

MONDAY, JULY 14, 2003

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

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

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

General discussion was held relative to building; fair; ticket sales.

AUTHORIZATION TO PUBLISH REQUEST FOR BIDS: ARCHITECTURAL SERVICES/COUNTY BUILDING

Present at the July 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Request for Qualifications and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

REQUEST FOR QUALIFICATIONS

The Board of Commissioners of Flathead County is requesting interested architects or firms to submit their qualifications for providing architectural services to Flathead County. Such qualification statements are to be submitted, in writing, to the Clerk and Recorder's Office, 800 South Main, Kalispell, Montana 59901 and must be received no later than 5:00 p.m. on August 8, 2003. All responses will be reviewed by the Board of Commissioners and those firms chosen for further discussions or more detailed submittals will be so notified by written letter from the Board.

SCOPE OF WORK:

The person/firm selected will provide all architectural services necessary to design and construct a two-story office building adjacent to the Earl Bennett Building in the 1000 Block of South Main, Kalispell, Montana. It is anticipated that said building will contain approximately 40,000 square feet. Construction may be completed in phases.

CRITERIA OF SELECTION:

Selection of a person/firm for the provision of these services will be based upon the following criteria and each of the six criteria must be addressed within the qualifications response submitted in order to be eligible for consideration.

1. Qualifications of the proposed professional personnel who will be assigned to the project.
2. Capability to meet time and project budget requirements.
3. Location of the office of the person/firm.
4. Present and projected workloads of the person/firm.
5. Related experience on similar projects.
6. Recent and current work for Flathead County.

The person/firm selected to provide these services will be required to enter into a contract to provide said architectural services.

Please provide three copies of the Statement of Qualifications. Any questions may be referred to the Office of the County Commissioners, 800 South Main, Kalispell, MT 59901, telephone 406(758-5503).

Dated this 14th day of July, 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 July 17th and July 24, 2003.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #03-07-4-31-015-0

Present at the July 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Chairman Watne reviewed Task Order 03-07-4-31-015-0 To Flathead County Unified Government Master Contract that Covers the Period of January 1, 2003 through December 31, 2003 Immunization Program which provides for fiscal management for immunization activities.

Commissioner Hall made a **motion** to approve Task Order 03-07-4-31-015-0 and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: ELECTED OFFICIALS SALARIES FY 03-04

Present at the July 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1630. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1630
ELECTED OFFICIALS SALARIES – 2003/2004

WHEREAS, the Board of County Commissioners of Flathead County, Montana is required to fix the salaries of all elected officials by resolution by August 1, 2003, in accordance with Section 7-4-2504, M.C.A.;

WHEREAS, 7-4-2503(4), M.C.A., establishes a County Compensation Board to set the base salary for county elected officials;

WHEREAS, the Board of County Commissioners appointed the County Compensation Board consisting of the three County Commissioners, Howard W. Gipe, Robert W. Watne and Gary D. Hall, County Attorney Ed Corrigan, Sheriff Jim Dupont, Clerk and Recorder/Auditor Paula Robinson, and public members John G. Weaver and Patti Kimpton;

WHEREAS, the County Compensation Board held a meeting and considered the required factors including county population trends, current population statistics and a comprehensive review of county elected official salaries of five other counties in Montana, four counties in Idaho and a county in each South Dakota and Wyoming, all sharing population trends with that of Flathead County;

WHEREAS, the Compensation Board also conducted a thorough review of the three-year county elected officials salary plan developed by the County Compensation Board during the preceding year;

WHEREAS, the County Compensation Board determined that the formula established for calculating 2003 elected officials base salary would have to be adjusted above the percentage calculation forecasted for 2004 by 4.8 percent, in order to maintain the formula's intended purpose of establishing fair market compensation for Flathead County elected officials;

WHEREAS, the County Compensation Board also recognized the potential for public sensitivity related to any dramatic increase in elected officials' salaries; and

WHEREAS, the Board of Commissioners determined that the three-year plan should be adhered to and the final base salary for elected officials should be calculated based on the base salaries projected for 2004 in three-year plan plus the current COLA of 1.6%, in order that elected officials salaries will reach the levels projected in the 2003 three-year plan but not go beyond those levels.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Flathead County, Montana, hereby fixes the annual salaries of the following elected officials, effective July 1, 2003, as follows:

Clerk of District Court	\$46,022.00
County Treasurer/Assessor	\$47,022.00
Justice of the Peace	\$69,033.00
Clerk/Recorder/Surveyor	\$48,022.00
County Commissioners	\$48,022.00
Sheriff	\$48,022.00
Superintendent of Schools	\$48,022.00
County Attorney	\$76,502.00

DATED this 14th day of July, 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

OPEN BIDS: PATROL 4-WHEEL DRIVE VEHICLES/SHERIFF'S OFFICE

Present at the July 14, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Wade A. Herman, Steve N. Laird, and Clerk Eggum.

The following bids were received in response to a call for bids for five

Eisinger Motors - \$32,372.52 per unit - \$161,862.60

DePratu Ford - \$28,581.49 per unit - \$142,907.45

Scarff Auto - \$32,319.00 per unit - \$161,595.00

Commissioner Hall made a **motion** to take the bids under advisement and forward to the Sheriff's Office for a recommendation. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: R. DEROCHIE

Present at the July 14, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Randy Derochie on Lake Five to keep and maintain the existing retaining wall, dock, deck, stairway and grave that he installed without a lakeshore permit. General discussion was held.

