

MONDAY, SEPTEMBER 8, 2003

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

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

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the September 8, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Fair Director Jay Scott, Assistant Avery, and Clerk Eggum.

General discussion was held relative to this years fair; horse racing; horses on the grounds; police training this week; bead show; new building; buildings rented for various events; Meridian Road Project.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #03-07-4-51-007-0

Present at the September 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed Amendment Number (1) to Task Order Number 03-07-4-51-007-0 (Flathead County Health Department and HIV Prevention Program).

Commissioner Gipe made a **motion** to approve Contract #03-07-4-51-007-0 and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENTS: LIBRARY

Present at the September 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint Laura S. Long to the Flathead County Library Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ARMSTRONG & WALKER ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the September 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 837AL. Commissioner Gipe **seconded** the motion. **Aye** - Watne Hall, and Gipe. Motion carried unanimously.

RESOLUTION NO. 837 AL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 21st day of July, 2003, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837AK, dated July 21, 2003) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 24 and July 31, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation of the property described on Exhibit A in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: /s/ Gary D. Hall

Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

EXHIBIT A
JASON ARMSTRONG, BETTY LOU ARMSTRONG, & JENNIFER WALKER ZONE CHANGE/HIGHWAY 93
NORTH ZONING DISTRICT
LEGAL DESCRIPTION

Location and Legal Description of Property:

Parcels A, B, and C on Certificate of Survey No. 14669, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

PRELIMINARY PLAT: FICKEN FARMS

Present at the September 8, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Rick Breckenridge and Peggy Mathiason of Montana Mapping Associates, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Ficken Farms Subdivision filed by the Kenneth Kramer Trust. Ficken Farms Subdivision creates a 13 lot single-family subdivision on approximately 73 acres. All lots in the subdivision are proposed to have individual water and sewer systems. The property is located at 901 North Somers Road, southeast of Kalispell at the intersection of North Somers Road and Manning Road. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-23 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 for Ficken Farms Subdivision subject to 12 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: SWAN RIVER CENTER I

Present at the September 8, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Larry Hill, Ardis Larsen of Larsen Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Swan River Center Subdivision I filed by Larry and Carole Hill. Swan River Center Subdivision I creates a five lot industrial subdivision on approximately 8.13 acres. The property is located 1000 feet west of the intersection of Echo Lake Road and Highway 83 near Bigfork. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-31 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 for Swan River Center Subdivision I subject to eight conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: SWAN RIVER CENTER II

Present at the September 8, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Larry Hill, Ardis Larsen of Larsen Surveying, Assistant Avery, and Clerk Eggum.

Morrison reviewed the preliminary plat for Swan River Center II Subdivision filed by Larry and Carole Hill. Swan River Center II Subdivision creates a five lot industrial subdivision on approximately 8.13 acres. The property is located 1000 feet west of the intersection of Echo Lake Road and Highway 83 near Bigfork. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-30 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 for Swan River Center II Subdivision subject to eight conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING WITH RICHARD GEHRKO RE: MCGREGOR FIRE SUBSTATION AND ROADS

Present at the September 8, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Richard Gehrke, Ron Blake, Liliane Hill, Terry Tursey, Michelle Wagar, Tom Webber, Carolyn Webber, Lena Brock, Annesa Santa, John A. McKinnon, M.D., John Santa, Ph.D., Larry Luce, Don Cromwell, Karen Cromwell, Fred Sand, Lenni Sand, Mike Groarke, Linda Groarke, Sean Santa, Road and Bridge Superintendent Charlie Johnson, Assistant Avery, and Clerk Eggum.

Gehrke advised that he was with the Marion Fire Department. They have a new substation at McGregor Lake and their calls come from the repeater in Marion and if you travel very far from the substation the messages aren't relayed. He noted that the Sheriff's Department has the same problem when they are working in the west end of the county. He advised when they had the fire on Thompson River they had to have fire trucks that responded stop at intervals to relay the messages. He also noted that when there is a power bump it causes their radios to go dead and someone has to travel to the substation and reset. A new tower was to be installed on Bar Z Mountain this spring and he was wondering the status of the new tower. He noted if labor was the issue the department would try and organize a work party from the volunteers. Commissioner Hall checked with Sheriff Dupont and advised that they have had some licensing issues but decided to proceed while working with licensing. The location has been changed to the cell tower location as the power that was at the original location had disappeared. They hope to have the tower up and running by the end of this month. It is slated for 30-45 days but Dupont was hoping to have it up and done by the end of the month. The other location was a better location but it would cost about \$100,000.00 to get power up there.

Gehrke then advised that there was representation today from five different groups concerned about getting the Lost Prairie Road paved. He noted that they were concerned with water quality of the lake with the dust from the road falling into the lake and the health concerns from all the dust. He had traffic counts from 1998 (334) and 1999 (492) and was hoping to get more current counts. Johnson advised that it takes from two to three years to get traffic counts on roads throughout the entire valley.

Blake reiterated the McGregor Lake Association's concern as to the negative effect on the water quality in the lake from the dust created from the traffic on Lost Prairie Road. He noted it is just like a fog that comes right out onto the lake and sits there.

Marty Watkins from the Fish and Game Department stated that one of the commitments they made when they purchased Boisverts was that they would keep a volunteer host at that location. Because of the traffic and prevailing winds, it has been difficult to keep a host because they are dust coated the entire summer. They have investigated cost sharing for dust coating but because of the amount of traffic it is reduced fairly quickly so results in an expensive proposition. She noted that the grade of the road, the steepness as it comes down to meet the highway causes the dust coating to fail.

Gehrke noted he lives right there and he personally suffers from there not being a host because of the parties and dogs running loose.

