

## MONDAY, MAY 19, 2003

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

### **Commissioner Hall is to attend the RC&D Meeting in Polson**

#### **MEETING W/BOB LINCOLN RE: MACKINAW HOMESITES NO. 2**

Present at the May 19, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Dennis Carver, Bob Lincoln, Assistant Avery, and Clerk Eggum.

Lincoln advised that he has been on hold awaiting authorization Somers Sewer and Water District. He received a letter from Somers Sewer and Water on Thursday. Unfortunately the extension previously granted by the Commissioners expires on the 25<sup>th</sup> of May. Lincoln was requesting an additional extension to complete the work and go to final plat.

Morrison advised that the law only allows for one extension and the proper avenue would be to submit an application for final plat and bond for the unfinished work. She noted that the 65% completion requirement is not contained in the subdivision regulations but is a practice utilized by the Board of Commissioners. Morrison questioned whether the Commissioners would allow the developer to bond for the entire amount in this case.

Commissioner Gipe advised that Lincoln could submit an application for final plat by the 25<sup>th</sup> and bond for 125% and that would allow 18 more months to complete the project.

#### **BOARD APPOINTMENT AOA**

Present at the May 19, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint Judy Graham to fill the vacancy for the Home Options on the Agency on Aging Advisory Board. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: OAI/III/JUSTICE COURT**

Present at the May 19, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Justice of the Peace Ortleby advising that Karen Sulheim is resigning.

Commissioner Gipe made a **motion** to approve the opening of an OAI/III position on behalf of Justice Court to be filed from the pool of applicants for the position opened earlier this month. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **AWARD BIDS: CHEMICALS/WEED, PARKS AND MAINT. DEPT.**

Present at the May 19, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Weed, Parks and Maintenance Director Jed S. Fisher recommending the chemical bid be awarded to Wilbur-Ellis Company in the amount of \$52,455.00.

Commissioner Gipe made a **motion** to award the bid to Wilbur-Ellis Company in the amount of \$52,455.00. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **PRELIMINARY PLAT: AENEAS VISTA SUBDIVISION**

Present at the May 19, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Tim Beck, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Larry Lassmoce, Assistant Avery, and Clerk Eggum.

Beck reviewed the preliminary plat for Aeneas Vista Subdivision filed by James and Marti Jo Clouse. The applicant proposes to create a five lot residential subdivision with a remainder. The proposed subdivision is located off of Montana Highway 35, six miles north of Bigfork and contains 12.73 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-17 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the Preliminary Plat of Aeneas Vista Subdivision subject to 15 conditions. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: WAIVER PAGE FOR COVENANTS, CONDITIONS AND RESTRICTIONS/MOUNTAIN BROOK ACRES**

Present at the May 19, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Commissioner Approval for Amendment of Covenants, Conditions and Restriction for Mountain Brook Acres Subdivision. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/VETERAN DRIVE**

Present at the May 19, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a Quitclaim Deed between Flathead County, Montana to The City of Columbia Falls, Montana describing Veteran Drive and 13<sup>th</sup> Street West.

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

**DOCUMENT FOR SIGNATURE: CONSTRUCTION CONTRACTS/SMITH VALLEY RAIL TRAIL**

Present at the May 19, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Agreement Form between Flathead County as the owner and Sandon Construction Co., Inc. as the Contractor for completion of the Smith Valley Rail Trail.

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

**MEETING W/TOM GORTON RE: FOX HILL**

Present at the May 19, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Tom Gorton, Tom Sands of Sands Surveying, Assistant Avery, and Clerk Eggum.

Gorton advised that he has received approval from Soil Conservation to clean the pond on his property on Mennonite and Creston Road. He intends to build up the hillside and all the way around the pond and fence the pond. Soil Conservation has requested that he create a creek through the pond. Gorton requested the County extend its two culverts under Mennonite Church Road and two on Creston Road to facilitate the flow of the water and prevent flooding the neighbor.

Commissioner Gipe advised he would discuss the matter with the Road Department.

Gorton then noted that the Commissioners have approved the Fox Hill development which will result in 43 homes on Mennonite Church Road, a gravel road. He questioned whether the Commissioners had any intention of paving the road to accommodate the development. Gorton expressed concern as he has watched what he considered to be paving of inappropriate roads. Gorton noted that the old steel bridge is being replaced by the state soon which will result in Holt, Mennonite Church and Bachelor's Grade being a mess and was requesting that all three roads be paved. He noted that in his residential area it is a dust bowl with all the traffic on a gravel road and now with the anticipation of 43 new homes being built is going to make living in that area intolerable. Commissioner Gipe advised that his money for paving this year is on Bigfork's main street.

