

MONDAY, JUNE 2, 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 Gipe is to View Road Abandonment #408 (alley in Bigfork) w/Jim Burton

10:00 A.M. Commissioner Hall is to attend a meeting with Deanna Thielman

MEETING W/PATTY ARNOLD, TREASURER, RE: CANCELLATION OF DELINQUENT PROPERTY TAXES

Present at the June 2, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Treasurer Patty Arnold, and Clerk Eggum.

Arnold stated she was presenting the Commissioners with a list of personal property taxes that are not a lien on real estate and that have been delinquent for five years or more pursuant to §15-16-701 MCA.

Commissioner Gipe made a **motion** to approve cancellation of Delinquent Property Taxes for 1997. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Said list is filed of record with the Clerk and Recorder under document number 200316110290

CONSIDERATION OF REQUEST FOR POSITION REPLACEMENT: FINANCIAL TECH/AUDITOR'S OFFICE

Present at the June 2, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Clerk and Recorder Paula Robinson advising that Brenda Lee Shelt resigned and Robinson requested permission to open the position for a Financial Tech for the Auditor's Office.

Commissioner Hall made a **motion** to open the position for a Financial Tech on behalf of the Auditor's Office. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

11:00 A.M. The Commissioners are to attend a presentation at the Central School Museum

1:15 P.M. The Commissioners are to Tour Summit Prep School

3:15 P.M. The Commissioners are to View Browns Meadow Road

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 3, 2003.

TUESDAY, JUNE 3, 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.

Assistant Avery is to attend a Seminar on How to Manage Change held in Missoula

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

Present at the June 3, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Superintendent of Schools Donna Maddux, Assistant Avery, and Clerk Eggum.

This meeting did not take place.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the June 3, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Computer Services Director Norm Calvert, and Clerk Eggum.

General discussion was held relative to Dell Computers, new employee, vacation, microwave equipment maintenance and parts is at risk - alternatives; wireless network; end of fiscal year plans.

PUBLIC HEARING: TAX INCENTIVE/PETERS

Present at the June 3, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the tax incentive request. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Resolution No. 1621. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1621

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 475 on April 8, 1983, and Resolution No. 475A on February 21, 1984, allowing tax benefits to remodeling, reconstruction or expansion of existing structures in Flathead County;

WHEREAS, Joe Peters of Columbia Falls, Montana, has applied for the tax benefits with regard to the remodeling and expansion of his building on Lot No. 6 of Industrial Sites of Columbia Falls, at Columbia Falls, Montana;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1501, M.C.A., on the 3rd day of June, 2003, concerning the request for tax benefits filed by Joe Peters; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Joe Peters and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the remodeling and expansion of the building on Lot No. 6 of Industrial Sites of Columbia Falls, at Columbia Falls, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1501, M.C.A.

DATED this 3rd day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
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

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: THOMAS, DEAN AND HOSKINS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 3, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by Thomas Dean & Hoskins.

The proposed amendment would amend Section 7.03.100, the definition of "building line," to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **26th day of June, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 3rd day of June, 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 June 7th and June 14th, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SONJU TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 3, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 2.07.040(4) to allow a non-conforming use to be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

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DATED this 3rd day of June, 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 June 7 and June 14, 2003.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: GRAVEL/ROAD DEPARTMENT

Present at the June 3, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Call for Bids and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that sealed bids for the purchase of gravel will be received by the County Board of Commissioners of Flathead County, Montana.

The specifications are as follows:

Approximately 3,000 to 14,000 tons of 3/8 inch crushed washed gravel for chip sealing. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, section M-701.029 table 701-12 for grade 4A, 3/8 inch minus cover material. **NOTE: Budget restraints could cancel the purchase of any or all chipping materials, thus any or all bids, contracts or proposals would be voided.** Actual amounts to be purchased may be determined, based upon locations of projects, funds available, unit prices and estimated material quantities for projects, to be determined by the Flathead County Road Department. Crushed material to be weighed by scales on a belt conveyor. Gradation testing shall be conducted by the contractor in accordance with MT-202. Chips to be of sufficient moisture content to meet Flathead County satisfaction at time of loading to County trucks. Supplier shall have on hand laboratory analysis of chip materials verifying they meet MDOT specifications and test results shall be available upon request to Flathead County. Material is to be located within a twelve-mile radius of Kalispell. The County will pick up the material at the contractor's pit. Bid price is to include the material and the loading of said material into County trucks. A maximum waiting period for the trucks to be loaded will be five minutes. Contact the Flathead County Road Department if there are any questions.

Flathead County may award more than one bid depending upon locations of projects, funds available, bid prices, stock pile location, etc., to reduce haul time to various locations of the County. Bid proposals must be submitted on a form to be provided for the purpose, addressed to the **Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel"**.

No proposal will be considered unless accompanied by a proposal security in the amount of one thousand dollars (\$1,000.00) of his 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 purchase and sale of said materials. 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 a bid bond executed by a surety corporation authorized to do business in Montana.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Contractor shall have bid materials on hand thirty (30) days prior to July 1, of this current year. The County will notify the bidder 24 hours prior to the anticipated delivery time. Materials are to be provided on an as needed

basis when requested by the County. County may cancel acceptance of material at any time due to weather conditions, project complications, condition of material, etc. If at any time the County deems the material unacceptable, they reserve the right to purchase said material from the next lowest bidder.

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

All sealed bids, **plainly marked as such**, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before **5:00 P.M. on June 18, 2003**. Bids will be **opened and read at 11:30 a.m. on June 19, 2003** in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County. This contract will be in effect from the date the contract is signed thru January 31, 2004.

The award of a 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 3rd day of June, 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
Deputy

Publish on: June 7, 2003, and June 14, 2003.

MONTHLY MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICER

Present at the June 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Officer Raeann Campbell, and Clerk Eggum.

General discussion was held relative to APS (employee assistance program) contract; grant writing class; evaluation forms.

DOCUMENT FOR SIGNATURE: APS HEALTHCARE CONTRACT

Present at the June 3, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Human Resource Officer Raeann Campbell, and Clerk Eggum.

Campbell – Healthcare Contract I think it was just to see you know to see if we had the money in the budget the way I understood it when Toblynne gave her presentation and Howard had asked for the contract and Toblynne had put two different proposals in here. One is the one to four sessions for \$2.28 per employee and the one one to six sessions was \$2.58 per employee and then she put the annual amount there so I just wanted to clarify that when I talked to you about I was going off the lower sessions the one to four at \$2.28.

Commissioner Hall agreed that most people can do it in one or two sessions.

Campbell – It only took you one. And uh we did find \$3,000.00 in the budget or Lorraine did from a past situation with Intermountain Administrators where they were bidding so much on our life insurance and it was at a certain rate and then two years when it was renewed, it was at a higher rate and so we went back to the drawing board and asked them to rebid it or whatever and they came in on a lower rate and so there is 40¢ difference there and that was never adjusted in the budget so there has been \$3,000.00 extra dollars that has been going to the trust fund that the county has been paying.

Commissioner Hall questioned what the yearly cost would be for the EAP.

Campbell – For the EAP \$12,312.00 estimated on 450 employees at \$2.28 per employee per month.

Commissioner Hall questioned whether Campbell would be requesting any budget increases.

Campbell – In HR? You are funny.

Commissioner Hall noted that other counties were doing away with insurance coverage as a benefit because costs are too high. He acknowledged the importance of an EAP but questioned the ability of the county to fund a \$12,000.00 program when medical insurance rates are going through the roof. He questioned whether the program was really important to the county employees.

Campbell – I do. I really do. I think it is hard to say what the utilization would be because we have never hand anything but I am hoping it will have an impact on our bottom line on our medical costs. And the insurance committee will be back in here on Wednesday or Thursday and I know that they proposed a 15% increase on the county side but even if maybe that was you know that was off set and 10% by the county side and 5% went to this and the employees pitched in another 5% to help pay for the cost of the EAP program. It is unusual for an employer of this size not to have it. I think it would reduce absenteeism.

Chairman Watne agreed it might stop something before it gets started.

Campbell – For instance like the Worrell think. Had we had this in place where we could have you know maybe nipped that in the bud last fall when we started having problems.

Chairman Watne expressed concern for the future and need for financial guidance.

Campbell – And there is a legal side to it. I really do think it will be a benefit and it is hard to say what the utilization would be because we have never had it. You know until we have at least a year under our belt to look at you know if it reduces costs you know because mental illness I think is like the total cost for the year I worked up some percentages was like 11% or something of our total overall plan costs and maybe and maybe those people wouldn't have to be put on medication for depression or whatever.

Commissioner Hall reiterated his personal experience with the program and acknowledged it is a great program but again noted concern for the budget and all the new costs that are coming forward and the lack of funding for all the new requests. Commissioner Hall confirmed that Campbell was not looking for a commitment from the Commissioners today.

Campbell – No. No. It was just that she wanted to get the contract in. I think it was just strictly for budgeting purposes if you have the money in the budget or whatever. I would hope that you would consider like even if we have to you know 15% is pretty steep on the you know maybe that should be split with the employees. I know that most of the committee members felt that it was being offset by some of the cuts that we were making in the plan but health care costs are going up nationwide. I talked to a woman from the City of Kalispell yesterday and it is just an ongoing

Commissioner Hall referred to an article that came from MACo relative to health care costs.

Campbell – Well I know Jonathan Smith brought that up and I know there was a county in Illinois or somewhere I don't remember if you were at that meeting but boy I hope not.

Commissioner Hall reiterated his concerned. He requested that when the insurance committee meets with the Commissioners they be prepared to discuss some real numbers and see what it looks like to have employees share in the cost of that maybe a little more.

Campbell – I already have that put together so I will just bring it to you on a spread sheet like a 5% 10% and 15% increase.

Chairman Watne questioned how changes in health insurance premiums affected union employees as those figures are already contained in the union contract.

Campbell – I don't think they are but I will look. I will check into that.

Clerk Eggum as a member of the insurance committee suggested that a survey of the employees be conducted to determine if they were interested in an EAP and if they would be willing to contribute to the funding of such a program.

The Commissioners agreed that the employees would want the program but they would not be willing to pay for such a program.

Campbell – But there again maybe the cost can be offset by you know if we split the cost on the health insurance or something.

Chairman Watne stated that if we are looking at giving 15% on the insurance like we talked and like Raeann said put 10 in here and 5 in there and that would give us that thing and I guess the other five would have to be made up.

Campbell - on the employee side and I do have those numbers and I think we are making some pretty strong cuts or proposing some pretty strong cuts in the insurance plan on the employee too with prescriptions and stuff and it would be nice to be able to try to put the preventive wellness stuff in there

Commissioner Hall acknowledged the work the Insurance Committee has done and expressed appreciation for their work and the need for the county to take care of its employees but again expressed concern for the budget.

Chairman Watne noted that it takes more to run government but people don't have more to give.

