pay very much tax. It has affected the lives, the property and the health of the citizens of Flathead County. You can't get to the forest to go fishing or hunting or pick berries or cut firewood. In the Bitterroot National Forest 350,000 acres burned, the forest service proposes to salvage 40,000 acres. The preservation groups file a lawsuit; Judge Malloy allows 8,000 acres out of hundreds of thousands of acres. The reason we are filing this lawsuit is because we think it is the only effective way that we are going to have to change to what is going on in the national forests. The lawsuit is simply asking the Forest Service to obey these laws: the National Forest Management Act, NEPA, and Multiple Use Sustained Yield Act. We are filing this lawsuit to insure that the Forest Service stops the road obliteration. We want an injunction. They told us when they did that Amendment, they were going to revise the forest plan within five years. That was in 1995. The Forest Plan is now almost 18 years old.

They still haven't made an official announcement to start revising the forest plan. We think they are going to drag it out as long as they can, continue to implement the shutdown of the forest and we think we have to stop that and that is why we are filing the lawsuit. We want a court decision that will allow the Forest Service to be put on notice that they cannot ignore all of the other federal statutes that they are bound to implement and to implement good stewardship on these federal lands and to contribute to the local economy, well being of the local communities, protect the life and property of the neighbors. We want a decision that when Congress said that the national forest plan should be revised no later than 15 years that is what Congress meant. They should have started revising the plan in 1995 so it would have been completed by 15 years. But they didn't do it. It is 18 years and they haven't even done it yet. We want to establish that the law means that the Forest Service needs to be honest with the people and interact. To have that process ongoing and not surreptitiously amend or revise the Forest Plan through these incremental amendments strung over years and years so that in effect they revise the forest plan without telling anybody. We think that is illegal and we are asking that the Flathead County Commissioners represent the people of Flathead County, their health, safety and welfare that and go on record representing those people by joining as a plaintiff. We do that mainly to bring in arguments into the case as how these federal lands which comprise 80% of Flathead County how that does affect the local community. So we need representatives of local government to join that in order to bring those arguments forward and represent the people. Four years there was a vote and 81% of Flathead County, Lincoln and Sanders County voted no more roadless. We think we represent the will of the people in this lawsuit. People are finally going to say this is enough and so we are asking for Flathead County support.

Taber advised that their lawyer has estimated a cost of \$60,000.00 for the lawsuit but they were not asking that the county fund the project. They were only asking that the Commissioners support the process.

Taber advised that the Forest Plan said if you take any action that is significant that is going to be a broad sweeping change it has to be a revision. When you do the revision you consider the impacts on all things you balance again. But what has happened, Amendment 19 was called insignificant. That was totally illegal but the outcome is where we are today with hundreds and hundreds of miles being obliterated. They have a budget this year of \$200,000.00 and to obliterate about 5,000 miles of road.

Hodgeboom believes no one anticipated the impact of Amendment 19. They thought the Forest Services was just adding some standards to the forest plan to enhance the grizzly bear habitat. He stated he certainly didn't and he worked for the Forest Service in planning. He participated in the drafting of the Forest Plan that is supposed to be in effect right now. He feels professionally that there hasn't even been an attempt to implement the forest plan or the intent. It just seems like the only thing that people have paid attention to is the Fish and Wildlife Service and they have no accountability to people. The Fish and Wildlife Service has no mission regarding fire, health, safety, accountability to communities and they come up with some terrible things that are implemented as if they are law.

Taber advised that Fish, Wildlife and Parks signed off on the grizzly Forest Plan too. The governor of Montana was very concerned to maintain the community stability. Taber noted they have also asked for a peer review of some of this management by former forest employees and hopefully that will get sanctioned and come about. There are people that spent their lifetime planning these same roads that they just like an eraser on a chalk board wiped out.

Commissioner Hall questioned whether any changes had been made to the draft of the document. Taber responded that basically typographical errors were all that has been changed. Hodgeboom stated that mainly they wanted to stop the implementation of these series of amendments that they believe are illegal while the Forest Service involves the public in revising the forest plan the way the law said should have been done 10 years ago. Taber stated they are asking that those amendments be suspended and that some of the roads be restored. Many of these items regarding compliance with the National Forest Management Act have never been tested in court before because the preservation groups the main thing they litigate on is endangered species and the opinions of the Fish and Wildlife Service.

Commissioner Hall stated that the document holds a lot of validity and it is time to do something. We have to have the courage to do something as Commissioners and as a community to try and take back some things that have been stolen from us. He asked for a list of people who have signed on to the current lawsuit. He also cautioned that when the matter goes to court anyone signed on will be investigated. Taber advised that from this stage forward, they are seeking people elected to represent the people state legislatures and the like. We are not looking to go out to solicit more individuals. Hodgeboom stated that Senator O'Neil said he was going to join. Commissioner Gipe expressed concern relative to any changes made after the Commissioners agree to join.

