

MONDAY, DECEMBER 22, 2003

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

MONTHLY MEETING W/JOE RUSSELL, HEALTH DEPARTMENT

Present at the December 22, 2003 8:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Health Director Joe Russell, and Clerk Eggum.

General discussion was held relative to Evergreen Sewer, City Sewer, e-mail service to Flathead County Home Health, flu, flu clinic.

CONSIDERATION OF POSITION PROMOTION AND POSITION OPENING/PLANNING AND ZONING

Present at the December 22, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

Sanderson advised that he would like to promote Tim Beck and open a position vacancy created by the resignation of Mark Crowley.

Commissioner Hall made a **motion** to approve the promotion of Tim Beck and the opening of a Planner Tech and Planner One positions. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/JACK FALLON RE: EVERGREEN WATER AND SEWER SERVICE AREA

Present at the December 22, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Pam Holmquist, B. J. Lupton, Roberta Struck, Charles Harball, Bill Astel, Chris Kukulski, John T. Fallon, Andy Hyde, Stan Clothier, Deputy County Attorney Dennis Hester, Deputy County Attorney Jonathan Smith, Bob Herron, Connie Leistiko, Jack F. Barrett, Mayor Pam Kennedy, Planning and Zoning Director Forrest Sanderson, Health Director Joe Russell, and Clerk Eggum.

Fallon began with I'm on the Evergreen Water and Sewer Board and a few Wednesdays ago we had a meeting and at the meeting we were discussing Red Fair's property north of East Reserve Drive and his petition to request that lots be removed from service of the Evergreen Sewer to put on his onsite system that he's proposing and we deferred that to Joe Russell but in the process it was indicative of the difficulties that people have had in connecting to the Evergreen Sewer System and have their effluent treated through Kalispell by the contract we have because anybody that wants to connect to the Evergreen Sewer system has to get permission from the City of Kalispell first. So I thought it was important to come down and try to talk to the Commissioners and maybe review some history or some information about the Evergreen Sewer Evergreen Water and to try and figure out a solution to the problem of connecting property that wants to be developed outside of the RSID. So I have a map right here. The purpose of this map is to illustrate the RSID which is in green and illustrate the water and sewer boundaries which are in blue. If you look at the copies I gave you, the RSID is a fixed area, it was approved as an RSID back in 1992, it's got a fixed amount of sewage to protect the people that are inside of it, paying the tax assessment for twenty years, which expires in 2013, so there has to be a certain amount in reserve and none of that capacity can be used to connect anybody outside the RSID. So any connection outside the RSID has to come out of the capacity that Kalispell has at the treatment plant. The blue represents the water boundary and the water boundary is larger than the RSID but the water boundary also includes sewer responsibilities in those areas. The water boundary goes from on East Reserve near where Swank just built their new office and Semitool over to Camelot Estates, over near Helena Flats road. The water district southern boundary goes all the way down to Conrad Drive on the south or Pass hill on the south, so the purpose is just to describe the two boundaries. Part of the water boundary on Whitefish Stage road is inside the city limits, Buffalo Hill, everything around Edgerton School. All that is served by Evergreen water but Kalispell sewer so there's common boundaries there. I just wanted to illustrate some of the issues that are there. Right now the procedure has always been for people outside to request. To come back the history of Evergreen Sewer was that it needed to go in because of the pollution of the groundwater and the concern that we have on the Kelsey subdivision proposal is that if Evergreen was subject to need to put its own system in to keep the groundwater cleaner that's going into Flathead Lake, then all those properties north of there should have the ability to connect on to a sanitary sewer system and not have the septic tanks or onsite systems. We're just trying to figure out a way to resolve that issue and do that and so we're down here presenting this to you and we've had some extensive conversations on our board as to.... Because we're a nonpolitical body, we're just a utility, all we want to do is serve water and serve sewer, but we thought it should be important to communicate our position to you on different things and the Board President Stan Clothier will have some handouts related to our position on connecting people.

MONDAY, DECEMBER 22, 2003
(CONTINUED)

Clothier took the microphone and added I'd like to thank you for allowing us to meet with you and this has been advertised as a special meeting of the Evergreen water and Sewer Board so I just want to make a note that we are in session. You're not meeting with a group of individuals, you're actually meeting with the board and Jack put it succinctly. He put it forward you know, basically we're out here and most of you are aware that the district, the sewer district, was set up to protect both the water table in this area and then of course anything south. What we've become aware of over the years is that as this area grows up, it's upstream of us and they're putting septic tanks in there and it's becoming really a threat to the water quality of the area, not just us but everything south. It's basically becoming the same thing north of us that Evergreen was when the sewer was put in. So, realizing that threat, we've gone after, been researching a number of solutions and some have been in the papers, you know and they boil down to just a couple of things. One is how to work together with Kalispell to more efficiently treat the area, another is to build our own plant which is extremely expensive and doesn't solve the immediate need. Another is you know, to lease capacity from one of the other plants in the area or to go together with some other entity and build a plant, but none of those provide any immediate solution at all. You know they're all things that are down the road and the problem is now and it's going to get worse right now, you know, just one example, if the area that was proposed for Bucky's mall were subdivided right now, there would be more of a sewer and pavement problem in that subdivision than Bucky's mall would have proposed. Just by putting that number of houses in there, any number of people familiar with the area can, you know you just look out there and see the number of septic tanks that are being popped into the ground, and that's not the best way to treat sewer if there's something else available. So during this search, one of the things we wanted to draw your attention to since the article was in the paper was this mystery money \$600,000. That's really basically what it is, as it stands right now, it's simply a proposal in a budget that hasn't been passed. Nobody knows what the strings are, it's a no condition to be applied for. We don't have any idea what it can be applied to, you know it's just there in a proposed budget that hasn't even been passed into law yet. I think so far that that portion of the budget has only been passed by the house and it hasn't even passed the Senate, so you know, you guys have passed things, you know what it has to go through. Recognizing this problem and talking to Kalispell and searching all the options, Chris came to one of our meetings and suggested, Chris Kukulski came to one of our meetings and made some suggestions and things that we, how we might be able to work so that we would have the treatment capacity or could negotiate with them to get the treatment capacity necessary. One of the conditions that

**MONDAY, DECEMBER 22, 2003
(CONTINUED)**

Kalispell, you know they really do want the planning and jurisdiction in that area, so we discussed it last Friday and we passed the final resolution today by a majority of the board. It's a vote of 6-1, accepting this resolution and passing it. Commissioner Hall asked Mr. Clothier, how much different is it than the draft? Mr. Clothier continued that accepting this resolution recognizing that we're not a political entity we don't have anything to do with planning. We don't have anything to do with planning jurisdiction nor building standards, all we do is pump hot water and collect sewer. We have no position to comment on political actions. We did figure we should express our opinion of Chris's suggestion and what some of our concerns would be and therefore we did pass this resolution. You all have a copy and I don't know if it's necessary to read it all the way through out loud or we'll just give you the time to look it over and then you can ask any questions.

Fallon then added by communicating to you that Evergreen has no objection and are not taking a position on what the county does, we're just interested in collecting the sewage and moving on and I don't know how well that has been communicated in the past but the purpose of this is to let you know that we have the ability to sewer areas outside of the RSID but the agreement with City of Kalispell has prevented that.

Russell said I don't know where the city is on this, I know Pam you talked about it last week and we met with Chris last week, but the last paragraph of this is a big jump for you folks.

Kennedy answered yes it is.

Russell then said and I think what Evergreen has said is that Evergreen is going to provide the connection to the treatment plant.

Kennedy responded that they will have to look at their capacity and their lines to be able to handle that flow but as long as developments that are happening in that area outside of their RSID, then as long as they build it to urban standards then the city of Kalispell and that's what we want to assure, that they're built to our standards.

Russell asked I don't know who your counsel is but you will provide the utility?

Kennedy that is correct, obviously this would have to go to the full entire council also but that's the intent of this resolution and the negotiation that has been going on at this time.

Russell it's your intent that this is where we want to go?

Kennedy answered with that is correct, absolutely

Russell said this is a good step, Evergreen is doing a great thing here and I think if Kalispell will follow suit, we're not going to see 1970type development going right above what we've taken care of. The right thing is to move forward in cooperation with all three political departments, two political bodies and a utility body and make this thing work.

Deputy County Attorney Jonathan Smith asked if the city now has capacity to serve that entity.

Kennedy said that entire utility service boundary has been, that's the entire area we looked at when we had our plan done. So yes, that is what our plans reflect.

Hall added then I guess I misunderstood, currently it is for the future as development goes along and pays for the expansion of your sewer capacity, currently you don't have enough capacity to serve all that's being proposed.

Kennedy answered currently what we have is our utility service boundary that has been evaluated that we do have capacity.

Russell said it identifies the trigger points where the sewer plant has to be doubled to capacity, it identifies transmission lines that might have to be upgraded. You know it identifies all of that, for any major subdivision that goes on, the plant has capacity right now.

Kennedy responded yes it does.

Russell asked but it doesn't have the capacity to serve everything in that download.

Kennedy answered with but everything is not going to come on line all at the same time though.

Chairman Watne questioned if the board would like to have some time to review the resolution. He was given an affirmative answer by the board.

Fallon then added one of our big concerns was if the Kelsey subdivision was not allowed to do onsite treatment system, then they'd have to go to Kalispell and ask for permission to connect to Kalispell but if Kalispell denied that, then the only option may be for the county to all of a sudden look back and say okay we've got to approve the onsite system and is it, is there a possible way to have all these onsite systems just outside of at least the Evergreen sewer boundary when we were told, when we had to go through a process to clean up our own mess. And so we were concerned is it going to propagate a lot of onsite systems, will it because there is no other treatment plants available if the county chose to put their own treatment plant in then we'd have different discussions but right now the game is with Kalispell and that's the direction we need to look at.

Clothier also added, that's the option that I didn't mention, the County could also put in a treatment plant but that's neither here nor there. One of the things that we're recognizing is that this is going to be a step-by-step process. All of the houses that are possible are not going to be in there tomorrow, but if Kelsey was approved today, then the capacity is there to treat it and if there's capacity there you know, and our discussions with Chris and Jim Hanson, we've identified the capacities are there, we're comfortable that we can work together. The first hurdle is you know that Kalispell's concerned about is their planning jurisdiction because as Pam said, they want it brought up to city standards when the infrastructures are built and then, that's the first hurdle, then once that hurdle has gotten over which involves you, then of course Kalispell

**MONDAY, DECEMBER 22, 2003
(CONTINUED)**

and Evergreen will work out the specific pumping and treatment agreements. We know what our capacities are to pump sewage. We know where our choke nets are. Our engineers did a very good job of designing the collection system that we put in so there really are very few choke nets. They're easy, that portion is relatively easy to solve. One of my hopes is that if that \$600,000 ever materialized, one of the things we could use it for is to solve those types of problems. So it becomes even more, but that's just a personal thing, it's not something we've discussed as a board, but you know the potential is there to really prevent the kind of mess north of us that was in Evergreen when the County Commissioners took the bit in their teeth and created the original RSID. You know we do want clean water flowing under our feet and into the river. Getting the sewage out of the ground and into Kalispell is one of the best answers for that. Do you agree Joe?

Russell responded I absolutely agree

Commissioner Gipe then added I think the first thing if the City Council approves this and then brings it back to us, we'll work on the planning area boundaries and I think the first step we have to do is the City Council has to approve it or we've got no agreement. If they approve it why then we can go from there with it.

Chairman Watne agreed

B. J. Lupton finished with it occurred that it would be fair to say that there's an underlying motive behind this resolution and I and I think I speak for our board, we think it's a wholesome motive. We're hoping that this resolution will be a vehicle or a catalyst to get beyond what we see as a bit of a sticky wicket, and that sticky wicket is the inter-local agreement, the 682,000 gallons in the allocation and the Evergreen board's position is, it is totally improper. It's wrong for us to make promises for our services beyond outside of that inter-local agreement. So, we've got a ground water issue and we can violate our relationship with our constituency, our community and pass capacity to the City of Kalispell sewage treatment facility above and beyond the 682,000. We must stay within that inter-local agreement, and so we're trying to get beyond that sticky wicket and all of us together as a community deal with pollution. So a bit of a historical sketch I guess is all that I wanted to say, this is only hoping to be a catalyst. All it is, is our resolution, and to say hey, let's get moving here.