Gorton advised that Brown's Meadow is being widened and the people in Kila are anticipating that road being paved. Chairman Watne advised that he has not committed to paving that road.

Commissioner Gipe advised that they have been looking at Gorton's area and would be doing some work out in that area in the future. He advised that when a road runs parallel with a highway such as 35, it decreases the importance of paving the road.

Gorton suggested that the Commissioners require as an approval of a subdivision that the developers at least provide dust control. Commissioner Gipe responded that such a requirement is considered impact fees. He noted that they have had several bills before the legislature trying to deal with impact fees but the legislature has refused to provide the counties with any kind of authority for such relief.

The Commissioners advised that paving is usually determined by traffic counts or maintenance problems. Gorton referred to a road that was paved because a resident had partnered with the county for such paving. Commissioner Gipe responded that it has gotten to the point where the county does not have sufficient time or money to pave all the roads in the county. Partnering with citizens is one way to accomplish paving. He noted that roads that are currently paved are in need of maintenance or the paving that is already down will be lost.

Chairman Watne reviewed the traffic counts for Gorton's area: Mennonite Church 8/9/2001 west of Creston Hatchery Road - 746 week; 124 day; Same date at Montana 35 - 1217 week or 203 a day; Creston Road south of Mennonite Road same date - 606 a week or 101 a day; Creston Hatchery Road - 2785 a week.

Gorton then discussed the Road Department's practice of pulling material out of the ditch and building a crown on the road. Chairman Watne noted the purpose of the crown is to allow for water to run off the road. Gorton suggested that for his road it was more appropriate to be cut in the center. Chairman Watne recalled an incident when he was hauling hay for a local farmer and a road that had been crowned caused the vehicle to have a tendency to want to go off the road. Gorton noted that the county lowboy with a dozer on it two years ago got high centered on a crowned section of road. Gorton suggested that for his road the county cut the center and put it flat as was done last year and the road remained in good shape for three months.

Commissioner Gipe advised that he and Charlie Johnson would view the roads in Gorton's neighborhood.

**MEETING W/MIKE ANDERSON, AFLAC**

Present at the May 19, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Mike Anderson, Human Resource Officer Raeann Campbell, Assistant Avery, and Clerk Eggum.

Commissioner Gipe introduced Anderson to Campbell and requested that he have any discussions relative to AFLAC with Campbell directly.

**11:00 A.M. Chairman Watne and Commissioner Gipe are to Tour FVCS**

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

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**TUESDAY, MAY 20, 2003**

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

**7:00 A.M. Commissioner Hall is to attend the Economic Development Meeting at The Nite Owl**

### **MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION**

Present at the May 20, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Laurie Rebeck, Juvenile Detention, Assistant Avery, and Clerk Eggum.

General discussion was held relative to electrical problems; fire/smoke alarms; plumbing; need for specialized cell/quiet room.

### **FINAL PLAT: MCGREGOR LAKE HIGHLANDS, PHASE 3**

Present at the May 20, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by McGregor Lake, LLC for McGregor Lake Highlands Subdivision, Phase 3 which creates nine single-family residential lots. The subdivision is located in the McGregor Lake area approximately 30 road miles west of Kalispell. Preliminary plat approval was granted on April 9, 2001 subject to 28 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat. Morrison noted that there was a subdivision improvement agreement.

Chairman Watne noted the agreement referred to Phase One only.

Commissioner Gipe made a **motion** to continue the matter until the Subdivision Improvement Agreement is completed correctly. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

### **FINAL PLAT: BURKE SUBDIVISION**

Present at the May 20, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Jeff Larsen of Larsen Engineering and Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the Staff Report regarding the application filed by Robert and Rosetta Burke for Burke Subdivision which creates a four lot minor subdivision along Columbia Falls Stage Road, approximately three miles southeast of Columbia Falls. The subject property is 4.59 acres in size. Preliminary plat approval was waived on May 8, 2002 subject to six conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-13 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

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

### **COS REVIEW: SMITH**

Present at the May 20, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Daniel P. Brien of Brien Surveying, Inc., Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Commissioner Gipe made a **motion** to approve the COS as presented. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

### **MEETING W/SUSAN NICOSIA RE: SCHOOL RESOURCE OFFICER**

Present at the May 20, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Columbia Falls Mayor Susan Nicosia, William Shaw, Dave Perry, Carol Pike, George Kimerly, Kevin McCarvel, Doug Overman, David Wick, Tom Kelley, Assistant Avery, and Clerk Eggum.