Smith advised that Flathead County does not own the federal land in Flathead County. The United States of America does. It is under the authority of the United States Congress and they are the ones who set up the Forest Service and they are the ones that passed all of these laws and there is nothing in Montana law that says the county either ought to or can file a lawsuit with a Boise attorney in Washington, DC to ask a federal judge to tell the Forest Service to comply with four or five different federal laws. It just doesn't make any sense that the county would be a plaintiff in this case. Individual commissioners can certainly indicate their support for the group but I don't think Flathead County as a political entity has any business joining in a lawsuit to ask a federal judge to ask a federal agency to comply with federal law.

Taber stated that the point is they are not complying with federal law.

Smith stated that NEPA thinks that they are just asking the federal courts to make the Forest Service comply with federal law. That is all they are doing. Judge Malloy is complying with federal law as far as he is concerned by shutting down these sales. It is a different place than Flathead County. It is on a federal level. It is not Flathead County's problem as a political entity. I understand it is the people of Flathead County's problem but it is not Flathead County's problem.

Taber thought that if it hadn't rained on the Moose fire, the fire would have swept through and taken out all the way to St. Ignatius. I think it could have been a county problem. He reiterated that they were just looking for support in terms of the concept.

Smith reiterated that the individual commissioners can support the action as individuals but it doesn't seem to him that the county can.

Chairman Watne stated that it is a problem that the people of Flathead County have and the Commissioners are suppose to be representing the people of Flathead County.

Smith stated that the Commissioners are supposed to be running the county's law enforcement, their road systems, their tax collection system, and their document filing system.

Chairman Watne and Commissioner Hall agreed that they would join as individuals if that is what it takes. Taber hoped that they could support it as an effective body. Commissioner Hall noted he grew up here and he has experienced the blatant forthright almost weekly basis of lawsuits filed by organizations to basically shut down the timber industry in the valley. He noted he feels the same frustration and understands the bitterness and anger as families and referred to needs of the County's road budget. Commissioner Hall wants to put the strength of the county behind the cause. We can't continue to close more roads. Commissioner Hall strongly urged the Commissioners to sign on as a commission as a whole. I think it would carry more weight when it gets to the judge to stop this and try and gain back some of the things that have been done illegal.

Corrigan advised that regardless of whether the board opts to join this lawsuit, that is not going to sway a judge one way or another. That is simply another name on a list of plaintiffs versus another list of names on the respondent's side and the federal judge is going to base a decision on the merits. Commissioner Hall responded that he believes the case does have merit. Corrigan responded that they were not there to comment on the merits of the lawsuit. Quite frankly the suit is probably beyond the County's expertise right now. What Corrigan wanted the board to understand is if they opt to join this lawsuit what they are basically doing, is putting county government behind a particular political viewpoint and philosophy. It is a philosophical decision as opposed to a legal decision and that is how it will be perceived. Hodgeboom responded that the effects on the costs to Flathead County government is not philosophical that is real. Commissioner Hall noted that he appreciated and respected the County Attorney's Office opinion.

Commissioner Hall made a **motion** to sign on as plaintiffs in the lawsuit with the stipulation that they be given the opportunity to review the final draft and have the option with withdraw. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. **Nye** - Gipe. Motion carried by quorum.

**MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS**

Present at the May 12, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

**This meeting was rescheduled.**

**OPEN BIDS: CHEMICALS/WEED, PARKS AND MAINTENANCE DEPT.**

Present at the May 12, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

Cenex/Harvest States:

Tordon 22k Herbicide	\$77.21/gal
Curtain Herbicide	\$33.16/gal
Weedmaster	\$22.96/gal
Brash	\$20.51/gal
Transline herbicide	\$301.53/gal

Westland Seed, Inc.

Tordon 22k Herbicide	\$79.75/gal
Curtain Herbicide	\$34.25/gal
Weedmaster	\$23.25/gal
Transline herbicide	\$304.50/gal

Wilbur-Ellis Company

Tordon 22k Herbicide	\$74.81/gal
Curtain Herbicide	\$32.07/gal
Range Star Herbicide:	\$21.19/gal
Transline herbicide	\$284.16/gal

United Agri Products

Tordon 22k Herbicide	\$76.75/gal
Curtain Herbicide	\$33.75/gal
Weedmaster	\$22.00/gal (Weedmaster has a generice (Banvel + 24D) \$21.00/gal
Transline herbicide	\$285.50/gal

Commissioner Gipe made a **motion** to take the bids under advisement and refer the bids to the Weed, Parks and Maintenance Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE REQUEST/PETERS**

Present at the May 12, 2003 9:15 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 Public Hearing and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Joe Peters of Columbia Falls, Montana, seeking the application of tax reducing benefits to the remodeling and expansion of the building on Lot No. 6 of Industrial Sites of Columbia Falls, at Columbia Falls, Montana. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **3<sup>rd</sup> day of June, 2003, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Joe Peters.