McKinnon suspected that some of the traffic problem has to do with the success of Montana Academy and has made a significant difference since 1997 when it started. The academy has 70 kids who come from all over the country. Their parents fly in about every two months and they bring family with them. They take their kids back into town and stay at hotels and they are back and forth during their visits. McKinnon did some rough estimates with regard to traffic volume that results from the academy. We have 70 families that come out for six weekends a year resulting in 400 family visits a year and they make about six trips every weekend because they are back and forth on three different days resulting in 2,400 trips up and down that road a year. A staff of 45 plus make two commutes a day five days a week resulting in 23,000 trips up and down that road. Adding the weekend trips the staff takes the kids on results in another 800 trips. Delivery trucks, Fed Ex, Sysco, repair people, drillers, you have another 1,000 a year resulting in a total just from Montana Academy of approximately 27,000 trips up and down that road a year. The staff consists of seven PhDs, two doctors and 20 people with BA degrees and 10 with master's degrees. We have a payroll of about \$2,000,000.00 a year. We spend \$200,000.00 a year just on food for the kids and staff. We spend \$15,000.00 just on laundry and \$150,000.00 on supplies. These families are coming from all over the country. They fly in, rent cars, stay in hotels, and eat meals in restaurants. Those families probably fill 2400 hotel rooms for a quarter of a million dollars a year. Those families probably eat 8,500 restaurant meals and have 1,200 rental car days. They probably spend 350 family days on the mountain. McKinnon estimated that the families bring about a million dollars of business into the Flathead. When that is added to the supplies and payroll it impacts the county with about \$3.5 million being spent here. McKinnon concluded that information is relevant when talking about paving the road.

John Santa advised that he was John McKinnon's partner at the Montana Academy. He advised that the academy is a fully accredited high school. He noted that almost none of the children have had any encounters with the law but that they are kids that are in trouble and struggling and will not succeed unless they get put in a place that sort of isolates them and helps them grow up which is what they were trying to do. He stated that the other piece about the road that is important is that it is a huge safety hazard. We have already had four significant accidents involving our parents and staff where they have rolled cars. It is a steep hill. It is not being taken care of. This summer was the worst I have ever seen which I understand the reason it is so dry you can't work on it. At 10 miles per hour you are likely to be wash boarded off the road. We have had four parents roll their cars off that road in the last two years. It is a significant safety hazard for the people that are visiting, for our staff and for the kids. For us, our biggest risk, we do not want something bad to happen to those kids and if we have a suburban load of 10 kids, we do not want the vehicle going off of the road. We have tried to be good neighbors. We have tried to help as much as we can in the community but we would really appreciate some help in terms of putting this road as a priority for paving.

Johnson agreed with all the comments noting that this is the situation we face all over the valley. Something needs to be done with the road. We have discussed this before; our urbanization is being pushed to the far limits of the boundaries of the county. It is a matter of funding as to how we address those issues. He also noted that the area is a major recreational area. Commissioner Gipe noted it is a high traffic area for wood hauling as well. McKinnon interjected logging trucks also travel the road. Johnson expressed concern for these types of issues being discussed during the planning process of these businesses like the academy. He noted that there is an academy on Hubbard that is also choking on the dust.

Johnson also had concern for the water quality. We have eight other areas at least in this county the North Fork Road, Mount Creek, Truman Creek, Ashley Lake that we are concerned about pollution. There is a grant available for some of this type of problem. Part of Mount Creek is being done under a grant from the EPA.

Gehrke stated that he observed Blankenship had been paved to the bridge. Johnson advised that they extended the pavement when they overlaid Blankenship last year. It was about $\frac{3}{4}$ of a mile and Rabe was stubbed. They are facing the same issues. Don't take paving away from one group and say we should have it over here. The whole county is in a dire situation for paving. Everybody is screaming for it. The board and I have to deal with how we are going to pay for this. That is the big issue. It is not that we have the money sitting in an account. It is how do we pay for the paving?

Sand advised that he and Lenni operate Skydive Lost Prairie. We moved up there in 1980 and since then our business has obviously grown in leaps and bounds. We live out there as part of the Lost Prairie Community and there are almost a dozen full time year round residents up there. Ken Krueger came out I don't know how many years ago and talked to us about things that could be done and we hear the same thing that we hear from Charlie. There is no money. What are our chances? Are we going to get this road paved in two years, five or is the crew heading out there right now? He advised that he was also speaking for one of the major ranchers in the valley, a resident of that area. He is also concerned for his livestock. He has had a terrible year with the dust with pneumonia. Several of his little calves are running around with patches on their eyes. He again questioned whether they were on a schedule and who was next on the list?

Hill questioned how the priority list is set for who is next. Johnson responded that it was more than one item that sets priorities. Basically, it has to do with traffic counts, safety issues and maintenance. Hill questioned whether the two businesses on the road generating revenues for the community and Flathead County have an influence for being a priority. Johnson replied that everything should have some kind of priority to it but in that case we have the same situation in town. You can't go strictly off of business. You have to take everything into account. Right now, basically we have funding to build three new miles of road a year.

Mike Groarke requested clarification as to how the county prioritizes. Johnson responded that they try to use traffic counts, safety and maintenance. Mike Groarke questioned whether that was public information and where that information could be

found. Johnson stated that he makes a recommendation from those considerations and then he discusses his recommendations with the board.

Lenni Sand stated that several years ago Lost Prairie was on the list and then it was taken off. Johnson replied that there is no list other than what the board and he agree to. People think that when I say yes I would really like to see that road paved it automatically means it is being put on a list. The board and I sit down usually in March and prepare a schedule. Johnson remembered Bob and the previous board mentioning Boisvert's Hill. He would like to pave at least to the top of Boisvert's Hill because it is impossible to maintain. Down the other side would be another issue.

Mike Groarke confirmed that Johnson had not done a cost comparison on maintenance versus upgrade. Johnson stated that there has been a lot of improvement done on that road noting that the road in a lot of areas is grossly inadequate to pave. Groarke then questioned whether the county was actively working with the EPA and looking for grants for roads. Johnson responded that the grant they have received for road work has been generated by Plum Creek and the Flathead Basin Commission. Johnson encouraged anyone to seek out grants for the improvements to roads.