Nicosia presented the Commissioners with two letters in support of a resource officer for the Columbia Falls school district.

Nicosia reviewed a letter forwarded to the Commissioners previously requesting the county share in the costs of a full-time youth resource officer at an annual wage of \$39,000.00. Nicosia noted that 65% (1,650) of the 2,543 students in Columbia Falls come from outside the city limits of Columbia Falls consequently the city and the county each share in the responsibility of providing a preventative positive police program at the Columbia Falls schools. Nicosia noted they are in that unique situation where only about 35% of the students are from the city. We consider a resource officer to be a very valuable and much needed resource for the community but the City of Columbia Falls simply cannot fund the officer itself because of the small tax base. Basically a full time police officer spends their shifts in the schools, elementary, junior high and high school. During the summer they would be a part of the police force certainly still working with youth. The county's share would be 40¢ per taxpayer.

Wick spoke to a risk behavior survey conducted by the state. The random survey asks questions relative to alcohol, tobacco, drug and gun use. The information is sealed and returned to the state and state provides the school with the results. It provides a picture of not only what risk behaviors are out there but what the differences are between the age groups probably high school more than junior high typically. It is a tool. We think it is pretty accurate. Having worked in Whitefish before, the problems are pretty similar everywhere. In terms of what fellow administrators are saying it is pretty common across the board socioeconomic and everything else about the kinds of problems being seen in the valley. Wick noted that they do not feel that they are better or worse than anybody else. Wick then spoke to his experience working with school resource officers in a large high school in Minnesota and found them to be very proactive in preventative measures for the school because just their presence alone makes a big difference. It was really positive. Wick had talked with Mr. Anderson from Central School and they just got their resource officer and Anderson said it has made a big difference for them and it has really been positive in mostly a proactive educational sense.

Commissioner Gipe stated that he certainly supported resource officers in the schools. He noted children see police officers from a different standpoint after they have had interaction with them in the schools.

Chairman Watne noted that he also supported a resource officer but expressed concern for the county partnering with the school to provide the officer. Nicosia reiterated that Columbia Falls is a unique school district. In the Kalispell schools 59% of their students come from inside their city limits and in Whitefish 49%.

Overman stated that he was the school resource officer for the City of Kalispell. The school district pays for the officer and in the summer the city absorbs that position. He noted his position is a grant funded position and will be continuing through next year on that grant. If the funds are available the school will again pick up the position. Kalispell has one in the High School and in the Junior High School and both fill in as needed in the small schools. All of the schools are serviced by both of the officers. At the younger ages we are less needed and very busy at the high grade level schools. I am extremely involved with the guidance office along with the local administration. I don't deal with school disciplinary problems. Some of those problems go into disorderly conduct and assault type issues and I get involved there. Overman noted that he can devote time when needed where as a regular patrolman can only come when a problem arises, address the problem and return to his regular duty. He stated last week he gave 23 presentations relative to assault and disorderly conduct at the junior high and drug and alcohol abuse. This week he will be doing a career talk with some classes. Last week he had an officer who is more of an expert do a self defense class. Next week he will be working in conjunction with the Summit on a presentation relative to alcohol use and driving. A resource officer provides a positive interaction with a police officer for the children. He noted that positive interaction is then reflected out in the field when children are in situations with patrol officers on the street. It breaks down the barriers. It is real effective.

Chairman Watne advised that the topic would have to be put on the agenda to take public comment.

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

Present at the May 20, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Sheriff Jim Dupont, Assistant Avery, and Clerk Eggum.

**This meeting did not take place.**

#### **AUTHORIZATION TO PUBLISH CALL FOR BIDS/FAIR BUILDING**

Present at the May 20, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Call for Bids and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for interior improvements at the steel building that the County is erecting at the Flathead County Fairgrounds at the corner of West Idaho Street and Meridian Road, Kalispell, Montana.

The specifications and Instructions to Bidders are available from Peters & Associates Architect, 7993-A Montana Highway 35, Bigfork, MT 59911, mailing address – 236 Redgate Drive, Bigfork, MT 59911. Bidders may bid separately on the electrical work, on the plumbing/heating work, on the bathroom wall construction, on the concrete floor portion of the work or on the fire sprinkler system.