DATED this 12th 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 15 and May 29, 2003.

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: HABEL AND DOCKSTADER ZONE CHANGE/HOLT ZONING DISTRICT**

Present at the May 12, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 533S. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 533S**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the on the 25th day of March, 2003, concerning a proposal to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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 Holt 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(4), M.C.A., adopted a resolution of intention (Resolution No. 533R, dated March 25, 2003) to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on March 29 and April 5, 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 adopts this resolution to change the zoning designation in a portion of the Holt Zoning District, as described on Exhibit A, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 9327013500, in the Flathead County Clerk and Recorder's Office.

DATED this 12<sup>th</sup> day of May, 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: /s/Howard W. Gipe  
Howard W. Gipe, Member

ATTEST:  
Paula Robinson, Clerk

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

**EXHIBIT A**  
**Ray & Greg Habel and James Dockstader**  
**Zone Change/Holt Zoning District**  
**LEGAL DESCRIPTION**

**Location and Legal Description of Property:**

Parcels A and B on Certificate of Survey No. 14310, and Tract 2 of Certificate of Survey No. 11763, P.M.M., Flathead County, Montana

**QUARTERLY INVESTMENT REPORT W/PATTY ARNOLD**

Present at the May 12, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Treasurer Patty Arnold, Assistant Avery, and Clerk Eggum.

General discussion was held relative to the county's investments.

**CONSIDERATION OF LAKESHORE PERMIT: GROMKE**

Present at the May 12, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Arnold Gromke on Flathead Lake to remove and replace the outer wing portion of an existing grandfathered dock. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLV-03-05 and authorize the Chairman to sign subject to 15 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: HARMON**

Present at the May 12, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Dan Harmon on Rogers Lake to install an I-shaped concrete floating dock. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-33 and authorize the Chairman to sign subject to 28 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

**CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORMS: PLANNER III AND ASSISTANT PLANNING DIRECTOR**

Present at the May 12, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Personnel Committee Transmittal Forms for Planner III and Assistant Planning Director and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne, Hall, and Gipe. Motion carried unanimously.

**CONSIDERATION OF POSITION REPLACEMENT: OA III/ JUSTICE COURT**

Present at the May 12, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Justice of the Peace David Ortley advising Marsha Weidner will be resigning returning the end of May. Ortley requested permission to open the OAIII position.

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

**10:30 A.M. Tour of Flathead County Museum w/Cliff Collins**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 13, 2003.

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**TUESDAY, MAY 13, 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.

**Commissioners Gipe and Hall and Assistant Avery are to attend a District 10 and 11 Meeting in Polson**

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

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### **WEDNESDAY, MAY 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.

**9:00 A.M. Commissioner Hall is to attend the GNEA Annual Meeting at Fish, Wildlife and Parks Office (till 12:30)**

#### **MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS**

Present at the May 14, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

General discussion was held relative to poster for this year; horse racing; security during fair; plumbing and heating for building; moving buildings/replacement of buildings; capital improvement fund; purchase of property; offer from state; events on the grounds; Fair Board evaluation; Valcon gas cards.

#### **MEETING W/JONATHAN SMITH, DEPUTY COUNTY ATTORNEY RE: 1040 S. MAIN**

Present at the May 14, 2003 9:20 A.M. Meeting were Chairman Watne, Commissioner Gipe, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Johnson advised he had received a counteroffer on the 1040 South Main property. He suggested submitting a counteroffer with a one year lease. The Commissioners agreed with the proposal.

#### **MONTHLY MEETING W/JIM ATKINSON, AOA**

Present at the May 14, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, AOA Director Jim Atkinson, Assistant Avery, and Clerk Eggum.

General discussion was held relative to budgets; utility charges; Transportation Advisory Board ballot issue.

#### **CONSIDERATION OF LAKESHORE PERMIT: PETERSON**

Present at the May 14, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Don Peterson on Little Bitterroot Lake to pour concrete over an existing boat ramp. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-34 and authorize the Chairman to sign subject to 22 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: DAIGLE**

Present at the May 14, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Larry Daigle on Foys Lake to extend an existing concrete boat ramp into the lake. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-36 and authorize the Chairman to sign subject to 30 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: WINDAUER**

Present at the May 14, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Judy Windauer on Ashley Lake to remove existing wood steps and replace with rock steps; remove existing trees and shrubs destroyed by fire in May, 2002. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-38 and authorize the Chairman to sign subject to 20 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: WILLIAMS**

Present at the May 14, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Paul Williams on Flathead Lake to place two ground lights and two spotlights in the Lakeshore Protection Zone to illuminate a walkway and steps. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLP-03-39 and authorize the Chairman to sign subject to 16 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF PRINTING BIDS: LIBRARY AND HEALTH DEPARTMENT**

Present at the May 14, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to Kalispell Copy Center for 1,000 Interlibrary Loan Request Forms in the amount of \$88.00 on behalf of the Library. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**AWARD BID: SNOWLINE BRIDGE BEAMS/ROAD DEPARTMENT**

Present at the May 14, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

This matter was continued to a later date.