CONSIDERATION OF CTEP FUNDS/MONTANA CAPITOL RESTORATION FOUNDATIONS

Present at the June 3, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a letter from the Montana Capital Restoration Foundation requesting that any unused portion of allocated CTEP funds be donated for the Montana Capital restoration of the steps.

Commissioner Hall made a **motion** to deny the request to donate the unused portion of allocated CTEP funds. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: THIRD CONTRACT MODIFICATION/AOA

Present at the June 3, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed a Third Modification to Purchase of Service Contract No. 02-22A-A009 Area IX Agency on Aging and the Montana Department of Public Health and Human Services.

Commissioner Hall made a **motion** to approve the Third Modification to Purchase a Service Contract and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PRELIMINARY PLAT: MCGREGOR MEADOWS

Present at the June 3, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eggum.

Morrison reviewed the preliminary plat for McGregor Meadows Subdivision filed by Jay Wolfe. The applicant proposes to create a five lot residential subdivision. The property is located on Murr Creek Road on the east end of McGregor Lake and contains 23.7 acres. The project is in general compliance with the Flathead County Subdivision Regulations and no variances are requested or necessary for the project. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-19 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for McGregor Meadows Subdivision subject to nine conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: ARMSTRONG V. COUNTY

Present at the June 3, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the County Attorney's Office to accept service in **Armstrong v. County**. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the June 3, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Road Superintendent Charlie Johnson, Bill McClaren, Donn Shrader, and Clerk Eggum.

Chairman Watne presented Johnson with a petition from Somers on a sign. Johnson advised that a house is being built on Breezy Point Avenue and there is no place to turn around now so they have installed a sign advising of such. People don't think the sign is necessary. The sign was installed pursuant to the Uniform Traffic Code and they are limited by sight distances and the like.

Johnson advised that in his discussions with the Forest Service they claim that Congress has a mandate that says basically the Forest Service doesn't have to do dust control. The Commissioners and Johnson agreed dust abatement was the right thing to do but Congress says they are not going to pay for it therefore the responsibility is falling to the state and counties.

Chairman Watne advised of a phone call he received from a resident of Whitefish concerning 9th Street behind the Moose Lodge. The road had been dust oiled two years ago and it has been holding up with no chuck holes and it was bladed up. Johnson responded that they don't blade up dust oil unless it has chuck holes. There are various interpretations of chuck holes. The policy states people are suppose to maintain dust oiled roads. The fact that it has been there two years speaks to the Road Department not blading a road that is in good shape.

Commissioner Hall referred to a call he received relative to Trap Road and the road being crowned too much. Johnson confirmed that they pulled up all the grass and gravel out of the ditches and put it on the road. It is crowned high now but by the fall it will be back down. The crown is needed to create a runoff for the water so it doesn't settle on the road and make pot holes. Johnson advised he spoke with a woman in that area relative to a complaint about her driveway. Weaver Sand and Gravel put an approach in for \$800.00 but they came out onto the road with the approach. Water came down the edge of the road and had to go out around the approach so the Road Department cut the approach to put the ditch back. Johnson stated he believes they have resolved the problem.

Johnson discussed the problems being experienced with dust oiling. The county's policy is the dust oiling companies contact the Road Department with what roads need to be prepared for dust oiling. The Road Department has three employees who work throughout the county preparing these roads for dust oil. As soon as they are done blading the road in preparation for the oiling, they call the office and the office calls the dust oiling company and advises them that the road is ready. However, the roads are not getting oiled promptly which results in oiling being done on roads that are no longer adequately prepared. In some instances the companies are calling the Road Department and having them come out to a location they are prepared to shoot and having them rebladed. Johnson suggested that these companies be charged a fee if they have to blade the road again because it has been too long between the blading and the oiling. Johnson relayed an incident where a road was overshot with oil and at 5:00 at night he had to blade the road to keep the oil from getting on the cars. The road had to be reshot. Johnson expressed concern for receiving the blame for these problems.

Johnson advised that Burton had just finished surveying the first mile of K M Ranch Road. The driving surface is mostly within the right-of-way but do not have any right-of-way outside some of the driving surface areas. He speculated that this road would probably be one of the historic state roads that they would try to acquire the additional right-of-way from center line.

McClaren noted the need for a bike path or something to get the kids off of Conrad Drive. Traffic moves very fast on that road and the intersection where the quick stop is, is especially dangerous. McClaren noted the urgency of his concern with the new pool and skate park being built. Commissioner Hall shared in McClaren's concern and suggested that he go to the City of Kalispell and express those concerns as something has to be done with that intersection. He stated that getting together with the neighbors and talking to the City. Commissioner Hall volunteered to go as a county member. McClaren suggested that the county paint some crosswalks which may assist in getting traffic to slow down. Chairman Watne stated they could do that on Conrad. McClaren suggested going down a block on Zimmerman or someplace to gain a little more space. Johnson speculated that they had a 60' right-of-way but thought it may narrow down in some places. Commissioner Hall noted that once the new bridge is completed traffic would be increasing on that road. Johnson agreed that Woodland and Conrad carry a tremendous amount of traffic through that portion of the community. Johnson suggested that McClaren work with the community and the Planning Office to get a bike path for that area. He noted bike paths are two years out so they should be working now to get it on the list. He continued that the system is designed for the community's input and the state really likes to have that input and that is what writes these things is the amount of input and effort put into these as part of the ranking system. Johnson agreed a cross walk was doable but suggested getting some help from the state if possible for a flashing yellow light to go along with that cross walk.

Shrader stated he had the same questions he had last week relative to the standard for preparing county roads before private oiling. Johnson explained that the dust oiler calls the Road Department and advises of the addresses requesting oiling. The road is graded and watered if a water truck is available. The minute the grader operator is done grading, he phones the office and the office phones the dust oiler and advises that the road has been graded. Shrader believes Truman Creek was not properly prepped before oiling and that over a mile of road was oiled and only about 300 yards is holding oil. The Commissioners believed that the road did not appear to be too bad when they viewed the property. Shrader stated that there were chunks here and there that were holding. Johnson explained that there are two problems encountered in dust oiling. When they use fines they get an increased amount of complaints of dust. He noted they are running more silt in the gravel than what the state speck recommends. When gravel is put onto a road, it only takes three or four days before all of the fines are lost and they end up with big piles of ¾" rock along the edge of the road. Vaughn stated that the fill never had any fines. Johnson replied that they put some of the material out of our Shepherder pit and got complaints on dust then took it out of the Four Corners pit and there is very little binder in that material. Vaughn stated that it is a very dangerous hill and even driving slowly he can still feel the back end of his truck sliding around. It is very dangerous. It is not holding any oil.

Johnson noted the dust oil this year appears to be different from previous years as the EPA restrictions are affecting its viability.

Shrader then questioned why there was what appeared to be a considerable amount of work being done on Browns Meadow and nothing being done on Truman Creek. Commissioner Hall responded that they had rented a machine on a monthly basis to work on a rock point on Kila Road. They had to utilize the machine for the entire month so moved onto Browns Meadow road to knock down the corners on that road when they were done on Kila Road. Johnson added that they lease those hoe rams if they have time in the spring and fall of the year. Last year they did some projects in Lakeside. He continued they designate areas that have blind curves, rock and the like, and they try to eliminate them. Johnson advised that Carl Rauthe has logged off some trees for the benefit of the Road Department. Work is planned for the fall on Truman Creek. Johnson advised that some of the rock in Kila is going to be utilized for the soft spot on the hill on Truman Creek. Johnson has a meeting scheduled with the phone company to relocate all the lines through the road also. Vaughn and Shrader stated that they would be glad to take trees out to assist in road improvements. Johnson expressed appreciation and noted that there will need to be some surveying done which may result in some fences being moved. Vaughn noted that the right-of-way is pretty accurate between his and Shrader's property. Johnson stated that he was hoping to obtain some additional right-of-way from Shrader to widen the road. He noted that there are 837 gravel roads in this county and everybody has the same problem. There is not enough staff or resources to go around to every situation that the county has with roads.

Shrader demanded answers relative to work being done on Truman Creek. Johnson replied that there are plans to work on portions of Truman Creek until it is all done. He would not commit to straightening out the whole thing.

Vaughn expressed concern for the top of the hill with a rock noting it is very dangerous. Johnson stated that that is the area they are planning to do some work on. A major subdivision is going in and that is a concern. Johnson noted if the commissioners had the mechanism in place to make the guy that is doing that subdivision make some improvements to the road, it would help. Commissioner Hall noted that they are working with the planning office to revise the subdivision regulations to assist in road improvements. Presently there is no way legally they can charge for impacts as a result of subdivisions. Johnson stated that they are one jump away from every calamity in the county.

Vaughn suggested that an individual with equipment would be willing to help out in any way they could. Johnson responded that the thing that is hardest to get done is tree removal. He stated he was uncomfortable begging landowners to help the Road Department but there is no other way they can get these projects excavated any quicker without participation from the landowners. Vaughn requested that the trees be marked and he would speak with the neighbors and get rid of the trees. Johnson stated that their usual procedure was to get it surveyed and everything within the surveyed marks goes. He noted the surveyor was backed up with several projects. Johnson stated that an additional problem is that 50% of the roads that they survey are off of right-of-way.

Shrader expressed concern noting that Truman Creek has been on the list for improvements and they are not getting done. Johnson responded that priorities get changed from day to day. The valley is changing at such a rapid pace they are unable to keep up with the road issues. Johnson reviewed the various responsibilities of the Road Department and multiple duties of the employees. They try to pick out safety projects and do them in the spring and the fall. Then other roads get shoved in and the priorities change on a daily basis. Commissioner Hall noted that work is being done but it is just painfully slow for all concerned.

Discussion was then held relative to the speed of traffic on the road. Vaughn questioned whether the county had to request the Highway Patrol to send an officer out there to ticket speeders. They responded that anyone can make that request but that they have only four officers for this whole area.

Shrader requested that the marbles be removed from the corner and at the bottom of Sand Hill. Johnson stated he could blade them off the road but that means he would be tearing up the dust oil. Shrader stated he would talk to the dust oiler to accept responsibility for the end product as well.

Vaughn stated that he would contact the Road Department when he was ready to start logging the marked trees. Johnson suggested he use a flagger if they put a log across the road. Vaughn stated he would put them on the side of the road. He noted he would help the neighbors. Johnson advised that would help immensely. He suggested they could leave the brush and they could pick it up and pile somewhere to burn.

Shrader sought confirmation relative to a survey being done soon. Johnson advised that it has not yet been ordered as he needed to meet with the utility company. The surveyor is probably two or three weeks out as it stands right now.