**MONDAY, DECEMBER 22, 2003
(CONTINUED)**

BOARD APPOINTMENTS: MISCELLANEOUS

Present at the December 22, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Ardis Larsen, and Clerk Eggum.

Commissioner Gipe made a **motion** to appoint Jim Trout and Henry Galpin to the Airport Authority Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Terry Fosbery, Marvin "Butch" Wollard, and Lynn Tripp to the Fair Board. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Rita Fitzsimmons to the Conrad Mansion Museum Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint John G. Weaver to the Flathead County Compensation Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Keith Eckelberry to the Fairview Cemetery Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Nancy F. Askew and Arthur F. Thompson, M.D. to the Flathead City-County Health Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Harold C. "Cliff" Collins to the Flathead County Museum Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint James R. Eddington to the Flathead County Tax Appeal Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Fred Hathaway, Dale Lauman and Carol Quillin to the RSVP Advisory Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Clyde Fisher to the Weed and Parks Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Clarice Ryan, Clarence Tabor, Fred D. Hodgeboom, Charles L. (Chuck) Samuelson, Ronald Buentemeir to the Natural Resources Committee. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Cal Scott (1 year), Tim Calaway, Jeff H. Larsen, Don Hines, Kathy Robertson to the Flathead County Planning Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Tim Calaway to the Bigfork Land Use Advisory Committee. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Mary T. Smith to the Middle Canyon Land Use Advisory Committee. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint David A. Walsh to the Rogers Lake Land Use Advisory Committee. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint Russ Vukonich and Charles Lapp to the Columbia Falls City County Planning Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint C. A. Hanson and Ron Buentemeier to the West Valley Land Use Advisory Committee. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to appoint James B. Stack to the Whitefish Lake and Lakeshore Protection Committee. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Daniel Hendrick, John G. Weaver, Dennis Bee (1 year) to the Whitefish City County Planning Board. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT

Present at the December 22, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road Superintendent Charlie Johnson, and Clerk Eggum.

Charlie Johnson informed the Commissioners that the Road department is mostly sanding, not doing a lot of plowing, they have already used the amount of sand they had last year plus a 12% increase. The rainy foggy weather is requiring more sand. I'll have you guys all the new traffic counts from this fall probably at the next meeting; Libby's reconfiguring a lot of this stuff. Right now we're just basically sanding and clearing brush. Now, I'm going to bring this around to you guys because this is going to be our next big issue. This is just a map, Tom and I been working on the gas tax thing we get these maps every year from MDOT regarding what they pay the gas tax on. Everything in purple is what is on the maps that MDOT has; we're trying to do this all over the computer now. Because they've gone to their quad maps and everything here that's in red is stuff that we have on our GIS system and this is just one little piece of county roads and other roads, they may not be county but they have people that live on them. There's another overlay that Tom could put

**MONDAY, DECEMBER 22, 2003
(CONTINUED)**

on here that shows every residence. The way their criteria are set up, it says you know if there's a residence. A lot of these are the no name roads that we're trying to get named now but these light yellow ones all came up as census maps. Tom doesn't have this stuff on there on what he's got. You know this is our stuff and our red kind of overlays in where the purple is also. Everything that's in red here is not what MDOT has on there for gas tax but as you can see some of those are pretty major roads. Commissioner Hall asked is this kind of how it is. Johnson answered, well this is just one little piece that I brought for a demonstration. Chairman Watne questioned how do we get this straightened out? Johnson replied with that's what I wanted to talk to you guys about, we have until the 19th to get these things back and Tom and I was talking over there this morning and we're going to draft a letter and have you guys send it, asking for an extension on this, I think this is important enough and we've got a lot of stuff hanging out here and we haven't got all the questions answered then where this shows up here on the census, now you can see where we've already run this with GIS but there are little segments in here where we haven't. And so Tom and I are going to draft a letter here and have you guys sign it and send it back to Helena to ask if we can have an extension on what we're doing here because they're in the process of switching us over to the GPS and so are we, and I think now is a good time to sort this mess out. Commissioner Gipe reminded that we've always questioned, and we've refused to sign it a few times, well you have to sign it sooner or later, right and we need to straighten it out. Superintendent Johnson said this is just an example here that I brought over, but Tom's been trying to work out from the Census Bureau how they arrived at this. We assumed that they probably did some of it when they were collecting the Census information. Like I say, we've got a lot of stuff back in here that we need to probably sit down and do some real discussions with MDOT on how this is all going to work out. I think we're going to have to force them to come play but I think you know the conversation I had with Tom this morning, he kind of wants to be a little more prepared and tie up a few loose ends and see, he was kind of dumbfounded when he found that the Census had done some GPS work and so he's going to try and tie all this stuff together and see where we're at, but we've still got this deadline and I think we need to send them a letter and say Hey, look we're still a player here, but we'd like to get this thing all resolved at one point in time. Planning and Zoning Director Forrest Sanderson interrupted and stated that the Planning Board passed a resolution, that we were talking about the roads, they passed a resolution that night stating that under state law, MDOT has to cooperate and work with the planning board. You can fight with them under the statute with a letter from the planning board to force them on this issue. Johnson asked, weren't we going to send that letter? Sanderson replied with I never got the stuff from Tom. Johnson acknowledged with okay. Sanderson continued with apparently he was working with you. At this point, go ahead and send your letter from the Board of Commissioners, if they blow you off we will force them to table with a letter from the Planning Board. Johnson said, okay, I'll go back up and talk to Tom also about the planning board letter. Sanderson reminded Johnson, I can have that letter drafted and signed by Jeff in a matter of minutes, forcing them to come here and work with you as part of our growth policy issue. Johnson affirmed, I think they need to because just in that one piece there are some real discretions in there, so I think we really need to sort this out now and I think now is as good a time as any because they're just now switching over to this system or switching over to it and let's get it done now. Sanderson and Johnson agreed to talk to Tom when finished with this meeting.

MEETING W/BATAVIA-KIENAS HOMEOWNERS ASSOCIATION RE: CLARK SUBDIVISION

Present at the December 22, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Scott Johnson, John Safford, Andy Breland, James Oxford, Don Collins, Shawna McCollam-Floyd, Planning and Zoning Director Forrest Sanderson and Clerk Eggum.

Discussion was held regarding issues arising from creation of four minor subdivisions and new major subdivision. Shawna McCollam-Floyd presented handouts and voiced concern over approaches and water abundance. Planning and Zoning Director Forrest Sanderson explained subdivision creation policies and referred Ms McCollam-Floyd to address water issues with Health Director Joe Russell, Glen Gray and Dick Quist.

6:00 P.M. The Commissioners are to attend the Whitefish Planning Jurisdiction Meeting at Whitefish Council Chambers

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

TUESDAY, DECEMBER 23, 2003

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

OPEN BIDS: LEGAL ADVERTISING 2004

Present at the December 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to the Daily Inter Lake. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF REQUEST FOR POSITION VACANCY REPLACEMENT: LIBRARY ASSISTANT

Present at the December 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

With the resignation of Vickie Eggum, Monica Eisenzimer is replacing Clerk to the Board, opens up the OAll position in Clerk & Recorder's office.

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

Commissioner Gipe made a **motion** to approve the opening of an OAll for Clerk and Recorder. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Diane Kendall Library Assistant submitted her resignation; need to hire another permanent part time Library Assistant.

Commissioner Hall made a **motion** to hire permanent part time position for Library Assistant. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Office assistant position created when had a temp filling in from Workplace now ready to fill it permanently.

Commissioner Hall made a **motion** to fill DMV position which was left vacant and filled by temporary worker. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADMINISTRATIVE ASSISTANT POSITION

Present at the December 23, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Human Resources Director Raeann Campbell and Clerk Eggum.

The Commissioners agreed that the job would be listed with a base salary of \$60,000.00 depending on qualifications, not to include interview and relocation expenses.

MONTHLY MEETING W/CHERYL WEATHERELL, 4-H OFFICE

Present at the December 23, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Extension Agent Cheryl Weatherell, and Clerk Eggum.

General discussion was held relative to tagging beef, up in numbers; foods fair, leaders banquet on January 24, 2004 at Stillwater Grange, market seminars, Nutrition Assistant, nutrition fitness camps, new director in MSU Bozeman, Dr. Doug Steel from Colorado.

GIS MEETING W/PAULA ROBINSON AND TOM REYNOLDS

Present at the December 23, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, GIS Coordinator Tom Reynolds, and Clerk Eggum.

General discussion was held relative to accuracy and completion checking in preparation for 911, estimation of miles of roads, 3000 miles, imagery, and GEO codes.

PUBLIC HEARING WOLFORD DEVELOPMENT MONTANA ZONE CHANGE/EVERGREEN AND VICINITY ZONING DISTRICT

Present at the December 23, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Ken Kalvig, Mike Fraser of Thomas, Dean and Hoskins, James Wolford, Brent Wolford, Deputy County Attorney Peter Steele, Bob Heron, Jean Johnson, Chris Kukulski, Weed, Parks and Maintenance Director Jed Fisher, George Everett, Tom Bartlett, Clarence C. Chamberlain, Maurice Eddie, Harry Brown, Jerry Begg, Mary Sullivan Reckin, Jerry Reckin, Dan Snyder, Richard Walker, Clarice Ryan, Greg Stevens, Cynthia Berrier, Leslie Kermath, Roger Claridge, Jeff Claridge, Stewart Hayen, Sharon DeMeester, B. J. Carlson, Bob and Barb Sauer, Carrie Johnson, Joe Unterreiner, Orrin B. Webber, Gordon, Zuehlsdorff, Philip Hellman, Juliana Hellman, Casey Fagre, Mayre Flowers, Phil Neuharth, Charles Jaquette, Maria Markus, Kurt Markus, Weston Markus, Brent Goodrich, Murray Suarez, John Schutt, Stephanie Walker, Diane Yarus, Mr. Chamberlain, Joseph McGlothlen, Harry Blazer, Karen Feathers, Kelly Hayden, Susan Johnson, David Downey, Mary Johnson, Roger Fricke, Gary Adams, and Clerk Eggum.

Morrison advised that this was request by Wolford Development, LLC from RA-1, SAG-10, R-1, and B-6 to SAG-5 and B-2. The property is located north of West Reserve Drive and between U. S. Highway 93 and Whitefish Stage Road and contains approximately 419 acres. At the public hearing, eight people spoke in favor and four people spoke in opposition to the proposal. A unanimous recommendation approving the request was received from the Planning Board.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zoning change request.