Commissioner Hall made a **motion** to amend condition 33 to provide that no additional treatment of the wood deck be done. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to amend condition 30 to allow a two inch variance. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-59 as amended and authorize the Chairman to sign subject to 47 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: F. DEROCHIE

Present at the July 14, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Frank Derochie on Lake Five to keep and maintain the existing retaining wall, dock, and gravel that he installed without a lakeshore permit and install a waterline. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-60 and authorize the Chairman to sign subject to 56 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: CARLSON

Present at the July 14, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Robert and Kaye Carlson on Lake Five to install a water line, floating dock and place one truckload of ¾ inch washed gravel along the shoreline for a beach area. General discussion was held.

Commissioner Hall made a **motion** to continue Lakeshore Permit #FLP-03-61. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/BURKE TYREE RE: VERIZON

Present at the July 14, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Burke Tyree, and Clerk Eggum.

Tyree wanted to educate the Commissioners on the new technology of cell phones today. Push to talk; connected to the internet; pictures.

MEETING W/LEE CORAY-LUDDEN RSVP ABD RSVP ADVISORY COUNCIL

Present at the July 14, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, RSVP Director Lee Coray-Ludden, Linda Willson, M. J. Credilla, and Clerk Eggum.

General discussion was held relative to director's salary.

DISCUSSION RE: RURAL SPECIAL IMPROVEMENT DISTRICTS

Present at the July 14, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Road and Bridge Superintendent Charlie Johnson, Computer Services Director Norm Calvert, Planning and Zoning Director Forrest Sanderson, Clerk and Recorder Paula Robinson, Weed, Parks and Maintenance Director Jed Fisher, and Clerk Eggum.

General discussion was held relative to the RSIDs.

11:00 A.M. Tour Roads w/Charlie Johnson, Road Department

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

TUESDAY, JULY 15, 2003

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

MEETING WITH SALLY DELBY/NEIGHBORS TOGETHER RE: CONRAD CONNECTOR

Present at the July 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Alice Olson, Nina Wickershan, Shelley Graham, Dorothy Merola, Lorinda L. Baker, Jean Agather, Paul Reynolds, Tamara Andrews, Sally Delby, Reed Lamb, Mare Rold, Allen Sieler, Richard Jay McCadden, Assistant Avery, and Clerk Eggum.

Delby advised that the Neighbors Together is a group of residents from all over the valley. Currently their main concern is safety issues along the corridor of Willow Glen, Conrad Drive and Shady Lane and also some of the connecting areas, especially around Woodland Park. With the growth of our community we know traffic is going to increase. That is just a given and that is something that needs to be planned. Three things that are expected will be increasing traffic on that particular corridor: a new light at Shady and 35; a new light at Willow Glen and 93 South; and the possibility of the Conrad Connector being built. These three things will make a really nice straight shot around the whole east side of Kalispell and anybody that lives here will certainly use it. These planned events give rise to some real pointed safety concerns. A few of these things have been taken care of already with the lowering of the hill at Willow Glen and Woodland Avenue. We have no shoulders. We have three schools. We have 1120 residences and many of these people have no way in or out like in Kalispell where there are a lot of connecting roads. There are new subdivisions going in all of the time. Another one with 60+ planned units that will empty onto one road, Willow Glen. These are things we know are going to imminently produce a lot of traffic. We want to make sure we have the County Commissioners' concerns, ear and efforts in making sure that to the best of your abilities that the safety issues are addressed prior to any new traffic being dumped on this road. We understand money is a problem. We are a little skidish about the Conrad Connector and trying to find funds for that first unless our needs are addressed concurrently or even before just because of the traffic issues.

Delby read a letter composed by Jay McCadden on behalf of Neighbors Together:

Delby continued that they feel like in some areas they are being left in the dark as far as the progress on the Conrad Connector. However, we want to make sure that safety concerns and issues are being met before there is a new road.

Reynolds advised that he lives on Ainley which he purchased about eight years ago. It was very secluded and off the end of a road. When he returned three weeks ago he discovered surveyor stakes essentially right through his property. He talked to the surveyor who told him those were to find the other line. He continued that you are going to put a road right through my place or right in front of it. It is going to completely tank my property value. It is not why I bought the property. I bought it to be away from people and now I am going to have a pretty good size road right through the middle of my yard essentially and I am just sick about. I was contacted about four years ago and asked if I wanted to sell my property and I said no and the guy said well if you don't want to deal with us we will condemn it and I never heard another word. No one has ever contacted me and said do you want to sell; do you know the road is going through. One of the problems is the stakes themselves go through my property on the back side towards Snappy's. They literally go right through the middle of my place. They are not over where they claim the road itself is going to be. It is staked off straight through my place.

Agather advised that she had made a couple of phone calls to Paul and left messages asking him to call back. From the very beginning condemnation was never an option. The County Commissioners always said that condemnation is just not a possibility. We are not in the business of condemning roads. There might be some misunderstanding. If it was someone from the FBIA they spoke out of line. Reynolds questioned why he has not heard anything for the past four years. Agather replied that it was about two years ago that they started this process. It was about that time that messages were being left. She continued that the FBIA realized that many road projects have been held up simply because of right-of-way issues. They approached the project with the idea that if they could get a network of landowners together and donate the right-of-way then maybe the project would move forward. The woman that is next to Reynolds is interested in selling the property and there is an option on her land.

Reynolds questioned whether some of the property had been rezoned. Agather stated that was not true. Wickershan advised that an amendment to the master plan was done on some property and it was changed to resort commercial. Agather reassured Reynolds that there has been no promises made to anybody as far as she was aware trading right-of-way for a zone change or a commercial change to the property. The information has always been if you donate the right-of-way you are still going to have to go through all of the planning processes involved to meet the requirements they have in a zoning change. There has never been a link between those two.

