

MONDAY, NOVEMBER 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.

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the November 10, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Fair Director Jay Scott, and Clerk Eggum.

General discussion was held relative to new building; reorganization of grounds; horse racing; floor of recently completed building; upcoming fair acts.

FINAL PLAT: THE GLADES AT BIG MOUNTAIN

Present at the November 10, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Tom Sands of Sands Surveying, and Clerk Eggum.

Crowley reviewed the final plat for The Glades Subdivision which is an application by Winter Sports, Inc. and Hines Resorts. Applicant proposes to create 18 residential lots on approximately 21.5 acres within the Big Mountain Zoning District to be served by the Big Mountain Water Company and the Big Mountain Sewer District. The proposed subdivision is located in the Big Mountain Village, approximately five miles north of Whitefish. Preliminary Plat approved was granted on March 12, 2003 subject to 20 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve a Subdivision Improvement Agreement in the amount of \$866,321.50 for completion of subdivision roads, water system, sewer system, drainage and miscellaneous work and utilities. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried quorum.

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

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #360274.02

Present at the November 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

Chairman Watne reviewed a letter from the Health Care Facility Program Manager requesting execution of Modification No. 3 of Agreement between Flathead County and the Montana Department of Public Health and Human Services.

Commissioner Gipe made a **motion** to approve the Modification No. 3 of Agreement and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MAJESTIC HILLS PUD

Present at the November 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by Roger Fricke to approve a Planned Unit Development (PUD) in the Highway 93 North on property zoned SAG-5 (Suburban Agricultural).

The area proposed to be overlaid with a PUD is described as Assessor's Tract 5, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

The proposal would allow for the development of a fifty-two lot mixed use residential/ commercial subdivision on 147 acres with 43 single family residential lots and 9 commercial lots.

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

The public hearing will be held on the **24th day of November, 2003, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Hwy 93 North Zoning District.

DATED this 10th day of November, 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 November 13 and November 20, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: KELLER ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the November 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Les Keller to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to I-1 (Light Industrial).

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

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

The regulations defining the R-1 and I-1 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

The public hearing will be held on the **25th day of November 2003, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 10th day of November, 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 November 13, and November 20, 2003

**EXHIBIT A
LES KELLER ZONE CHANGE
EVERGREEN AND VICINITY ZONING DISTRICT
R-1 TO I-1
OCTOBER 8, 2003**

The property is described as Parcel 1 of Certificate of Survey No. 15040 and Tract 2: A portion of an abandoned road more particularly described as follows: Commencing at the Northeast corner of Lot 5 of Parkdale, according to the map or plat thereof on file and of record with the office of the Clerk and Recorder of Flathead County, Montana; thence North 30 feet to the Point of Beginning; thence continuing North 30 feet to the Northerly right-of-way of said abandoned road; thence South 77°53' West 460.5 feet; thence South 30 feet to the center of right-of-way; thence North 77°53' East 460.5 feet to the Point of Beginning in Section 5, Township 28 North, Range 21 West, P.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SHARPE, ET AL., ZONE CHANGE/WEST SIDE ZONING DISTRICT

Present at the November 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, and Clerk Eggum.

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

**NOTICE OF PUBLIC HEARING
WEST SIDE ZONING DISTRICT**

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 Ronald & Marcia Sharpe, Roderick & Sherie Leese, Terry Smiley, Harlen & Sheila Johnson Living Trust, Robert Beberg, and Kevin Linrude to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana in Permanent File No. 93270 13500.

The public hearing will be held on the **25th day of November, 2003, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the West Side Zoning District.

DATED this 10th day of November, 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 November 13 and November 20, 2003.

EXHIBIT A
SHARPE, LEESE, JOHNSON TRUST, BEBERG, AND LINDRUDE
WEST SIDE ZONING DISTRICT
SAG-10 TO SAG-5
OCTOBER 15, 2003

The property is located near Three Mile Drive and Stillwater Road along Quarter Horse Lane northwest of Kalispell, and contains approximately 80 acres. The property is described as Lots 1, 2, 3, 8, 9, and 10 of Quarter Horse Estates a platted subdivision in Section 2, Township 28 North, Range 22 West, P.M., Flathead County, Montana.

PRELIMINARY PLAT: CABIN CREEK LANDING

Present at the November 10, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planner Lindsay Morgan, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morgan reviewed the preliminary plat for Amended Plat of Lot 19, Cabin Creek Landing Subdivision filed by Gerry and Carolyn Hurst. The applicant proposes to create a two lot single-family subdivision on approximately 6.39 acres. The property is located at 155 Wright Way, approximately 2.5 miles southwest of Marion. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-27 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve the Preliminary Plat of Amended Plat of Lot 19, Cabin Creek Landing Subdivision subject to 12 conditions. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

10:00 A.M. Commissioner Hall is to attend the Columbia Falls High School Veterans' Day at Columbia Falls High School Gym.

FINAL PLAT: COUNTRY VILLAGE UNIT NO. 2, LOT 43

Present at the November 10, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Sanderson reviewed the final plat for Amended Plat of Lot 43, Country Village Unit #2 Subdivision which is an application by Paul and Ann Hahn. This will create a two lot minor subdivision along Country Way approximately one-quarter mile north of Kalispell. The subject property is 2.14 acres in size and is located in R-1, Evergreen and Vicinity Zoning District. Preliminary plat was waived on June 4, 2003 subject to eight conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-34 as Findings of Fact. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Gipe made a **motion** to approve Final Plat for Amended Plat of Lot 43, Country Village Unit #2 Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

MEETING W/DEAN PETERSON RE: GWEN'S WOODS, CONDITION #2

Present at the November 10, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Dean Peterson, Bob Hanger, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Chairman Watne reviewed Condition number 2, "The subdivision shall be served by City of Whitefish sanitary sewer, ~~subject to~~

~~Department of Environmental Quality approval.~~ The deletion at the end of the condition was made by motion of the Commissioners at the preliminary plat meeting.

Peterson noted that he has received approval of the DEQ and the county to install septic systems for the subdivision and wants to move forward but cannot hook up to the City of Whitefish. Sanderson advised that his understanding is that the city cannot obtain an easement to move the line. He noted that DEQ would never allow approval without a denial by the City of Whitefish. If they have received DEQ approval they have obviously complied with all of the local and state requirements. He recommended rewriting condition number 2.

Commissioner Gipe made a **motion** to amend Condition #2 to read as follows: "The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the MDEQ." Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the November 10, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioner Gipe, Road Superintendent Charlie Johnson, and Clerk Eggum.