Johnson distributed a list of road projects for prioritization by the Commissioners. He advised that they were working on downtown Bigfork today. Downtown Somers is done. Flathead Drive and Oregon Street have been on the list for a couple of years. It keeps getting moved down the list. The state is pushing to have this project done. Chairman Watne agreed the project needed to be done. Johnson continued reviewing the list. Garland made it to the list in December pushing others down the line. All the right-of-way issues on Haskill Basin Road have been resolved except for one. A commitment was made a year ago to do Hoffman Draw. The right-of-way problems on that road are horrendous and he was not sure whether they would ever get resolved. Chairman Watne stated that if they don't get solved then it may have to be dropped off the list. Johnson noted the frustration he experiences in efforts to improve roads. Work is started, residents are willing to assist with giving additional right-of-way and then into the design stage one of the residents decides no it is too much and work is halted in the middle of the project. Johnson continued: Jellison Lane should be paved at the same time as Jellison Road and Pioneer as it is just a quarter of a mile. He is hoping to get cooperation from the businesses on Jellison and Pioneer. Participation is the only way some of these projects are going to get done such as Managhan and Danielson. Lakeview Park Estates was committed to and Johnson wanted a final decision. Chairman Watne was not agreeable to completing that project.

Johnson noted that the county's infrastructure was crumbling because previously paved roads need overlaying but they are at the bottom of the list. Commissioner Hall suggested that RSIDs be set up to fund some of the projects. Johnson noted the people on KM Ranch Road were willing to consider an RSID. Discussion was held relative to the internal problems with creating RSIDs.

Johnson continued reviewing roads: Several requests were received for paving of West Valley. A resident was instrumental in giving all the land that was needed to do a slump. Chairman Watne noted that they had already agreed to complete that road.

Chairman Watne suggested that the review be conducted when all three Commissioners were available. Johnson requested urgency in resolving the priority list.

Johnson advised of a problem with a fence on the right-of-way on Steel Road. He is having the road surveyed as the owner of the fence is refusing to move the fence. An individual is putting a fence in an alleyway in Hungry Horse. Property on Edgewood is being prepared for installation of sewer in an industrial complex on 2nd Avenue. The landowner constructed a half a mile of super expensive fence that is almost in centerline of where the road should be. The only place to put a sewer line is to the north side. Johnson sought guidance on what to tell these people. The landowner was going by where the road is in installing his fence. Johnson noted he gets eight to 10 calls a week. He advises people to get a survey before they put up anything. The County's policy is no fences in the right-of-way. Chairman Watne suggested looking at each issue on a case by case basis. Johnson cautioned against such action and requested consistency in whatever decision they made. Commissioner Hall stated the Commissioners need to stand behind Johnson's decisions.

Johnson then distributed a flyer he received from the Post Office. When a road is overlaid it adds two inches to the height of the road changing the height of mailboxes. The Post Office will not deliver mail when the receptacle is the wrong height. Mailboxes are not the responsibility of the Road Department. Chairman Watne agreed it was the responsibility of the homeowner.

Johnson advised that from what he has been told about his budget he is going to scale back paving and pick up on chip sealing.

12:00 P.M. Commissioner Hall is to attend the FBI Annual Meeting at Outlaw Inn

DISCUSSION AND CONSIDERATION OF FOREST SERVICE LAWSUIT

Present at the June 3, 2003 1:00 P.M. Meeting were Chairman Watne, Commissioner Hall, Ron Olfert, G. Newton Halebian, Charles L. Samuelson, Dave Skinner, Kurtis Oliverson, Keith Hammer, Tom Nesuacil, Steve Funke, Larry Fenster, Darlene Jump Rauthe, Carl Rauthe, Bruce Babcock, George Everett, Scott Daumiller, J.S. Stone, Joyce Hollopeter, Donna Thornton, Sheila Keller, Mark Agather, Clarice Ryan, Rachel Potter, JoAn Colby, Cesar Hernandez, Roger Sherman, Shawnee Barge, Fred D. Hodgeboom, Clarence Taber, Karen Reeves, Gary E. Hall, David Hadden, Brenda Williams, Megan Moring, Bob Herron, Rita Hall, Nexel Brown, Leland J. Moore, Marc Schwarz, and Clerk Eggum.

Chairman Watne advised that this was discussion regarding the Montanans for Multiple Use v. Forest Service lawsuit and public comment would be accepted at this time.

Hodgeboom - I am vice president of Montanans for Multiple Use. It is unfortunate circumstances that bring us together with a situation that forces working citizens to band together to have to sue a government agency. I certainly never realized that I would ever live to see this. Why has this happened? The reason is there is a federal law that is deviously called the Equal Access to Justice Act. Talk about a misnomer. The Equal Access to Justice Act gives non-profit corporations no risk litigation rights to sue the government. So these non-profit corporations, even if they lose, it costs them practically nothing. They have everything to gain and nothing to lose and so this law has abused our judicial system for about two decades now. The abuse comes from extremist preservation organization and they, through the Equal Access to Justice, have the veto power over every single federal project that they don't like. That especially is any project that provides any logs going to a sawmill. Now the MFMU organization firmly believes the U.S. Forest Service has illogically abdicated their responsibility for managing the federal lands through the courts and to the U.S. Fish and Wildlife Service. They are only paying attention to these extremists and court judgments. They are not making any attempt to live up to the other laws they are suppose to be achieving. Montana has seen the consequences of this wilderness and preservation economy. All over the United States and especially Montana and Northwest Montana realize that the wilderness and recreation economy is a total failure. It is a recipe for disaster. Look at what has happened to our economic situation. Montana is now last or near last in income. As we have seen mills after mills close and that average wage going down and now all we are is a service economy. All of this has happened along with the social problems that come along with people losing their jobs and stress. Our forests are dying by the thousands of acres. They are falling down rotting or adding to the fuel load to contribute to a catastrophic fire. Everybody in the United States nearly realizes this now. Look at the ridiculous situation where our congress has to pass a specific law to authorize some of the most basic forest management treatments available and that is simply thinning the forest crown to allow the professional managers that we are paying millions dollars a year to manage the forest to authorize them to authorize these simple treatments. Our citizens in Flathead County and everywhere in the west that live close to a national forest have our lives our health, our property threatened by the presence of national forests. In a couple of decades what has happened is the national forest and the Forest Service has gone from being a good neighbor to being a nuisance and a threat to people's property and health. The good news is that people all over the country and Flathead County especially are beginning to understand that this preservationist agenda is a disaster not only economically, socially but ecologically. When whole watersheds are catastrophically destroyed all of the humus is removed from the watershed it is an ecological disaster to our water supplies. Just to illustrate the spectrum of the broad public understanding of what is going on here we just want to present all of the co-plaintiffs in this action and then Clarence will also read an example of the one of the co-plaintiffs asking to join which is another government agency.

Taber - It is not just the timber that we are concerned with, it is also our access to our forests for fire wooding, fighting fires, timber that could economically be sold and go down the road. In the forest plan there was 75% of the users were motorized and yet today with their maintenance they have closed an additional 40% of the roads that were opened in the forest plan and now closed. But the folks that have come together that have been enthusiastic and supportive of the lawsuit and are listed is Montanans for Multiple Use, Northwest Montana Gold Prospectors, Leland Honda, Leland J. Moore, Montanans for Property Rights, Capital Trail Vehicle Riders Association, Flathead Snowmobile Association, North America Wolf Watch, Owens and Hurst Lumber Company, Senator Jerry O'Neil and Representative George Everett, Flathead County, Sanders County and the Flathead Business and Industry Association. We have other interest but those are the ones that are signed on right now that are in support of our litigation. I would read the letter from the Sanders County Commissioners because coming from them it does also at the same time tell the story that we are up against in terms of a healthy Forest. To our lawyer,

Dear Mr. Pollit: Sanders County has agreed to join as a co-plaintiff in the proposed MFMU lawsuit against the Flathead National Forest. We have witnessed the deterioration of the national forest since the United States Forest Service has ceased managing for timber cover as well as the deterioration of the economy of Sanders County and the State of Montana that has resulted from a loss of primary wood product industries. Our mills have been shut down and been auctioned off. As elected officials of Sanders County, we have witnessed the distress caused by the lack of tax revenue to support necessary functions of our local government. Because of the deterioration of forests and the lack of management, it puts watershed, game range, recreation activities, and the economic stability at risk. With only about 30% of the land in Sanders County taxable, every job

loss is a big loss to our economy. We have only one sawmill left in Sanders County and if we lose it there will be no local market for the local wood lot owners. This is a very important to the local people who have wood lots. As many people depend on local mills for revenue in times of unemployment and tax time. By supporting this litigation, we wish to send a message to the U.S. Forest Service that the people of Montana demand change to restore active management and protection of our forests as required by law. Our support as co-plaintiffs is on the condition that we will not be responsible for the financial cost incurred in prosecuting the case nor will we be responsible for any adverse judgment resulting from the case. Signed by all three Commissioners, J. Gail Patton, Chairman, Carol Brooker Commissioner and Harold L. Lewis, Commissioner.

Hodgeboom – I would like to conclude our comments with the fact that not only is another elected body joining in on this suit, there is additional precedence for that. I hold in my hand here civil case 03-CV-003D and it is a suit brought against the U.S. Forest Service, the Black Hills National Forest, the Chief of the Forest Service, et al. by Governor William Janklow, State of South Dakota. Governor Janklow alleges in his suit that the defendants have failed to take the necessary steps to maintain forest health and have unreasonably delayed action required by agency regulations and suggested by their own experts. Defendants have failed to utilize their emergency authority to allow expeditious removal, thinning of dead, damaged or diseased timber from the Black Hills National Forests. Does this sound familiar folks? The harvest of timber is a legitimate recognized use of the national forests providing for renewable supply of timber was one of the two purposes cited for establishment of the Forest Service Organic Administration Act of June 4, 1897. There is a lot more in there but the point is that governments all over the United States are beginning to realize what is happening. They are taking action. They have got to represent their citizens and it is a credit to Flathead County that they are doing just that. I might also mention that the Flathead County Commissioners were the first to see our draft complaint. Montanans for Multiple Use prepared this on its own and began seeking co-plaintiffs. Flathead County was the first to get that. It wasn't ginned up in the back room with anybody else. I am urging the Board of Commissioners Flathead County contrary to the advice given to you by the county attorney that it is not your job to represent the citizens of Flathead County their health, safety and welfare, in fact that is your job. That is what you were elected for and we are asking your support by the final approval of this complaint.

Chairman Watne then asked for public comment from people who were in favor of the county joining in the lawsuit.

D. Rauthe – I represent John Jump Trucking and of course myself but anyway and I am speaking for some of the other log truckers. As these roads get shut or living goes down and out, we have the potential to support 17 to 18 families. I have a letter and I will just give that to you and I encourage you to join this lawsuit.