Time is of the essence – Flathead County wishes to complete the improvements as soon as possible. Anticipated completion dates will be considered in awarding the bid as will liquidated damages for work failure to complete work on time. The successful bidder or bidders will secure any necessary permits.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the completion of the project. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

A Performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract. No bidder may withdraw a bid after the actual date of the opening thereof.

The successful bidder must contract to pay prevailing wage rates, set by the Montana Department of Labor.

All sealed bids, plainly marked "**Flathead County – Interior Improvements to the new steel building at the Fairgrounds**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before **5:00 o'clock p.m. on June 4, 2003**. Bids will be opened and read at **9:30 o'clock a.m., on June 5th, 2003**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 20th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Deputy

Publish: May 24 and May 31, 2003.

**CONSIDERATION OF LAKESHORE PERMIT: JACKSON**

Present at the May 20, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Suzanne Jackson on Whitefish Lake to replace existing dock with an F-shaped EZ dock and install two EZ ports for jet skis. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-04 and authorize the Chairman to sign subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: SCHMID**

Present at the May 20, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

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

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-11 and authorize the Chairman to sign subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: RUMPEL**

Present at the May 20, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Glen Rumpel on Whitefish Lake to add wooden wing extension to an existing I-shaped dock to create an L-shaped dock. The Whitefish Lakeshore Protection Committee approved such permit. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #WLP-03-12 and authorize the Chairman to sign subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PUBLIC AUCTION: BALD ROCK ROAD; PARKDALE SUBDIVISION; RED BRIDGE GRAVEL PIT**

At 2:00 p.m. a public auction was held for the following properties:

- a. a. Tract 3A in the NW ¼, SE¼ of Section 18, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, located on Bald Rock Road and containing 1.138 acres (described as Tract 1 on Certificate of Survey No. \_\_\_\_\_);
- b. Parcel 1 on Certificate of Survey # 15040, located in the Parkdale Subdivision, in Section 5, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and containing .702 acres.
- c. The former Red Bridge Gravel Pit, Tract 1B in Section 20, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

The Bald Rock Road property received no bids. The Parkdale Subdivision property was sold for the minimum bid of \$9,000.00 to Les Keller; and the Red Bridge Gravel Pit property was sold for the minimum bid of \$25,200.00 to Steven L. and Vernetta M. Wagoner.

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

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

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**WEDNESDAY, MAY 21, 2003**

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

**9:15 A.M. RSVP Meeting at RSVP Office**

**FINAL PLAT: COUNTRY ACRES**

Present at the May 21, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Melinda Riley, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Riley reviewed the Staff Report regarding the application filed by Greg and Nancy Yager for Country Acres Subdivision which creates a two lot minor subdivision at the corner of Farm to Market Road and West Valley Drive. The subject property is 40.61 acres in size and is located in the West Valley Zoning District. Preliminary plat approval was waived

on December 13, 2002 subject to seven conditions. Riley indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-14 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Final Plat for Country Acres Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF POSITION VACANCY/COMPUTER SERVICES**

Present at the May 21, 2003 9:55 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Computer Services Director Norman Calvert advising of a position vacancy due to a resignation. Request was made to fill the position with a temporary employee recently hired scheduled to begin next week.

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

#### **PUBLIC HEARING: ROAD ABANDONMENT #408 (ALLEY IN BIGFORK)**

Present at the duly advertised May 21, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Steve Cummings, Donna Paulson, Deputy County Attorney Peter Steele, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Viewer's Report.

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

Cummings advised that he was the attorney working with some of the landowners and they were in favor of the road abandonment for the reasons contained in the Viewer's Report and the resident think it is appropriate to abandon the road.

Paulson advised that she is one of the owners abutting the road she is in favor of the road abandonment.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the road abandonment. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe advised that there were some concerns relative to the abandonment. He noted that he and members of the County Attorney's Office have viewed the road and at this time they want to have it surveyed to be sure exactly where everything lies. He added that the Commissioners are always concerned about public access. Steele agreed that there would be no harm to continue the matter to a later date and have the road surveyed in the future.

Cummings advised that there was no problem with retaining access for the utilities and offered his assistance in resolving any problems. He added that it has never has been public access. It is basically the other side of the private ownership and has been used by the private owners for 150 years. He noted it would be inappropriate for public access.

Paulson advised that there have been surveys done down to the corner.