Johnson reviewed a recent copy of The Ashley Lake Homeowners newsletter. It says that the Road Department is maintaining their roads at low priority. The Road Department has time and resources for paving elsewhere. The current practice is to do nothing or very little in maintaining **Ashley Lake Road**. The paving of the access roads to Ashley Lake might be in the 2005 budget. In response to these comments, Johnson noted that the Road Department is maintaining all gravel roads at low priority and it is not because they want to. A big change in the valley in the last year is the people that live on gravel roads are really upset that some of the other roads are getting overlaid. You try to explain to them that this is an asset and hopefully people realize the County is trying to protect its infrastructure. Johnson noted that in addition to the comments in the newsletter, he has heard comments on the street that paving for that road was in the budget for 2005. Johnson spoke to Commissioner Hall and he was unaware of such a commitment. Chairman Watne and Commissioner Gipe agreed that they had not discussed such a plan. Chairman Gipe suggested that Johnson write a letter and remind them that they used to stop maintenance of the road at the end of the pavement turning around at the little store. Chairman Watne suggested that the Road Department show them nothing or very little. Johnson noted that the Planning Board suggested that he educate people but acknowledged that has been difficult to do. Commissioner Gipe agreed.

Johnson informed the Commissioners that the City of Kalispell advised him in a letter that they would not take **Whitefish Stage** as previously promised. The Commissioners suggested that the road be quitclaimed to the City of Kalispell. Johnson reminded the Commissioners that they quitclaimed Woodland to the City of Kalispell and it resulted in being a real point of contention with them. Johnson explained that the City of Kalispell made the same comments of taking over these roads if the County would do the surveying and upgrading.

Johnson advised that Kalispell Industrial Center south of town has again requested the County maintain their roads. Johnson recommended that they not start. The Commissioners agreed.

Johnson advised that maintenance has been requested for **Radner**, north of Olney. A bridge is located in the area. By state statute the Road Department has to maintain the bridge but in the past the road has not been maintained. Johnson again recommended that the county not assume maintenance. Commissioner Gipe confirmed that no subdivision was located in the area.

Johnson advised that Bigfork wants a handicapped parking area installed at **Mill Street and Electric Avenue** on the North Side of Mill Street. This is a central location and will be easy to find. It is located by the village square building that houses the library and cultural center. Chairman Watne noted the parking problems in all of downtown Bigfork. Johnson advised that it would take up almost two spaces to do a handicapped spot. Commissioner Gipe advised Johnson to explain the requirements and if they want him to proceed to go forward.

Johnson presented the Commissioners with a request to hold the Barstool Races in Martin City on **Surgar Hill**. The Commissioners agreed they heard no complaints last year and they seemed to have cleaned up the event.

Johnson discussed the EPA money to straighten out **Seven Mile Hill**. He noted that the gentleman who was going to give the land to move the road has now backed out because he thinks the road will be too close to his family homestead. They are currently looking at some other options. Johnson was not thrilled with the other options and has let the committee know.

Johnson advised that Gordon Conrad has contacted him with concerns relative to subdivisions and approaches being requested on **Vonderheide**. Johnson presented a map and described the area and the proposed approaches noting that the developer intends to do another major subdivision in the area also. Johnson stated that this is the kind of subdivision that creates difficult situations from his standpoint. He does not like the configuration and you end up with eight or 10 approaches within a matter of 300 or 400 feet. Conrad advised Johnson that he was going to talk to the Commissioners relative to his concerns. Johnson described a more appropriate way to layout the approaches and roadways.

Johnson stated that in his review of impact fees, the County would have to change the entire form of government in the county. It has to be a charter form of government with five commissioners and he did not anticipate that happening. Chairman Watne suggested that the study concluded that scenario last time but that doesn't necessarily mean if it goes back to a study again it will come back that way. He speculated that if the manager and commissioner aspects were not changed the voters might approve a charter form of government. Johnson referred to the City of Kalispell voting down such a proposal. Johnson noted that one member of the Planning Board was not at all interested in discussing impact fees. Johnson felt the Planning Board gave more weight to the engineers' concerns. Unfortunately he noted that the county has to deal with the aftermath of the developments with no concern for road issues. Johnson speculated that the Commissioners would be receiving more complaints about the overlays and gravel roads in the future. He stressed the need to come up with a plan to get more paving done around the county.

COS REVIEW: ROSS

Present at the November 10, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Tom Sands of Sands Surveying, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson reviewed the chain of title.

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

CONSIDERATION OF POSITION OPENING/PLANNING AND ZONING OFFICE

Present at the November 10, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioner Gipe, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Chairman Watne reviewed a letter requesting permission to open the Planner II position on behalf of the Planning and Zoning Office due to the resignation of Lindsay Morgan.

Commissioner Gipe made a **motion** to approve the opening of the Planner II position on behalf of the Planning and Zoning Office. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

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

TUESDAY, NOVEMBER 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.

COUNTY OFFICES CLOSED – VETERANS' DAY

12:00 P.M. Commissioner Hall is to attend the Jobs Now Meeting at North Valley Hospital Community Room

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

WEDNESDAY, NOVEMBER 12, 2003

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

MEETING W/DON AVERY RE: OFFICE BUILDING UPDATE

Present at the November 12, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

THIS MEETING DID NOT TAKE PLACE.

PUBLIC HEARING: WHITEFISH AND LOST COON LAKES LAKESHORE REGULATIONS AMENDMENT

Present at the November 12, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioner Hall, Assistant Avery, Planner Lindsay Morgan, Jim Stack and Clerk Eisenzimer.

Morgan advised that this is a request to text amendments to the Whitefish and Lost Coon Lake Lakeshore Protection Regulations. The proposal will amend sections 2.1, 5.1, 5.2 and 6.4. If approved, these amendments will clarify some existing regulations while other proposed changes are being requested to further mitigate impact from future development and increased recreation on and around Whitefish Lake. It will also correct some number or the existing and proposed regulations. This will affect any person within the jurisdictional area of Flathead County or the City of Whitefish that may desire to file a Lakeshore construction permit or other lakeshore related application in accordance with the standards, regulations or restrictions of the Whitefish and Lost Coon Lake and Lakeshore Regulations. Commissioners Watne and Hall reviewed proposed amendments.

Commissioner Hall posed questions; the first question was about the prohibition of swimming docks and floating trampoline permits. Jim Stack answered that a certain amount of frontage is required to install a floating trampoline or additional swim dock in addition to regular dock. He continued, at this point there have been no applications for floating trampolines or swim docks that have been denied, but one could think of particular instances where if you have a very tight congested bay where people like to water ski off their docks, if one person put in a trampoline out there at 60 foot, it could impede their neighbors from dropping off to their docks. Those situations the committee could look at and decide that there's a reasonable means for denying it or putting in additional restrictions that could say go over 40 feet from shore. At this point, there has not been any regulation, any permit application where one has been... Commissioner Hall said that so in order to put one in though they have to go through the permit process with the lakeshore approval? Jim Stack answered with yes.