Hill questioned what their group could do to help formalize the whole evaluation process or if it was just the squeaky wheel. Johnson stated that he believes any information is helpful as it gives the board something to look at and talk about. We compare everything and that is just one more tool. He stated he would be interested in the revenue generated to the county from local businesses. Blake confirmed that it is not something that is required of all groups and therefore not comparing apples to apples.

Johnson noted that he would like to review that information but it is not required. There are citizens that live on roads that have no businesses but their road is just as important to them as a road with businesses. He reiterated that this was what the board is facing on a daily basis that the average person that gets up in the morning and goes to work has got the same problems.

Hill stated that they live at the other end of McGregor Lake and they can actually see the dust storm all summer long down at the other end of the lake. She reiterated that is an environmental issue. We are concerned with the quality of the water on the lake. Johnson agreed that dust is an environmental issue. Sick cows are not quite the same as sick people and we get calls from all over this valley that people are being choked to death because of dust. You have to weigh all of these issues and this is not an easy task.

Hill confirmed that they would not have to provide costs for paving the road in their package as Johnson would determine that amount.

Johnson questioned whether they were interested in an RSID. He briefly explained the RSID process. Commissioner Hall concurred that they have been looking to RSIDs because of all the growth that has been going on in the valley noting that they have had many meetings like this with other residents. Hill speculated that they do not have enough people in that district to cover the costs adding that their real estate taxes are already very very high. She continued, we are here before the county to do what we need to do to put a sophisticated package together so that the county can justify it and feel comfortable to get this road done.

Johnson stated that we can never have enough information when it comes to deciding the criteria. Johnson requested that they provide their information by January. He advised that he presents his list to the Commissioners and they pare it down and then they look at the finances and pare it down some more. Usually by the first of May they have made their decisions.

Johnson then noted that over 50% of the roads he surveys in this county are not on right-of-way. Lost Prairie has never been surveyed but he speculated that somewhere along the road it is not on the right-of-way.

Larry Hill confirmed that paving reduces maintenance costs slightly and Johnson added that it reduces phone calls significantly. He questioned whether the amount of miles paved each year would possibly go up as more is paved. Johnson replied that he keeps asking for more money every year. Gravel roads for the Road Department are impossible to maintain. There were times gravel on a road would last for six or seven years. Presently the life of gravel has gone down to about two and one half years. Johnson noted that there are 1100 miles of gravel road that is maintained by the county and he is constantly screaming to get more paved but a mechanism needs to be in place to accomplish the paving.

Hill confirmed that they were not be interested in an RSID and questioned how much the county would determine to be a reasonable distance to pave and if it could be structured in different phases. Johnson responded that paving to the top of the hill was a reasonable distance. However, that does not solve the problem with the cows or the academy and only solves a portion of the maintenance. Hill noted that paving to the top of the hill would at least reduce the dust impacting the lake.

Carolyn Webber requested that the Commissioners consider safety.

McKinnon expressed frustration with reading that the city and county provided incentives to Stream Corporation to move here. It is unfair to local Montanans who start businesses that are also putting people to work and producing a payroll of over \$2 million a year for good jobs. The academy produces no environmental damage. It is an otherwise a clean business except for the dust. It seems like paving the road is one of the things the county could do that really would make a difference for local Montanans.

Larry Hill questioned the money available for bike paths. Chairman Watne responded that it was federal funding and has nothing to do with the county dollars.

Hill questioned what were the chances of getting the road paved for the two miles to the top of the hill if they took the time as citizens to put a package together? Chairman Watne responded that they have been discussing that road for three or four years but it always seems that they have priorities that jump in front of it. He agreed it does need to be done.

Hill referred back to her original question, how does something become a priority?

Johnson stated that when he first came to work for the Road Department they plowed that area when they got everything else done. With the academy and different groups moving out there and increase in population, which is not unique to just the Lost Prairie area it is happening all over the county, the County's services have been stretched to those areas so that they have to be there everyday now. The county has been growing but the county services have not grown as much as fast. There has to be significant improvements to that road before asphalt can be put down. Those are the things that drive up the cost of building roads.

Hill confirmed that everything the Commissioners do is public. Commissioner Gipe advised that they meet with Charlie at 11:00 on Monday mornings and everything discussed is open to public.

Larry Hill confirmed that if no road preparation has to be done depending on the thickness of the asphalt the cost for a mile of asphalt is \$60,000.00. If improvements are required before the paving, it goes anywhere from \$100 to \$125,000 depending on what improvements are needed. Hill confirmed that the Road Department's overall budget was approximately \$4.2 million to take care of the entire county, not just paving but snow remove, surveying, etc.

Blake confirmed that before any decision could be made relative to paving a road the right-of-way issue would have to be resolved. He questioned how they would get the road on the priority list if a survey has to be done first. Johnson responded that he has a limited amount of money in his budget that he can spend on surveying. He noted that they hope to have a surveyor hired by the first of next year. Blake reiterated that there is no sense in doing any song and dance at all until the road is surveyed because that will determine the amount of funds needed to pave the road. Johnson stated that he tries to limit his surveying to the roads they are going to be working on and a few other legal problems that pop up.

Johnson stated at the point in time when the Commissioners make Lost Prairie Road a priority then he will start looking at surveying. Hopefully when they get an in-house surveyor that will change the way they are surveying roads.

Hill again questioned if they present their package in January so they can be on the list for March or whenever the list is established, how can they get on the agenda when they have to have a survey done before they can prepare their package. Johnson responded that they have to talk to the Commissioners. Johnson responded that he would not order the survey until they have determined whether they are going to go there. Blake addressed his question to the Commissioners: how do we get on the list since the surveying right-of-way issue appears to be the bottom line then how do we get on the list to have that right-of-way issue resolved? Chairman Watne responded that if it were on the priority list that is one of the first things Charlie would do is check the right-of-way. John Santa requested the Commissioners to proceed with this project by authorizing Charlie to check and see if that is on the right-of-way at least to the top of the hill. Chairman Watne replied that the only way to find that out would be to hire a surveyor and that cuts into their funds for working on other roads. Brock stated that what they were saying is we are willing to do our part if you are willing to do yours. We will put together all of the necessary information.