Stone – My name is J.B. Stone. Stone confirmed that Commissioner Gipe would be given access to listen to the tapes of this meeting. My viewpoint is rather simple, not simplistic but just simple to understand. The human cockroaches that keep bringing the lawsuits that keep everything with it enjoy themselves, make a living, access the forest or whatever are here today and I am sure you will hear from them. They don't bring anything into this county. They don't make anything. Those organizations rather it is the Swan View Coalition or the Montana Wilderness Association or the Alliance for the Wild Rockies, don't bring jobs into the country. None of that happens. They have their outside funding, generally speaking comes from outside of the state and their job is to destroy the jobs that are here and the access and the people's right of access are most important to me because I spent my time in the military and I had to take an oath which said that I would protect and defend the constitution and the people of the United States from all enemies foreign and domestic. As far as I am concerned, all of these radical environmental groups are domestic enemies. All you have to do is look at the situation in Lincoln County right now. Libby has been just about erased. It seems to me they would like to see that happen everywhere. Over the last year, due to injuries I received when I was in the military I am now disabled. I haven't been able to work since March 1st of last year. I have had five heart operations for several rare conditions that exist because of things that happened previously to me. Not a matter of my choice. There wasn't anything I could have done about it. I am lucky to be standing here today. But now on top of the fact that I can't go huckleberry picking, fishing or camping in a lot of places I would like to because the roads are closed, I don't have that ability to hike, 20, 30, 50 miles. As of July of last year, I was lucky to walk 50 feet. Now I am in a situation where I might have a complaint along the basis of the Americans for Disabilities Act along with all the other things that we are talking about today and I intend to pursue that because I do want to enjoy what remaining portion of my life there might be and I want to do it here and I don't care who in this room that I don't have the right to do that or that I don't deserve to exist. They are wrong. I live in Whitefish, how in the world is Whitefish going to protect itself from forest fires and we know we have had some rather nasty forest fires in the last few years without Road 316 being open. If the culverts are taken out, etc. that is the only means of protection for 50 miles of forest to the north. It is the only line of stopping the fire. So Road 316 is of particular interest to me. Living in Whitefish as I would think most of the people who own the ski area live in Whitefish, etc. would think. I keep hearing about tourism. We are going to destroy every other kind of job but hey we will still have tourism. You close all the roads, where are the tourist going to go? If you narrow them all down to one skinny little path through the woods, you are going to have a traffic jam what they came here from Chicago, Detroit and LA to get away from not to pay to see here again. Well just go out and hike in the woods. I wish they were hiking today in that 1.3 million acres that we have set aside as wilderness areas the Scapegoat the Great Bear and Bob Marshall. I have been in the Bob Marshall. I dare to say there is anybody in this room that has been in all three of those wilderness areas hiking around. And 1.3 million acres is not enough for them, they have to have it all. I think that not only should you but you must support this litigation in fact your obligation is with the voters of the county who put you in office and who pay your salaries. If you care to suborn and abrogate your authority and responsibilities then I think you should just step down out of those seats today and walk out of the room because there is no sense in telling us what you are going to do for us if you aren't going to get behind this effort in this lawsuit.

Agather - I have Agather Enterprises, Inc. in Kalispell. I am also a board of director of the Flathead Business and Industry Association. I would like to read a statement from the FBIA and then make some personal comments myself. The Flathead Business and Industry Association has a membership of approximately 150 local businesses. The board of directors of the FBIA has reviewed the issues proposed for litigation. FBIA members and organizations are affected by the United States Forest Service's routine failure to reasonably comply and implement all of the laws governing the management of national forest lands. Local business prosperity depends on proper, lawful and predictable government activities on the Flathead National Forest. Conversely our member businesses are adversely affected by improper actions by lawful or unreasonably withheld or delayed actions or other improprieties of defendants which give rise to unhealthy forest conditions and loss of the esthetic and recreational benefits of the Flathead National Forest. FBIA members suffer economic losses due to the failure of the United States Forest Service to implement timber management required by forest lands. By failing to disclose economic and social effects of their current management and not exercising reasonable stewardship, our property and our lives are threatened. Negligence of the United States Forest Service to maintain forest health has allowed federal lands to become vectors for exported destructive insects and

disease epidemics and increased associated catastrophic fires to our private land. The incremental amending of our current forest plan must be stopped and the required 15 year formal Flathead Forest Plan with 23 amendments is unacceptable and cannot help but compromise the integrity of the original document. Many FBIA businesses in the Flathead depend on management of the Flathead forests for multiple use. Accordingly the FBIA requests that you join the lawsuit as so presented. I also want to make some personal comments because I grew up in Libby. I have watched what has happened to that town which was a thriving community when I grew up there 30 years ago or more. I have heard people who have said that this is not a Montana issue. This is a national issue. After looking at Libby and what has happened up there when it affects, the lives, the traditions, the pay, the jobs, the families, the education, and recreational activities of people of the State of Montana, it is a Montana issue. I believe that you as our representatives have not only the right but the duty to reflect our opinions to the Forest Service but even beyond. Hopefully, this is a statement not only to the Forest Service but to our senators and our representatives that this situation has gone too far. It needs to be fixed and so I and the FBIA respectfully request that you join this lawsuit and I would like to say we appreciate your consideration of it.

Olfert – President of Montanans for Property Rights out of Plains. Submitted a written statement.

These are the reasons I think this lawsuit is important. The environmental lawyers use the argument that the Forest Service must obey the law and they win on that basis in the local federal district court. Those arguments have been based on junk science and pure fabrications and therefore the claims of the environmentalists are completely unjustified. District Judge Don Malloy's decisions seem always to favor the environmentalists toward their goal of shutting down all industry derived from the public lands. The Forest Service has been and is breaking the law but for different and opposite reasons than the Sierra Club Ecology Center et al. have continually argued and I have heard these arguments personally in court over and over. Tape ends. Some of these lawsuits have even been settled out of court in backroom deals without the ability for public scrutiny. Thus we now have a defective forest plan comprised of massive amendments that have hardly any resemblance to the plan that was originally decided by legal process. This incremental process of changing the forest plan without the legally required public input must stop so that radical special interest groups such as the Sierra Club cannot change our laws and procedures to suit their own agendas. Communities all around western Montana are waking up to the problem and are trying to figure out ways to stop the devastation created by these anti-resource groups. Here is one way which if supported by a strong cross section of communities just might have that effect. The fact is if we and you don't do this we will see our forests become completely unmanaged and ultimately go up in smoke along with our homes, livelihoods and lives.

E. Hall – Northwest Montana Gold Prospectors, MFMU lived in the woods for 30 years. I want to thank the Commission for their initial vote in favor of supporting becoming a plaintiff on this lawsuit. It really means a lot when our county commissioners are on our side. The MFMU lawsuit is the best chance the people have had to begin to regain their rights on public lands. The lawsuit is a first step in the right direction. The people have had no success dealing directly with the forest service. Our state and federal representatives have been reluctant or ineffective. The county officials are our last hope. You have the power. Do you have the will? People support opening forest service roads. Please support and sign on to this take our forests back lawsuit.

Everett – I represent House District 84 which is on the east side of Kalispell. I joined this lawsuit because I grew up in my dad's logging mills. Spent time when I was young there. That was our recreational area. We didn't have private retreats for the wealthy influential or these NGOs so that is where we spend a lot of our time. This was 40 some years ago. They worked good with the Forest Service on their logging jobs. They would even volunteer to fight forest fires if one came up in their areas. They had a good working relationship with the people back then. But now, times have changed. Their dictating policy through junk science studies or what I call office desk theories about what is needed out here. I would ask that the county commissioners join in. We need access to our forests through multiple use. We need a sustainable production in our resources and it is indeed done. I would just ask that you guys join in with us.

Ryan – I am here to speak on behalf of the endangered species, the environment and to support them. The people that are here are all concerned about humans, our jobs, our livelihood but along with this the reason that the environmentalists are using to inflict all of these rules and regulations and opposition is because of the endangered species. What do you think burns up when that forest burns up. It burns up our forest, our environment, the wild animals and along with it those endangered species. We have obtained lots and lots of dollars out of Washington, DC to count, to collar, to study and those dollars we could just say that by just striking a match and then we will count the bodies. We would know exactly how many bears are out there once that fire goes through. Once that fire goes through, we have lost our watershed; we have lost our young trees that are coming up. It will take maybe 100 years before we will regain that. Of course, we will have all the old growth. Old growth burns too. Everything burns. We all burn together when we burn. Right is right and wrong is wrong and I have seen very little right being done. When the Nazis had their concentration camps and all the evil things that they did the reason given was well I had to do it. I was ordered to do it. I had to do it. Who is running the forest service? They certainly are not taking the suggestions and the wishes and the will of the people in mind. They are getting orders from somewhere if they are saying I had to do it. I think we have to take another look. We have to step back not only from our own interests and concerns which human beings have a right to being interested and concerned because God put us here. God gave us brains so that we can manage those forests in such a way so that it is healthful for not only the environment and the wild animals and the plants but also for us. We have the brains, mother nature doesn't and all she knows how to do is burn things up.

Oliver – A basic principle taught by the founding fathers is that anything an individual can do for himself he should be allowed to do for himself. Anything that a family can do for itself, it should be allowed to do for itself. Anything that a city can do for itself, it should be allowed to do for itself. Anything that a county can do for itself, it should be allowed to do for itself. Anything that a state can do for itself it should be allowed to do for itself. Anything that a nation can do for itself, it should be allowed to do for itself. Then you have international treaties. International treaties should not infringe on the authorities and the work to be done by the individual nations. The nation should not infringe on the authority and work to be done by the state and so on back down to the individual. Thomas Jefferson taught one of the things that he said once was that sometimes it is said that man cannot be trusted with the government of himself. Well then can he be trusted with the government of others or have we found angels in the form of kings to govern it. Let history answer that question.

Skinner – What this is about is a fundamental of what makes this country what it is. It is called participatory government. It has become pretty clear in the public land states that the will of the people really doesn't particularly matter as long as there is litigation. If we do not litigate, we do not participate in how society is run. I support this suit.

Thornton – I feel that the county should have done this years ago on its own. The county has a duty to protect the health and human safety of the citizens of this county. Right now with the roads that have been closed and obliterated

on the forest, we do have people in danger of having their property, their homes and maybe even their lives lost because of the catastrophic fire conditions. We also own a local logging company. Our economy has been severely damaged by the mismanagement and lack of management by the Flathead National Forests. I did a study a couple of years ago on the Flathead National Forest travel management plan. We have over 300 roads out there on the Flathead National Forest that have been closed without the legal closure orders as required under NEPA. On those roads that have been closed, it states right in the Travel Management Plan that enforcement on those roads is neither feasible nor intended. The reason it is not feasible or intended is that they are not legally closed. This lawsuit that Montanans for Multiple Use has come forward with is timely. It is necessary. I believe the commissioners have a duty. We are going to lose lives. If we get a fire going up on Big Mountain with the lands that have not been managed without a loop road on that mountain and I know that you know it as well as I do and it has been discussed at county meetings already, we are going to have loss of lives. We are not just going to lose property; something has got to be done. These roads that have been illegally closed need to be opened and I would encourage the commissioners to go even a little further, the roads that have been illegally closed without closures orders, we need a declaration by the County Commissioners to make the forest service open those back up. If they don't, the County Road Department should go out and remove the berms so that this summer since we are still in drought conditions, extreme danger conditions here in the northwest, when we get smoke and fire starts we can get lowboys with dozers in in a timely manner to get the fires put out before they get to a catastrophic proportion. I know that we can do it and I really think that we should so I would encourage you to go even a little further. I hope you go ahead and sign onto the lawsuit.