Commissioner Hall also questioned about a floating boat lift, if a floating boat lift is installed in conjunction with a dock, no section can result in an overall dock service width exceeding 8 feet. Now you've changed that, what was it before? Jim Stack answered with it was a clarification; it was just a terminology that had been omitted in the original regulation. It basically said when installed in conjunction with a dock, or section, it left out the floating boat lift, so it basically added, that one section was pertaining only to floating boat lifts and that was left out of it so it was just correcting that.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment. Jim Stack, Chairman of the Whitefish Lake Protection Committee began, I wanted to address two areas that are perhaps the most and I wouldn't call them controversial, we haven't met any opposition to them. About four years ago we asked that canopies be taken out of constructed surface area, they were in, they were counted as part of the allowable constructed surface area on shoreline and what would happen is someone who had a minimal lot or house grand-fathered in the lakeshore zone, wanted to put a shore station in and the canopy on it, they couldn't do that and that didn't seem reasonable from the committee's standpoint that because a house predated the regulations, they couldn't put a canopy on their shore station, so canopies were removed and what happened as a consequence is, we ended up with these canopied cities around the lake. They basically build a maximum dock, put a canopy over every conceivable portion and slip on the dock and it obstructs the neighbor's view. So what we're doing is bringing canopies back under the allowable constructed surface area with the exception of the first canopy. So the

regulation basically deals both with the grand-fathered situation, not preventing the homeowner from having one, it won't prevent that but they'll have to have adequate frontage to put in more allowable constructed surface area like that.

Jim Stack continued with, the other situation that might be controversial, and again we haven't received any opposition and there is no opposition at the planning board meeting is the denuding of trees. Of course no trees can be cut down in the lakeshore zone, but what has happened in the last few years is lakeshore owners have started getting around that. Particularly these two, they're from out of state, (showed pictures). I don't mean to pick on out of state but generally someone comes in and they want what they want so they go in and they'll de-limb the trees up until the very top portion of it so they basically have full view of the lake. So there's a regulation in there that prevents denuding of the trees over 50% in height, if they do that then it requires planting of an adjacent tree with planting and maintaining the tree within a certain distance of the base of that tree.

Chairman Watne remarked this wouldn't affect a guy that just wants to go up like ten feet, and clean it up?

Stack answered no, and it certainly doesn't affect any trees that naturally grow over that height, you look at some of the big ponderosas on the lake, some of them don't already have limbs up fifty feet. But it would be a case where you have a baseline video, we do a baseline video about every three years and we have a baseline video and you have this full tree and then all of a sudden all the trees in front of the house have no branches going up fifty feet.

Chairman Watne agreed.

Jim Stack asked if there were questions with any other portions of the regulations and said, those were I think, perhaps the two that we were tightening the regulations on, most of them are clarification.

Chairman Watne said, see on where it used to be four feet where you measured three inches, Jim Stack replied we were adapting to nursery standard. Nursery standard is eight inches above the ground, there wasn't a nursery standard supposedly when we adopted that, and it's very difficult to find a tree at a nursery unless you do it first thing in the spring that has actually three inches at four feet above the ground. And it was brought to our attention that we should conform to nursery standard and the committee agreed.

Commissioner Hall asked a question about a gabion basket.

Jim Stack defined a gabion basket he said you'll see them sometimes along highways near bridges. They're basically large heavy open mesh frames that you put rocks in, in rectangular boxes and you stack them up. There was one permit about eight years ago that asked to do that on the lakeshore and the committee wasn't very familiar with gabion baskets, they allowed it and it's a pretty ugly looking thing. It looks great on bridge abutments and it's very practical because it prevents erosion but you basically have these big open rectangular boxes, they're usually like two foot by two foot by four foot or three by three by five. They stack up and it's one of the most unnatural forms of armament that you could put on lakeshore and they're not really necessary. The regulations do allow retaining walls in cases where they are actually required over riprap.

Commissioner Hall said, I notice that you've added that no permanent lighting on docks is allowed. It's always been my contention that, well, Bob and I are thinking of one particular dock on Foy's Lake, but it sticks out there quite a bit and have you had no resistance to that requirement? Jim Stack answered, we actually have no docks with lighting on them on Whitefish Lake, it's not a standard for all of the County, but for Whitefish Lake, where the docks have to be continually moved out and the lots are very close to each other, they're generally seventy five foot or one hundred foot lots, if you have lights out on the dock, they can of course bother the neighbors. One argument is if you allow lighting of the dock, it actually makes it safer because a boat's not going to hit it but that's only when it's lit up and if anything, that lighting gives a false sense of security thinking, wow, the dock's going to be lit up if it's sticking out there and that's not the case. The way the regulations read right now, they actually imply that lighting is not allowed on the dock, because they state only pathway lighting is allowed. This, rather than tightening it, is actually just clarifying that it's only for that pathway lighting getting down to the dock rather than going onto the dock. In cases of public or private marinas, I'm sure that would be allowed by the committee because there you're dealing with the safety situation from public access.

Commissioner Hall said, I guess that's the only things I found I have questions on, I'm still not sure, I mean you guys put a lot more work into this than I do, but not allowing lighting is something I'm not sure if I agree with.

Chairman Watne asked about the low voltage or solar lights? Will they be allowed? Jim Stack answered, you know that would be something that we could take back in and allow solar lights to be allowed on the dock where it's a low voltage, below a certain height, I don't think the committee would have a problem with that.

Chairman Watne said I would like to see that in there, but I can understand where you don't want a power line running out there and everything else. Jim Stack said, if we let this go through, we could bring that back to one of the next regulation change. It's nice to have it go through similarly both with the County Commissioners and through the City Council, so we're not enforcing two different sets of regulations. So if we were to do anything with this, either let it go through and we'll come through with the next regulation allowing, I think I could talk the committee into allowing solar lights for dock lighting.

Chairman Watne said, like the one both Gary and I are thinking of, its eighty feet long, sticking out in the lake, but it's a grand-fathered in dock and it's on rock cribs so it's going to be pretty tough to change that. Commissioner Hall said it's a safety issue to go out, have a wave-runner drown at night and not be able to see the dock.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the text amendment.

No one else rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Resolution No. 769N. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Hall. Motion carried by quorum.

Resolution No. 769N

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 12th day of November, 2003, to hear proposed amendments to the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations;

WHEREAS, notice of that hearing was published pursuant to Section 7-1-2121, M.C.A., and Section 5.4, Whitefish and Lost Coon Lake and Lakeshore Protection Regulations, on October 18 and October 25, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Whitefish City-County Planning Board regarding the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 75-7-207, M.C.A., hereby amends the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations to revise portions of the regulations dealing with vegetation, including trees, in the lakeshore protection zone, swimming docks, trampolines, boat lifts, canopy covers, buoys and lines, and others, as set forth on Exhibit A hereto.