James Bucky Wolford began with one of the things I would like to do this morning is just kind of address our whole issue as far as the rezoning request and hopefully give you some facts with regard to that that would expatiate our rezoning request itself. I'll keep my comments as brief as I can, I made comments to the planning board on November 13th and they were much more extensive and I trust that you had an opportunity to read the minutes of that particular meeting. This morning I'd like to address three points that are basic to our zoning change request. Those three points are number one, the regional shopping mall concept, number two, why a large tract of land is needed to build a sustainable regional shopping mall, and number three why our proposed site is suitable for a regional shopping mall and commercial development. First let me discuss with you the concept of an enclosed regional mall. In developing such a facility we are hoping to create a retail mode which will fuse the synergy and strength to draw shoppers from the total trade area which the project will be serving. In our case our research shows that the Flathead Valley primary trade area extends south to Polson, north to the Canadian border, west to Libby, and east to the Bob Marshall Wilderness and we, according to our numbers, we come up with a population for that trade area of roughly 140,000 people. When doing a regional mall, you're trying to create the proper balance of national tenants, regional tenants, and local tenants for the facility to be an attraction to the shoppers in the trade area. The ideal mix of these tenants if we could accomplish that, our ideal mix would be roughly 80% national and regional tenants, and 20% local tenants. In addition to the mix of tenants I just outlined, you also want to have a proper mix of tenants that are in the market today and bring in tenants new to the market, that do not exist in the market today. That mix of existing and new tenants would apply to the department stores as well as the specialty store tenants. For example and I'm sure you've seen it in the newspaper in the last few weeks, we've announced both Herbergers and Dillard's, and what we've accomplished with that is of course a tenant that's already in the market, Herbergers and the existing downtown mall, and Dillard's which would be a new entry into the market. Dillard's has wanted to be in the Flathead Valley for quite some time and of course Herbergers situation is that they need a much

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

larger store than they have today in the downtown mall. Just as Home Depot served as the anchor tenant to draw additional new tenants such as Target, Pier One, Petco, Ross Dress for Less, TJ Maxx and Borders books, there is no doubt in my mind that a new enclosed regional mall featuring Dillards and Herbergers as anchors would draw in new tenants for the mall such as the Linen stores, Gap stores, Old Navy etc. The proper mix of department stores in our project particularly fashion department such as Herbergers and Dillards would serve as the catalyst for drawing new tenants to the market. My company is constantly in contact with national and regional retailers who want to locate in Flathead County. Nearly all these national tenants are the same ones that Flathead valley residents are shopping at when they travel to Missoula, Spokane, Helena or Billings. We also talk to individuals who own businesses in Flathead County and who are looking for a better or second location, and individuals who have new business concepts that they believe will succeed in a true regional mall. Second, let me discuss why a large commercial tract of land is needed for this type of retail growth. An enclosed regional mall of adequate size for this growing market, needs a large tract of land zoned commercial such as we are requesting so as the project will serve the market for the next 40-50 years; thereby preventing such failures that have occurred at Gateway West Mall and the Mountain Mall in Whitefish or a mall that can no longer service the market properly as Kalispell Center Mall. Proper planning for an enclosed regional mall should accommodate future expansion for the major department store tenants, to enable them to grow effectively as the market grows. In order to achieve that you need sufficient land to accommodate the expansion we have provided for in the expansion of our project. If you look at our site plan we have indicated expansion for all four of the major department stores which would enable them to grow with the market as the retail sales increase. If the department stores are unable to expand as they desire in the future, then they are forced to try and relocate to another site which accommodates that expansion. The case in point of course is the recent decision by Herbergers to leave the Kalispell Center mall to come to our project. They have only roughly 50,000 square feet there and as I've said previously they've announced 80,000 square foot store with expansion rights up to a 130,000 square foot store in our project. This is the reason we are providing 70 acres of land for the mall development, 30 acres for the power center development, and 40-50 acres for out parcels to accommodate the kind of businesses that will locate adjacent to regional enclosed malls. On many occasions the question has been asked, why do we need 70 acres to build an enclosed regional mall? Those reasons are as follows, number one in a market the size of Flathead County major department stores want a facility which is approximately 80 – 100,000 square feet in size. As I said previously, Dillards has announced and their plans are for a 98,000 square foot store with expansion rights up to 100,000 square feet and of course Herbergers has already mentioned their size and expansion. The typical prototype store for say roughly 100,000 square feet is a single level store, and there are several reasons why they want a single level store in that size of a store itself. Number one they want to make sure that they have a square footage that will serve the market in which they are located and in this particular market, the size that we have as a trade area justifies that store as I said roughly 80-100,000 square feet and if you take the assumption that if a 100,000 square foot store to have 50,000 square feet on each level, they would lose a considerable amount of space being devoted to stairways, escalators, elevators etc. So that type of store is not very efficient for them from an operational standpoint. They could otherwise be using that space for a retail sales space which is their primary goal. Therefore a department store of 100,000 square feet on two levels is definitely not efficient for their operation. Number two if they have a one level store then they want their parking on the one level also, in other words they want customers to have direct access to their store from the parking lot itself. The parking requirement as you well know is 5 parking spaces for 1000 square feet of gross lease able area, they want those spaces with a one level store to be immediately adjacent to their store outside, they like the parking rows themselves to be no longer than 300 feet in length so they want the store easily accessible to their customers themselves. A multi-level parking deck for a one level store again is an issue that is not acceptable to them and in order to expand the downtown mall, you would have to have some type of parking deck of that type. In addition they also want an internal ring road up next to the building and then an external ring road at the end of the parking rows themselves that makes a circumference around the project also. Number three; last but not least, they want future expansion capabilities which allow them to increase the size of their store and as their total sales increase to justify that expansion. My third and final point is that the current size we seek to have rezoned will work very well for the development of a regional shopping mall and related commercial development. I've been working in this market since spring of 1999, I think you all have heard me mention that on several occasions, and I've looked at numerous sites during that length of time and now here we are today, Christmas time of 2003. So, I've roughly been here four and a half years and haven't turned a spade of dirt. During that time I have looked at a lot of different sites across this market area and I'd like to just make you aware of those sites. I'm not going to go into the reasons that we chose not to develop each of those sites. I think that's reflected in the minutes that you all reviewed from the Planning Board meeting, but just to enumerate those sites, they're as follows. Number one we looked at the land south of Kalispell in close proximity to the City airport, number two we looked at the rural property on the west side of Kalispell off Highway 2 West, I guess they're a lumber mill property, number three, we looked at the NUPAC gravel pit and adjacent Hutton Trust property, number four, we looked at the section 36 land, five, we looked at Kalispell Center Mall and the possibility of it. Number six, we looked at the property kitty-corner from the Blue Moon at the intersection of Highway 2 and 40 and seven, we looked at property there are the intersection of Highway 2 and East Reserve Drive and this last site as you all well know is a site that we felt was suitable for developing a regional mall and we optioned that property and worked hard to rezone that property, but due to public concern about the Evergreen aquifer, we decided that it's best to respond to the public and abandon that site. As I said, each of these sites presented several different problems and those are reflected in the previous minutes. I believe the site that we have optioned at the northeast quadrant of intersection of Highway 93 and West Reserve Drive offers and excellent opportunity for the development of an enclosed regional mall. The benefits of this site are as follows. Number one, first and foremost, this site is off the Evergreen Aquifer, which was addressed as the foremost environmental concern raised by the public concerning our previously proposed location on Highway 2. Number two, the site just like the site we had on Highway 2 is still located on Reserve Drive, the first major east-west connector road north of Kalispell between Highway 2 and 93. This is very significant since it provides easy access from Highway 2 and 93 via Reserve Drive. Number three, the site fronts on a major five lane highway. Highway 93 serves as a major artery in forming the triangle between Kalispell, Whitefish and Columbia Falls. In addition to Reserve Drive, the site also borders on Whitefish Stage Road which is a major north-south artery running all the way from Kalispell to the road connecting Whitefish and Columbia Falls. In addition we're proposing to extend Rose Crossing from Whitefish Stage Road to Highway 93 on the north side of our site; this will provide another major east-west connector between Highway 93 and Highway 2, so we think that's very significant. So as you can see, if you can picture that in your mind, this site basically that whole 480 acres is surrounded on four sides by road systems. For that reason we think this would make this an excellent site from a traffic access standpoint. Number four, the site still offers the department stores their major desire of being located on the north side of Kalispell in the middle of the triangle of the three cities of Kalispell, Whitefish and Columbia Falls. In prior meetings you all have heard me mention that on numerous occasions that was the desire of the major department store tenants to have a location they felt was more centrally located in that triangle of those three cities. They feel that this is important because it affords them easy access from all these cities as well as the total trade area and also serves approximately two million visitors which come to Glacier National Park each year. Number five, the size of the site offers the opportunity to properly

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

plan for the development of this project initially and over the next fifteen to twenty years. Six, finally our development appropriately integrates with the retail development that has occurred at the southeast quadrant of Highway 93 and West Reserve Drive and future development of Lowe's which will occur on the southwest quadrant Highway 93 and West Reserve Drive. And I think that's pretty significant because the retail center in my professional opinion is already shifted from downtown to that intersection and if it's appropriate to have properties zoned in those two quadrants of the intersection for commercial, it's surely appropriate to have it in this northeast quadrant also. If we don't do proper planning to concentrate development in one area as we propose to do with our 480 acres, you will have small very similar to the Evergreen strip retail development that has occurred with Wal-Mart, Office Max, Staples, Shopko, Kmart and Rex Electronics. In closing, for all of the reasons I've mentioned today, the reasons that are in the minutes of the planning board meeting, the reasons in our application, I personally feel the rezoning of this property is justified and we respectfully request the Commissioners approve our request for rezoning. If you have any questions for me I'll be glad to answer them and otherwise thank you very much.

Michael Fraser from Thomas, Dean & Hoskins said, I made a presentation to the planning board, you of course have those minutes. I'd like to touch on several topics which spill over into multiple topics. Multiple criteria as established by the zoning ordinance which was addressed in our application. We've talked a little bit about the current plan. The zoning does not conform to the existing master plan, the proposal today would change that to be to SAG-5 and that would be in conformance with the plan. I think that's an important procedural issue to keep in mind. We want to provide safe access as well as providing for water, sewer, streets and schools and promoting the health, convenience and safety of the area. These are principle topics but there are other ancillary issues in the criteria which really support or are part of this. What's the character of the area? We've lived here a long time, if you look back twenty years ago, you start at the intersection of Stillwater and West Reserve and look to the east, and twenty years ago it was primarily an agricultural area. As you proceed to the intersection of 93 there was a bit of commercial there at the corner, a gas station as you proceeded east further to Whitefish Stage, there was some residential development, there was industrial development, and a NUPAC site, I think twenty years ago Semitool was not there, I think it was south of town. There really wasn't much in the area, if you go to 93 and start at Grandview Drive and proceed north, again it was agriculture, you had the state land section, you have the area where we currently have Flathead Valley Community College it was not yet built. You have the industrial site which was NUPAC and as you cross Reserve and go north again it was primarily agricultural for a long ways. Today when you look at those same areas, we see a significantly different picture which to us tells us that the character of the area is changing. Behind me is a map of the area, can all of the Commissioners see this? At the same intersection of Stillwater and West Reserve in the state land section which is to the south, you have a mixed use PUD which allows high density residential, medical, limited commercial. On the north you have preliminary plat for a large subdivision, you have the 129 unit Stillwater Estates, and you have the three phases of Country Estates. You have Mountain Villa, across the road you have sixty acres of commercial Spring Prairie, and it was originally planned as a high tech area and has now been approved for 388,000 square feet of commercial. At the intersection of 93 which was the NUPAC site, you have sixty acres Mountain View Plaza, B-2 PUD (Planned Unit Development) in the city. You have a corner commercial in Ole's and the hair shop, and the dive shop. You proceed east and you've got the Swank office building, you've got Kalispell Athletic Club, you've got a beauty shop, you've got the industrial site of Semitool and you see a fledgling commercial retail professional area at the intersection of Whitefish Stage and West Reserve. Significant changes in the last twenty years. If we go back to Highway 93 we have the college which is in the process of a 15 million dollar expansion, course we have Mountain View Plaza, 512,000 square feet. As we proceed north past West Reserve we've got a large scattering of commercial sites. We've got photo shops, furniture manufacturing, body shops, light industrial, vet clinics; we see this all the way to Whitefish proper. The entire area is in transition, is in change. This zone change is in response to the changing nature of the area and it's consistent with what we see occurring there. The old Stillwater plan provided for high density residential and a golf course, as well as fifty acres of B-6 resort commercial. That was approved the last amendment was ten years ago. There's been no action on that because there is no demand. There's been residential development in multiple areas around the county but this site has lain dormant. As it's lain dormant, we've seen Spring Prairie be approved. We've seen Mountain View Plaza and we've seen other commercial development. So what we're seeing again is a response to the changing character of the area. In regards to Mountain View Plaza, the initial planning on that began almost exactly three years ago in late 2000. Today you have Home Depot, Target, a number of occupants in the out parcels as well as in the tower center between the two. It is about 70% occupied in a three year period. This is well ahead of what was originally thought would occur and as another strong indicator of the changing character of this area and of the valley in total. This change is in response to that. There's been a lot of discussion about why a 270 some acre parcel. Bucky has touched on that very effectively but let's look at the existing growth policy plan. There are no areas proposed for commercial development of that size within the planning jurisdiction. There's a limited area at four corners, but it's broken up at Four Corners. We are all familiar with the East Evergreen site, and the problems incurred there. We see some redevelopment potential in downtown Kalispell but there is no single area that this document proposes for future commercial development. In fact, this document just really is more of an inventory of existing uses. This again is a response to the growing needs of the planning jurisdiction and of Flathead County. Does this proposal promote the master plan? This same growth policy plan proposes over seven thousand acres of future residential. It proposes very limited future commercial development areas. This change as the Mountain View Plaza change, as the Spring Prairie is in response to the growing needs and should have been foretold within the plan and therefore is consistent as a growing part of the plan. Let's move on to congestion and to streets, to some of the technical issues. The Stillwater plan provides substantial high density residential traffic volumes could approach 35,000 vehicles per day. Residential traffic peaks in the morning, in the evening so the peak hour traffic impacts on Highway 93 and Whitefish Stage, the only two accesses would have been a significant impact. The proposed rezoning with the enlarged area as Bucky has said provides a ring of urban highways, primary highways around the site. We've multiplied the accesses, even though we're thinking the traffic will increase in the neighborhood to 45,000 to 55,000 that traffic is going to be distributed over a larger area. Really, this site is ideal in that regard because no other site of this size provides the transportation opportunities that this does. As we proceed through the process we'll do a traffic mitigation impact analysis. And this will analyze the impact on the current network. It will also analyze what will occur in the next twenty years on that existing network. Those impacts plus the commercial impacts will be mitigated by the developer. For instance, Whitefish Stage which is a narrow two lane without shoulders and steep barrow pits, a source of several accidents in the last few months, I envision that first mile to a mile and an eighth, or a mile and a quarter being widened, slope flattening shoulders, built to full urban standards. I see, I anticipate turn lanes, possibly a signal at Rose Crossing. These are improvements which are needed today but when this property develops will be paid for by the developer at his cost, no public dollars. Rose Crossing will be extended from east to west. This will be a full urban section, two lanes, paths, curb and gutter sidewalks, turn lanes. This benefits the east west flow of traffic, brings another arterial to Highway 2 which is the intersection which will be signalized. These improvements again are born entirely by the developer to the benefit of the county with no public participation. There will be improvements on West Reserve; there will be