Commissioner Gipe made a **motion** to continue the matter until a later date. Chairman Watne, **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SALE OF BAKER AVENUE GRAVEL PIT TO CITY OF WHITEFISH**

Present at the May 21, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Dan Weinberg, Gayle Weinberg, Kim Fleming, John Kramer, Assistant Avery, and Clerk Eggum.

Weinberg stated that they were there today looking for a final resolution to consummate the buy-sell agreement. He noted that they have been moving forward. People are excited about the project so they were hoping that the Commissioners would vote for the final resolution and to allow them to move forward.

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

#### **Resolution No. 1619 A**

WHEREAS, Flathead County, Montana, 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 Plat 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, passed a resolution of intention (Resolution No. 1619) on May 6, 2003, to transfer the property to the City of Whitefish under the terms noted above, published notice thereof inviting the public to comment on the proposed transfer, and considered the public comment received concerning the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby determines that the following property shall be sold and transferred to the City of Whitefish upon payment of the appraised value of \$204,500.00:

Lots 2 and 3 of An Amended Plat 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.

DATED this 21<sup>st</sup> 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

**CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE**

Present at the May 21, 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 Northstar Printing for 5,000 inmate rule books in the amount of \$115.00 on behalf of the Sheriff's Office. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**MEETING W/TOBLYNNE ALLISON/APS HEALTHCARE AND REAEANN CAMPBELL/HUMAN RESOURCE OFFICER RE: EAP**

Present at the May 21, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Toblynn Allison, Human Resource Director Raeann Campbell, Solid Waste Director Dave Prunty, Library Director Dorothy Laird, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Allison gave a presentation relative to an employee assistance program.

Prunty advised that at his previous employment a program such as this was available and as a manager he found it invaluable. Laird advised that there is already in existence an employee assistance program that is not being utilized. Avery advised it is a program that is basically nonfunctional. Robinson confirmed that training is available as needed, promotional materials are provided several times a year and a newsletter quarterly.

Campbell confirmed that she had done cost comparisons before when they looked at it and they felt APS fit their needs best. She volunteered to have other providers give presentations if the Commissioners desired.

Commissioner Gipe advised that the costs for the program would have to be written into the budget and they would need the contract sent to the County Attorney's Office for review prior to July 1<sup>st</sup> to be considered in this year's budget.

Commissioner Hall voiced support for the program.

Allison advised that he contract is a one year contract with two automatic renewals but can be written any way the Commissioners desired.

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

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

**2:00 P.M. Commissioner Hall is to attend a Meeting with John Weaver**

**4:00 P.M. Commissioner Hall is to attend the Transportation Committee Meeting at Kalispell Chamber**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 22, 2003.

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**THURSDAY, MAY 22, 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**

**COS REVIEW: VARGAS**

Present at the May 22, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Robert Brown, Frank P. Vargas, and Clerk Eggum.

Sanderson reviewed the chain of title.

Commissioner Hall made a **motion** to approve the COS as presented. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**MEETING W/HALE LAKE RE: BIGFORK STREET DANCE**

Present at the May 22, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Hale Lake, Mark Langlois, Assistant Avery, and Clerk Eggum.

Lake advised that he and Langlois are desirous of having a music festival on September 6, 2003 in Bigfork. They would block off Osborn Street to traffic but the street would not be blocked to emergency travel. The only thing encroaching on the street would be the stage. Lake noted they had discussions with Sheriff Dupont. Dupont advised that they must have containment of alcohol, advise the merchants and get Commissioners' approval. He noted that they have barriers around the alcoholic beverage area to keep it separated from the other activities. They plan to distribute a letter to the merchants July 5<sup>th</sup>. They were here today seeking Commissioners' approval. Lake also questioned whether Flathead County would be named in the Certificate of Liability. Lake also advised that they have hired security personnel for the event.

Commissioner Hall suggested the meeting be continued until they have an opportunity to speak to the County Attorney's Office and Sheriff Dupont. Commissioner Gipe agreed and suggested they prepare a letter to the local merchants for distribution immediately.

**9:30 A.M. Mandatory Department Head Meeting at Justice Center re: Safety Presentation (till 11)**

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

**4:00 P.M. Commissioner Hall is to attend the Jobs Now Meeting at Edwards Hangar/Glacier International Airport**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 23, 2003.

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**FRIDAY, MAY 23, 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.

**No Meetings Scheduled**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 26, 2003.

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