Dated this 12th day of November, 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: _____
Howard W. Gipe, Member

ATTEST:
Paula Robinson, Clerk

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

2.1.K (pg 3)

Installation of boat and personal watercraft shore stations, boat rail systems, boat ramps, boat storage and parking facilities, buoys, ~~and~~ floating docks, **and floating trampolines**;

5.1.C (pg 19)

~~EROSION, SEDIMENTATION AND VEGETATION~~

5.1.C.1 (pg 19)

Change ~~5.1.C.4~~ to **5.1.B.3**

5.1.C.2 (pg 19)

Change ~~5.1.C.2~~ to **5.1.C.1**

5.1.C.3 (pg 19)

Change ~~5.1.C.3~~ to **5.1.C.2 Natural vegetation in the Lakeshore Protection Zone shall be protected and preserved wherever possible.**

5.1.C.3 (pg 19)

~~Natural vegetation shall be preserved wherever possible. Healthy trees three (3) inches or more in diameter as measured at 4' **eight (8) inches** above ground shall be preserved. In cases where a tree presents a safety hazard to persons or property, the tree may be removed (by lakeshore permit) provided a similar tree species of three (3) inches in diameter, **as measured at eight (8) inches above the ground**, is planted and maintained within five (5) feet of the old tree **and maintained for a period of ten (10) years. If the tree dies within the ten (10) year maintenance period, it shall be replaced subject to this same under Section 5.1.C.3.**~~

5.1.C.4 (new - pg 19)

Denuding of trees is prohibited. A tree on which all limbs have been removed up to a height of twenty-five (25) feet, and over forty (40%) of trunk height, shall require the planting and maintenance of a future replacement tree in accordance with Section 5.1.C.3. The old tree cannot be removed until the new replacement tree has reached a height of over twenty-five (25) feet.

5.1.C.5 (new - pg 19)

A dead tree three (3) inches or more in diameter as measured eight (8) inches above the ground may be removed with approval from Flathead County Planning and Zoning or the Tri-City Planning Office. If there are no other trees over three (3) inches in diameter within eight (8) feet of the dead tree, then a new tree must be planted and maintained in accordance with Section 5.1.C.3.

[renumber old 5.1.C.4-7 as follows]

5.1.C.4 (pg 19)

Change ~~5.1.C.4~~ to **5.1.C.6** Natural vegetation shall be provided, if required, as a means of stabilizing erosive areas. **Topsoil may be allowed in quantities necessary for establishing and maintaining new plantings.**

5.1.C.5 (pg 19)

Change ~~5.1.C.5~~ to **5.1.C.7** Introduction of non-native plant species is discouraged. Alternative species planted in the lakeshore protection zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. **New plants introduced into the Lakeshore Protection Zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. Flower gardens are prohibited.** A resource file on native plants is available at

Whitefish City Hall and the Flathead County Planning & Zoning Office, and the Tri-City Planning and Zoning Office.

5.1.C.6 (pg 20)

Change 5.1.C.6 to **5.1.C.8** Replacement of established vegetation with turf grass is prohibited. Turf grass, once removed from the Lakeshore Protection Zone for any reason, must be replaced with native vegetation or cultivars whose form, color, texture and character approximates that of natives. **Grass seeding or placement of sod in the Lakeshore Protection Zone is prohibited. Turf grass or non-native vegetation, once removed from or destroyed in the Lakeshore Protection Zone must be replaced with native vegetation as described in 5.1.C.7. A finely-ground bark, compost, or "soil pep" is recommended for ground cover in conjunction with the native plants.**

5.1.C.7 (pg 20)

Change 5.1.C.7 to **5.1.C.9**

5.2.A.1 (pg 22)

Docks shall not exceed sixty (60) feet in length including ramp (gangway) if there is four (4) feet of water depth at the end of the dock when the lake is at its low water elevation. Gangways with a width of 2 feet or less are exempt from the overall length standards. **Temporary gangways with a width of two (2) feet or less that are used to access the dock during high water are exempt from the overall length standards.**

5.2.A.2 (pg 22)

Where the depth of the water, at the end of a sixty (60) foot dock is less than four (4) feet, additional length may be allowed **if the dock cannot be moved laterally to achieve the four (4) foot depth.** However, no dock shall exceed one hundred (100) feet in total length including gangways. Dock length exceeding sixty (60) feet shall not extend beyond the point where water depth exceeds four (4) feet. On docks exceeding ~~sixty (60)~~ feet in length, dock slips and shore stations shall be limited to the outer ~~forty (40)~~ feet of the overall length. **For a permit application requesting dock length in excess of sixty (60) feet, a water depth profile from sixty (60) to one hundred (100) feet shall be provided by the applicant.**

5.2.A.8 (pg 23)

Only one dock is allowed per waterfront property ownership which includes multiple contiguous lots under single ownership. **This includes multiple contiguous lots under one family or related ownership, unless an individual dwelling is constructed on each separate and legally defined lot with independent water and sewage disposal, in which case one dock is allowed per independent dwelling unit/lot.** (This does not apply to marina applications.)

5.2.A.12.a (pg 23)

Multiple contiguous property owners or a single property owner with multiple contiguous properties that combined exceeds 200 lineal feet of lake frontage **and 200 feet of average lot width**, may apply for a shared dock under this section.

5.2.A.13.a (pg 24)

Swimming docks shall comply with all standards applicable to conventional docks, **except as described in Section 5.2.A.13.b through 5.2.A.13.g.**

5.2.A.13.f (new – pg 24)

A minimum setback of thirty-five (35) feet is required between both riparian boundaries and a swim dock.

5.2.A.13.g (combines existing f & g - pg 24)

Change original 5.2.A.13.f and 5.2.A.13.g to new **5.2.A.13.g**

Swimming docks may be prohibited based on considerations of public safety, aesthetics and congestion. **Owners are advised that swimming docks may create a significant hazard for navigation. Flathead County and the City of Whitefish shall assume no liability for navigational accidents involving swimming docks.**

5.2.A.14.e (pg 25)

Floating trampolines, like swim docks, may be prohibited based on considerations of public safety, aesthetics and congestion. **Owners are advised that floating trampolines may create a significant hazard for navigation. Flathead County and the City of Whitefish shall assume no liability for navigational accidents involving floating trampolines.**

5.2.C.2 (pg 27)

Floating boat lifts and shore stations **(which include shore stations or floating docking stations designed for personal watercraft)** shall not be located farther into the lake than the permitted dock length.

5.2.C.4 (pg 27)

The highest point on a floating boat lift or shore station shall not exceed eight (8) **ten (10)** feet in height above the high current water elevation of the lake.

5.2.C.7 (pg 27)

When **a floating boat lift is** installed in conjunction with a dock, no section shall result in an overall dock surface width exceeding **eight (8)** feet. (See Figure 3. Floating Boat Lift Placement.)

5.2.C.9 (new - pg 27)

The square footage of a single canopy covering a shore station or boat slip, on one property ownership, shall not be included in the maximum allowable constructed surface area within the Lakeshore Protection Zone. However, the square footage of each additional canopy must be included in the overall impervious cover calculation as established under Section 5.1.D.

5.2.D.11 (new – pg 28)

One (1) boat rail system shall be allowed per property ownership. The boat rail carriage may have a canopy (subject to Sections 5.2.C.5 & 5.2.C.9) if it is stored outside of the Lakeshore Protection Zone when the boat is not in use.

5.2.E.4.a (pg 29)

Rip rap rock shall be angular and sized properly for the specific task. **Nominal rock size is to be six (6) to twelve (12) inches (eighteen (18) inches maximum) in diameter. Rip rap that replaces an existing retaining wall may be of larger size (up to thirty-six (36) inches in diameter) only if determined necessary for structural integrity.**

5.2.E.4.d (pg 29)

Rip rap rock shall be placed at or landward of the mean annual high water line and be placed at a maximum slope of 1 horizontal:2 vertical. **Gabion baskets are not allowed.**

5.2.G.1.c (pg 31)

Low voltage pathway lighting, no greater than **four (4)** feet in height may be permitted. Such lighting shall be downcast and shielded. **No permanent lighting on docks is allowed.**

5.2.I.13 (new – pg 35)

Swim buoys and lines (for the purpose of marking a swimming area) are only allowed for public beaches, and private or public marinas. The buoy lines may be located no closer than twenty (20) feet from the riparian property line, and no more than sixty (60) feet from the shoreline.