Johnson estimated that it would cost \$1,800.00 to do a survey of that road. Hill suggested that they may be able to get somebody to donate part of their services. Hill suggested that by getting the survey done first then that would determine if there are any problems with doing the two mile paving. If not then they could move forward on the two miles.

Commissioner Hall advised that they obviously have their priorities set for this year. He referred to a list of new paving that needs to be done. Prairie Road on Boisverts Hill is on that list. They are going to look at it again in the spring. He stated that this was one of the hardest jobs they have as Commissioners. We sit here for hours and hours trying to prioritize because there are other people that have similar issues to yours. We have decided which ones we are going to do. We are just going to have to look at it again after the first of year. There is not a thing we can do today, right now, even the rest of this year. We will look at it again in the spring. They will review the information from the school and the traffic counts and so forth but no promises are going to be made today.

Larry Hill suggested that the county should look at a special bond issue. Commissioner Hall noted that they have been talking about that. Gehrke confirmed that providing the information from the academy, the jump zone, the money generated would be of some assistance. He also confirmed Johnson should be his contact person.

Gehrke noted that even when the road is graded, it is covered in washboards within a couple of hours. Johnson agreed noting it is that way all over the county. He stated that he looks at the county as a whole. He and the Board are at overwhelming odds to get these roads paved. They previously calculated that it would cost roughly \$63 million to pave all of the roads in the entire county. It is an awesome task and the board is required to make some serious decisions.

MEETING WITH WAYNE FERRULLO RE: WEED AND PARKS DEPT.

Present at the September 8, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Wayne Ferrullo, Weed and Parks Superintendent Jed Fisher, Brenda Hall, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Ferrullo advised that he was the owner of AAA Weed and Pasture. The Weed Department has been spraying weeds for a DNRC project consisting of 60 miles of roads in the Stillwater as well as some other areas in and outside of the county. The state has requested that the Weed Department do the spraying. Ferrullo requested that DNRC put the project out to bid. He provided the Commissioners with the results. He speculated that the county was subsidizing the Weed Department for doing the spraying for DNRC as they were providing chemicals cheaper than Ferrullo could purchase them. Commissioner Gipe suggested that it was the company that was selling the product is selling it cheaper to the county. Ferrullo countered that it is unrealistic to think Flathead County's bid is so far out of line it is ridiculous. They can't provide the equipment, the maintenance on the equipment, the fuel, the unemployment insurance, all of the overhead and do this job unless the county is subsidizing.

Ferrullo then accused the Weed Department of not doing the total job on county roads. They are not completely killing weeds within the total right-of-way of the county roads. They are spraying county roads, cutting county roads, but they are not doing the full right-of-way of the roads. If they were, the weeds would be gone. He questioned how the county could spray 1100 miles of road and make sure the weed control is done and at the same time send trucks to the Stillwater State Forest. Fisher responded that he has better equipment and they were more efficient by far. Ferrullo stated that he had as much knowledge and experience as the Weed Department's employees.

Fisher stated that Ferrullo has been complaining about this for quite some time. He wants all of the government contracts in the county. The County bids these contracts and they utilize the income from these contracts to do public education and promote the other weed spraying businesses in the county. When I came here in 1990, there were two private applicators in the valley making \$30,000.00 a year. As of today, because of our education, there are 12 private businesses making anywhere between \$30 and \$150,000 a year net. We use this income to do door to door public enforcement, private enforcement to get these guys even more work. Along with that, once we notify the people that they have a noxious weed problem, we send the complete applicators list and they are hired continuously to do weed control because of the county's efforts in the field.

Fisher stated that the Weed Department does a good job. They would never pull off of the rights-of-way to do other work. Fisher suggested that they go on any right-of-way in the county and they look fine including state highway, work that they do with Fish, Wildlife and Parks, both U.S. and state. There is not an issue. They complete their work before they do any other jobs.

Ferrullo did not believe that to be true. He questioned why they would be going out of Flathead County. Fisher responded because it affects Flathead County.

Fisher surmised that Ferrullo had made a lot of money because of what Flathead County does in the area of public education. Ferrullo speculated that without the private individuals spraying Flathead County would not be able to have the weed controlled in the valley as they do. Fisher agreed and added that is exactly why they send Ferrullo's business name out along with 11 other people to complete the weed control that is needed in this area.

Ferrullo stated that on a state and federal level the jobs should go out to bid. Fisher suggested that Ferrullo change some laws at the state level because Fisher is mandated to operate under current laws.

Chairman Watne and Commissioner Gipe agreed that if the project goes out to bid and DNRC is happy with the bids there were no issues to discuss. Fisher noted that it was taxpayer funds whether it was county, state or federal. Deputy County Attorney Smith agreed they were working for the taxpayer.

DOCUMENT FOR SIGNATURE: 1120 SOUTH MAIN CONTRACT/THOMAS, DEAN AND HOSKINS

Present at the September 8, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Contract and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SOKALOWSKI ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 957AK. Commissioner Gipe **seconded** the motion. **Aye** - Watne Hall, and Gipe. Motion carried unanimously.

RESOLUTION NO. 957AK

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 21st day of July, 2003, to consider a request to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 957 AJ, dated July 21, 2003) to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 24 and July 31, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Lower Side Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-80 to SAG-5, as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

Exhibit A
Legal Description
Ted and Lorraine Sokalowski Zone Change
Lower Side Zoning District

The property proposed for rezoning is located bounded by Snowline Lane on the south and east and Demersville Road on the east. The property contains approximately 115.46 acres.

The property is described as E1/2NW1/4 and NE1/4SW1/4 less the Tract on C.O.S. 9503, Section 33, Township 28 North Range 21 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: KISER ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the September 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 797CJ. Commissioner Hall **seconded** the motion. **Aye** - Watne Hall, and Gipe. Motion carried unanimously.