Wickershan read Resolution #790K:

Wickershan continued that it was suburban residential and open space previously. About 80 people from the neighborhood appeared at the hearing and objected to the zone change. Agather noted that zone change took place before the Flathead Business Industry was involved. Reynolds commented that they would have to be pretty naive to believe that.

Wickershan stated that the taxpayers paid a lot of money to have a bypass feasibility study done and it noted safety concerns. She requested that all federal monies be used to build the west side bypass. She reiterated that Neighbors Together wants safety concerns addressed. We are asking once again to work together but to work together realistically. Commissioner Hall stated that the Commissioners were committed to the west side bypass also. Wickershan referred to a letter the Commissioners sent to Conrad Burns requesting federal funding for the Conrad Connector and disappointment that monies for safety improvements were not also requested. Commissioner Hall noted that they were hopeful the MDOT would come on board as they are as concerned as the Commissioners are on this issue. Wickershan stated that she got the impression from MDOT that until they had what they considered the go ahead they were reluctant to do anything. They had advised that a 90' right-of-way would be required for their needs. She expressed concern that their safety issues will become another Big Mountain Road 20 years from now where no right-of-way is available so the road is never fixed.

Delby stated that some of the things they can do which wouldn't require the 90' right-of-way would be a bike path to get pedestrians off of the road, roundabouts and traffic circles in strategic places to slow traffic down. If speed is controlled and pedestrians are off the road, you have a safer road. If you take a road and make it wider and double the traffic people are not going to be going 35 MPH down that road. They should be but they won't.

Delby advised that she has heard the County Commissioners and MDOT say they are concerned about safety issues but she was skidish and would like some actions to go along with the words. She noted the disappointment the group felt when they saw the letter from the Commissioners requesting funding for the Conrad Connector and nothing about funding for safety issues. Delby noted that they would be meeting with the city in the near future to discuss the whole area around Woodland Park and those safety concerns. Chairman Watne advised that county road starts at the Mini Mart. Delby noted that is why the corridor is so tough to get a handle on because it involves state, city and county.

Agather agreed that is why the road is so difficult and that is why the FBIA got involved and the Chamber of Commerce and KBOA and other organizations thinking if we could bring everybody together and work with all the different agencies that maybe we could get something positive done here. Agather suggested that they could perhaps petition and work with Conrad Burns to get the Willow Glen section of the road improved. Wickershan responded that they could not separate Conrad Drive and Willow Glen. Agather stated that it seems to be more of a practical approach to petition Burns to appropriate some funds so they can at least get some appropriations for the Willow Glen Conrad Drive area. Commissioner Hall stated that he believed he could speak for the other Commissioners and giving support for Neighbors Together in such a petition.

Agather stated that we all want to see the west side bypass built. But it is just going to be one link in the transportation system for Flathead County. It is going to take some time to get that done. It is also short sighted to only ask Conrad Burns and the congressional delegation for money for the west side bypass. The west side bypass is only under the best conditions going to carry a certain type of traffic. That is traffic that wants to go from 93 South to 93 North. Wickershan agreed but asked if the Conrad Connector and Willow Glen can be somehow linked and money that is given is for both or not at all or if money is given in one pot it be split. Agather suggested going a little bit further and focus on Willow Glen.

Commissioner Hall noted that he understood what they were saying and how they felt but he reiterated Commissioner Gipe's comments that the Commissioners need to go forward with the connector process to see if it is even feasible; to have an environmental assessment done and determine the costs necessary to build the bridge. To have the safety issues met before anything goes forward with the connector is not an option as far as the Commissioners are concerned at this time. He agreed with the concept of the Neighbors pursuing Senator Burns in trying to get some money directed to the state because the state not the county is who would have to be working on those safety concerns. He continued noting that you are the loudest voice but know that we support your voice in trying to get those funds to address the safety concerns. He advised that he had submitted a letter to MDOT concerning the stop sign and realizes it is not as big an issue but it is a start. He recommended they enter into discussions with the city relative to the Woodland Park issue. Commissioner Hall stressed the need to stay focused and to work with all entities. The Neighbors' concerns relative to the installation of the lights is an incredible case to go to the congressional people with and try and get some funding immediately for Willow Glen.

Rold stated that he was the FBIA Transportation Committee Chairman and a part of the Chamber of Commerce Transportation Committee. The lights are a fact. They are going to increase the traffic considerably. I believe that is going to be the single biggest impact as far as dumping traffic on Woodland, Willow Glen and Conrad. He continued that safety is a big concern and we believe very strongly that the Conrad Connector is a safety enhancement and not a detriment. He noted that some of the funding issues they face are because the Flathead Valley is known for fighting. If we could show that the city, the county, the state and the residents are all working together would be a huge star for the valley. Rold noted the federal pot is not the only source of funding. He suggested exploring some of these creative options because the valley's road problems are not going to get less. He advised that he lives on the most direct connection from Foy's Lake into Kalispell and noted the multitude of subdivisions going in that area. Rold concluded that he understood what the Neighbors were talking about but he also understood the need to move traffic and the need to accommodate the growth that is happening in the valley.

Wickershan agreed with Rold but reiterated the continuing comments about working together but not seeing much action on the part of the County to seek out funding for the safety concerns for Willow Glen and Conrad. She said they would feel better had they seen a letter from the Commissioners to Conrad Buns saying we need funds for the Conrad Connector and we need funds directed to MDOT for safety upgrades to Willow Glen and Conrad Drive.

Commissioner Hall questioned what the County could do to move the process forward but noting that the County is one player in the scheme of things but the state and the city are big players in this too.

McCadden requested that the Commissioners pursue funding for safety issues in the same degree that they are pursuing funding for the connector. He agreed that the Neighbors should be pushing the state as well but stated that the people who push the state best are the County Commissioners. He reiterated that he would like to see the County Commissioners working with the Neighbors.