5.2.M (new – pg 36)

RESTORATION OF THE LAKESHORE PROTECTION ZONE

5.2.M.1 (new – pg 36)

Areas where vegetation has been destroyed in the Lakeshore Protection Zone shall be restored in accordance with Section 5.1.C.

6.4.F.2 (pg 41)

A reasonable reduction (20% minimum) in size **A reduction of twenty (20%) percent in constructed surface area** is made in the proposed replacement.

6.4.F.5 (new – pg 41)

There is no change in the nature or character of the non-conforming use.

MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE RE: WHITEFISH PLANNING JURISDICTION

Present at the 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eisenzimer.

General discussion was held relative to adoption of inter-local agreement between Flathead County and the City of Whitefish defining jurisdictional boundary. Meeting was continued to 9:00 Thursday, November 13, 2003.

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

4:00 P.M. Commissioner Hall is to attend the Jobs Now Board Meeting at First Interstate Bank

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

THURSDAY, NOVEMBER 13, 2003

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

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the November 13, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eisenzimer.

General discussion was held relative to Improvements to the Flathead Bridge, (Old Steele Bridge); finishing the Helena Flats trail and Swan River Trail; agreement was made to table finishing Great Northern Trail. Forrest will verify that Lakeside/Somers trail has been submitted to State. Discussion included limited resources and revenues; NW Montana Human Resources putting together an affordable housing project in Somers; further discussion of jurisdiction boundaries of Whitefish City planning

MEETING W/CHRIS KUKULSKI/CITY OF KALISPELL RE: FOLLOW-UP ON WASTEWATER TREATMENT PLAN MEETING (TILL 10:30)

Present at the November 13, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, Chris Kukulski, Mayor Pam Kennedy, M. Duane Larson, Hank Olson, Jayson Peters and Clerk Eisenzimer.

Mayor Pam Kennedy began with it's been quite awhile since we actually come down and met with you, this is a good opportunity to start the communication bases going again and what I wanted to do was to take a little bit of time to talk about planning and see what we can do together for better Kalispell and for a better county in general. It was about a year and half ago and Gary, you weren't involved in that process that Bob and Howard and Dale and I think Duane and myself were involved in trying to work out an agreement for that utility and service area and for planning in that district. We, I think, really came along ways during those discussion processes that we utilized the time I think to share concerns back and forth and actually since that point one area of contention that I think you'll agree Bob and Howard were lawsuits hang over our heads. Since then the lawsuits, they aren't there any more so that's gone, we've also been able to complete our utility plan and have that to view at this point. So I

think that's pretty good. At that point Howard had some concerns about the Evergreen area so then we reduced it down and taken that Evergreen area out, and I think we got a document, I think that was a pretty good document, Howard was going to bring it back to Dale and Bob at that point to discuss how we could work together collaboratively. So at this point, what I'd like to do is to ask if anyone would have any questions regarding that 2002 facilities plan for the water treatment plan. I know you've had a couple weeks to roll it over in your mind and I know that's a lot to take in at one time but just kind of curious if there are any questions about that so far.

Commissioner Gipe said, I certainly have some concerns that I voiced the other day about the capacity of some of the lines that have been completed the past few years and stuff and the other things I understand, that they're hard to build, I've had concerns about the lines coming out just west of Whitefish Stage and things like that out on the switch line and I still have concerns about those, I realize to change them, make them larger. My thought has been for along time that your growth, and I think its showing is that it'll be in the Whitefish Stage area and I know you folks have nothing to do with it or your staff, but I'm still concerned about that line up there. I realize that when you put those lines in that if you put new ones in today probably next week or next year why there'll be enough capacity to it, but I think you should certainly look towards that because as it is now, I know you have nothing to do with it, but so the capacity's going to be there.

Chris Kukulski responded with that's why, that's absolutely the purpose of the facility plan. The facility plan takes every one of those sewer lines and water lines, all those stations, every component of the system and analyzes our ability to service current and projected twenty year growth. So it'll identify right in there that station 3.6 located at the corner of you know, Whitefish Stage has to be upgraded to a certain capacity if so and so happens, too cost is analyzed in there, its all priced out at the end of the year. As to when that lines going to be replaced to meet that projected demand for service on the Whitefish Stage area and over on Reserve or south of town. The facilities plan lays that out in absolute detail for the engineers, they understand what has to happen, upsize lines, upsize substations etc.

Commissioner Hall asked and you're projecting too, I don't know if I'm correct when you said that, your projected plan is to, do you have a money source someplace to start your upgrades, that's part of this, to do what you're going to do, to stockpile and get ready for ...

City Manager Kukulski answered, we already have a five year rate approval, so the rates are set for five years to fund all the upgrades in the water system, sewer collection system, and waste water treatment plant related to servicing the current customers. In the next, in fact Monday evening, the public hearing will be scheduled in December to adopt the system development charge connection fee that individual will pay to connect to the water system and sewer system that'll fund only the growth related costs of that land and these guys have seen that for the past twelve months. We've been working with a consultant out of Seattle whose been working through that process so we don't expect any surprises in December but you never know till its approved, but next January, we should be in the financial position to not be scrambling in seven years about how we're going to pay for this upgrade, its all funded. If growth comes, it's funded, no growth comes, we don't need to make the upgrades and the system is in place to sufficiently serve the current customers.

Commissioner Hall continued with you said, what you said is that the new homeowners, those folks in the old downtown part of Kalispell are not going to see an increase in their rates to pay for the new people coming in, it's more the new hookups and the new folks that are coming that are going to pay for future service.

Manager Kukulski added there's also another probably half inch document or inch document that takes every dollar of the 28 million improvements, every single project and every dollar to fund each project and breaks it down to what is needed to service more customers and that portion will already be paid through the rates that have already been approved, and that which is exclusively related to growth. Those growth costs are exclusive to the needs of growth. So neither side is subsidizing the other. Current is not subsidizing growth and growth is not subsidizing the current customers.

Commissioner Gipe asked, is the Lowe's project out there, and where is the switch line across the street?

Manager Kukulski responded with I'm not 100% sure on that, actually I don't think ...Commissioner Gipe interjected, the reason I'm concerned, I want it to go north.

Manager Kukulski said, absolutely. But I wouldn't say I've seen the layout of sewer and water for all of section 36 because our ordinance requires that they run it to the end of their property so again with this project that sewer line will be sitting also at the corner of 93 and reserve. This time on the southwest corner, it's already at the southeast corner of that intersection and upsized to handle the capacity needs according to the facility plan for another mile and half more probably.