RESOLUTION NO. 797 CJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 21st day of July, 2003, to change the zoning designation on property in the Evergreen and Vicinity Zoning District from a split zone of R-5 (Two-Family Residential) and B-2 (General Business) to B-2 (General Business), in order that the entire property will be zoned B-2;

WHEREAS, the Board of Commissioners heard 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 Evergreen and Vicinity Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797CI, dated July 21, 2003) to change the zoning designation from a split zone of R-5 (Two-Family Residential) and B-2 (General Business) to B-2 (General Business), in order that the entire property will be zoned B-2; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 24 and July 31, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation from a split zone of R-5 (Two-Family Residential) and B-2 (General Business) to B-2 (General Business), in order that the entire property will be zoned B-2 described on Exhibit "A", as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

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

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

EXHIBIT A
Louise Kiser
Zone Change/Evergreen and Vicinity Zoning District
Legal Description

Location and Legal Description of Property: The property proposed for rezoning is located on LaSalle Road (Highway 2 E) in Kalispell. The property is directly across the highway from Evergreen Square (Flathead Video, Cardinal True Value). The property can be described as Assessor's Tract 2, Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MAJESTIC VALLEY (80 ACRES) ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 837AN. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 837 AN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 22nd day of July, 2003, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837AM, dated July 22, 2003) to change the zoning designation of the property described on Exhibit A on property zoned AG-40 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 26 and August 1, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation of the property described on Exhibit A from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

EXHIBIT A
Legal Description
Majestic Valley, LLC Zone Change
Highway 93 North Zoning District

The property proposed for rezoning is located on the northwest corner of U.S. Highway 93 North and Church Drive, and contains approximately 80 acres.

The property is described as Tracts 1 and 2, Patterson Tracts, a platted subdivision of Section 12, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: KOENIG ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 837AR. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 837AR

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 29th day of July, 2003, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837AQ, dated July 29, 2003) to change the zoning designation of the property described on Exhibit A on property zoned AG-40 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 2 and August 9, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation of the property described on Exhibit A from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:

Paula Robinson, Clerk

By: /s/ Vickie M. Eggum

Vickie M. Eggum, Deputy

EXHIBIT A
Koenig Zone Change
Highway 93 North Zoning District
AG-40 to SAG-5
Legal Description

Tract 1: The SE1/4NW1/4, the NE1/4SW1/4, the W1/2SW1/4NE1/4, the W1/2NW1/4SE1/4 of Section 18, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana. Tract 2: The E1/2SW1/4NE1/4 and the E1/2NW1/4SE1/4 of Section 18, Township 29 North, Range 21 West M.P.M., Flathead County, Montana. Tract 3: The NW1/4NE1/4, the W1/2W1/2NE1/4NE1/4, the SE1/4NE1/4, and the NE1/4SE1/4 of Section 18, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MAJESTIC VALLEY (62 ACRES) ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 837AP. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 837AP

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 23rd day of July, 2003, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837AO, dated July 23, 2003) to change the zoning designation of the property described on Exhibit A on property zoned AG-40 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 28 and August 4, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation of the property described on Exhibit A from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

EXHIBIT A
Majestic Valley, LLC
Zone Change/Highway 93 North Zoning District
Legal Description

Legal Description of Property:

Tract 1 of Certificate of Survey 12407 located in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 12, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: TANNER ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 956AQ. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 956AQ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 24th day of July, 2003, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Residential) to R-2 (Residential);

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 Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956AP, dated July 24, 2003) to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Residential) to R-2 (Residential and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 29 and August 5, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto from R-1 (Residential) to R-2 (Residential, as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

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

Exhibit A
Tanner Zone Change, Bigfork Zoning District
R-1 to R-2
June 11, 2003

Tract 1: A tract of land situated, lying and being in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows: Beginning at the SE corner of the NE1/4NW1/4 of Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana; thence South 89°24'47" West, a distance of 85.64 feet to a point in the center of a 60 foot private road easement, said point being on a 270.00 foot radius curve concave Southwesterly, having a radial bearing of South 86°13'52" West; thence Northwesterly and along said center line through a central angle of 27°38'05" an arc length of 130.23 feet to the P.T. of said curve; thence North 31°24'13" West, and continuing along said road centerline, 130.00 feet to a point; thence North 13°34'52" East, and leaving said centerline, 42.49 feet to a found iron pin on the Northeasterly R/W of said road; thence North 56°13'40" East, a distance of 215.40 feet to the center of a corner post and being on the Easterly boundary line of the NE1/4NW1/4 of Section 25; thence South 00°28'55" East, and along the Easterly boundary line of the NE1/4NW1/4, a distance of 394.07 feet to the Place of Beginning.

Tract 2: A tract of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 27 North, Range 20 West, M.P.M., described as follows: Beginning at the Southwest corner of the NW1/4NE1/4, said Section, Township and Range; thence North along the Quarter line 400.00 feet; thence East 845.9 feet to an intersection with the West Right-of-Way line of Montana Federal Aid Highway No. 35; thence S03°18' East, along said Right-of-Way line 400.6 feet to an intersection with the South boundary line of the NW1/4NE1/4 of Section 25; thence West along the South boundary line 869.00 feet to the Point of Beginning. Recorded in Book 481, Page 417. EXCEPTING THEREFROM: A tract of land in the NW1/4NE1/4 Section 25, Township 27 North, Range 20 West, M.P.M., Flathead County, Montana, described as follows: Commencing at the Southwest corner of the NW1/4NE1/4; thence North 89°41' East a distance of 560.6 feet to the Point of Beginning of the tract to be described; thence South 89°41' West a distance of 194.4 feet to a point; thence North 22°21'26" East a distance of 335.14 feet to a point; thence South 80°17' East a distance of 123.25 feet to a point; thence South 10°43' West a distance of 293.0 feet to the Point of Beginning. ALSO EXCEPTING THEREFROM: That part of the NW1/4NE1/4 Section 25, Township 27 North, Range 20 West, M.P.M., Flathead County, Montana, described as follows: Commencing at the Southwest corner of said NW1/4NE1/4 of said Section 25; thence North 89°41' East along the South boundary a distance of 560.6 feet to the Point of Beginning; thence North 10°43' East a distance of 340.8 feet to a point; thence North 89°41' East a distance of 217.31 feet to a point and the intersection with the Right-of-Way line of Montana Federal Aid Highway No. 35; thence South 3°18' East along said Right-of-Way line a distance of 335.00 feet to an intersection with the South boundary line of the NW1/4NE1/4 of said Section 25; thence South 89°41' West along the South boundary line a distance of 300.00 feet to the Point of Beginning.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: LONG ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the September 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to adopt Resolution No. 957AM. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 957AM