Commissioner Hall noted that when they pulled the secondary road funding off of the Big Mountain Road they all had hoped that they could utilize those funds on other projects around the county but found out that instead that funding had to go back to the Secondary Roads Committee for use on the next priority project for the region.

Delby requested the Commissioners' support in not allowing the speed on Willow Glen to be increased any higher than 35 MPH and that measures are taken so that non-local truck traffic will basically not be encouraged to drive Willow Glen. She acquiesced that people are going to drive where they want to drive. Commissioner Hall questioned whether they had expressed those same concerns to the MDOT. Delby responded they had polled the neighborhood and most of those polled wanted the speed to be between 30 and 35 and requested the Commissioners working in the design process make sure that it gets uncomfortable to drive faster than 35. Wickershan stated that they talked about lower speed limits in front of the two schools, a four way stop by the Vo Ag Center and a left hand turn lane by the Montessori School noting that 19 buses come in from the high school every day.

Commissioner Hall questioned whether they had a list prepared of what they want to do. Wickershan responded that they have a big list.

Sieler advised that he has lived on Willow Glen since 1958. He noted that funding seems to be readily available for bike paths and stressed the importance of getting a bike path to at least save children's lives. Delby stated that they have talked to Mark Crowley and Tom Jentz together and they are working along those lines.

Commissioner Hall noted that the MDOT is very much open and they like to work with a unified group. They want to see some acceptance of their projects. We have to keep that as a priority. He suggested that the group make a short list.

Lamb stated that he keeps hearing talk about this unified plan but they feel shut out. Chairman Watne advised that at this point they are trying to get some costs on the bridge and if those costs come in too high, there is probably not going to be anything done. The County doesn't have the funding at this point if that bridge comes in too high.

Reynolds advised that he talked to Howard Gipe about a week and a half ago and he said you need to talk to BJ over at Snappy's and he thought that an odd reply. It made no sense to him. Commissioner Hall responded that he may have been referring to a specific issue and could not respond. He cautioned that the wheels of government turn very slowly and it is not a perfect system. He acknowledged that their concerns are huge but they are huge to them and the Commissioners will deal with at least 10 other huge issues to other county residents just today. He reiterated that the Commissioners were not going to stop the process altogether and do nothing but safety.

Merola advised that she was told by Elaine to talk to Jim Burton regarding the surveying but when he talked to him, Burton provided no information. He reiterated that they can't get information from anyone and that is frustrating. Chairman Watne advised that they had no answers right now. Commissioner Hall noted that the County Road Superintendent is waiting for an RFP on the bridge and road. Delby stated that they want anything pertaining to this entire project and she would be happy to pick it up on a daily basis.

Agather stated that she feels a little uncomfortable as they came to the Commissioners back in April and requested that Willow Glen be put as a top priority. They have gone to the MDOT, the Chamber, the KBO and congressmen and they want to work with Willow Glen Neighbors to try to do everything they can. Yet there is this sort of whine and a road block. Delby responded that as a group they have seen a lot of effort from the governing officials more being put towards the Conrad Extension than Willow Glen.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

Present at the July 15, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Sheriff Jim Dupont, Assistant Avery, and Clerk Eggum.

General discussion was held relative to vehicle bid; Bigfork vendor issue; tax collection; sewage spill; fireworks; budget.

MEETING WITH RAEANN CAMPBELL/HUMAN RESOURCE OFFICE RE: LONGEVITY

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

This meeting did not take place.

CONSIDERATION OF LAKESHORE PERMIT: HARKER

Present at the July 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Dr. Orin Harker on Lake Blaine to widen an existing boat launch access from eight feet in width to 10 feet in width. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-62 and authorize the Chairman to sign subject to 30 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: REICK

Present at the July 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Ken Reick on Echo Lake to place clean gravel along approximately 30 feet of the bank. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-65 and authorize the Chairman to sign subject to 23 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

BUDGET REVIEW (TILL NOON)

Present at the July 15, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Assistant Avery, and Clerk Eggum.

General discussion was held.

1:30 P.M. Commissioner Hall is to attend a meeting with Mayre Flowers

6:30 P.M. Commissioner Hall is to attend the North Fork Interlocal Agreement at Sondreson Community Hall

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

WEDNESDAY, JULY 16, 2003

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

9:00 A.M. Canvass Smith Lake Vista Water District at Election Department

9:30 A.M. The Commissioners are to review the budget until noon.

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

1:30 P.M. Commissioner Hall is to View Road Abandonment #409 (portion of 4th Street, Hungry Horse) w/Jim Burton

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

THURSDAY, JULY 17, 2003

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

MEETING W/RAEANN CAMPBELL/HUMAN RESOURCE OFFICE RE: LONGEVITY

Present at the July 17, 2003 8:30 A.M. Meeting were Commissioners Gipe and Hall, Human Resource Officer Raeann Campbell, Clerk and Recorder Paula Robinson, Assistant Avery, and Clerk Eggum.

Campbell – We have a situation uh with Tom Reynolds apparently he had worked here before under Norm but his budget money came from the Sheriff's Office and he was laid off for a period of six weeks and he came back as GIS supervisor and he was allowed to keep his vacation and sick leave on the books that is per county policy he can do that for a full year and then during the first three months of hire I found indication in the file where he had called in sick during the first three months and he was allowed to use the sick leave that he had on vacation rather than be treated as a new hire. However, at that time when Anita and Lorraine had talked to Jonathan Smith he had said that he didn't think we should credit him back for the longevity service that he had previous to that.

Commissioner Gipe questioned how long Reynolds had worked for Flathead County prior to his GIS appointment.