Mayor Kennedy said I think we all agree with you Howard that our growth is heading to the north new home starts and we have planned for that and we are aware that that's what's happening. In our comfort zone, which encompasses this area, do you think we're offbeat or what do you think about that for our facilities plan?

Commissioner Hall said I'm not sure where Howard and Bob are at, we haven't discussed it much. I think your facility service area boundary is pretty extensive, I can understand why you try to go out as far as you think is reasonable to go out but, if you're ever to capacity or consider having the county give jurisdictional issues around that area, I would think it would be a little closer and little more reasonable too you know a five or ten year plan compared to a I don't know if it's a fifty year plan or a thirty year plan

Manager Kukulski reminded that it is a twenty year plan.

Commissioner Hall added, which is more realistic and of course obviously if there's a big growth pattern that happens in an area, well then we know you'll approach for boundary extensions but that's my own thoughts on that.

Mayor Kennedy asked, are you speaking strictly like planning jurisdictional or is that too far off?

Commissioner Hall said, I understand why you did it, you're all the way out to the golf course, all the way down to well, you're all the way down to the river from what is it Costco?

Manager Kukulski answered no, the northern boundary is at Rose Crossing which is one mile north of 93 and Reserve, so we're already now north of Reserve on one subdivision that's one mile, so as you go west when this plan was first developed we weren't nearly as close but in the last four months on Three Mile Drive we've gone out almost a mile on Three Mile drive in the past six months and border Three Mile Drive the city limits in the extension is area roughly one mile. We are west of Stillwater

and we have two more subdivisions that are looking for approval and we approved all the other ones in that neighborhood and I suspect they'll go through the process but we are now west of Stillwater on Three Mile drive, that's what the map is showing you there, if you look , I should've brought the big one in, this boundary of section 36 being Stillwater if you take that straight south we just approved a subdivision west of it, we've got two more, Tom Jens has handled two more applications further west of that.

Commissioner Hall asked, I'm not sure are you talking about this boundary?

Kukulski added, correct, so the north boundary is roughly one mile from the city limits, the west boundary is roughly one mile from the city limits, it's a little bit further up Foy's Lake road, it's a lot tighter than a mile where you hit the mountains, elevations are such that we're not going to go any further there. To the south it looks big; you're probably looking at two miles today roughly. Highway 93, Four Corners, the utility extension to Four Corners that's set to go with the highway department that's one mile.

Commissioner Hall asked, so that's four corners right there?

Manager Kukulski said, No, we're up about a mile from Four Corners, Commissioner Hall asked , you're a mile south from Four Corners? Manager Kukulski responded with, we're about a mile south of Four Corners, The River we all view as really being the boundary, the furthest and most challenging issues for us I think are the northeast. Now, we don't show in this map, but we could give a new map that shows you the evergreen sewer district and the map service. So once you plunk in the Evergreen Sewer District, you find out that the sewer collection system is actually probably within two miles of most all of this line. Probably where the place that gets stretched the furthest is the extreme northeast corner. And you guys know better than we do about what's going on over there with anything.

Mayor Kennedy asked are you comfortable?

Chairman Watne explained, I'd like to see the big map again, so I know exactly where it's at, I can't see on this small map.

Commissioner Hall asked what are your opinions about you know progressing on a plan to, are you asking us about jurisdictional issues?

Mayor Kennedy said you know I think that that's kind of another issue that we're wondering what you all see as far as working collaboratively within this extension services area. Howard, I know that Evergreen's been an issue and we had already negotiated that section before so understand what I'm worried about is what you see as being something we can do together.

Commissioner Hall explained, I'm curious about what happened at the meeting that you were talking about with Dale and Howard and you guys on working together.

Mayor Kennedy said I think, and I'd love to hear from Bob and Howard, as to how they saw it because our opinion was that we could work together so I don't know if that's what you guys thought or not. Bob, what did you think?

Chairman Watne added, I think there's room there to work together, on this thing here, I want to exactly where everything's at before I get too involved here.

Commissioner Hall said actually, Chris could draw the four corners on his, I think I found it, here I found it.

Manager Kukulski responded actually I give my apologies, it was sitting on that wall there, it's obviously much easier to see to scale but recognize, we're about a mile from most sewer lines, not dreams, not maybe someday we're talking they're flying through the door 700-800 lot subdivisions in the last six months alone. North and west of town

Mayor Kennedy asked what did you see at those meeting that we had?

Commissioner Gipe said well I think that there's room there for us to work together, I think it's like Chris just said, we've got new subdivisions coming in like, not lots involved but we have to have you know see services there and I think they should be developed with that service. I don't have any problem with it as long as the service is right out there and I think it's something that we can work together on, like I say, in the next few years that place is going to grow bigger and that's why I have so much concern about the plan out there, your man was here the other day and told us and I'm not going to say what he said, he's supposed to be the expert.

Commissioner Hall explained if you looked at the paper this morning you realize that we're doing the same thing in Whitefish, you know that four and half boundary stations doesn't work. Especially when there's not going to be any utilities extended in that area, and as far as you know it's like why would you claim they are when people are living four miles out of town, they'll never have any services to them so why would they be under the control of the city, and I don't think any of us are that far away but when we park in one area, we've got to have this you know, separate camp, but I think we're getting close in fact, I'm curious to see what happens there but you know I've been a mayor for five years, I understand totally why you'd want to have you know, some say in what you're going to take in it's just common sense.

Mayor Kennedy remarked, I think that's the reason why Chris and Jim came down here, I don't think it was explained to you about our ...

Commissioner Hall said, I was educated that day and was grateful for it, it takes longer than it should to get educated on these things, but I think that brought us a little closer to understanding each other.

Mayor Kennedy added, you know, we'd love to be able to share any other information that you would need so that you can look over some of the other capabilities, you know the rumor mill goes around our communities all the time so, Howard if you still had some concerns or questions about the capabilities of the size of those lines, we'd be happy to..

Commissioner Gipe reported, I've talked to Jim, and he knows exactly all the line size and I appreciate that, but it's just the thing that, it's a big dollar thing, it's a big dollar thing for you to but we've got to build for the future. I don't know sometimes how, we're in the same fix you are, we don't know where those dollars are going to come from.

Commissioner Hall said, we need your help in this next legislative session, you know these impacts sometimes are hard. Some of these dollars we need help with this new construction

Manager Kukulski remarked we can, you know we've been back now for a couple years, but we are where we are today which is how I want to move forward, I think it was fully common sense and rational approach that states that we need facilities and if you give us a realistic perspective on where you're going to be servicing that this is your point. What the sense of having all this planning in areas where you're never going to have a joint, there's never going to be a city service out there and you know, a facilities plan really did that for Kalispell, I mean it tells us no matter what it is politically, it tells us from an engineering perspective where and how we're likely to service these subdivisions, these residential, these commercial developments and how we can do it if we're given the opportunity to do it.

Jayson Peters said I just want to ask them, on the northern most part of this western and southern it's definitely a lot higher than it is to the east. You know what I'm talking about Gary?

Commissioner Gipe added you're exactly right I think, I was going to say that I understand you're going to run that line out to Four Corners but I guess there isn't much growth out there, but certainly I think that in the future why they'll be rebuilding the highway and stuff and I have a heartburn too with tearing up the highways after we get them built, it seems like we all do that and that's something that should be put together all at the same time.