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

improvements on Highway 93. Again, these were all paid for by the developer, his dollars, no public dollars involved. I'd like to talk briefly about the sewer, we've heard a lot about that. We're going to have a public system; we could possibly through an annexation district extend to the city of Kalispell and even possibly into Evergreen. We don't know the timing of this, in the mean time we're looking at aerated lagoons with land application. We think it's a very effective system, there's no discharge to the ground water, there's no discharge anywhere. Most plants have discharges. This would not; this would be total reused total beneficial reuse. There are a number of these plants in the valley, none of these types of systems in Northwest Montana. There's a list of eleven communities that utilize this technology in Northwest Montana, this is not in Montana in total, and this is just Northwest Montana. There's clearly concern about neighborhood impacts, this is a photo of Whitefish taken recently. That facility has been there for twenty or thirty years. Urban development is occurring around it, quality urban development. Clearly there's not any impact which would affect that. Polson is another good example. It's right on the edge of town on the Kerr Dam Road. Urban development within an urbanized area, they just spend 2 ½ million dollars improving it. If it were a problem I'm sure they would've moved it. The Lakeside-Somers area relies on the same technology and land application just east of the old inconvenience store. These are some photos from that area. You hardly know it's there from a distance. We could've looked at a complex mechanical plant, the problems are cost, the problems are odor and operation. Kalispell has an excellent plant, but we think this is a better choice. Lastly, I'd like to touch briefly on the impact to the public sector. This area will pay taxes in the county. We've looked at estimates of 1.8-3.6 million dollars in tax revenue to Flathead County at full buildup. As it builds, the revenues will increase, but looking at a million dollars of taxable value, what does this bring into Flathead County? It brings in roughly \$23,700 in tax revenue. 23.16% goes directly to county functions, government, sheriff, roads, health, planning etc. The other 74.6% goes to schools. Commercial development does not add to the school base. Commercial development actually funds or subsidizes the schools for the lack of revenue from residential development. The revenues to Flathead County are positive where the expenditures are cost to Flathead County for a development of this type is negligible. The current market value's for Target is 4.6 million, you can figure the numbers from there, and Home Depot's 6.9 million. That's the kind of revenue that they would bring into the county.

Ken Kalvig then addressed the Board; I'm local counsel for Bucky Wolford. The first thing that I want to mention is that at the Planning Board meeting on November 13th, in addition to the public testimony that was given that evening, there was a substantial amount of material that was turned in for the record. I trust that you gentlemen have had an opportunity to take a look at that. Its several inches thick and I just want to hit on a few points that were contained in that record that I think is good information for you and the public to be reminded of. One of the things that's in there is a demographic comparison between this market and other markets where Bucky has built similar regional shopping malls. Showing a lot of similarity demographically, and that's part of the reason why Bucky believes that this project will be successful here. Another thing that's in there is that we had done a survey in December of 2002 and had asked some questions about residents about Flathead County and their shopping habits. And we found out that 53% of the people responding to the survey do leave Flathead County on a regular basis to go shopping. They're going to Missoula and Spokane, 29% of those people are leaving Flathead County for shopping six or more times a year. 30% of those people that are shopping outside of Flathead County are spending \$1000 or more every year outside of Flathead County and finally 65% of those people said that if a regional shopping mall like Bucky has proposed would be built here they would be more likely to shop in Flathead County. When you extrapolate those numbers based on the population data that's in that survey and from census information, you get a range a low to high range that tells us that Flathead County is losing anywhere from possibly 35 -85 million dollars each year that people are spending elsewhere, and we could keep a lot of that money here if a true regional shopping mall like Bucky is proposing were built. There are several letters of support in that file, many of which are from realtors, expressing opinions about what affect this project would have on values of nearby properties and they are saying that it would affect those property values in a positive way. There are various articles in that record that touch on many of the points that Mike and Bucky have already gone over. One that I want to highlight is a lot of the articles about the Evergreen Aquifer. As Bucky said, the Highway 2 site was a very good site for many of the reasons that he listed but there was very strong public outcry about building the development above the Evergreen Aquifer and as Bucky has mentioned, there are only a certain number of sites that are going to be appropriate for this development and since the public did not want it at the Highway 2 site, we had to find the next best alternative and I believe that we found it. Another important point that's raised in the articles is that there is a lack of public money for very important highway projects and road improvement projects. Not only would road improvements that Mike has covered be paid for by the developer but the extension of Rose Crossing for one mile would be paid for by the developer, creating that second east west connector between Highway 2 and Highway 93. There's other information in the file regarding current zoning that's in the area and what types of uses are permitted in that zone. Mike had talked about the changing character of the area. The first thing that I want to explain about this map that Mike may have referenced to is that this is actually a , this top layer shows a copy of the land use, future land use map that is part of Kalispell's growth policy. But for this area between Stillwater road and Whitefish Stage Road, and from this part of our property down past the NUPAC site and down to the ball fields, it does show a pretty good inventory of what's there today. And I just want to flip back to the planning map that's part of the county growth policy right now, this map was of course adopted in 1986. And all of this white area represents an agricultural area and that's how that land was inventoried and that's I guess 17 years ago how they thought that area would grow and develop, so from Stillwater road over to Whitefish Stage road, you see very little commercial activity really hardly any at all occurring along that two mile stretch of road. But when you look at what has been approved or what is there now, all of this blue area, that's a city B-5 or R-5 zone it's a mixed use area that allows a variety of commercial uses that information is in the record. This pink area of course is where the Spring Prairie Lowe's development would go, so for that one mile section of road, you could have commercial uses all along West Reserve Drive. Heading past East of Highway 93, you've got the Target and Home Depot development happening here, Swank, Kalispell Athletic Club, you've got the office and bank complexes over here and the blue area is of course now Semitool. And that's a light industrial area but the zoning on that in the county was changed earlier this year to allow a very broad span of commercial uses almost as much as what's in the B-2 zone. So you can see that over the last 17 years, the development and the planning for this whole area has really transitioned into a commercial area. Up here along the subject property, you've got the fifty acres of B-6 zone that was approved, so starting from up here and moving down past Home Depot and Target, you've got another mile and a half corridor of heavy commercial usage and that's an important change that's happened. The last point I'll touch on as far as the information that's already in the record is the strong support that's come from business organizations. There are six organizations that have endorsed this project; two of those organizations have taken surveys of their members to get their opinions on this project. In addition the northwest Montana Association of Realtors conducted a survey of their members and the range of support between those three business groups shows the support for this project to be anywhere from 65 up to 91%. The realtors by the way, 78% of the realtors that responded to their survey said that they would support this project, and 86% of the realtors said that this location is a very good location for this project. I'm going to turn in just for you gentlemen to review, some information that has been in the newspaper, various newspapers over the last few weeks since the planning board public hearing. And a couple of things that I'll

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

mention that's in here first of all, the announcement by Dillard's and Herbergers which Bucky mentioned. It does show that the department stores are interested in this site and they're interested in this project. And the other thing has to do with some economic things that have been happening. There was a poll conducted statewide and the headline to that article that appeared in the Great Falls Tribune was that the economy is the biggest worry for Montana. There are also articles in here about Teleperformance closing, about the Aluminum Plant, and so I think that that is information that is particularly important and I'll turn that in at the end of my comments.