Nesuacil – I live between Whitefish and Columbia Falls. I was raised about nine miles west of Whitefish. We had 20 acres when I was a kid and we still have 10 acres. I have 34.4 acres of timber land. I have 20 in Trego, 10 out west of Whitefish and 4.3 acres over by Meadow Lake Golf Course. Over the years, I have been taking the dead stuff out of there. I have owned the land by Meadow Lake Golf Course since 1982. I have been cutting timber out of there ever since mostly for firewood and a few other odd and end things and I can't stay ahead of it because it is dying. The spruce has root rot. It falls over. I have grand fir; it is dying right and left. I had 20 that died last year. I am also a skier so I ski up on Big Mountain. A lot of people that do ski on the mountain also like to snowmobile and also like to recreate in the mountains. One of things that Road 316 does is go up behind there. The Moose Creek fire when we had that we drove up Trumble Creek up to the top and we could see the fire from there. We were quite worried. We were already making plans to evacuate. So the threat to my property and my friend's property which live along there was real. Not something that is down the Swan although I know their timber is just as much in danger of burning down there. We had friends and neighbors that packed up some of their stuff and moved it to other locations. I don't think we should have to do that every other year. If you go up on the mountain in the summer time and look back there, about every third tree is already dead and if they are not dead their tops are dying. What a lot of people consider old growth I consider old dying growth and that is exactly what it is doing. Old trees are kind of like people. As they get older, they slow down, they don't grow as good, they get weak and unhealthy. That is what you are looking at the burn up in there. Not just in that area but as you come into Montana and Idaho and you look into Montana along the mountains there they are all red. If you go to Polson and look east just down Highway 93 that whole mountainside is all red from dead trees. I have also fought fires for about eight seasons with the state and federal since 1968 over the years. When I would get laid off I would go find a job with the Forest Service. I could run saw, I fought fire. We did all kinds of stuff that kept the forests looking good. It was a fun job. So now this year, if I get laid off I don't think I will be able to get a job at the Forest Service. But I also know the potential of fire. I own property right in that area. It has the potential of burning just like the stuff out in the National Forests so I don't think you have to go 25 miles out there and look at the national forests on federal land to get a perspective of what the timber is like right here locally. It isn't just Montana/Idaho; you can go to Wenatchee that forest has some of the same stubbornness that mistletoe like you got around the lake. That forest is all in the process of dying right now and as it does it becomes more of a fire potential. Roads behind Big Mountain I see them as a fire break. It gives you a chance to get to the fire and maybe have a chance to fight it before it gets too big. The first thing you did when you got on a fire you tried to put it out as soon as possible. I am for the lawsuit. I think you need to support us. Keep the roads open if for nothing else then for fire break and access to protect. If my house burns, I will not leave the valley, I will build someplace else and use more natural resources right here locally. If things burn people are not going to pack up they are going to buy another piece of property and develop it.

Keller - This is the final report of the most egregious amendment to the Flathead National Forest. The Southfork Grizzly Bear Study that was used to validate road closures under amendment 19. When Amendment 19 was implemented, this study was only half finished. In the final report there is nothing that should allow for the degree of road closures and obliteration that is happening under Amendment 19. In addition, the Moose Fire more than validated every one of the environmental concerns that Montanans for Multiple Use had when they appealed Amendment 19. The increased risk of catastrophic fire from lack of management, impairment of air and water quality, loss of fish habitat, loss of wildlife habitat for grizzly bear, deer, elk, etc. both before and after the fire from lack of management. We also had concerns about the human environment. Concern for the public safety with increased fire danger. The historical recreation including huckleberry and firewood gathering and motorized access. The greatest atrocity perpetrated by Amendment 19 is under environmental assessment for Amendment 19 was the estimated loss of 994 jobs direct and indirect and a total loss of 18 and one half million dollars in wages. That predicted job loss is ongoing with mill closures, bankruptcies, less than full time employment and some small businesses just giving up and selling out. The timber industry here is slowly being strangled by this amendment and lack of management on the Flathead National Forest. The Flathead National Forest in turn is losing their most valuable asset to address very serious forest health problems that this forest is facing. By narrowly focusing on access management, the Flathead National Forest was willing to sacrifice nearly 1,000 jobs while allowing forest health to deteriorate management by fire effectively squashing a growing motorized recreation industry, reducing access to 70% of the public land while failing to address the issue of grizzly bear mortality. I hope you will give your final approval to join the lawsuit. She left the appeal of Amendment 19 by MFMU in 1995 and a letter that was subsequently written to the Forest Service. Since those people were not on the administration at that time and they didn't seem to have a clue as to what brought Amendment 19 about and its negative impacts on the people of Flathead County and that is your charge to be our advocates. Keller presented a letter to commissioners which she sent to Cathy Barbaletos.

Samuelson - I retired from the Forest Service 18 years ago as District Fire Management Officer. There have been lots of points made today and I could add a few but I will refrain but I would encourage you as commissioners to give very serious consideration to signing on as plaintiffs in this proposed litigation.

Hollopeter – My family uses the woods every day to work and recreate in. I encourage you to sign on.

Moore – I encourage you to sign on. We need your help. We need to be able to sell more units and get more of that stuff out in the field and let people enjoy them out on the roads. I would like to be there myself but can't get out there.

Herron – I am a member of the FBIA. I am a member of the Kalispell Business Owners Association and a member of the Kalispell Chamber of Commerce. I urge you to support this lawsuit. We are a natural resources community. We must reopen the Flathead National Forest to sustainable timber harvest and multiple use by all of the citizens of Flathead County. We should be appalled that the last best place is in last place. If we are not careful, we will all be servants to the travel and leisure aristocracy.

Daumiller I work at a small local sawmill with a payroll of over \$6 million annually. The mill spends over \$20 million a year and most of that is spent locally. In Montana over \$370 million a year is paid out in the timber products industry. The mill I work at produces about 55 million board feet a year with an average wage of about \$14 an hour. In the Flathead National Forest alone over 84 million a year dies. Still with that figure 25 to 30% of the timber we cut in the last three to four years we are trucking 650 miles from Canada. If it wasn't for that Canadian lumber we would be shut down right now. We all know how bad the county needs the jobs. Recently 2500 people applied for a job at Target at \$6.00 an hour. I made that over 25 years ago when I started at the mill. We employ about 180 people with the contractors. We can easily double that employment but we do not have the timber. That is an average of \$14.00 an hour and 2500 put in for \$6.00 an hour job. Through proper management, which my company does an awesome job on their land even the environmentalist will tell you that, we can create another 150 to 200 jobs just at our mill. We are only running one shift and we can restore the forest health at the same time through proper management. The environmentalists are hurting the forests more than helping them. The company I work for, they are lucky enough to have 35,000 of their own acres or we would be shut down. If we don't get some federal timber within the next five to 10 years, we do not have enough of our own land to run off just the company lands. The company will shut down and 35,000 acres would be sold to the highest bidder. We do a really good job at managing the land. I guarantee you the land is mostly low-lying land and it is going to be sold and become subdivisions. We are going to be shut down because of the environmentalist industry and all of a sudden what was well cared for forest land is going to be houses and fences and dogs and septic tanks and I think it is obvious what we all would rather see. Urban sprawl comes into effect. People are going to be moving out. I encourage you to support the lawsuit.

Funk - I am president of Montanans for Multiple Use. Just this last year a comment was made to me by an officer on the Flathead National Forest who said that the finest forester that they ever knew was a man by the name of Ron Buentemeier. He is the land manager for Stoltze Timber and Land. What that implies to me is that there are individuals on the forest who would like to see their management dictated otherwise than it has. So far the dictation has come from the green extremist and the will to shut down these forests and harm these communities. I would think that the Forest Service and the Department of Agriculture would welcome this suit to change their management directions.

Chairman Watne then asked for those wanting to speak against the county joining in the lawsuit.

Brown - I have heard a lot of good comment today about concerns about fire. About people unable to get into the woods as they wish. Possibly people too lazy to walk. I think what we are really talking about here is should the county be involved with a lawsuit brought forward by a special interest group and I would think not. I made the same comment to you about the proposed lawsuit against the college and the concerns about the election. The county should not be using its time, its money for a lawsuit brought forward by private individuals. That goes for special interest groups I don't care if it is MFMU or Flathead Audubon. It isn't the county's business to be doing that. You should save your money, your time, my money and not join this suit.

Hammer - I agree with what Neil just said. The county is kidding itself if it thinks there won't be some costs to the county and the county taxpayers by being a participant in this lawsuit. Maybe the plaintiffs aren't going to be asking you to pay their attorney's fees, etc. but if the county is going to be on top of this lawsuit. Our county attorney is going to be reading draft briefs and complaints and making sure that this lawsuit is something that the county wants to continue to be involved in. If he is not then I am not sure what the heck it is you are signing off on here carte blanc. Not everything is put up front in the original complaint that you may have seen a draft of. As far as the conditions up in Big Creek which is what we are really talking about, this is about the Moose post fire project. This isn't a scenario that was set up by environmental extremists. What is extreme is the situation on the ground in Big Creek. There are 171 miles of road in Big Creek. There are only 113 miles of creek of streams. It wasn't the environmentalists. It wasn't even the federal government; it was the Montana government that in 1992 designated Big Creek as being impaired in its ability to provide clean water and fish as a part of the Flathead watershed. This isn't all just about grizzly bears. It is also about watershed quality and watershed restoration work. If you go into Big Creek and take out 56 miles of road and reclaim that which is what is proposed and which is going to be opposed here in this litigation you almost even up those numbers. You bring it down to where now we still have got as much road in Big Creek as we do have creek. It is very questionable whether or not we are going to be able to repair and restore that water quality with even those measures. But certainly those measures are necessary to get Big Creek back on the map as a healthy watershed in the Flathead National Forest. I think we need to look at some of the facts here and not just the rhetoric about whether to blame this on environmental extremist or blame it on mother nature or blame it on somebody else. We are all involved. I am a former Forest Service employee. I am a former logger. I am a former road builder. I used to manage roads for the Forest Service. I fought fire both as a member of the Forest Service and as an employee of the Forest Service and as a contract logger. Most of the people in this room have that kind of varied experience. If we quit pointing a finger at each other and look at what is going on in Big Creek. There are too many roads in Big Creek. At this point in time is a proposal to reduce that number of roads in Big Creek. If you look at the studies that have been done both nationally and locally, we are all concerned about fire danger. This is not a proposal to take all of the roads out of Big Creek or shut down the logging on the Flathead National Forest or to shut down all the logging in Big Creek. Intentionally on our part, the Swan View Coalition who I can't speak for here today, I represent them; we did not bring litigation against the timber salvage in Big Creek. We steered totally clear of that to allow that timber to be salvaged. We didn't have big problems and big issues with it and we don't deserve to be called obstructionists when that is not what we are doing. If you look at what is going on nationwide in terms of studies that have been done, fires are twice as likely to occur in areas that have been roaded and managed. It is a simple fact. It is not junk science. It is just looking at where have the fires occurred in our national forests and where have they been most severe and again it comes up that it is in roaded and managed lands where largely we have gone in and taken out the least flammable part of the tree which is the log, bull and we leave the slash behind. That is what the statistics show. So the idea that if we just leave all of the roads and have more roads in Big Creek we will solve the fire danger problem it doesn't square up with the facts. A larger problem here too is just simply the kind of costs that go into trying to maintain the road system on the national forests which is something I don't think the county wants to get into as well. Over a \$10 billion backlog in the national forests on trying to keep these roads up to standards that at least minimize the amount of dirt they are putting into the creeks. There is no way the Forest Service can keep up with it. There is no way the Forest Service ever kept up with it prior to the cutbacks in logging and timber harvest. The Flathead National Forest and others are booked full of examples of putting up timber sales for sale, having the bids go unanswered two or three times and then going in and putting in hard taxpayer money roads in order to