**MEETING W/DENNIS HESTER AND CHARLIE JOHNSON, ROAD DEPARTMENT**

Present at the 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road Superintendent Charlie Johnson, Deputy County Attorney Dennis Hester, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

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

**1:30 P.M. Commissioner Hall is to meet with Mark Crowley**

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

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**THURSDAY, MAY 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.

**8:30 A.M. Commissioner Gipe is to attend the District Court Council in Polson**

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

Present at the May 15, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Animal Control Director Richard Stockdale, and Clerk Eggum.

General discussion was held relative to statistics; security services; caring bears, animal replacement rescue center; Colorado dogs; State Association meeting in Kalispell.

**DOCUMENT FOR SIGNATURE: MUTUAL AID MOU**

Present at the May 15, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to approve the Memorandum of Understanding for Animal Services for the political subdivisions of the State of Montana. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

Present at the May 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Weed, Parks and Maintenance Director Jed Fisher, and Clerk Eggum.

General discussion was held relative to mosquito time sheets; mosquito control; mosquito control budget; soft ball team names; budget; maintenance budget; Somers park project; Lakeside project; contract proposal, wages, confirmation to complete work on service elevator.

**AWARD BID: SNOWLINE BRIDGE BEAMS/ROAD DEPARTMENT**

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

Commissioner Hall made a **motion** to approve the purchase of bridge beams from Central Pre-mix Prestress. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF REQUEST FOR WAIVER: PRESCRIPTION EXTENSION/MAXINE LAMB**

Present at the May 15, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Director Raeann Campbell, and Clerk Eggum.

Lamb was requesting a waiver of the three month limit on the mail order prescription program in order to obtain six months use to travel out of the country.

Commissioner Hall made a **motion** to grant the waiver but require payment of the \$300.00 deductible which would be effective for the 2004 plan year. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF REQUEST FOR OVERTIME/COMP TIME**

Present at the May 15, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Director Raeann Campbell, and Clerk Eggum.

Commissioner Hall made a **motion** to approve overtime worked by non-exempt employees during a work week to be handled as flex time (time off hour for hour within the same work week) rather than comp time. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF PRINTING BIDS: CLERK AND RECORDER'S OFFICE AND HEALTH DEPT.**

Present at the May 15, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Northstar Printing for 1,000 Field Visit Report forms and 1,000 Health Department brochures in the amount of \$112.00 and \$510.00 respectively on behalf of the Health Department. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Mail Well Envelope for 10,000 #10 envelopes in the amount of \$187.10 on behalf of the Clerk and Recorder. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 20,000 #10 envelopes in the amount of \$403.98 on behalf of the Clerk and Recorder's Office. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 1,000 Interlibrary Loan Cards in the amount of \$34.00 on behalf of the Library. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Northstar Printing for 2,000 magazine/newspaper request slips and 1,000 letterhead and plain paper in the amount of \$25.00 and \$99.00 respectively on behalf of the Library. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**PUBLIC HEARING: SALVATION ARMY PROPOSED AMENDMENT/EGAN SLOUGH ZONING DISTRICT**

Present at the May 15, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe (via telephone) and Hall, Rick DeJana, Earl R. Houtz, Audrey Mueller, S.A., Larry L. Linne, Gay Moddrell, Brent Mitchell, Michelle Siderius, Art Rasmussen, Ken Dutter, Capt. Doreen Freeman, Roy Nordwall, Leon Welty, John Waller, Marc N. Milisavljevich, Russell Purdy, Douglas C. Houtz, Van Rube Nelson, Randy Moddrell, Greg Nelson, Bill Hunger, Carolyn Waller, John L. Noyes, John Phelps, Phil Albert, Hope Noyes, Daniel Freeman, Forrest Sanderson, Jonathan Smith, John Dudis, Tom G. Lindell, Lore A. Davis, Amy Waller, Louise Ambrose, Karen Reeves, Bill Ambrose, Marti Kurth, Samuel Wilson, Jody Cooley, and Clerk Eggum.

Chairman Watne advised that this was a public hearing relative to an amendment request and turned the meeting over to the Egan Slough Zoning District Chairman.

**1:30 P.M. Commissioner Hall is to attend a Meeting with Ruby Zimmerman re: KM Road**

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

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**FRIDAY, MAY 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.

**10:00 A.M. Commissioner Hall is to attend the Older Americans' Day Picnic at the Fairgrounds**

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

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