Mike had touched on several of the elements that have to be analyzed and reviewed in a zone change request, there are twelve of those in total, and I just want to go over a few of those. Mike did reference that a new neighborhood plan has been placed on this property and part of that neighborhood plan is that there are goals and objectives stated at the end of that plan. Goal number one is to secure Flathead County's position as the retail and commercial center of Northwest Montana by developing a commercial and mixed use center and by providing adequate room for future development and expansion, that's goal number one. Three objectives under that goal are one, to provide for the location of variety of commercial facilities north of west reserve Drive and along US Highway 93. Two, to develop a first class attractive commercial and mixed use center that better positions the Kalispell area to compete with other more dominant markets. Objective three is to develop a high quality indoor mall which helps to establish a standard for the development of the commercial component of the site with an integrated and complimentary architectural and landscaped design. Goal number two is promoting the use of landscaping and open space. 29% of the total plan area would be open space and we're dealing with that in this zone change request by changing the zoning that's along the Stillwater River by creating about a 24 acre green belt down there by changing that from R-1 to SAG-5 zoning and then also providing a substantial amount of open space up on the north side of the site. There are also several other policies and objectives and goals stated in the balance of Flathead County's master plan. We have addressed those in our application and we certainly believe this zone change request does promote not only the neighborhood plan that's on this property now, but also Flathead County's master plan as a whole. Another point that is raised in the master plan, or that's raised in the zone change application is promoting the public interest, health, comfort, convenience, safety and general welfare and there's extensive discussion about that and if you gentlemen will reflect on the things that are stated in the application and all of the ways that changing this zoning to allow this type of commercial development to happen at this location promotes the public interest by moving it away from the Evergreen Aquifer. It promotes convenience and safety; people are not going to have to travel outside of the area as much to do shopping. They want to shop here but the opportunities are not here. Promoting the general welfare by providing for public water and sewer and there's a lot of other reasons that show that this does promote all of those things. Preventing the over crowding of land is another element that has to be looked at. Two other things are in your packet of information are some aerial photos that were taken. The boundary that's drawn in here shows our particular site written onto that photo are names of different businesses or developments. Mostly commercial some residential, this photo shows how Kalispell is growing to the north quite a bit the Target/Home Depot development is in very close proximity to where we're at. Same thing is the Section 36 Lowe's Development, in very close proximity to where this is at. One thing that I think is of particular importance to note, there has been concern raised by some people who live in Ponderosa Estates about this particular development, and this photo shows where Ponderosa Estates is located in that wooded area. Under the current zoning right now, all of that area in yellow could be developed as RA-1, high density residential, and that would be approximately one quarter mile away from where Ponderosa Estates is. Under our zone change request, and under our planning, what we would do is we would leave all of that yellow area as open space, and that would remain as primarily crop land. That's going to push the development away from Ponderosa Estates by an additional quarter mile. So the development, the developed areas of this site will be a half mile away from Ponderosa Estates, that helps to prevent congestion and the over crowding of land. Finally, the last point that I want to touch on as far as the twelve elements that you look at in a zone change request, is encouraging the most appropriate use of land by assuring orderly growth. There's just two points that I want to make under that, as I've shown with these maps and these exhibits, the commercial growth has been happening out here and Mike's been touching on that a lot, it's been transitioning and so having more commercial growth happen in that area at that intersection makes sense. And the last point I want to make on that, this area here would be the B-2 zone and it's about 274 acres as Bucky said, we'd need about 70 for the mall, 30-35 for the power center and about 30-40 acres, 40-50 acres maybe for the out parcels and the development would probably happen within say the first three to eight years, it's going to happen pretty rapidly. Those are things that based on the contacts Bucky has with retailers and other businesses, we believe that will develop fairly quick. As to the balance of this B-2 area, there's another 100 - 120 acres that's going to develop more slowly and pushing eastward. By planning for the B-2 in that area now, you can anticipate that other businesses are going to want to locate in this area as it develops as the population continues to grow and so by changing the zoning, and providing the amount of B-2 that we've requested, you're not only going to accommodate the development that Mr. Wolford can foresee for the next three to eight years, but also you're planning for this area to develop over the next twenty years and that's a more proactive approach rather than reactive is often times what happens and I'll close my comments with that.

Tom Bartlett added I live here in Kalispell, and I promise you I will be brief. It seems that many people here in the valley are concerned about increased population growth and the effect that the Glacier mall will have on other businesses in the various communities. I've lived in other larger cities that have regional malls and it comes down to the fact that people are interested in convenience. We need choices where we shop and a regional mall will provide those choices as well as the downtown communities and each of the four cities here in the valley.

Chris Kukulski continued, as City manager of the City of Kalispell I'd like to take this opportunity to make the following points for your consideration. In its zoning determination Flathead County must determine how to best respond to the health and safety of welfare concerns of all residents of Flathead County including those residents living in the city limits, while imposing the least possible restrictions upon the property owners. The city of Kalispell has previously offered documentation to the County planning board and the County Commissioners showing that the city sewer and water utilities can service the applicant's property. The city's water and sewer facilities over the past two years have been extended to serve over 700 acres of improved development that is in the proximity of the applicant's property. Primarily, and I'll move a couple of these if that's alright so you can look at this other map right behind us, that we talked about the other day as has been stated a tremendous amount of growth in this northwest region and in this particular area with water and sewer utilities now being at Reserve and 93. In fact, the sewer manhole is 920 feet and the water main is approximately 717 feet from the applicant's property, the development of all this property including the applicant's property was fully and appropriately taken into account and the studies the city conducted in its process of developing its 2002 facilities plans. Those plans included the in-depth analysis of the water system, the sewer collection system, and storm sewer system with a peripheral review of the waste water treatment plant. The nationally acclaimed city sewer utility has proven to surpass federal and state clean water standards and can meet the needs of this project without creating another point source of sewage discharge into Flathead County and the points made earlier that there won't be a point source with the technology

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

that's being proposed here but I think we do need to consider as we look into the future of a more populated, larger community city, let's say we're 40 – 50,000 several million square feet of retail space that servicing it with independent, individual separate different systems is not what's going to be good for planning and other things. The health and safety and welfare of the entire county population as well as all people living downstream are benefited by the utilization of the existing sewer utility. The property owner/applicant will in all likelihood pay much less to utilize the city sewer system than to develop it's own sewer treatment plant. All citizens of Flathead County including city residents and the affected property owners are benefited when the most efficient use of public resources are used to service property. If this is to be a consideration in land use matters then any property developing to urban scale that is contiguous to the development of municipal property should be utilizing the existing municipal services. As I pointed out, in the contiguous it is not, it is within 500 feet of the city limits. Several projects in the area just looking at this past twelve months alone, three mile drive has exploded where several projects at the time that they were approved and developed and annexed into the city were not contiguous and within days quite frankly, within weeks it all began to back fill in as is the case in this area. I don't think any of us could say that if the zoning is approved today, that we're not going to see urban scale development surround this site. And we do believe that can be best serviced by the city services, the basic proven economic premises should be recognized and accepted, if the objective providing the taxpayers of Flathead County with the best value for public services is to be seriously pursued. A couple of points, that was a little bit of a summarization from a letter that you have in your file that was submitted to the Flathead County Planning Board, we are continuing to evolve even though that meeting was a little over a month ago, I've got a couple bullet points I want to make to you and then be on my way. Since November 13th the sewer treatment plant facility plan has been completed and is now sitting on the department of environmental qualities desk. I mentioned that in 2002 we did the facility plan on all the utilities in a peripheral review of the sewer treatment plan. The peripheral review clearly identified that as growth is happening we are going to need to expand the plant prior to the original probably 2010, 2012 date and I want to clarify that included in that data to serve in our facilities plans, was this mall site. At the time it was located over here, but it was still in the facility plan area and we were still looking at the same type of numbers of affluent coming into the system as was the full development of section 36 and the full development of the Croswell site. So all of those projects can be handled with the plant that we currently have without its expansion it goes without saying that we are trying to get a head of the game and we have a facility plan on the desk for a 6.5 million gallon sewer treatment plant, that compares to our current roughly 3.1 million gallon plant. Since that last meeting the system development charges have been adopted by the city council. That happened at our City council meeting December 15th, why is that important? That's important because the approval of the system development charges for the next five years those rates have been set, funds all growth related improvements necessary to provide this greater area, this purple boundary with those utilities so not only is the facility plan in place and adopted, the funding of the facility plan is in place and adopted so that a combination of three things, a utility rate payer, the system development charges paid by the newcomer and the developer who pays to install the infrastructure into their site completes the loop in making sure that the entire area is served. A couple more points quickly, as was mentioned, that since that time the anchors of Herbergers and Dillard's have both announced, publicly of their intent to build with Glacier Mall. We believe that the county should consider that in a very similar fashion to how the city approached the Croswell development and the Goldberg development sites and that was those developers came to the city, worked with us and the anchors of Home Depot and Lowe's made their announcements, the approach of the city was to work with them and find a way to get the projects built and public utilities. As was stated earlier, would a community be best served for the next 25,000 residents who move here are served with independent systems, or the next million square foot of retail best serve the community if it was served with other systems. We're building our infrastructure to handle that. We are preparing for this city as much as we may like it or don't like it to be a city of 50,000. And so my last comment is I hope and would ask that the county consider making the city a partner in these discussions. We have not been a partner in the discussions of this project, even though it's within our old master plan, it's within our new growth policy area, and it's within our facility plan boundary. All of those planning documents look to how to best service the growth in this valley and we would ask that we be a partner in those discussions.

Craig Witte responded next with I live on Collier Lane, not quite Evergreen, not quite Kalispell, I think it's the doughnut area. In regards to this project, I have kind of taken a set back at some point, set back and I had no opinion, a lady came in and told me she said, Craig ,she said, you've got to be against this mall she said, it's just going to kill downtown, it's just going to kill the existing mall. And I said, yeah, my thought is if it's the largest shopping mall in Montana they're going to have the largest food court, that's what I do, I sell food. They sell the out parcels, the nice corners to the guys like Red Lobster and Outback Steakhouse and she goes, Red Lobster? There'll be a Red Lobster? Okay that's kind of fickle behavior in my opinion. In that same regard, my heart goes to I don't have a dollar to the way, so I'm not a contractor but at the same time it's going to provide a lot of contractor jobs. It's going to keep a lot of people in town, shop and spend money here. Actually it may even bring people to town to shop, so from a selfish standpoint, I should be adamantly opposed, that it may change traffic patterns, but from a property rights thing, hello, it's not my land it's not my money and if the man with the land and the man with the money can make it work, I think it's a good thing. On that same fickle behavior, I'd like to point out or mention in regards to the water supplies, what I'm reading in the paper regarding water rates is water rates are going to have to go up, we're going to have to make so many million dollars worth of improvements to our existing city of Kalispell water supply, that's what I've been reading in the paper. Now all of a sudden we have a ton of it, I don't get that. The next part is we're adamantly opposed to this project because of the affect of downtown and the mall but as long as it is within the city limits, okay it's not such a bad idea. You know just like the Red Lobster deal, it's like how to flip flop as long as you put it in the city limits it's a good plan, there's something wrong with that. In regards to the development of the water or the alternative water resources. Bucky, my opinion is if you get it on the get go, you'll not have to worry about it on the backside, so I would also encourage that we come up with other alternatives for water treatment as well for that location.

Greg Stevens who lives on Lower Valley Road spoke next. I'll be brief too. We've talked about this a lot, changing the zoning from high density residential to commercial is an appropriate and wise land use decision. For many years it has been a goal of master plans and community leaders to maintain and enhance the status of Kalispell and Flathead County as a regional trade center. This zone change will help to do that. The commercial development pattern has been set by Home Depot and Section 36. The Wolford zone change will compliment these developments and result in a clustering of new commercial areas on major transportation corridors. This is the essence of good land use regulations. If it'd been thought of by a planning bureaucracy instead of the free market forces, it would probably be described as excellent planning. Clustering of these retail areas with much room for growth is exactly what is needed to retain our status as a regional trade center while limiting scattered commercial sprawl. I just can't say enough about how this has developed. I would like to address just briefly it wasn't in my prepared comments. The fact that I'm really quite encouraged that we're taking a look at these aerated systems. The Kalispell system is fine, it's a wonderful plant, it's well operated, it still puts 9+ parts per million nitrates into Ashley Creek which goes directly to Flathead Lake, where as these aerated systems

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

contribute nothing to any kind of pollution of our surface waters or our ground waters. So, I'm from an environmental water quality standpoint, encouraged by the fact that we're examining these new technologies. On a personal note, I feel today kind of like I felt the first day after I got out of the Army. I don't have to do that anymore, public hearings are not my favorite things.

Kurt Markus resident of Kalispell began with, Commissioners; maybe I guess I have to speak for the fifty percent of the valley that hasn't spoken so far. I feel that this is an extraordinary moment in this valley. I believe that the people of this valley have asked to define themselves. We know that after all this presentation that Mr. Wolford's mall can be built. I propose the question should it be built? It is not the fact that Mr. Wolford wants to build a mall, it's the fact that Mr. Wolford wants to build a huge mall. That's his prerogative, it's his vision. I sincerely ask the commissioners to let the people of this valley choose their own course of destiny in this matter; this is not an ordinary zone change. We are asking you to change the shape of our future, let the people choose.

Maurice Eddy added I couldn't agree less, I know all you people I'm sure and looking back, aren't we doing just exactly the same thing that we've been doing for 4 ½ years? Wasting everybody's time and effort? Maybe we ought to be doing something with our transportation around the valley, you know what? We need some roads, we need some streets, and we need something decent to work with. I've been here since 1964; they've been talking about doing the Conrad Exchange since and before that. Before I moved here during the year of the flood, well, where's it at now? We haven't done a thing and then they lock up all of Main Street and these streets down here in town and there's no way that you can get down through the streets with a truck. Did you see that large one that went through here awhile ago? And think of the headache that those people have. Bring something in here, food products and that kind of thing into the valley. I mean this is senseless, lets do something, let's get something going. I know you commissioners are really at the bottom of the list of people's priority to like at this point, I'm sure of that. But I know you will make the best decision and I think the best decision is to move on with it and let's get this mall up and going.