make a timber sale pay. This has not been a situation of we needed timber sales and boy those timber sales have paid off our roads. That is how we have developed this huge backlog. Part of it is just fiscal sense as well that we need to reduce the number of these roads. Big Creek has a 171 miles of road and only 113 miles of creek and the proposal that the Forest Service is bringing forward would just about make those even. This lawsuit is saying no let's keep all of those roads apparently you don't care that Big Creek is impaired due to roads, not due to wildfire. Big Creek burned back in 1910. Its ecosystem has evolved and can be resilient and evolved with natural wildfire. Both on the procedural argument and the substance of what is going on in Big Creek, I urge the County Commissioners not to join this lawsuit.

Haddon – I would urge the County Commissioners to listen to the heart and the fact. I hear so much rhetoric over these issues that it is really difficult to address those rhetorical issues because you can't really counter rhetoric. I would urge you to adhere to the heartfelt feelings of everybody in this room for their concerns for livelihood, their concerns for the recreational pursuits whether they be non-motorized or motorized listen to those but make your decisions based on the facts. My personal opinion is that the county would be remiss to get involved in this lawsuit. You have heard recently that the Kalispell Chamber of Commerce, City of Kalispell, Whitefish Chamber of Commerce and other bodies have endorsed the expansion of Waterton Lakes National Park for example. Maybe this is a way to go. But actually signing into a lawsuit as Keith mentions brings with it huge financial obligations and risks. I would not personally favor the county even endorsing this lawsuit. I would like the County Commissioners to reflect everyone in the county, not just an extreme group like MFMU. Which I do feel they are. When I learned of this lawsuit I went to the white pages of the phone book.

Commissioner Hall questioned whether Haddon believed that the Swan Valley Coalition was an extreme group.

Haddon – I think that they attempt to address the issues on the facts as opposed to on the rhetoric. I think MFMU tends to be more rhetorical and extreme in its rhetoric but I would not say that Swan View is extreme. Because I think they try and base their actions on law and on facts. So that is how I would distinguish it and if you were to look at MFMU the rhetoric I have heard is a lot of rhetoric here today about.

Commissioner Hall questioned whether he had read their science or the research that they have done.

Haddon – I have read a number of things. When I look at the Flathead County directory you can go from A to Z all the different departments down to weed control and there is nothing about forestry or the United States Forest Service as a responsibility of the county. One of the extreme rhetorical comments I have heard today is that Montana is dead last in the economy. I don't remember seeing any of you at a Chamber of Commerce luncheon a week and a half ago where the results of a regional study was presented *Gateway to Glacier the Emerging Economy of Flathead County*. It was conducted by Dr. Larry Swanson of Missoula and the conclusions of this study are rather remarkable and they stand in stark contrast with the rhetoric of how Flathead County is doing so poorly. It says and I quote The Flathead County economy is vibrant, diverse and growing. By virtue of any economic indicator Flathead County is booming. I want you to hear this in the context of everybody in this county not just a limited segment of the economy. I was a carpenter, a builder, a boat builder, a wildlife biologist. I have had a lot of varied backgrounds. In the last decade 15,700 new jobs were created and an increase of nearly 50%. Dramatic increases occurred in relatively high quality employment areas such as health care, business services, construction, and new areas of manufacturing. This study Mr. Swanson made a point of saying these are not the low service sector jobs. Population grew by 26% by 1990 and 2000. Flathead County has the fastest growth rate in the state. 1,000 new businesses were established in the last decade. A 44% increase in local employers that mark the boon in entrepreneur activity. Unemployment rates are the lowest in three decades. This is your whole community. Per capita income rose by 13% in the last decade up 9% in the 80s. Poverty has declined and medium income sharply increased. They are raising losses in the previous decade. I make these points and bring up this study because as much as I sympathize with the wood products industry and its demise, it is not entirely or probably even the majority the result of the so called extreme environmentalist. We all heard repeatedly through the news of the importation of lumber from Canada and it is difficult for Montana to compete with that market. I own 80 acres north of Bigfork. I go in there, I cut down trees, I have them milled, I cut them up for firewood, I keep my wildlife habitat secure, all of these different things. I want to have a mill to manufacture lumber locally for my wood products. I want to have mills in this valley. This is not an either or thing. This lawsuit is an either or lawsuit. This is a lawsuit that encourages the division of our community and the division of people. I think most of us have a common source in our livelihoods and in our reasons for living here in the Flathead. I certainly encourage you to build on the community rather than build on divisiveness. I want to quote Susie Birch who is the president, Chairman of the Kalispell Chamber of Commerce. She says cooperation is essential if we are to conserve the assets we treasure while accommodating the growth that these inevitably bring. Our assets are more than just the trees in the forest. It is the clean water, recreation opportunities that draw people to this area. You need to look at the big picture and not just a narrow segment defined by a limited agenda of one group.

Commission Hall noted that in the front of the phone book underneath those offices we have county schools, county road departments that have no funding now because of the lack of access to the forest.

Haddon – There is plenty of access to the national forests and there are payments in lieu of taxes PILT money and there are other federal monies. Montana receives money from the federal government. The national forests are definitely an asset to our community.

Reeves - As a taxpayer the idea that I am going to finance a government to press charges and finance a government to defend itself from charges is appalling to me. I don't care if you join as individuals to this lawsuit but don't drag my county into it. Don't drag my tax dollars into it. That is more of a drain on it then whether or not there is enough road miles and that really is what this is suppose to be about. There are 2,000 drivable miles on the forest service right now. I think that is plenty of roadway. Talking about forest fires and we have been plagued with forest fires over the last couple of years. It is a drought problem. It is not mismanagement or anything else. It is not some big plot. Sue the national weather service for non performance of rain but don't make it all out like these people are incompetent at the Forest Service. I think they are doing a great job. I think we have to start looking at the Forest Service and the national forests as an asset and not a liability. There is a lot of talk about it being a liability. It is what is fueling our economy. People are coming into this valley to visit and to live and is not because they have a Home Depot or a Denny's. It is because we've got all this open space. We've got wildlife, we've got clean water. We are doing really well in the Flathead. Things are changing. The woods products industry is not what it used to be and opening up more roads is not going to change that. Ron Buentemeier is a great manager of forests but he is smart enough to know it is cheaper to get wood from Canada than to log his own property. That is what the financial realities are right now. To enjoin Flathead County in a lawsuit is unconscionable and I hope you look at it again and really think it through.

Hernandez – I have heard of fair mongering and name calling. Tape ends. What is Montanans for Multiple Use's request here? Is it for a symbolic endorsement of support for such a lawsuit or are they asking for a financial commitment from the county for the lawsuit. I heard a letter read from the Sanders County Commissioners and obviously they did not want MFMU in the county's financial business and I guess they symbolically endorsed it. If it is for money, I think this lawsuit is little better than the lawsuit requested from John Stokes to sue FVCC over a contested election. If any of you were reading the August, 2002 edition of the western news you would find out that 85% of the fires that occurred on the Kootenai National Forest in Lincoln County were human caused. That gives you an indication that maybe access isn't all that it is hacked up to be. If people have access they tend to create fires. Why isn't Lincoln County endorsing this lawsuit if they have been so mauled in everything else? What is the county's business in this thing? I pulled this off of your website, notice of discontinuance of roadway #408. I guess it is an alley. So obviously the county has some interest in abandoning roads as well. I think you would be very resentful if the Forest Service were to come in here telling you how to do your business on county land. I wonder what kind of quid pro quo do we have here or are the county commissioners and MFMU are they just kind of using you. I know that the Flathead County RAC program gets \$460,000 or \$640,000 which amounts to 15% of what the county receives from federal government under Secure Rural Schools Act so it is not like the county is not receiving money for its schools and roads and from the federal government. The federal government has been more than generous to all of the counties in western Montana including Lincoln County which gets the highest and Flathead County is the second highest. The county does receive money from the federal government in lieu of tax dollars.

Commissioner Hall explained it is a percentage of forest receipts. Flathead County gets \$220,000.00 Lincoln County gets \$1.2 million.

Hernandez – I don't think it is the county's business to be endorsing private lawsuits brought by individual organizations. I know they certainly wouldn't endorse a lawsuit that was brought by Montana Wilderness Association or any of the other NGOs that have been criticized in this room. What business is it of the county to endorse or support a lawsuit brought by what is essentially another NGO. I would assume that MFMU had a tax exempt status. I don't think you have any business in this lawsuit.

Sherman – I have been in education for 35 years. To me the number one resource we have or should have in this county is education and we ignore that. The rhetoric of extraction industry and resources is saving this county to me is a false rhetoric. If we don't put more emphasis on education and our children then this county is not going to go anywhere. Also I question the expenses born by the Commissioners in a lawsuit brought about by a private entity on federal lands when you are a county government entity.

No one else rising to speak, Chairman Watne closed the public comment portion of the meeting.

Commissioner Hall made a **motion** to join as a co-plaintiff in the MFMU lawsuit against Flathead National Forest. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

1:15 P.M. 911 Meeting at Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 4, 2003.

WEDNESDAY, JUNE 4, 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 Montana Coalition of Forest Counties Meeting in Helena

MEETING W/JIM BONSER RE: LEE ROAD

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Carol Bonser, Jim Bonser, R. Phil Rognlien, Roy Sauerbier, Road and Bridge Superintendent Charlie Johnson, Planner Melinda Riley, Dr. Laurence G. Kiefer, Assistant Avery, and Clerk Eggum.

Bonser distributed and a copy of a presentation and Staff Report FCU-03-12. Bonser noted he lives on Rocky Woods Lane off of Lee Road and he was there today to talk about Lee Road deterioration and introduced other members of the audience. He then read the memo to the commissioners.