Robinson – It had to have been five plus

Campbell – Yea, I think it was five years

Robinson and Campbell talk at the same time

Robinson – Right

Campbell – So it was like five years and then he just was eligible for the he's been

Robinson – In 2002 he just became inaudible

Campbell – So um he asked the question again and I asked Jonathan again and Jonathan said well I think you should give it to him because he is considered he was allowed to keep his vacation and sick leave on his books and that could be considered continuous. So we have a bit of a I guess we don't have really have anything in our policy that addresses that and I'll throw a note in the file to address that when we revise the policy manual inaudible um, Jonathan suggested that we come in here and ask you guys what you think.

Commissioners Gipe and Hall agreed he should retain his longevity.

Robinson – It is \$322.22 plus .5% each pay period.

Campbell – Well that was easy.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WHITEFISH HILLS FOREST ZONE CHANGE/BLANCHARD LAKE ZONING DISTRICT

Present at the July 17, 2003 8:45 A.M. Meeting were Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Gipe 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 Whitefish Hills Forest, LLC to change the zoning designation in a portion of the Blanchard Lake Area Zoning District from AG-40 (Agricultural) to AG-20 (Agricultural).

The boundaries of the area proposed to be changed from the AG-40 classification to the AG-20 classification are set forth on Exhibit "A" hereto.

The proposed change would change the minimum lot size allowed from 40 acres to 20 acres, while maintaining the character of the zoning regulations applicable to the property, which are intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development. The change would allow splitting the property into 20 acre sites, instead of the minimum 40 acre sites now required, and for more intensive cluster development.

The regulations defining the AG-40 and AG-20 Zones are contained in the Flathead County Comprehensive 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 **6th day of August, 2003, at 9:00 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 members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Area Zoning District.

DATED this 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe, P.T.
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

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

Publish on July 22 and July 29, 2003.

EXHIBIT A
WHITEFISH HILLS FOREST, LLC.
WITHIN BLANCHARD LAKE ZONING DISTRICT
STAFF REPORT #FZC-03-25
JUNE 26, 2003

Location and Legal Description of Property:

The properties proposed for rezoning are located on the west side of Highway 93 North, northwest of Happy Valley. They total 80 acres.

The properties can be described as Tract 2 of Certificate of Survey No. 11725 and the SE1/4 of the SE1/4 of Section 22, Township 30 North, Range 22 West, P.M., Flathead County, Montana. Excepting therefrom the County Road as described in Deed recorded in Book 164, Page 201, records of Flathead County.

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

Present at the July 17, 2003 8:45 A.M. Meeting were Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Gipe 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 3.31.030 of the Standards For Planned Unit Development District by modifying the various use allocations and performance standards for residential and mixed use residential planned unit development, for example, by decreasing the percentage of commercial use in residential mixed use developments from 30 to 25 percent in developments over 5 acres in size, allowing for more commercial uses in such developments and eliminating open space requirements in such developments.

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 **7th day of August, 2003, at 9:00 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 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Howard W. Gipe, P.T.
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

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

Publish on July 22 and July 29, 2003.

CONTINUATION OF CONSIDERATION OF RESOLUTION OF INTENT: DeTONI TEXT AMENDMENT/CANYON AREA LAND USE REGULATORY SYSTEM

Present at the July 17, 2003 A.M. Meeting were Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1049D. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1049D

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of June, 2003, concerning a proposal 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;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on June 10 and June 17, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Middle Canyon Zoning District; and

WHEREAS, the Board of Commissioners determined that the proposed change should be subject to Minor Land Use review, rather than Major Land Use review.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the Canyon Area Land Use Regulatory System, by amending Section 6.2(B) to allow for the operation of outfitting establishments subject to Minor Land Use review in the Middle Canyon Zoning District.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the general character of the proposed change to the Canyon Area Land Use Regulatory System, that said proposed changes and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Canyon Area Land Use Regulatory System, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Middle Canyon Zoning District for a period of thirty (30) days after first publication of notice of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders protest the proposed change, then the change will not be adopted.

DATED this 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

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

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 1049D) on July 17, 2003, to change the Canyon Area Land Use Regulatory System.

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), by amending Section 6.2(B) to allow for the operation of outfitting establishments subject to Minor Land Use review in the Middle Canyon Zoning District.

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.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for the Middle Canyon Zoning District from persons owning real

property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/Howard W. Gipe, P.T.
Robert W. Watne, Chairman

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

Publish on July 22, and July 29, 2003.

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

Present at the July 17, 2003 9:00 A.M. Meeting were Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

General discussion was held relative to Somers Beach work progress.

Chairman Watne was seated.

Fence around Ben Williams; south border fence in Heron Park; building maintenance district judges offices; third floor of old Courthouse; grant writer office space; weed program moving to county roads now; mowing; gym building; park area; a caretaker for Heron Park; time off; softball tournament; dump truck; risk management.

MONTHLY MEETING W/ALAN MARBLE, OES

Present at the July 17, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, OES Director Alan Marble, Gary Mahugh; Assistant Avery, and Clerk Eggum.

General discussion was held relative to carbon monoxide problem in Bigfork; dead tree; sewage spill; fires; state fire plan; fireworks.

COS REVIEW: HAMPTON

Present at the July 17, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Joe Kauffman of Big Sky Surveying, Karl A. Hampton and Donna Hampton, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Kauffman advised that they had transferred title to Karl's name so that he would receive the entire tax burden. Karl Hampton advised that they moved a fourth generation family cabin from Washington and their daughter was concerned that could be lost if not transferred.

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

PRELIMINARY PLAT: STILLWATER SCENIC DRIVE NO. 2

Present at the July 17, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Melinda Riley, Dan Brien of Brien Surveying, Paul Tutvedt, Assistant Avery, and Clerk Eggum.