Mr. Chamberlain continued, I live north of Kalispell. In 1995 the agency that I worked for asked me to explore Kalispell for a national convention of approximately 750 people plus their families. I looked all over the valley; there is no facility in this valley that can take care of that many people. We would have filled up almost every motel in the valley. That was in 1995. Look around? We're still in 1995. If this valley doesn't start to move forward, we're not going to go anywhere. We'll all get a mass transit system to take us to Missoula or Spokane to shop. Let's build the mall.

Jane Adams said I live in Evergreen. I am very much against the proposed zone change and I'm against the mega mall. The reasons are several, I just got here, and I have a daughter that I had to bring with me. I don't think we need more places to spend money, more places to buy stuff that we don't need. I think a big mega mall is just going to be a huge temptation to overspend money on things that we really don't need. I think we have plenty of stores around here to meet our basic needs and if there's something that isn't available here, there's the internet, there's catalogs, there's Missoula, there's Spokane, and we can go other places. The United States, I guess you know part of it, the reason I'm against it is philosophical, the United States grossly over consumes the earth's resources and one reason is because we're always buying stuff that we really don't need; buying stuff that's way beyond our basic needs. You look at statistics on credit card debt and the average American holds thousands of dollars of credit card debt. You look at spending, personal savings for retirement, for medical emergencies, for college and most people don't have hardly anything saved compared to what they had historically. People are spending too much money on stuff that they don't need and I don't think we need a mega mall to increase that temptation to buy stuff we don't need. I think also I don't want to go on and on and on but the Flathead valley's character is based on its natural beauty and I think we need to preserve the character of the Flathead Valley and not allow a huge mega mall to come in.

George Everett added I live in Helena Flats area and I'll keep it brief too the comments have been made about job production and economic growth and we know what that will do for the valley. The projected tax revenues, Mr. Wolford paying for his project without government tax payer funding, but I would like to address the controversial public comment period. There were a couple of articles in the paper, one of them was from the Montana Standard and it says, but while they are required by law, public comment periods are not elections. Government agencies must take comments before finalizing certain policy decisions; they are not thank goodness required to set public policy on the basis of form letters. Government policies are supposed to weigh the comments as they make their decisions and perhaps even recognize suggestions that might improve their decisions. There was another one that just stated basically the same thing but the fact that government agencies such as yourself can take comments from people within the community as long as they are positive comments as to what might be needed within a certain area, so all I'm saying is that this gentleman is going to build a first class community project for this area and it'll offer not only the community but out-of-area residents to come in and see the valley, they will spend their money, they will provide jobs for not only the people within the project but accountants, delivery people, a number of other people within the community and it will just expand. We are no longer a community which I grew up in, I was born and raised here and I didn't spend a lot of money back in 1958 or my family didn't, we were very frugal people, but this area has expanded we got to recognize that and it's free enterprise system and that's all I have to say.

Clarice Ryan was next with I thank the County Commissioners for this opportunity to express our opinions. I'm from Bigfork and I am just excited about this potential growth and well planned growth and quality growth and the kind of leadership that I admire in people who are willing to finance and support this. I also am very impressed with the opportunity for technology, new technology that has been applied to water treatment and so forth. We are entering new eras of technology, new science and I see this as a great opportunity to utilize the hazardous waste that we have in our forests, which are burning up our surrounding forests and endangering our health through pollution and so forth. Utilizing that in the new technology of applying that to generating power and this is the perfect opportunity for power generation that would reduce the costs for those tenants who are entering opening shops to expand that power generation to the surrounding facilities such as the college and so forth, it's centrally located. Its not only the power but the heat that's generated and I would really be very appreciative if this group of people will look into that as a future for not only improving the health and safety of our community but also new industry and job opportunities.

Bob Herron added I live in Kalispell, I speak for myself today but I will state for the record that I'm a member of the board of Directors of the Kalispell Area Chamber of Commerce, a member of the Flathead Business and Industry Association and a member of the Kalispell Business Owners Association. I support the zone change requested by Wolford Development for the new Stillwater neighborhood plan. Community planning is a necessary and vital component of a viable economy. Flathead County's master plan or growth policy, as well as the former Kalispell City/county Master plan,

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

calls for Kalispell and the Kalispell area to be the retail and regional trade center for Northwest Montana. This has been the vision of our planning documents in our community for seventeen years. From a land use standpoint, the location of this land is most appropriate for the proposed zoning. A commercial project on the corridor between the two largest cities in our county is very logical. This location provides ample highway and road resources to manage the traffic demands necessitated by a commercial project. The centralized location in the county allows easy access for all valley residents and communities. This request for a zone change makes sense as a land use decision and should be implemented. One thing that we don't hear a lot about is the person is the person that owns the property right now. You know Mr. Claridge started acquiring these 400 some acres back in 1970, his family has been in this valley for over a hundred years. He certainly has a right to go through this planning process and sell this property so that Mr. Wolford can develop it. Here in Flathead County we have a challenge facing all of us. We have the challenge of distinguishing reality from fantasy, truth from propaganda. Perceiving the truth has always been a challenge to mankind, but in this information age of ours, or like I like to call it, the disinformation age; it takes on a special urgency and importance. We must daily decide whether the threats we face are real, whether the solutions we are offered will do any good. Whether the problems we're told exist are in fact real problems or non problems. Every one of us has a sense of the world and we all know that this sense is in part given to us by what other people and society tell us, in part generated by our emotional state which we project outward. We have a real problem here distinguishing truth from fiction this mall is not the great Satan. Mr. Claridge has the right to sell this property; Mr. Wolford has the right to develop it. It is time for our communities, our cities and our county to come together and get behind this project. There was no objection to Spring Prairie and very little objection to the Home Depot site. This property is a few hundred yards away. If you want to blame anyone for development, the City of Kalispell has pushed development to this very corner. Certainly as I've said, and I'll finish with, certainly Mr. Claridge has the right to sell this property and Mr. Wolford has the right to develop it.

Joe Unterreiner the executive with the Kalispell Chamber of Commerce followed, I'd like to make some comments this morning as a representative of our Board of Directors and indicate some of the reasons that the chamber board is supporting this proposed development. First the chamber has looked at this issue for two years now, at support of the project when it was proposed at its previous location as well. We conducted a member survey in April of 2002 that indicated support from our membership by a 2:1 margin. Second, our organization supports a free enterprise system. The developer is not requesting any government subsidies or contributions and he is working within the existing process of State and local land use planning regulations. Third, downtown property owners and retailers are strong leaders and organizers, we're confident in their ability to work with each other, the city and the chamber to maintain a strong central business district. Fourth regarding the concern that there is insufficient retail demand in the Kalispell area, that several box stores including Home Depot, Lowe's, Target, TJ Maxx, Borders, and others have recently opened or will soon open in this market. Their confidence to invest in this community should be an indication of the current and future potential of our economy here. Fifth, the current location is compatible with Mountain View Plaza and Spring Prairie retail developments. The current site is an improvement over the previous site which sat atop the Evergreen Aquifer. And finally, the Center Mall has an equal opportunity to secure its future in this market place if it can accommodate the needs of the tenants to be sized correctly for this growing market. In support of the Center Mall, our organization has worked with the downtown tax increment district to provide support for their expanded site, and it's just not happened yet. I think that kind of the assertion that support of the Glacier Mall means opposition to the Center Mall or vice versa is really kind of a false choice and therefore would recommend your approval of this request for a zone change.

Gary Adams continued I'm a resident here in Kalispell and I just want to make a comment to you all and to this group. I have a feeling the majority in this room is probably against this mall, by the cheer a while ago. A couple weeks back on our city council meeting which is broadcast for all of us to watch, one of our council members asked one of the developers of the upcoming Lowe's project, he says let me ask you a question. With all the pad sites, how much square footage are we looking at? And he says, you're looking at about 500 -750,000 square feet. And he says, what do we have right across the street in Home Depot Developments. When it's all said and done, when all the pads are in, we're looking at about the same, so approximately 750,000 - 1,500,000 we were told and council was told by this developer for the whole project. He says what are we looking at for the mall? And he says, 750,000 to a million for the mall. And so it was interesting to me and I just want to make that as a positive for this mall and for the town. Its interesting to me and this city council member said it right on, he said, I don't understand how four or five years back when we had public comment for the Home Depot project, we had a handful of people oppose it. A couple two or three weeks ago, public comment for Lowe's we had one guy sitting out in the audience and I don't understand why we have four thousand emails and letters and phone calls. There's something about a mall that people are very passionate about and I don't understand that. I'm in favor for it, just wanted to share those comments with you and with the rest of the group.

Jerry Begg from Kalispell said, I previously stated to the Planning board and submitted comments to the Commissioners my support for the mall.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the zoning change request.

Orrin Webber followed and said I'm not from Tennessee, not an engineer, I'm not an attorney, I'm not a realtor, I'm just a taxpayer that lives in Foy's Canyon and I guess what I'd kind of like to point out what I see this issue really involving is zoning and changing zoning. I mean zoning is there for a reason to make plans. If anybody ever bought a piece of property, what's the first thing you look at? What's going to happen around me? Am I protected from pig farms or anything else and I would like to say that I feel bad for the people that bought property next to what they thought was going to be a golf course and will not turn out to be the largest retail project in Montana. I didn't see Mike Frasier's maps on the roads because I think the real problem with changing the zoning is that unless Whitefish Stage road is paved from the intersection north to Highway 2 and unless Reserve Street is paved from Farm to Market Road to Highway 2 then it just doesn't seem to me like widening a mile or two miles around that area is going to make any difference but bottleneck the traffic trying to get in and out of there. It's just like the Majestic Mountain area, where they've addressed the traffic problem there but in a method that actually makes it worse than it was prior. In fact, last night you couldn't even see where the road was in that particular area where it suddenly widened for a little bit and then narrowed down. I didn't hear any mention about the land fill if a store like Wal-mart is turning over their merchandise once a year, just drive by Wal-mart and look how big that place is. Where does that merchandise end up within the next three to four to five years? So I think the major things that I can see are what affect is this going to have on the taxpayer, when JCPenney's, Herbergers and the centers in Kalispell Center Mall, who's going to foot that bill? How does that affect the city and the city taxpayers because I don't know who would go into that particular project after this new mall is built. I guess the main thing that I don't understand with property rights is if you buy a piece of property, and I don't know what Mr. Claridge's property was zoned

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

for when he bought it, but I'm pretty sure when he bought it, it was zoned for a golf course and there's a lot of developers in the valley that'll buy a property that already has a set of rules with it, such as zoning and then simply turn around and try to change the rules so they can make more money with it. I think that's the real issue here today is zoning and changing zoning and if we keep changing zoning, why are we bothering with it in the first place?