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 24th day of July, 2003, to consider a request to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 957AL, dated July 24, 2003) to change the zoning designation in a portion of the Lower Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 29 and August 5, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Lower Side Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-80 to SAG-5, as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8th day September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:

Paula Robinson, Clerk

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

**Exhibit A
Legal Description
William K. Long Zone Change
Lower Side Zoning District**

The property proposed for rezoning is located approximately 700 feet west of Lower Valley Road adjacent to the Green Tree Meadows, Wild Goose Acres and Subdivision No. 118. The property contains approximately 28.54 acres.

The property is described as Tract 3, on C.O.S. 9923, Section 28, Township 28 North Range 21 West, P.M.M., Flathead County, Montana.

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

TUESDAY, SEPTEMBER 9, 2003

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

7:00 A.M. Commissioner Hall is to attend Jobs Now Meeting at FVCC re: Regional Development Organization

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION

Present at the September 9, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Laurie Rebeck, Juvenile Detention, Assistant Avery, and Clerk Eggum.

General discussion was held relative to outdoor rec roofing; quiet room; grant; training in Bozeman.

PUBLIC HEARING: ROAD NAMING/WEST EVERS CREEK ROAD

Present at the September 9, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Lesli Schreiner and Clerk Eggum.

Acting Chairman Gipe opened the public hearing. No one in the audience to speak for or against the road naming, Acting Chairman Gipe closed the public hearing.

Commissioner Hall made a **motion** to adopt Resolution No. 1639. Commissioner Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1639

WHEREAS, landowners in the vicinity have proposed that a road in Flathead County open to public use and generally passing East and West in Section 11, Township 31 North, Range 24 West, P.M.M., Flathead County, Montana, be named West Evers Creek Road;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 9, 2003, concerning the proposal, after publication and mailing of notice thereof on August 26, 2003 and September 2, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named West Evers Creek Road.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the road in Flathead County open to public use, and generally passing East and West in Section 11, Township 31 North, Range 24 West, P.M.M., Flathead County, Montana, and shown on Exhibit A hereto, should be, and it hereby is, named West Evers Creek Road.

BE IT FURTHER RESOLVED that the naming of West Evers Creek Road shall be effective on September 9, 2003.

Dated this 9th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

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

COS REVIEW: SULLIVAN

Present at the September 9, 2003 10:15 A.M. Meeting were Commissioners Gipe and Hall, Rick Breckenridge of Montana Mapping, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Commissioner Hall made a **motion** to accept the COS as presented. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: VALLEY RIDGE ESTATES

Present at the September 9, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe reviewed a letter from Michael W. Fraser, P.E. of TD&H advising that the improvements included in the Subdivision Improvement Agreement are substantially complete and have been constructed in substantial conformance to the plans and specifications.

Commissioner Hall made a **motion** to continue this until September 11, 2003. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: STILLWATER ESTATES, PHASE III

Present at the September 9, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe reviewed a letter from Michael W. Fraser, P.E. of TD&H advising that the improvements bonded under the Subdivision Improvement Agreement are substantially complete and have been constructed in substantial conformance to the plans and specifications.

Commissioner Hall made a **motion** to continue this until September 11, 2003. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: HALEY

Present at the September 9, 2003 10:45 A.M. Meeting were Commissioners Gipe and Hall, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Morgan reviewed Lake and Lakeshore Construction Permit filed by Tom and Alicia Haley on Whitefish Lake to reinstall an electrical cable from the existing stairway to the grand fathered boathouse. The Whitefish Lakeshore Protection Committee approved the permit with a deletion of Condition #5. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-29 and authorize the Chairman to sign subject to 12 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

FIRE UPDATE

Present at the September 9, 2003 10:45 A.M. Meeting were Commissioners Gipe and Hall, Merle Glenn, Assistant Avery, and Clerk Eggum.

Glen provided the Commissioners with a folder and an update of the fires in the area.

12:00 P.M. Commissioner Hall is to attend the Columbia Falls Chamber Luncheon

1:00 P.M. Meeting w/MACo Executive Board re: Process of Construction Bidding

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 10, 2003.

WEDNESDAY, SEPTEMBER 10, 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.

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

1:30 P.M. Commissioner Hall is to attend the Port Authority Meeting at Community Development re: Stream Space

6:00 P.M. Commissioner Hall is to attend the Flathead County Planning Board Meeting at Earl Bennett Building (2nd Floor Conference Room)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 11, 2003.

THURSDAY, SEPTEMBER 11, 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/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the September 11, 2003 9:00 A.M. Meeting were Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

General discussion was held relative to role of the Planning Board; trails update; statistics; planning board meeting; growth policy; North Fork planning issues.

DOCUMENT FOR SIGNATURE: GROUP INSURANCE/HUMAN RESOURCE OFFICE

Present at the September 11, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, Human Resource Officer Raeann Campbell, and Clerk Eggum.

Commissioner Gipe reviewed the Request for Group Insurance Amendment and Application for Group Insurance presented by Campbell.