Manager Kukulski remarked we do have an annexation request on our desk, they're waiting for the line to be extended but we do have a request to annex land near four corners and the only reason it wasn't annexed and approved is both parties agreed the property owner and the city, why don't we wait for the sewer line and water line actually to be extended knowing that that's supposed to have happened five years ago, and hope it's going to happen this spring, but I think as soon as that line goes in there you'll quickly within months see parcels begin to develop and be in the city limits.

Commissioner Hall asked, Howard, what would you be comfortable with in this utility service area boundary? Would you like to see the sewer district taken out of this? What's your temper zone on that?

Commissioner Gipe responded I'm not happy with anything at all with the city having anything at all to do with Evergreen, period. That's been an argument out there for years, and I'm certainly not willing to do anything that has to do with Evergreen being included and taken out of their sewer district.

Manager Kukulski asked so you would approve or be favorable toward an extra territorial station with everything except for the Evergreen area, so if that was excluded then you would be willing to look at.

Commissioner Gipe added, I think it's going to be north of Reserve, it's going to be both sides of Whitefish Stage, I know we've got several new constructions of subdivisions on both sides of Whitefish Stage all that, I mean that definitely should be sewerred into the city that's why I'm concerned about that capacity off Whitefish stage.

Manager Kukulski remarked that makes sense, you have a topographical issue you got kind of a, they call it the Rim, but that's not the right term but you've got the rim that kind of runs east of Whitefish Stage which really separates, Gipe except for the golf course, you got that,

Mayor Kennedy asked, how about Highway 2, would that be a good breaking point? Commissioner Gipe answered no, and then Kennedy answered okay.

Mayor Kennedy verified so going down the golf course and back up again? Would that be okay Howard?

Commissioner Gipe asked, is that the golf course down there?

Mayor Kennedy said so if we came in and took that area which would be down East Evergreen Road, off Whitefish Stage, and then directly north to include the golf course and then came back up West Reserve back up to the Whitefish Stage area, would that kind of be okay? Okay

Commissioner Hall asked once you leave today, why don't you pencil in what you just said,

Mayor Kennedy said so what I'm asking is you do see an opportunity for us to work together?

Commissioner Gipe explained I don't have any question that we can work together.

Mayor Kennedy responded with great

Commissioner Gipe added it's one of those things, like I say I just don't fuss with it

Mayor Kennedy asked you'd like us then to try to come up with an area that we agreed upon which you see as being good, would you like us to come back then with the agreement that we had before Howard?

Manager Kukulski added I'll bring that map so that everyone came over and can get a better idea of where those things are and then in the mean time and simultaneously we'll maybe work on that a little bit and...

Mayor Kennedy explained we're hoping that getting back into the same session that we were talking about before you know the actually planning and zoning district that we had before

Commissioner Hall said I know where Bob's perspective is that if you're going to have them annexed in anyway, they should probably; he'd like to have them out of his hands almost. You know he's got enough issues with the rest of the county to deal with trying to deal with some of those concerns when the city's going to take them anyway and so I think that if Forrest were here and I don't want to speak for him, but I think he would pretty much agree with the concept that we need to get this boundary figured out so Forrest can do his thing, you can do your thing and we can do our thing since we're not working with the planning really as a group. With you're planning office and our planning office everything seems to be working well.

Mayor Kennedy asked so at this point in time then it would be more in my mind to come up with the agreement we had before where you would authorize the city of Kalispell to handle the planning and the building of the jurisdiction in that one mile area or whatever that plan is, okay.

Decision was made to continue meeting in December.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/OVERLOOK RIDGE, OVERLOOK POINT, OVERLOOK TRAIL, BRAYER LANE, MOOSE CROSSING, APGAR VIEW

Present at the November 13, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Gipe made a **motion** to authorize the publication of the following Notices of Public Hearing and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **Overlook Trail**.

A road generally running southerly and westerly off of Foys Canyon Road located in Section 6, Township 27 North, Range 21 West M.P.M., Flathead County, Montana.

The public hearing will be held on the **2nd day of December, 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 **Overlook Trail**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

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 as **Brayer Lane**.

Road generally running northerly and westerly off of US Highway 2 West in Sections 10 and 15 of Township 28 North, Range 22 West, M.P.M., Flathead County, Montana

The public hearing will be held on the **2nd day of December, 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 **Brayer Lane**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

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 as **Moose Crossing**.

A road generally running southwesterly off of Rabe Road through Section 18, Township 31 North, Range 19 West, and through Section 13, Township 31 North, Range 20 West to the easterly boundary of Section 14, Township 31 North, Range 20 West, M.P.M., Flathead County, Montana.

The public hearing will be held on the **2nd day of December, 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 **Moose Crossing**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

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 as **Overlook Point**.

A road generally running southerly and westerly off of Foys Canyon Road in Section 6, Township 27 North, Range 21 West M.P.M., Flathead County, Montana.

The public hearing will be held on the **2nd day of December, 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 **Overlook Point**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

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 as **Overlook Ridge**.

A road generally running southerly and westerly off of Foys Canyon Road, located in Section 6, township 27 North, Range 21 West, M.P.M., Flathead County, Montana.

The public hearing will be held on the **2nd day of December, 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 **Overlook Ridge**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

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 as **Apgar View**.

A road generally running southerly and westerly off of Moose Crossing in Section 13, Township 31 North, Range 20 West M.P.M., Flathead County, Montana.

The public hearing will be held on the **2nd day of December, 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 **Apgar View**.

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

Dated this 13th day of November, 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 November 18, 2003 and November 25, 2003.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #413 (ALLEY 4TH AND 5TH STREET, MARTIN CITY

Present at the November 13, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Gipe made a **motion** to Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 413**

Notice is hereby given that the Board of Viewers have reported unfavorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

Greenes Martin City Block 13 Lots 1 – 18 alley way contiguous to between Fourth Street and Fifth Street North, Flathead County, Montana

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **Tuesday, December 2, 2003 at 10:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 13th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

By: /s/ Vickie M. Eggum

Vickie M. Eggum, Deputy

Publish on **November 18, 2003 and November 25, 2003**

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WILKINSON ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the November 13, 2003 10:340 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

Commissioner Gipe 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** - Watne, Hall and Gipe. Motion carried unanimously.

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 Jack Wilkinson to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-10 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-10 would result in a minimum lot size of ten acres.

The regulations defining the AG-40 and SAG-10 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **1st day of December, 2003, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the Highway 93 North Zoning District.

DATED this 13th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

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

Publish on November 18 and November 25, 2003.