Commissioner Gipe advised that Lee Road was in his district and he would review the information with the County Attorney's Office and request that Mr. Sauerbier comply with the requirements of the staff report. He noted that problems arise when truck traffic is limited as some questions arise when a neighbor wants to have a cement truck deliver to his property or the like. Bonser requested that a sign saying no through trucks would resolve those types of issues. Johnson noted that in reality the dump trucks are coming in off of 83 and going back out the same way which implies they are not through traffic. Bonser replied that tanker trucks know they are going through. He thought the state police would react favorably if their license plates numbers were taken down and dates and time of improper use they would follow through. Commissioner Gipe noted that the Highway Patrol's load is quite heavy.

Bonser reiterated his desire to get something done on Lee Road so they could quit eating dirt. He noted he saw traffic counters on the road and was hoping that was an indication of anticipated improvements. Johnson responded that was a natural assumption but in actuality the Road Department periodically and routinely takes traffic counts of different roads throughout the county. Johnson reviewed the traffic counts for Lee Road: 63 cars west of Swan River; Montana 83 96 cars and north of Montana 83 112. Johnson noted those road counts do not even make the top 25 roads in this county that need paving. Johnson stated that they utilize tailings every chance they get, however, the need far exceeds their availability. He continued that they are in the middle of the review process for speed limits on various roads and that is something they could definitely consider. Johnson stated that Sauerbier needs to fulfill the requirements of his conditional use permit and oil the road and then make a requirement that the trucks that visit his business travel the one way only or to oil the rest of the road.

Sauerbier advised that he has redirected all of his trucks to go Swan River Road and he has scheduled with Schlegel to get the quarter mile of the road oiled. He stated it was far too expensive for him to oil the entire road. Johnson explained the oiling

process wherein Schlegel will contact the Road Department so that they can blade and water the road and then Schlegel will oil the road after it is prepped. He noted the problems they have been having with lag time and quality of oil.

Bonser requested that the rest of the road be bladed while they were there and then oiled. Johnson replied that they could blade the road but that they don't do road oiling. Bonser requested that if they were not going to oil the road then not to blade it.

Bonser expressed concern for Sauerbier situation as he is trying to earn a living and the county says you have to oil the road because you are going to create dust. Dust is there whether his business is or not. It is made a part of a condition of him earning a living. Johnson explained that the county just did not have the funds to oil every gravel road in the county. Such a task would consume the county's entire budget for one year. Bonser expressed concerns for the pricing of dust oiling. Johnson noted that dust oiling has become a major hassle by the time people get there MSDS tests and the insurance that the county requires that they carry for environmental protection. It limits the amount of people that want to get into the business.

Bonser questioned how he could get on the list for having the road paved. Commissioner Gipe noted that his funds for this year for paving have been spent in Bigfork. Johnson explained that there are different pots of money for different projects but they are not interchangeable. He also noted that the Commissioners are restricted by state law as to how high they can raise taxes. Bonser responded that the only thing he gets out of his taxes is the green dumpsters and he has to haul to them. Johnson stated that more tax money goes to the green dumpsters than it does to the Road Department.

Johnson confirmed with Sauerbier that he would talk to his truck drivers and require them to go in and out the same way. Sauerbier noted it would take him a few days to relay the message to all of the drivers.

Discussion was held as to why truckers use the cut across road. Sauerbier noted that the passenger vehicles travel at a much faster speed than the truck traffic.

Bonser questioned whether they could use his fourth option to add some more rock to that road reducing the dust. Johnson stated he would look at putting some gravel on that road but that is not the solution. Johnson stated they have noticed a trend. Gravel on a road used to last five years. Now they are getting two and one-half years worth of life out the gravel now and it takes just about two and a half million yards of gravel to cover all the county roads. Life expectancy of gravel is deteriorating and then the maintenance is increasing which are exasperating the problem.

MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICER RE: PERSONNEL QUESTIONS

Present at the June 4, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Human Resource Director Raeann Campbell, Assistant Avery, and Clerk Eggum.

Campbell requested this meeting be closed.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: COTTAGE COVE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to Sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 3.31.030 to provide for residential PUDs within the Lakeside Zoning District.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **25th day of June, 2003, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 4th day of June, 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 June 9 and June 16, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LAKESIDE PRIVATE AND PUBLIC SCHOOLS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to Sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations.

The proposed amendment would allow for the establishment of public and private schools as a Permitted Use under Section 3.42.020 of the Lakeside Zoning Classification.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **26th day of June, 2003, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 4th day of June, 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 June 9 and June 16, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SANDS SURVEYING TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 7.08.050 to allow for kitchen facilities in guest houses.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue East, Kalispell, Montana.

The public hearing will be held on the **25th day of June, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 4th day of June, 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 June 9 and June 16, 2003.

CONSIDERATION OF PRINTING BIDS: LIBRARY AND JUSTICE COURT

Present at the June 4, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to Eagle Flight Business Forms for 2,500 #10 envelopes in the amount of \$97.45 on behalf of the Flathead County Library. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to award the bid to Big Sky Business Forms for 2,500 Case Information and Disposition forms in the amount of \$221.13 on behalf of the Flathead County Justice Court. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

COS REVIEW: KASKI

Present at the June 4, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, James H. Burton, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

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

MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICER, RE: DEFERRED COMP AND AD&D PLAN

Present at the June 4, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Lorraine Reid, Human Resource Director Raeann Campbell, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Chairman Watne suggested to Commissioner Gipe that the 15% contribution the Commissioners were considering toward the insurance premiums be reduced to 10% and utilizing the funds for that remaining 5% toward the purchase of the employee assistance program.

Campbell – I think it would be beneficial for the supervisors when they start experiencing any sort of difficulty and they are not sure even if someone had a death in the family and they are reacting and it would be a nice referral for them and it is pretty inexpensive and they also offer the critical incident management parties. So a crises at work say an employee is killed or commits suicide or something like that they can come in and work with the other employees and deal with some of the aftermath of that.

Reid – In the past the concept of having one was kicked around and a few years ago there was even sort of a contract with the local health mental health agency at the time they were renting space from us but to my knowledge no one never accessed. So it shows you it was something that people weren't either comfortable with, knew about, understood.

Sanderson – I think the problem understands what is available for them and it is confidential.

Reid – It just wasn't a functioning opportunity for the employees and I think most agencies our size have access to that kind of help. I know my husband at the Forest Service told me when we first got married here is the number. Even if a spouse or child has a problem to deal with they can call that number and that is great help in a lot of situations. So I think you should do it pay for it and don't worry about how it affects the health insurance. It is two different issues. Two years ago when we switched from Safeco Life Insurance to Standard we did so kind of in an odd situation. We got the billing for the month of July and I checked and I said it had gone up from \$4.00 a month to \$4.50 a month. The budget was already set for all of these people for the whole year at \$4.00 a month. They had failed to tell us that there was going to be a premium increase. Anita went back to Intermountain and they found a company that we could get a new contract with which we did and that was Standard Life which we have now but the premium actually went down to \$3.60 a month. So even though the county has been contributing \$4.00 a month, the cost has really only been \$3.60 and that was a three year contract. So we have one more year that we are going to have that rate so for that period of time there is a little bit of money the county has been contributing versus what the actual cost was. So we figured it was somewhere around \$3,000.00 that has actually gone into the trust fund that is actually over and above the actual cost of the life insurance. That is a little pot of money that might be diverted at least to get this up and running as far EAP goes. Not the whole cost. That would be the 5% maybe. Going on to the deferred comp plan I went to one more meeting of the employee advisory council last month and in the meantime, we did our survey of employees as to their interest level and we got about 100 responses which is about 25%. 56 of those said they were perfectly satisfied with the plans we have now. 29 said I want the state plan and 18 more said they would like more information before they said they wanted a different plan. We have a majority of responses that are satisfied. When I went to the meeting one of my questions was why does participating in the state deferred plan have to be so exclusive? The answer I got was that the law was not written such that it has to be exclusive. But the way PERA is administering it is kind of their administrative rules. One of the factors is they have all they can handle on their plate right now is this new contribution plan and so they have been kind of focusing all of their efforts on getting that through the initial phases and that was one of the explanations or reasons. It would take somebody to convince the PERA board to make this a non-exclusive option for us to participate in that way. At this point in time I personally wouldn't recommend that we pull the rug out from under those people who are in the deferred comp and are happy with what they have now.

Campbell - a voluntary accident and dismemberment plan that ties into the life insurance and obtained quotes. The cost would be borne by the employee.

Reid – The current limit for life insurance is between \$10 and \$50,000 and the accidental death and dismemberment part was not included. It is in our basic \$10,000.00 but when we purchase additional life we don't get the accidental death and dismemberment. That was not included as part of the package. It is a very inexpensive part. It costs \$.04 a \$1,000.00 to add that as an enhancement so that people that double indemnity which means if they are killed accidentally and they are carrying \$50,000.00 and suddenly they have \$100,000.00 for their family where right now it is only \$50,000.00. So it is giving the employees the opportunity to have a little bit better benefit from the one they already have from what they are paying for. You might also look at allowing them to purchase more than \$50,000.00.

Commissioner Gipe made a **motion** to approve the voluntary AD&D Plan as presented. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

MEETING W/INSURANCE COMMITTEE

Present at the June 4, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Raeann Campbell, Lorraine Reid, Wendy Marquardt, Laura Gebhart, Jan Leddy, Susanne O'Connell, Jim Mohn, Corey Pilch, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Campbell again reviewed the insurance committee's proposal.

Commissioner Gipe referred to recommendation number four and noted that some doctors require that the patient use name brand drug rather than generic and advised that he is required to take one such drug by his doctor.

Campbell - I think right now our generic conversation rate is like at 97% so most of the people that are getting medication and there is a generic available are using that when the real savings would be I'm told from Intermountain coming down the line like in the year 2004 2005 2006 a lot of these prescription drug companies are going to be losing their patent on this medication and then the generic will be available.

Commissioner Gipe noted on the drug he is prescribed it is available now in generic but his doctors requires him to use the name brand.

Campbell replied: Well on some them it is not and that is where our savings would come and I don't know what the difference is on the different ones between generic and brand name if it is a big difference.

Reid - There is a difference in what we are paying for brand name and generic actual cost.

Eggum questioned whether there was any way to put anything in the contract that would say when it is doctor required to use name brand rather than the generic there would not be a penalty.

Campbell - We could certainly ask but it may tack on a higher administrative fee because it would require more monitoring on their end.

Commissioner Gipe suggested that he could talk to them.

Reid - the projected savings though compared to other things is pretty minimum even eliminating that and approving everything the extra cost we would have to pay for monitoring it may be more than we would save.

Commissioner Gipe questioned Avery on the projected costs added to Flathead County if the proposal was approved. Avery was unsure. Smith advised that it amounts to \$20,000.00 a month.

Campbell - no matter what we do we are going to have to increase the premiums by 15% to maintain the level we are at now whether it is on the employee's side or employer or shared.