Riley reviewed the preliminary plat for Stillwater Scenic Drive No. 2 filed by Paul and Sharon Tutvedt Family Limited Partnership. The applicant proposes to create a three lot residential subdivision. The property is located at the corner of Farm to Market Road and Church Drive, eight miles northwest of Kalispell in the West Valley area and contains 73.095 acres. Staff recommends approval of the Preliminary Plat. Because of the large lot sizes, the length of the cul-de-sac road does not meet Table 3 in Section 3.9, Street and Road Design Standards. The Flathead County Subdivision Regulations Table 3 states that a loop or cul-de-sac road cannot be over 1500 feet long if it serves one to three lots.

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

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-22 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat of Stillwater Scenic Drive, No. 2 subject to 14 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: ARROWHEAD ESTATES

Present at the July 17, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, John Schwarz of Schwarz Engineering, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Arrowhead Estates Subdivision filed by Erickson Land and Development. The applicant proposes to create a four lot residential subdivision. The property is located in the Whitefish area approximately one-half road mile down Karrow Avenue from Highway 93 and contains 20.01 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-23 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Schwarz requested that condition #5 states “cul-de-sac with a 55-foot radius” and they would like it to be a larger radius. Morrison responded that the 55-foot is a minimum standard that must be met. Schwarz stated that he wanted to clarify that as a minimum standard.

Schwarz then requested that condition #9 removed. The Whitefish Transportation Plan shows an arrow but it doesn't really cross this property and quite honestly that right-of-way designation doesn't have anything to do with the project and I don't think we can show a real tie to dedicate that right-of-way. It is outside the city limits. Nobody would be maintaining that right-of-way and as it now exists it would appear as a county road. Since the property is five acre density it does seem that if the city at some point did want to build that road there would still be plenty of room to go in and acquire that right-of-way and build that road at a future date. Morrison advised that Condition #9 was based on an e-mail that was received by their office from Eric Mulcahy. The e-mail stated that the right-of-way is part of the south Whitefish Transportation Plan which will provide a grid for future development and traffic. The purpose is to relieve pressure on 7th and Karrow when it is built in the future. He says this is very important and should be a condition of the subdivision.

Chairman Watne questioned whether it was up to the Commissioners or Whitefish to acquire the right-of-way. Morrison thought it should be up to Whitefish to acquire the right-of-way. Chairman Watne agreed.

Commissioner Hall questioned what it meant to the developer when it says you shall reserve a 30' right-of-way. Schwarz was unsure. He speculated that it meant they want the final plat to reflect a 30' strip on the south boundary. He reiterated the problems with such a condition. Nobody owns it. The county doesn't want it. He doesn't see anybody maintaining it. Schwarz reiterated that if the City wanted to build it in the future, it is five acre densities not urban densities. The city could still come back and acquire the right-of-way at that point. Morrison revealed problems with that scenario. It is five acres now but what if it gets resubdivided and they have to go through 25 owners to acquire right-of-way. She acknowledged that when she looked at the alignment because it doesn't really align with anything.

Commissioner Hall questioned whether Whitefish could go in immediately and purchase that right-of-way instead of the developer providing the easement. Morrison acknowledged that they could if they had the funds to do so. She stated that she didn't check the Whitefish City-County Master Plan to confirm and assumed Eric had done so. Morrison noted that it is presently difficult to get to Karrow Avenue but didn't see how it would align.

Schwarz stated that the Whitefish Area Transportation Plan doesn't really show a right-of-way on this real estate. It has Baker Avenue and it just shows arrows off of Baker Avenue saying at some point they would like additional roads to the west off of Baker Avenue. It would seem that whenever property is developed out there to urban densities they should decide at that point.

Morrison stated that the property is zoned WLR which she believed is a 15,000 square foot lot size. It is a kind of rural feeling right now. You instantly are out of town and in a rural area at this point.

Commissioner Gipe made a **motion** to amend Condition # 5 to read “minimum 55-foot radius.” and to remove Condition #9. Commissioner Hall **seconded** the motion. **Aye** – Watne and Gipe. **Nay** - Hall. Motion carried by quorum.

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

MEETING WITH MATT AND CATHY GELINAS RE: CHE

Present at the July 17, 2003 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Kathy Gelinas, Matt Gelinas, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Gelinas stated he had received a letter from the County Attorney's Office which stated that we do not believe that the county in any way gave you false representations, false information or false impressions that would give rise to a claim for constructive fraud or negligent misrepresentation and wanted to know how the Commissioners could support such a statement. Gelinas continued that the County has that time delay and it seems constructive. In two of the rooms at the bottom of the stairs down by the kitchen when I would walk through the building I would ask what is behind that door and everybody said we don't have a key to those two rooms. Gelinas stated that asbestos was lying on the floor and again questioned how the Commissioners could support those statements.

Chairman Watne referred the question to Jonathan who stated that he did not want to go over this again. The County thinks they made it known to everybody that there was asbestos in the building that had to be removed.

Gelinas read from the letter again we do not believe the county in any way gave you false representations, false information, or false impressions that would give rise to a claim for constructive fraud or misrepresentation. He stated that he asked for a building inspection report and was told they didn't have one. Those are the types of things that you would declare. It is just like phase one and phase two environmental. You would declare that. That is something that clearly should have been said. Gelinas referred to a letter that he read from at the previous meeting with the Commissioners dated October 18 from a company that is purging its files. The sale was October 3rd. Why would they have held that back. Jonathan made the statement just now everybody knew about it. Commissioner Hall stated that was his understanding. Kathy Gelinas questioned how everyone was alerted. Chairman Watne responded that he believed that it was all stated at the time of the sale. Kathy Gelinas advised they had what was stated. Chairman Watne advised that according to the bidders that were bidding against Gelinas, it was stated that the building had asbestos in it.