Commissioner Hall made a **motion** to approve the Request for Group Insurance Amendment and Application for Group Insurance and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: EMERGENCY 2-MILL LEVY/FIRES 2003

Present at the September 11, 2003 9:30 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1640. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1640

WHEREAS, due to hot and dry conditions, the fire danger in Flathead County has been in the extreme category for several weeks;

WHEREAS, due to the hot and dry weather and the fire occurrences in Montana, the Governor of the State of Montana declared a state of emergency in all of Montana, including Flathead County, on July 18, 2003 and the Board of Commissioners of Flathead County, Montana, declared a state of emergency in Flathead County on July 21, 2003;

WHEREAS, fire occurrences in Northwestern Montana have been sufficiently numerous that the Interagency Fire Committee recommended, and the Commissioners issued, Stage II Restrictions for all of Flathead County;

WHEREAS, the fire suppression activities undertaken by Flathead County during the emergency have exhausted the emergency fund and continuing operations required by the ongoing fires and the extreme hot and dry conditions will require the use of more resources; and

WHEREAS, available resources are no longer adequate to cope with the situation.

NOW, THEREFORE IT IS HEREBY RESOLVED, that there shall be appropriated immediately to the Emergency/Disaster Fund an amount equivalent to two (2) mills on the taxable valuation of the County outside the incorporated municipalities, pursuant to Section 10-3-405, M.C.A., said two (2) mills to be levied during fiscal year 2003-04 and be utilized for paying the expenses incurred by Flathead County in fighting fires during the 2003 fire season, and that budgetary authority to spend funds in Fund 2260, Emergency/Disaster, for the purpose of fighting fires in Flathead County is hereby authorized.

BE IT FURTHER RESOLVED, that copies of this resolution shall be filed with the County Clerk and Recorder and the Montana Disaster and Emergency Services Division in Helena, Montana.

Dated this 11th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Robert W. Watne, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

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

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/SPLENDID VIEW DRIVE

Present at the September 11, 2003 9:45 A.M. Meeting were Commissioners Gipe and 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. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road open to the use of the public as Splendid View Drive.

A private road generally passing north and south off of Montana Highway 35 in Section 16, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana, extending off of the existing Splendid View Drive generally passing east and west.

The public hearing will be held on the **30th day of September, 2003, at 9:30 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 naming of **Splendid View Drive**.

This notice shall be mailed to each landowner who has access off of the proposed Splendid View Drive, who has an address assignment on the proposed Splendid View Drive, or who owns property along the proposed Splendid View Drive.

Dated this 11th day of September, 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 September 16, 2003 and September 23, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ANNEXATION TO SOUTH KALISPELL FIRE DISTRICT/ULRICH

Present at the September 11, 2003 9:45 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Hearing for Annexation of Property to the South Kalispell Rural Fire District and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

NOTICE OF HEARING FOR ANNEXATION OF PROPERTY TO THE SOUTH KALISPELL RURAL FIRE DISTRICT

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

Tract 4 in the SW1/4 of Section 13, Township 27 North, Range 211/2 West, and Tract 2 in the E1/2SE1/4 of Section 14, Township 27 North, Range 211/2 West.

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

Therefore, it is hereby ordered that a hearing is to be held on such Petition on **September 30, 2003 at 10:0 A.M.** in the Office of the County Commissioners, West Annex, Courthouse, 800 South Main Street, Kalispell, Montana, at which time any taxpayer may appear and will be heard for or against the annexation of the above described property to the South Kalispell Rural Fire District.

DATED this 11th day of September, 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

Please publish on **September 16, 2003 and September 23, 2003**

DOCUMENT FOR SIGNATURE: ADVOCATES IN MEDICARE SAVINGS MOU/AOA

Present at the September 11, 2003 9:45 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe reviewed the Advocates in Medicare Savings (AIM\$) Memorandum of Understanding For the Period Beginning July 1, 2002 between the Missoula Aging Services (Area XI Agency on Aging) and Area IX Agency on Aging. The purpose of the agreement is to demonstrate the effectiveness of recruiting and training retired professionals to teach and

educate at least 6000 Montana Medicare beneficiaries and their families how to better monitor what is paid on their behalf and what to do about identified discrepancies. The term is July 1, 2003 and end June 30, 2004.

Commissioner Hall made a **motion** to approve the Advocates in Medicare Savings (AIM\$) Memorandum of Understanding and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACTS #01-07-4-11-019-0 AND 02-07-4-11-001-0

Present at the September 11, 2003 9:45 A.M. Meeting were Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe reviewed the amendments needed for Amendment Number Two to Task Order Number 01-07-4-11-019-0. A Task Order having been made and entered into between the Montana Department of Public Health and Human Services and Flathead City-County Health Department on January 1, 2001 and Amendment Number One to Task Order Number 02-07-4-11-001-0. A Task Order having been made and entered into between the Montana Department of Public Health and Human Services and Flathead City-County Health Department on July 1, 2001.

Commissioner Hall made a **motion** to approve the Amendment Number Two to Task Order Number 01-07-4-11-019-0 and the Amendment Number One to Task Order Number 02-07-4-11-001-0 and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

FINAL PLAT: SWEETGRASS NO. 1

Present at the September 11, 2003 10:00 A.M. Meeting were Commissioners Gipe and Hall, Planner Melinda Riley, Jean Johnson of Paul J. Stokes and Associates, and Clerk Eggum.

Riley reviewed the final plat for Sweetgrass Subdivision Phase I which is an application by Anthony Quinnell for approval of a six lot residential subdivision. The proposed subdivision is located in an unzoned area approximately 1.5 miles southwest of Costco in Kalispell off of Trumble Creek Road. Preliminary plat was approved on September 9, 2002 subject to 12 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve the monies in lieu of parkland in the amount of \$1,618.00. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for Sweetgrass Subdivision Phase I. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Hall. Motion carried by quorum.

COS REVIEW: MEHRING

Present at the September 11, 2003 10:15 A.M. Meeting were Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, James Burton of Jackola Engineering, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title.

Burton advised that originally they wanted to transfer to one of their sons but he is experience financial difficulties. Burton suggested that Ray transfer to his wife so she could do a family transfer to him. They are at retirement age, trying to get out of the valley. That was the quickest way for them to come up with to keep the home place and create the 39 acres for transfer. Ray had done an earlier family transfer to his first wife and she has since passed away.