Gebhardt - We are hoping with all of these recommendations that we are going to see an increase in the trust fund account.

Mohn advised that their rationale was to pass some of the costs to the employees based on the people who are abusing the plan so that is why we made those changes and some of the employees feel like they are not getting anything out of the plan but are merely premium payers.

Smith - And the fact that Flathead County is behind a lot of the other government agencies on the monthly contribution. That is why we thought perhaps maybe the county could come up with a little bit more to catch up with some of the other counties.

Commissioner Gipe made a **motion** to approve the Insurance Committee's Recommendation with the exception of recommendation #4. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

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

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

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

THURSDAY, JUNE 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 MACo Board of Directors Meeting in Helena

8:30 A.M. AOA TAB Meeting at Immanuel Lutheran Home Cottage

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GOODE ZONE CHANGE/WILLOW GLEN ZONING DISTRICT

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner 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. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by the Goode Family Trust to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Residential) to I-1 (Light Industrial).

The boundaries of the area proposed to be amended from R-1 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development to an industrial district to provide for light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities.

The regulations defining the R-1 and I-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **23rd day of June, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Willow Glen Zoning District.

DATED this 5th day of June, 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 June 10, and June 17, 2003.

Exhibit A
Goode Family Trust
Zone Change/Willow Glen Zoning District
Legal Description

The property is described as the Westerly 100 feet of Lot Four (4) of Block Two (2) of Twin Road Acres, according to the recorded plat thereof, records of Flathead County, Montana.

AND

Part of the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, particularly described as follows:

Commencing at the Northeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South, for a distance of 20 rods; thence West, for a distance of 40 rods to the True Point of Beginning; thence South, for a distance of 40 rods; thence West, for a distance of 40 rods; thence North, for a distance of 40 rods; thence East, for a distance of 40 rods to the Place of Beginning.

THE END

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: DeTONI TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner 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. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Paul and Virginia DeToni to change the Canyon Area Land Use Regulatory System, by amending Section 6.2(C) to allow for the operation of outfitting establishments subject to Major Land Use review in the Middle Canyon Zoning District.

The amendment of the Canyon Area Land Use Regulatory System would affect the property within the Canyon Area previously zoned under the Canyon Area Land Use Regulatory System (CALURS).

The proposed Canyon Area Land Use Regulatory System Regulations and the proposed change thereto are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Ave. West, Kalispell, Montana, where they may be examined by the public. The Flathead County Zoning Regulations, referred to in the Canyon Area Land Use Regulatory System Regulations, are on file for public inspection at the Office of the Clerk and Recorder in Permanent File Number 93270 13500.

The public hearing will be held on the **24th day of June, 2003, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public

hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed amendment to the Canyon Area Land Use Regulatory System.

DATED this 5th day of June, 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 June 10, and June 17, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BEGG TRUST ZONE CHANGE/WILLOW GLEN ZONING DISTRICT

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner 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. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by George and Edna Begg to change the zoning designation in a portion of the Willow Glen Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be amended from R-1 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the R-1 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **23rd day of June, 2003, at 11:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Willow Glen Zoning District.

DATED this 5th day of June, 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 June 10, and June 17, 2003.

EXHIBIT A
George and Edna Begg Trust
Zone Change/Willow Glen Zoning District
Legal Description

Location and Legal Description of Property: The property is a portion of the Willow Glen Zoning District and is bounded by Willow Glen Drive to the west, Howard Drive to the east, and is just north of Leisure Drive. The property contains approximately five acres. The property is described as Lot 1 Block 1, Kalispell School Addition in Section 16, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HABEL AND DOCKSTADER ZONE CHANGE/HOLT ZONING DISTRICT

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner 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. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Ray and Greg Habel and James Dockstader to change the zoning designation in a portion of the Holt Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

The proposed change would not change the general character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized. The minimum lot size would be reduced from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **1st day of July, 2003, at 9:45 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Holt Zoning District.

DATED this 5th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Paula Robinson, Clerk

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

Publish on June 13, and June 20, 2003.

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

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HILL ZONE CHANGE/BIGFORK AREA ZONING DISTRICT

Present at the June 4, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner 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. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Larry and Carole Hill to change the zoning designation from a split zone of SAG-10 (Suburban Agricultural) and I-1 (Light Industrial) to I-1 (Light Industrial) within the Bigfork Zoning District.

The boundaries of the area proposed to be amended from SAG-10 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to a portion of the property from allowing a district designed to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, to allowing for light industrial uses and service uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines.

The regulations defining the SAG-10 and I-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **2nd day of July, 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 5th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

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

Paula Robinson, Clerk

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

Publish on June 13, and June 20, 2003.

**EXHIBIT A
LARRY & CAROLE HILL
ZONE CHANGE/BIGFORK ZONING DISTRICT
LEGAL DESCRIPTION**

Location and Legal Description of Property

The property is located approximately 1000 feet west of Echo Lake Café on Highway 83 in Bigfork. The parcel is further described as Parcel B on Certificate of Survey No. 8197.

CONSIDERATION OF PERSONNEL COMMITTEE TRANSMITTAL FORMS: MG & DATABASE SPECIALIST/911 AND EQUIPMENT OPERATOR/FAIRGROUNDS

Present at the June 5, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Clerk and Recorder Paula Robinson, Tom Reynolds, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the request for a 911 MG and Database Specialist, Temporary Position on behalf of the Clerk and Recorder's Office GIS Range 11. They will review the position in six months to determine if the same proposal should be advanced as a permanent position or if the work load was accomplished with this temporary position.

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for a 911 MG and Database Specialist Range 11 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Chairman Watne reviewed the request for a Fair Equipment Operator Range 11. The Fair Director brought this proposal based upon the increased safety concerns with regard to both pedestrian and vehicular traffic in and around the fairgrounds. The position would be a Part time temporary Equipment Operator Range 11

Commissioner Hall made a **motion** to approve the Personnel Committee Transmittal Form for a Fair Equipment Operator Range 11 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

OPEN BIDS: INTERIOR WORK/FAIRGROUNDS

Present at the June 4, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Fair Director Jay Scott, Butch Woolard, Terry Powell, Susan Oyllig, Robert A. Ross, Assistant Avery, and Clerk Eggum.

The following bids were received for the interior work on the Fairgrounds building.

Pearson Construction - non responsive as no bid bond was enclosed

Kalispell Electric, Inc. - \$49,900.00

Terry Hodges Construction - \$128,460.00 plus \$40,812.00

Bison Building Systems, Inc. - \$44,500.00

Quantum Electric - \$35,449.00

Flathead Fire Protection, Inc. – Non responsive no bid bond was enclosed

Robert Ross - non responsive no bid bond was enclosed

Discussion was held relative to the requirement for a bid bond.

Commissioner Hall made a **motion** to take the bids under advisement and refer to the Fair Board for a recommendation. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: STILLWATER ESTATES, PHASE II

Present at the June 5, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Michael W. Fraser, P.E. advising that the emergency ingress and egress road has been completed per the county standards. He requested on behalf of the developer that the Letter of Credit guaranteeing the construction be released. He enclosed a Certificate of Substantial Completion.

Commissioner Hall made a **motion** to authorize the release of collateral for Stillwater Estates, Phase II. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/TIM BECK AND PAULA FJHELD RE: DECAY ORDINANCE

Present at the June 5, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Dellwan Thornton, Paula Fjheld, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck advised that the Planning Office deals with enforcement of the decay ordinance. The decay ordinance deals with things like debris, junk vehicles, trash, garbage, scrap metal and the like. They had received a complaint in the fall regarding Thornton's property south of Lakeside. He inspected the site, took some snapshots. There were violations of the decay ordinance and he started his contacting process. There are two separate properties; one is on the west side and one is on the east side. When contact was made he was informed that Paula Fjheld had purchased the property on the west side of the highway. Beck never received a response from Thornton but Fjheld contacted him and wanted to work with the county to establish compliance. Beck continued to inspect the site and take pictures periodically and didn't see any progress being made. The project was put on hold for the winter as is difficult to determine compliance with the snow. In the spring he continued with contact and still did not receive a response from Thornton on the east side so the file was forwarded to the County Attorney's Office. Fjheld contacted Beck immediately, came into the office and discussed the types of things that needed to be cleaned up.

Fjheld confirmed that Beck had again taken pictures of the property it was not yet in full compliance but it was getting there as he did see a fence was put up and a lot of the debris was put behind the fence. Fjheld and Thornton advised that the equipment there would be staying. Beck noted that there was still some scrap metal on the side of the hill. Thornton advised that there was a saw mill there and an Idaho jammer that will be utilized to put in a four and one-half acre lake. Beck noted the pictures did not adequately reflect what he saw and tried to explain the location of the scrap metal.

Thornton confirmed that scrap concrete, piles of concrete are considered debris therefore it is classified as decay. Thornton referred to a previous situation which ended in a court case over a concrete step. Beck referred to the ordinance that defines debris the piling, dumping or depositing of any dirt, demolition, waste including wood, bricks, concrete.

Beck advised he would go to the site with a sheriff's deputy and point out things that are still not in compliance.

Thornton questioned the process for filing a complaint. Beck explained that whenever a person notifies them of a complaint he requires that the fill out a form, provide pictures and sign the complaint.

Fjheld advised that there were no junk vehicles on the property and that she has reviewed the junk vehicle laws. It has to fit all three criteria. There isn't one junk vehicle on the property. There is one that they are using for parts.

Beck advised that if it is shielded and no one can see it from six feet above the center line of highway it is not debris

Thornton speculated that there were individuals who wanted the property so they were filing harassment complaints to drive them out. He stated that eventually he would put up a 16 foot log fence across the whole place and maybe then the complaints would stop.

Thornton requested that when Beck viewed the property that the Commissioners could also go. Thornton again referred to a previous case and Fjheld added that after the deliberations, the jury foreman said that this is the biggest waste of taxpayer money that the jury had ever seen we find and found Mavis Thornton not guilty about four years ago.

Fjheld and Thornton referred to other places around the county that were in violation.

Beck confirmed that the complaints were public record and could be reviewed by anyone. He also noted that he could provide a written statement that they were no longer in compliance.

Thornton questioned whether stacks of lumber were decay. Beck advised that if it is stacked and covered it is not decay. Thornton advised that his property was in compliance.

PRELIMINARY PLAT: CHEERY LYNN SITES

Present at the June 5, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, Dan Henderson, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Cheery Lynn Sites Subdivision filed by Russell Heaton. The applicant proposes to create a five lot residential subdivision. The property is located off Cheery Lynn Road south of West Reserve Drive in Evergreen and contains 3.72 acres. The project is in general compliance with the adopted Subdivision and Planning documents for Flathead County. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-20 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Cheery Lynn Sites Subdivision subject to 10 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

11:30 A.M. The Commissioners are to attend the Flathead Regional Business Center Open House at 15 Depot Park.

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

FRIDAY, JUNE 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.

No Meetings Scheduled

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