Gelinas stated that he whole idea as Don would say the building was reduced. It can't be two things. That is what I am trying to narrow down. You can't have a building that is clean and good or a building that is bad. It should have been sold clean or condemned and contaminated. It has to be one or the other you can't have both worlds. You guys right now are trying to sue the Forest Service.

Commissioner Hall advised it was his understanding that it was stated that there were asbestos issues and actually when the building was put back up for sale there was money taken off the appraised price for asbestos and for dump fees. Kathy Gelinas advised the appraisal says it does not include any hazardous material. No hazardous material was included in the reduction. It says right here on the appraisal. Avery questioned what the amount of the appraisal was they were referring to. Gelinas said that the tax assessment a year ago was \$65,000.00. Avery advised and Kathy Gelinas agreed that the appraisal that was done

was \$360,000.00. Avery continued that price was reduced by \$220,000.00. \$120,000.00 was \$2.00 a foot based on Swank's estimate for demolition costs on a 60,000 square foot building. They had previously done one so we took that figure. We took dump fee estimates originally prepared by Steve Johnson of \$70,000.00. We added \$30,000.00 for any additional remediation for any hazardous materials that may be found on the building site. So we came up with a \$220,000.00 cost reduction. The bidding started at 90% of that which I believe was \$126,000.00 after Lynn Ogle read the disclaimer on the building.

Kathy Gelinis read from the appraisal. An environmental site assessment report was not provided to the appraiser. The value estimate is based on the assumption that there is no such material on or in the property that cause of the loss of the value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field. If desired see addenda for environmental assessment report. This is the appraisal that was given for what you were talking about for the deduction in the amount of \$360,000.00 but no hazardous materials. Avery responded that the property was reduced in value.

Kathy Gelinis stated that is why they are confused. This says no hazardous material and you are saying it is reduced for hazardous material. This says it is not. Gelinis reiterated that he says it is clearly stated. Smith responded that it was clearly stated at the sale that there is a bunch of asbestos there that you have to deal with. Kathy Gelinis countered not exactly. Smith stated that the TV report starts out saying the bidders at the sale were told right off the bat that there is asbestos you have to deal with.

Gelinis advised that when he walked into the building he was told the flooring tile. There is a difference between friable and non-friable. It is two different entities. Smith responded that there was a reduction made for asbestos. You looked at all of this before the sale. You knew there was asbestos. Gelinis responded in flooring tiles but he couldn't see the pipes. That is what I just told you about the doors. This is what I am trying to say. Any way that you could have constructed it you did. Gelinis stated that when DEQ and OSHA get done we are going to talk. I have bent over backwards on this thing and you know it.

Smith stated that they would take the building back, fix it and get rid of it again. He questioned why Gelinis should make a half a million bucks for buying the building and giving it back.

Gelinis asked why should the County sue the Forest Service. Chairman Watne noted that had nothing to do with this issue.

Gelinis reiterated his request the last time he met with the Commissioners: the price of the building, a reduction in the dump fees, and split the environmental.

Commissioner Hall advised that all was hindsight. We are looking back and saying what should have been could have been and we can't live in that world. We have to defer back to our attorney. We made you the offer of giving you your money back of what you paid for the building and that is where we are at.

Kathy Gelinis reiterated that they were confused as to what was said now compared to what was said in the document before. It is not the same thing. So that's why we are all confused on the whole issue of how can you justify that the county is not responsible for the asbestos problem and clean-up now. Smith noted that asbestos is not a problem until you take it out. Gelinis claimed that is what you did. It is laying on the floor and you have an employee that was with the county for 18 years attest to the fact. Smith questioned why Gelinis didn't talk to him before the sale. Gelinis stated he tried to do everything he could; all the due diligence I knew how to do.

Chairman Watne noted the meeting was not accomplishing anything.

Kathy Gelinis advised that DEQ wants to interview everyone. Chairman Watne advised that according to law if they want to meet with the Commissioners they will have to schedule a time that will appear on the agenda for two days.

MEETING WITH LOREN FRAZIER AND LARRY BRAZDA/MDOT RE: BIG MOUNTAIN ROAD

Present at the July 17, 2003 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Ray Harbine, Loren Frazier, Larry Brazda, Gary Kalberg, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

Chairman Watne advised that he has spoken with the owner of a bar at the junction where the Ferndale Highway hits the Swan Highway. The owner of the bar complained that people are not seeing the stop sign and running into fence posts or his building. Typically if the car is able to run, the people just leave the scene. Chairman Watne requested that a rumble strip in the pavement or some other kind of indication that a stop sign is upcoming be installed. Frazier did not have the accident report rate but agreed to look into the matter.

Chairman Watne also advised of the intersection of Shady Lane and Conrad Drive a resident experiences vehicles plowing into her yard. Brazda advised that he had been advised by Charlie Johnson of the concern. He had looked up the accident history for that intersection and nothing was reflected.

Frazier advised after the Secondary Roads meeting, it was determined that \$4.5 million of the \$6.9 million for the Big Mountain Road project is married to the project. He suggested that they use those funds to buy any right-of-way they can and do spot improvements to fix what safety issues they have money to fix. He noted that someday that road would have to be fixed.

Commissioner Gipe confirmed that part of the money is earmarked for right-of-way. Frazier noted that what is not used for right-of-way can be used on the project for construction.

Chairman Watne questioned the ability to purchase right-of-way if no property owners were cooperating. Frazier responded that after the article came out in the paper, a handful of people contacted the MDOT and became a little more reasonable in their dealings.