Sharon DeMeester continued with I represent Neighbors of 93 North. Who is Neighbors of 93 North? We are not greenies, we are not obstructionists, we are not no-growth and we are not puppets of Citizens for the Flathead. We are retired citizens, doctors, lawyers, teachers, administrators, small businesses, trades people, college students, mothers and fathers. We want the valley to grow with a little thought, with a well thought out plan into a place that people want to visit and want to live. I have some information here. Please accept the following comments, we have provided for your consideration in this dispatch and a detailed set of comments to be reviewed for inclusion and consideration as you adopt the set of findings of facts in your decision. These have been compiled to address the twelve issues addressed in the staff report as well as other legal considerations in your decision making process. We have also enclosed two letters from our attorney, which outline our concerns with this application including our concerns that this proposal represents spot zoning and is not considerate with the county growth plan. We have attached for your review a detailed summary of the comments submitted during the growth policy amendment comment period. This summary highlights the extensive concerns that we have addressed by the public for many of the same issues that we must consider in reaching your decision as we ask that you include reconsideration of this public input in the zone decision. I would also like to note that a careful analysis of these comments found that they were after removing all duplicates, a higher than reported number of citizens submitting comments opposing the growth policy change. The total comments with all duplicates removed were 2,665 in opposition, the paper and your staff estimated 2507 in opposition and 1861 in favor of the mall. As you may be aware, Ames Iowa planning commission recently voted to deny any similar mall proposal for this city based on the established lack of need for additional retail space at this time. While decision on the proposed mall here and there will be based on different facts, we are submitting for the record, the documents that were used to reach the decision in Ames. As an example, all the thought study needed to make a thorough study needed to make the decision of this importance to our community and its economy. Finally, we are submitting additional journal articles that point to the potential negative impact of this type of large scale commercial expansion. Additionally, we have included several studies that urge caution as to the safety of the onsite sewage application as being considered by this development. There is the summary of the results, and I know that your clerk put everything into a database as far as the comments. We have gone through all of those, that database and that's why we know that there were the numbers that I just quoted you are not duplicates. Accept the following comments regarding a zone change request in Stillwater Evergreen vicinity districts by Wolford Development. It gives the different zones; the property's located north of West Reserve so on. A development of this magnitude should be required to be submitted as a PUD development. It should include a sunset clause at which time the property would revert to the former zoning decision should the developer choose not to build what is proposed in the PUD. Without the detail a PUD would provide, the public is not provided the information that is needed to adequately comment on the requested zone change. Additionally, the public is not provided any assurance that the proposed project will even be built and that the requested zone change is needed or justified. The proposed zone change will not accomplish the intent of promoting the growth policy. The proposed zone change will not lessen the congestion in the streets nor will it provide adequate safe access. The proposed zone change will not adequately promote a safety from fire and other dangers. The proposed change will not adequately promote the public interest, health, comfort, convenience, safety and general welfare. The proposed zone change will not adequately avoid undue concentration of population contrary to the applicant's assertion. The former neighborhood plan restricted the allowed density significantly. The proposed uses would greatly increase the type of concentration of use by the public as well as by future businesses of residents of the property. The proposed zone change will not adequately provide provision for transportation, water, sewer, schools, parks and other public facilities. The proposed zone change does not give a reasonable consideration to the character of the district nor the suitability for the proposed uses. The proposed zone change does not conserve the value of the buildings impacted by this proposed zone change and development. The proposed zone change does not encourage the most appropriate land use by assuring orderly growth nor does it adequately address the issues of light and air. I've spent some time surfing the internet over the past two weeks there've been some programs on PBS. One was two weeks ago on Wall Street and Review and they were discussing malls and they direction malls were going and so on. And there was a gentleman on and he was talking about mega malls all encompassing and he said that they're on the way out and the new term is now called new concept malls, lifestyle centers, they are centers that are built around a central core area. It could be a skating rink, parks, something that draws people into that area. Retail space on the bottom floors, pull in parking with restaurants and stuff out on the streets and residential apartments above, the people love them, they bring more money and there's a graph that happens to show the amount of money a mall like that would bring in. They cost less to operate and they're maintain the sense of community and people want the sense of community, they want to feel apart of it and that's why these malls are very successful. Also, in that same information they talked about the amount of square footage that now is available for retail space and how much it has expanded in the last 15 years, 1986 there was 28, 496 shopping centers in the United States boasting 3.5 million square feet of space, today there are 46,438 malls with 5.8 billion square feet. Yes, there's been an increase in population, but no where near the increase in population to accommodate that much space and what happens is a mall is built, 10-15 years later somebody comes in decides that they have better, newer, glitzier store, they build it, that mall is empty and if you go to the Spokane Valley Mall is empty and it was a very viable mall until they built the regional mall and now if you go into the Spokane Valley you'll find a huge amount of retail space that is vacant and has been vacant for 10 years. They are not, it is not on the tax dollars I can tell you. Commissioner Hall asked Ms DeMeester if she would like to see a lifestyle center type mall, her reply is yes, yes I would. I would like to see something that does not pave everything over, it does not have huge light pollution and noise. That it becomes a part of a community and then a little closing thought. We do not file a frivolous lawsuit and we are not undertaking a petition drive just to stop growth, if you the commissioners had done some research into the mall growth and the amount of retail space needed in the community, you would have known that the Flathead Valley has way more designated commercial than what is needed at this time. One little closing comment, do we really need this mall? NO. Do we really want this mall? No.

B.J. Carlson followed, to piggyback on what Sharon says; I think this is about community. This is a huge issue and I'm sure all of you Commissioners feel that way that the decision being made is a huge decision. How do we as a community define ourselves? Who gets to choose how we define ourselves? IS it the citizens of this valley or is it somebody from out of town? Do we in Kalispell want Montana want to look like any town USA or do we want to maintain our character and have a viable downtown? Do we want to be a regional trade center or do we care more about preserving our natural beauty? What about the merchants of downtown, the citizens of our community who have pitched in and been incredibly generous with all our good causes. Will we have that? Will we have those kinds of people in a mall? Who are we in this community, who do we want to be?

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

Kelly Hayden said a lot of great things have been said against the mall and I too am against the mall. First of all, the first man that mentioned it, he mentioned the traffic on Whitefish Stage and as an avid biker, I have stopped biking on Whitefish Stage and a mile and 1/8th of paving of Whitefish Stage is not going to solve the traffic issue. It is, there's been a number of accidents that have happened recently and both Whitefish Stage that heads toward Whitefish and also the Whitefish Stage that goes by Edgerton School, I'm a graduate of the elementary school Edgerton and also I went to Flathead High School and I just see it as a huge concern that that's a growing residential neighborhood and to have people using that as a major byway to get to a mall is a concern of mine. Also, I am concerned about the downtown of Kalispell; B. J. said a lot of great things about that like creating a community. I'm a little confused on how the mall isn't considered sprawl when it's in the county, I obviously have concerns about it the traffic and also my parents own a home near there and the light pollution, the water pollution, the air pollution and it seems to me that building a mall of this huge nature, there's no way that it can not create environmental degradation. Also there's been a lot said about not enough shopping in the valley and just this year we've had Borders and Target, Petco, Home Depot, Pier One, TJ Maxx, Ross all come in with in a year and I really think that this may be what people go to Missoula and Spokane for and for the time being we do not need any more development in that area. So if you would please consider having the people of Flathead County vote on the mall, I think there was 53% of the people wrote letters, poured their hearts out about why they thought this was not a good idea and I really think it's important whether people are for the mall or against the mall just allow them the opportunity to vote on this important subject.

Weston Markus responded with I'm currently a student in Bozeman. As you see, Bozeman is getting bigger and bigger everyday and every time I go into Kalispell I'm kind of relieved to get away from Bozeman's hustle and bustle. Well, I remember last year going to graduation, the traffic going up to the horse park up there, it's crazy, the Majestic, was totally nuts, it took me three hours, two hours to get there. I even tried to hitchhike from a biker who turned me down. Well, anyway, I don't know I just, one day I want to come here and raise a family, I don't want to have my family looking at a gigantic mall for all their life. I don't know if a mall is really a solution, I mean I kind of would like to see a mall but then I kind of don't. I mean, I like going to Home Depot, I like going to those other stores, but I don't see how a mall could really help anything else and I know for my family's sake, don't go through with this.

Casey Fagre was next with I'm a concerned resident of the Flathead Valley. I feel that there are many site specific and mall specific issues that need to be further addressed. I also believe that this proposal is a representative issue of an overall vision of the future and direction of the Flathead Valley. I feel that this proposal is something that many people have a vision on and I feel that the majority of the people if you look at the public period that 57% feel they do not want to see the Flathead valley become spammed with commercial development from city to city and I feel that there's many issues that need to be further addressed and I urge you to deny the zone change at this time and to let the people decide on this issue. Thank you very much.

Roger Claridge said I'd like to correct a misstatement that was made earlier by the gentleman that spoke, I'm the landowner out there and when I bought the property there was no zoning. It was in the early '70's and I don't know why he would say that I bought the land knowing it was golf course, I took it through the plan and that bothers me that people would take things out of context and try to misinterpret or mislead other people. I think that's really unfortunate and maybe that's happened more than we know in this project. I know it's a very emotional situation here for people and I watched the new armory move out next door to us, I watched the DOT (Department of Transportation) move a sand pile next door to us, so I understand what happens when someone comes in next to you, but I've found also that sometimes our fears are grossly overstated and usually things turn out much better than what we fear and I thank you for your time.

Harry Blazer followed with there's a petition lawsuit that's underway and I'm wondering what advice the county attorney has given the board in terms of the viability of those actions and what the consequences would be. Again the situation where zoning is approved, Bucky's vested title has changed hands, the petition is successful, the referendum is successful, the lawsuit's successful then this counter-suit coming back and forth. So there's a lot of potential here for you guys to get yourselves in a jam, other people in a jam and the community in a jam, so I think that you need to hear from the Commissioners about what exactly what advice you're getting from your legal council about viability and consequences of these actions. Secondly, the downtown area will be affected. We've already heard from major stores that they're interested in moving. If this is successful, it will attract most of the retail shopping in that area, so that this downtown area doesn't become a ghost-town like is very, very typical when this type of thing happens, what's the plan? Whitefish has a couple percent tax so that they can keep their downtown area vital, is that something that we need to think about so that we can keep our downtown area vital? Should we be making requirements of developers in the area to make a certain amount of investment in the downtown area if they're going to be investing outside of the downtown area? Do we look for a mix of residential and other types of use for downtown area so that if there's a population base that actually can be supported by businesses? Because the big box businesses aren't going to be down here, they're not going to be at the West Coast Mall, you can take a look at the mall that's by the movie theaters, what's happened is basically totally vacant and everything around it. That's what's going to happen here, we need to face it in there's tons of precedent around the country that shows that that's what happens. I would say if you decide to move ahead on this, that you should make it conditional, condition approval to the site plan review. Make it staged, have community input and involvement, with decision making policies and power along the way. Have requirements like a PUD plan would give you with trigger points that identify if plans are not being met and what the consequences are if they're not. And finally, I think it's important for this board to act in a way that's totally above suspicion having a major decision like this that's going to change the valley basically decided two days before a major holiday is unnerving to some people in the community and I would suggest that perhaps you table this for further study but also for getting advice for your own counsel about what the consequences will be if legal actions that are in place will be effective.

Diane Yarus said I am a member of the Kalispell Chamber of Commerce; I am also a member of the Bigfork Chamber of Commerce. I am here to speak in opposition to this zone change. What we have proposed here is a leap frog development that says well, I'm right next to Home Depot, approve me. I'm going to be right next door to Glacier Mall, approve me, you will have commercial development all the way down 93, uncontrolled. There was not opposition to Home Depot because Home Depot was supposed to be Valley dome, it got its promotional approval and it became Home Depot. It wasn't brought to the community as Home Depot, it was brought in as Valley dome, bring in hockey, bring in hotels, it never happened, which brings us to the little open space area right around Ponderosa. There's nothing to say that's going to stay open space around Ponderosa just because he intends to keep it that way. That's what in his plan. It doesn't work that way, in terms of Whitefish Stage being a major artery, I think we had a past commissioner take a state official on a joy ride down that artery to make the very point that it's not a major artery, it can't handle the traffic, it can't

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

handle the speeds. We've got residential areas; we've got schools in that area, this is not appropriate for that kind of development. Fire and police protection in that area, we can't get a real fire departments to talk, let alone work shoulder to shoulder with our city fire department, that's a big concern that should your concern, it should be the city's concern and it's a concern for a development of this size. Who's going to protect that area, let alone the roads coming to and from that area? How are we going to get the ambulances there, where are they going to work out of? All of this takes a bigger part of the community there needs to be more planning to prepare for that infrastructure before you give the green light and create massive amounts of commercial changes. A private personal property rights person there, I've got a business in town, I can't run my business out of my home. It would save me a lot of money, I could make more money, and it wouldn't be something my neighbors would approve of, it's not what's zoned for that area anymore than what we've got right now. It's not zoned for this type of development, it hasn't happened yet that's your decision to make. What is the decision maybe the people need to make? You need to look at the grander picture of the infrastructure and not just the sewer.