**EXHIBIT A
JACK WILKINSON
HIGHWAY 93 NORTH ZONING DISTRICT
AG-40 TO SAG-10
OCTOBER 15, 2003**

The property is located near Whitefish Stage Road along Tetrault Drive, and contains approximately 54 acres. The property is described as Tracts 5 and 6 of Certificate of Survey No. 4446; and Parcel A of Certificate of Survey No. 14385 all in Section 33, Township 30 North, Range 21 West, P.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TRONSTAD, et al., ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the November 13, 2003 10:340 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Alvin & Mavis Tronstad, Robert & Shelley Tronstad, Michael & Victoria Tronstad, Steven C. Street, Robin & Joyce Street, Ruth E. and Lester D. Hutton Living Trusts, Lorraine R. Jones, Lewis L. Hutton, and Sharon R. Goodrich 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).

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

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

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

The public hearing will be held on the **1st day of December, 2003, at 10:00 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 Highway 93 North Zoning District.

DATED this 13th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

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

Publish on November 18, 2003 and November 25, 2003.

EXHIBIT A
TRONSTAD, STREET, HUTTON TRUST, JONES, HUTTON, AND GOODRICH
HIGHWAY 93 NORTH ZONING DISTRICT
SAG-10 TO SAG-5
OCTOBER 15, 2003

The property is described as:

Tract 1:

The South Half of the South Half (S1/2S1/2) of Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.
EXCEPTING THEREFROM a tract of land in the Southwest Quarter of the Southwest Quarter of said Section 17, and more particularly described as follows:

Commencing at the Southwest Section corner of said Section 17; thence

North 00°07' West and along the Westerly boundary line of Section 17, a distance of 536.40 feet to a point; thence

North 89°56' East, and being parallel with the Southerly boundary line of Section 17, a distance of 30.00 feet to the true point of beginning of the tract of land begin described and also being on the Easterly right of way of a 60 foot County Road; thence

North 89°56' East, continuing along same line, a distance of 580.00 feet to a point; thence;

North 00°07' West and being parallel with the Westerly boundary line of Section 17, a distance of 240.00 feet to a point; thence

South 89°56' West, and being parallel with the Southerly boundary line of the tract of land being described, a distance of 205.00 feet to a point; thence

North 00°07' West and being parallel with the Westerly boundary of Section 17, a distance of 30.00 feet to a point; thence

South 89°56' West and being parallel with the Southerly boundary of the tract of land being described a distance of 375.00 feet to a point on said County Road right-of-way; thence South 00°07' East along said County Road right-of-way and being parallel with the Westerly boundary line of Section 17, a distance of 270.00 feet to the Place of Beginning.

Tract 2:

Parcel A of Certificate of Survey No. 4184 in Section 17, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 3:

Tract 1 of Certificate of Survey No. 8856 in Sections 20 and 21, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 4 and 5:

Tract 1 of Certificate of Survey No. 13706 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 6:

Tract 2 of Certificate of Survey No. 14995 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 7:

Shown as Tract 3 of Certificate of Survey No. 14996 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 8:

A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana and more particularly described as follows:

Beginning at a point on the Section line which is 442.20 feet East of the Southwest corner of the Southeast Quarter of Section 20, Township 29 North, Range 21, West, M.P.M.; thence continuing North, a distance of 1320.00 feet to a point; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320.00 feet to the Section line; thence West on the Section line to the Point of Beginning.

Tract 9:

A tract of land in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at a point on the Section line which is 884.40 feet East of the Southwest Corner of the Southeast Quarter; thence

North, a distance of 1320 feet to appoint; thence East, a distance of 442.20 feet to a point; thence South, a distance of 1320 feet to a point; thence West, a distance of 442.20 feet to the Place of Beginning.

EXCEPTING THEREFROM all that portion of ROSE CROSSING, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Tract 10:

Tract 1 of Certificate of Survey No. 14868 in Section 20, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana.

Tract 11:

A tract of land situated in the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana, more particularly described as follows:

Beginning at the Northeast corner of Section 19, Township 29 North, Range 21 West, M.P.M., Flathead County, Montana; thence

South 00°26'32" East, along the East boundary of the NE1/4NE1/4 of said Section 19, which is also the centerline of a 60 foot declared County Road known as Whitefish Stage Road, a distance of 823.43 feet to a point; thence

North 89°55'44" West, a distance of 1322.66 feet to a point on the West boundary of said NE1/4NE1/4; thence

North 00°25'45" West along said West boundary a distance of 823.42 feet to a point on the North boundary of said NE1/4NE1/4; thence

South 89°55'44" East along said North boundary a distance of 1322.48 feet to the Place of Beginning.

MEETING WITH CHARLIE JOHNSON

Present at the November 13, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, Road Superintendent Charlie Johnson and Clerk Eisenzimer.

Charlie Johnson said we need to talk about the secondary roads, I talked to you guys in September about it but Howard was on his way to some meetings, Well basically what I'm saying is, let's see we asked if it's priority one, priority two or priority three.

Commissioner Hall responded this is a good opportunity and I think the time is right because I understand it's going to be a detour for Highway 93 construction. What I'm saying is as a result of the highway I can see there being a need and that might be the time to make the improvement. I'm behind it 100% to put it to one.

Superintendent Johnson asked so now the question is how far do you want these improvements to go? Right from where it takes off? I want to make sure, Snappy's to Four Corners? Well the question is, do you want to go to Snappy's with this? Their criteria says we're not building a new road, it's going to be a secondary road, so that's why I'm saying, I'm ..

Commissioner Hall asked could you? No, could you go from Four Corners to Shady Lane?

Superintendent Johnson added you know I was thinking that to break it off, there has to be Anderson's corner there.

Chairman Watne said I would go with that

Superintendent Johnson added and my thing is, I'm going to have to get the money for a lot of other things, because it can be real hard if once they put it at the top of the priority list they jump on this and they improve it all the way through Shady Lane, they get to the Conrad Connector then they're going to say wait a minute here, you know there's all the improvements.

Commissioner Hall added I've been hanging around Howard for eleven months now and I want to get as much as I can.

Superintendent Johnson continued well, I suggest that you break it off there at Anderson's at least.

Commissioner Hall asked you want to submit it back to us

Superintendent Johnson said Mike called me yesterday afternoon and I said I'd submit with you guys but I don't think we'd get totally dropped of the competition. I just want to make sure that we're all on the same picture.

Commissioner Hall explained we're playing on the same ticket.

CONTINUATION OF MEETING W/DON AVERY RE; OFFICE BUILDING UPDATE

Present at the November 13, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, Joe Russell, Jonathan Smith and Clerk Eisenzimer.

Discussion was held relative to construction of new office site to house employees. Assistant Avery presented report of committee findings and recommended moving forward with construction of new facility in order to keep up with construction inflation and due to safety of employees being paramount in case of earthquake.

HEALTH DEPARTMENT MEETING RE: OBESITY

Present at the November 13, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eisenzimer.

THIS MEETING WAS CANCELLED

Commissioner made a **motion** to Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

11:00 A.M. Ward #2 Recount at Election Dept. (till noon)

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

6:30 P.M. Commissioner Hall is to attend the 2003 fire Review Meeting at Fairgrounds County Kitchen Building

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

FRIDAY, NOVEMBER 14, 2003

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

9:30 A.M. Commissioner Gipe is to attend a Land Use Meeting in Missoula

11:00 A.M. Commissioner Hall is to attend a meeting with Jed Fisher at Weed and Parks Office.

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