Commissioner Gipe suggested the upper end of the road be the focus of the project. Frazier agreed acknowledging working in that area they would have to deal with the least amount of property owners and address probably the biggest safety needs on that road. Commissioner Hall noted that Mike Collins of WSI was thinking along those lines as well.

Harbine noted that four of the parcels belong to Big Mountain Landowners Association and two to Winter Sports. Those can be acquired quite simply and easily and relatively inexpensively. Common area of course doesn't have a lot of value so within the amount of money allocated for the project it would be possible to work from about the Ptarmigan Village turnoff clear to the top. He noted that the subject of donation was discussed and it is the position of the MDOT that if the landowner or an individual

organization wants to donate to the cause, that is well and good but it is preferred that appraised value is paid for the property to keep it a straight forward arms length transaction and if people want to make a donation to the state or to the department they can do that through other channels.

Commissioner Hall confirmed that the MDOT had not received any offers for partnering or help in the project to make it easier access.

Crowley advised that the Planning and Zoning office has received a master plan amendment, a zone change and three preliminary plat requests. One of the preliminary plats has a lot right at the top switchback above Eagles Nest. The proposed right-of-way contained in the MDOT plans would run through the middle of that lot and essentially make an expensive lot worthless. The staff report prepared for the Planning Board expressed concern that the developers didn't address the MDOT plans that have been on the table since 1999 and not only that but this whole application up there is contingent upon roads, utilities and services and the Planning Office doesn't feel that they have made a good faith effort to incorporate MDOT's plans into their proposals.

Commissioner Gipe agreed that the money should be used on the road but noted that their cooperation is needed and if they don't cooperate, there isn't a lot that can be done.

Harbine confirmed that the county did not wish to tie up the secondary roads funds for Flathead County for the next 20 years trying to build a road they would never have the funds available to build. Frazier advised that he would direct the plan people to start advising them that this is what we have for a budget and we will do the best we can for the funds that we have.

Commissioner Hall asked for an explanation of the Secondary Road Program. Frazier responded that the committee allocated \$6.9 million for the Big Mountain Road Project. \$4.5 million of that amount is married to the project as it was special earmarked money specifically for that road. The remainder of the funds is rolled back into the whole pot for the entire district. There are seven or eight projects currently on the list. Two or three are in Ravalli County and some are in Lake County. A couple of those projects are small. With those funds being rolled back into the Secondary Roads Program, it will accelerate some of those other projects. If the Commissioners wish to designate Willow Glen as the next priority, a letter to MDOT is required and it should be done as soon as possible. That will start the wheels in motion as it takes a little over a year and half to get money to fund the project through the federal system. A project nomination will be done which is an estimate of about how much it is going to cost. That has to be approved by the Secondary Roads Committee. The Secondary Roads Committee approves it and then it has to be advertised in the state wide Transportation Improvement Program which is done every year in August. That gives the public a chance to comment on projects the MDOT is thinking about spending money on and then if it makes it through that process, receiving positive feedback, then it is moved forward, put on the list and the engineering process is started. It is a good year and one-half before a project is brought on board to start the public involvement process and kick off the design. Brazda advised that there is typically six or seven years of development time on any given project.

Chairman Watne confirmed that the Willow Glen secondary goes from 93 to 35. 317 is that route. He questioned whether the MDOT would be willing to manage maintenance of Holt Stage Road. Brazda responded they were not accepting any new roads at the present time.

Brazda advised that they had received a request to look at the Willow Glen Conrad intersection for stop signs and the like and that has been forwarded to their traffic engineer to run the accident history and do a benefit cost analysis on it. Those results should be received within a couple of weeks. Frazier advised that The United States Congress has a different category set up for hazard elimination and safety program. Those funds are different than those used for Secondary Roads Program. Accident analysis is done and it is intended to fix the worst first. If that intersection qualifies, it would basically be realigning the intersection. A design would be prepared and then run the benefit cost analysis to see if it ranks state wide.

Commissioner Gipe excused himself.

CONSIDERATION OF FIRE RESOLUTION

Present at the July 17, 2003 A.M. Meeting were Chairman Watne, Commissioner Hall, Alan Marble, Gary Mahugh, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1631. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Resolution No. 1631

WHEREAS, due to dry conditions, the fire danger in Flathead County is in the high to very high category;

WHEREAS, the weather forecasts for Flathead County indicate no relief from the very dry conditions;
and

WHEREAS, fire occurrences in Northwestern Montana are potentially sufficiently numerous that the Interagency Fire Committee has recommended issuance of Stage I Restrictions for all of Flathead County.

NOW, THEREFORE, BE IT RESOLVED that, at the request of the Interagency Fire Committee, the Board of Commissioners of Flathead County, Montana, hereby establishes the following Stage I fire restrictions on all State forested lands and on private forested lands open to the public in Flathead County, Montana and the following acts or uses are prohibited:

a) Control of Campfires

Building, maintaining, attending, or using a campfire or charcoal fire except within a developed recreation site or improved site.

b) Control of Smoking

Smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is cleared of all flammable material.

c) Use of fire works during Stage I Restrictions is prohibited.

Exemptions:

- (1) Persons with a written permit that specifically authorizes the otherwise prohibited act;
- (2) Persons using a fire solely fueled by liquid petroleum or LPG fuels;
- (3) Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice;
- (4) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

BE IT FURTHER RESOLVED that the foregoing restrictions shall take effect at 0001 hours (12:01 a.m.) on July 21, 2003, and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 17th day of July, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By: _____
Howard W. Gipe, Member

By: /s/ Vickie M. Eggum
Deputy

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

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

FRIDAY, JULY 18, 2003

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

No Meetings Scheduled.

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