Commissioner Hall made a **motion** to accept the COS as presented. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

MEETING W/DAVID GREER/DNRC RE: WHITEFISH CHARTER

Present at the September 11, 2003 10:20 A.M. Meeting were Commissioners Gipe and Hall, Jon Dahlberg, Bob Harrington, David Greer, Greg Poncin, Bob Helder, and Clerk Eggum.

Greer presented the Commissioners with a copy of a Charter for the DNRC Whitefish Neighborhood Plan 9/15/03 and advised that DNRC was trying to put together a neighborhood plan in the area of Whitefish. DNRC and the State of Montana is the lead agency in developing this effort and the landowner which manages about 13,000 acres of school trust land around the community of Whitefish. Greer referred to the Whitefish Area Plan Vicinity Map May 12, 2003 noting the state lands. The process was started in May. A consultant was hired to assist through the process. To date 10 public meetings have been held. Over 350 people have participated. DNRC has had direct contact with 35 special interest individuals or groups. They are trying to engage everybody in this planning process. The goal is to complete an application to the city and to the county for an amendment to their respective growth policies by May of 2004. This is going to be a goals and policies format. The neighborhoods are identified so they may get a little more detailed with those. DNRC is presently trying to identify an advisory group. This advisory group would be somewhere between 15 and 20 individuals that represent the broad interests of the people that live within the area of this planning process but they could also represent the broader interests of the State of Montana because these are school trust lands and they just don't belong to the City of Whitefish. A selection committee of five to seven individuals will be established to appoint an advisory committee consisting of 15 to 20 individuals who have a broad representation of the lands that would help DNRC in preparing this growth policy amendment. Because the city has to approve the policy and the county has to approve the policy as most of it is within a city-county planning jurisdiction it is recommended that the Whitefish Mayor take the lead from the city and that Gary Hall take the lead from the County Commissioners and that we have an additional three members mutually agreed to by both of these individuals and that they would collaboratively through a census type process decide who the seven or five member selection committee would be and that selection committee would then create an advisory committee of 15 to 20 people that would work with DNRC in helping to work this plan through the process. That advisory group is called the Whitefish Area Trust Lands Plan Advisory Committee. The advisory committee's responsibilities will be to: (1) Serve as a partner to DNRC in developing all components of the Plan; (2) Formulate goal and policy statements that will provide general guidance for the future use and management of the trust lands within the planning area; (3) Assist in the development of land use alternatives for the planning area, which may also include sub-neighborhoods; (4) As land use alternatives are identified, the Committee will examine the feasibility of each approach. Feasibility criteria might include financial feasibility, community acceptance, long-term impacts, and the ability to meet the needs of the Trust Lands' beneficiaries; (5) Implementation Strategies: examine tools and strategies for implementation of Planning Goals and Objectives and land use alternatives for each of the sub-neighborhoods; (6) Provide on-going review and recommendations of all plan

components; (7) Serve a key role in disseminating and discussing draft products generated by the Advisory Committee to the general public through a public meeting format; (8) Provide Assistance in Plan Adoption: As the plan moves forward, the Advisory Committee will partner with DNRC to help shepherd the plan through the local adoption process; and (9) Other items as determined. If at any time the working relationship of the advisory committee to DNRC is unsatisfactory or fails to accomplish the tasks of the planning efforts, DNRC may choose to discontinue with the committee relationship and may terminate the planning process. Meetings have been held since May. In order not to lose what has been learned through that process it is important to get the advisory committee in place but DNRC wants the county to take an active part in selecting who that advisory committee is in a collaborative effort with the City of Whitefish. The Charter is going to the Land Board next Monday for approval.

Commissioner Hall made a **motion** to approve the Charter for the DNRC Whitefish Neighborhood Plan 9/15/03. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONTINUATION OF CONSIDERATION OF RELEASE OF COLLATERAL: VALLEY RIDGE ESTATES

Present at the September 9, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Bob Helder, Mike Fraser, and Clerk Eggum.

Commissioner Gipe reviewed a letter from Michael W. Fraser, P.E. of TD&H advising that the improvements included in the Subdivision Improvement Agreement are substantially complete and have been constructed in substantial conformance to the plans and specifications.

Commissioner Hall made a **motion** to approve the release of collateral for Valley Ridge Estates. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONTINUATION OF CONSIDERATION OF RELEASE OF COLLATERAL: STILLWATER ESTATES, PHASE III

Present at the September 9, 2003 10:30 A.M. Meeting were Commissioners Gipe and Hall, Mike Fraser, Bob Helder, and Clerk Eggum.

Commissioner Gipe reviewed a letter from Michael W. Fraser, P.E. of TD&H advising that the improvements bonded under the Subdivision Improvement Agreement are substantially complete and have been constructed in substantial conformance to the plans and specifications.

Commissioner Hall made a **motion** to approve the release of collateral for Stillwater Estates, Phase III. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION STAGE I FIRE RESTRICTIONS

Present at the September 11, 2003 10:45 A.M. Meeting were Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1641. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Resolution No. 1641

WHEREAS, due to hot and dry conditions, the fire danger in Flathead County was in the extreme category in July and August 2003;

WHEREAS, fire occurrences in Northwestern Montana were sufficiently numerous that the Interagency Fire Committee had recommended issuance of Stage II Restrictions for all of Flathead County, and Stage II Restrictions were enacted on July 29, 2003, and modified in August, 2003; and

WHEREAS, the National and State Forests, in response to the rain that has fallen in the past few days, have reverted to Stage I restrictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby rescinds the Stage II fire restrictions and reimposes Stage I 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 immediately and shall remain in effect until rescinded by the Board of Commissioners of Flathead County, Montana.

DATED this 11th day of September, 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
Deputy

11:00 A.M. View Hodgson Road/Strong Lane Approach

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

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

FRIDAY, SEPTEMBER 12, 2003

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

9:30 A.M. Commissioner Hall is to attend the Fire Team In-Briefing at Outlaw Inn

1:00 P.M. Commissioner Hall is to attend a meeting with Gary Purdy re: Area Command

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