Stephanie Walker followed with I would like to pretty much buttress Diana Yarus comments, I live on Ponderosa Lane. First of all, I feel very much the same in that I feel that we don't have the grand scheme that I'm very concerned about how we would provide for the proper protection in terms of the fire, we don't have an agreement between the City of Kalispell Fire Department and the county. They can't come into agreement with each other. We don't have at this point even anything approaching the proper infrastructure in terms of the roads. We in that small community realize that growth needs to occur and while we do welcome growth, we welcome it in an orderly systematic fashion and a mall of such size is not doing that in such a fashion we do not believe. We really encourage instead that this be brought to all of the people and allow all of the people to have a vote, each of us have a say in this and I you know, I just ask Mr. Wolford, would you like this next to your home area? Would you really want this and I don't really understand why you'd want to go and keep pursuing a development frankly in this Kalispell area which has turned you down it sounds as though six or seven different areas and you keep persisting in this. Why this is such a matter that you keep pursuing and to you the commissioners it seems as though there's some sort of a sense of, I get, as those this is really just a sense to increase ultimately a sense of our taxation because I think you're looking down the road at perhaps bringing jobs that in the short term you think you're bringing us, but I'm looking down the road at that mall and I wonder how long it will really be occupied by those big stores and I'm thinking about what do we do when the occupancy dips and what will we do with those, we'll have to help keep supporting and maintaining that infrastructure that we have to provide for that mall and for all of the ancillary features of it. Ultimately, we'll probably be annexed by the City or something in order to maintain all of the accoutrements that go along with developing it. I think these are all issues that we the people not just a particular group need to decide.

Susan Johnson responded with I just want to go on the record as being opposed to the mall; many of the reasons have been articulated already. I don't think that it's the Satan as that gentleman said, but I don't think it's the savior of the valley either. I think that there's a lot of things that need to be considered, I think it's such a contentious issue that it would be very appropriate for this to be brought to the people and brought up to vote by the public.

David Downey said the consideration that I would propose for you are first you know, what is it that makes our area attractive? Why do people want to come and live here? I think they want to come and live here for the beauty of it, for the fact that we have some space and I see that the developments that go on, when they happen we lose what makes our area attractive and most of us I think who have lived here for awhile, we liked it better before than it is now. I don't claim we can stop all development, but I think that what you need to weigh is the gain, you know, do we gain more than we lose by doing this? And we see more and more traffic, and I just would hate to see us lose what makes it an attractive place to live.

Paula Alley said I live in Kalispell. I would like to express my strong feelings that this matter is much too important to be decided by any three people and should go to a vote of the people and I would like to express my respect and admiration for the people who came out on very short notice and who had to wait and speak last, their opinions, we couldn't go in random order of whoever came up first. Two days before Christmas giving up several hours of their time for the strength of their convictions and their strong feeling. I can't imagine why you wouldn't want to put this before a vote of the people.

Jerry Reckin began with I recently moved here from Libby. I wasn't prepared to speak today at all but I feel that I must. How many of you, I won't ask this question like it's a quiz, but it'd be interesting to know how many of you in this room have read the book written by Professor Tool from the University of Montana called Montana, An Uncommon Land and the theme that runs through that book basically is how often Montana has been exploited by big business. They come, they mine, they clear cut all kinds of things and they take all of their money and leave. They leave Montana in this situation. I think Montanans should decide what's good for Montana. This must come to a vote, this is a huge issue for this little valley, please I ask you to put this on the ballot so that these people can decide, then we'll have a clear cut answer. Thank you very much.

Gordon Zuehlsdorff continued I'd like to just comment that it seems like this has been studied, it's been kicked around, it's been changed and changed and done over again. If you put it to a vote, why can't we have another vote by the other side as soon as the one, as soon as we decide we're going to go in favor of it or go against it. Why can't the other side demand another vote? We're just delaying this thing forever. There's no end. The decision's got to be made, I'm in favor of the mall.

Mary Sullivan Reckin followed with I run the Kalispell Repertory theatre here. Before I moved to Libby where I spent two years watching that town evolve and redoing their old school into performing art space, I don't want to get into that subject right now, which is a big void in town. We seem to be all about shopping, there's a lot more things that feed the soul besides retail in this valley. The arts are sorely neglected here and I know this isn't what it's about today, but if you're going to take away the downtown, maybe we could turn that into a nice performing space or a convention center like that gentleman said when people come there's no place to put them up and no place to have a convention. A mall's not going to be a convention center, it's just going to be a shopping venue, so folks, there are a lot of other things out there that need to be addressed besides shopping. Remember feed your soul before you feed your body with those funny clothes and things you don't really need.

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

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

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

RESOLUTION NO. 797CN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 23rd day of December, 2003, to consider a request by Wolford Development, LLC, to change the zoning designation on property located in the Stillwater and Evergreen and Vicinity Zoning Districts from R-1 (Suburban Residential), RA-1 (Residential Apartment), SAG-10 (Suburban Agricultural) and B-6 (Resort Business) to SAG-5 (Suburban Agricultural) and B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 12 and December 19, 2003;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Stillwater and Evergreen and Vicinity Zoning Districts from R-1 (Suburban Residential), RA-1 (Residential Apartment), SAG-10 (Suburban Agricultural) and B-6 (Resort Business) to SAG-5 (Suburban Agricultural) and B-2 (General Business), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Stillwater and Evergreen and Vicinity Zoning Districts to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said districts are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning Districts, shall be published once a week for two weeks.

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

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders in either the Stillwater Zoning District or Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 23rd day of December, 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
Wolford Development Montana, LLC, #FZC-03-41
Stillwater and Evergreen and Vicinity Zoning Districts
RA-1, SAG-10, R-1 & B-6 to SAG-5 & B-2
November 13, 2003**

The property is further described as:

That portion of the South 1/2 of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the south boundary of said aliquot part, North 89°41'25" West 1328.06 feet to the southwest corner of said aliquot part; thence along the west line of said aliquot part, North 00°33'31" West 1320.50 feet to the northwest corner thereof, thence along the north line of said aliquot part, South 89°46'02" East 1327.80 feet; thence North 00°34'07" West 5.45 feet; thence South 89°53'06" East 1377.15 feet; thence South 00°12'54" West 3420 feet; thence South 89°52'49" East 1242.80 feet to the westerly right-of-way line of Whitefish Stage Road, a 60 foot wide Declared County Road; thence along the westerly right-of-way line of said Whitefish Stage Road, South 00°37'31" East 1303.08 feet to the south line of said Section 19, Township 29 North, Range

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

21 West, P.M.,M., Flathead County, Montana; thence along the south line of said Section 19, North 89°40'28" West 2620.91 feet to the Point of Beginning, containing 119.448 acres of land.

A tract of land in Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, described as follows: Commencing at the northwest corner of Government Lot 1 of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence South 89°41'25" East along the North boundary of said Government Lot 1, a distance of 69.82 feet to a point which point lies on the east boundary line of U. S. Highway 93 (Highway Project F5-3(32)115) and also being the true POINT OF BEGINNING; thence seven courses along the east boundary of said Highway R/W: South 00°11'44" West 100.60 feet South 13°56'35" East 61.89 feet, South 00°11'01" West 940.05 feet, South 14°13'23" West 61.85 feet, South 00°11'13" West 819.87 feet, South 13°36'03" East 41.31 feet, and South 00°11'13" West 28.38 feet; thence leaving said highway right-of-way, South 88°23'14" East 310.13 feet; thence South 00°09'06" West 593.14 feet to the south line of Government Lot 2 of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the south line of said Government Lot 2, South 89°42'28" East 933.90 feet to the northwest corner of the Northeast Quarter of the Southwest Quarter of the above said Section 30; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 1098.90 feet; thence North 00°15'40" West 2005.38 feet; thence South 89°41'13" East 1443.51 feet; thence North 00°14'42" West 2167.64 feet to the north line of the Northeast Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 218.76 feet to the northeast corner of the Northwest Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 1325.46 feet to the northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 30; thence along the north line of said aliquot part, North 89°41'25" West 1328.06 feet to the northeast corner of Government Lot 1 of said Section 30; thence along the north line of said Government Lot 1, North 89°41'25" West 1237.84 feet to the Point of Beginning, containing 273.371 acres of land.

A tract of land, situated, lying, and being in Government Lot 4, the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 998.90 feet to a point on the east line of the Southeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the east line of said aliquot part, South 00°15'40" East 399.72 feet; thence North 89°44'43" West 1383.36 feet to the approximate thread of the Stillwater River; thence along said thread of said Stillwater River, the following ten (10) courses: North 51°43'38" West 36.49 feet; North 75°13'30" West 65.45 feet, South 50°42'04" West 291.30 feet; South 75°30'07" West 128.45 feet; North 55°32'34" West 100.35 feet; North 01°07'27" East 92.74 feet; North 48°20'43" East 191.54 feet; North 14°48'53" East 122.29 feet; North 12°11'01" West 142.46 feet; and North 22°22'01" West 265.55 feet, more or less, to the north boundary of Government Lot 4 of the above-said Section 30; thence along said north boundary of said Government Lot 4, South 89°43'03" East a distance of 530.65 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the west line of said aliquot part, North 00°23'78" West a distance of 1325.29 feet to the point of beginning, containing 25.991 acres of land.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797CN) on December 23, 2003 to change the zoning designation on property in the Stillwater and Evergreen and Vicinity Zoning Districts from R-1 (Suburban Residential), RA-1 (Residential Apartment), SAG-10 (Suburban Agricultural) and B-6 (Resort Business) to SAG-5 (Suburban Agricultural) and B-2 (General Business).

The boundaries of the area proposed to be changed from R-1, RA-1, SAG-10 and B-6 to SAG-5 and B-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for from a mixture of agricultural, high-density residential, residential and resort commercial to open space/agricultural, mixed-use residential and commercial and general commercial land use designations, to allow for the development of a large-scale retail, commercial, office and residential development.

The regulations defining the R-1, RA-1, SAG-10, B-6, SAG-5 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for portions of the Stillwater and Evergreen and Vicinity Zoning Districts from persons owning real property within those Districts whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

DATED this 23rd day of December, 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 December 27, 2003 and January 3, 2004.

**EXHIBIT A
Wolford Development Montana, LLC, #FZC-03-41
Stillwater and Evergreen and Vicinity Zoning Districts
RA-1, SAG-10, R-1 & B-6 to SAG-5 & B-2
November 13, 2003**

The property is further described as:

That portion of the South 1/2 of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the south boundary of said aliquot part, North 89°41'25" West 1328.06 feet to the southwest corner of said aliquot part; thence along the west line of said aliquot part, North 00°33'31" West 1320.50 feet to the northwest corner thereof, thence along the north line of said aliquot part, South 89°46'02" East 1327.80 feet; thence North 00°34'07" West 5.45 feet; thence South 89°53'06" East 1377.15 feet; thence South 00°12'54" West 3420 feet; thence South 89°52'49" East 1242.80 feet to the westerly right-of-way line of Whitefish Stage Road, a 60 foot wide Declared County Road; thence along the westerly right-of-way line of said Whitefish Stage Road, South 00°37'31" East 1303.08 feet to the south line of said Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the south line of said Section 19, North 89°40'28" West 2620.91 feet to the Point of Beginning, containing 119.448 acres of land.

A tract of land in Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, described as follows: Commencing at the northwest corner of Government Lot 1 of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence South 89°41'25" East along the North boundary of said Government Lot 1, a distance of 69.82 feet to a point which point lies on the east boundary line of U. S. Highway 93 (Highway Project F5-3(32)115) and also being the true POINT OF BEGINNING; thence seven courses along the east boundary of said Highway R/W: South 00°11'44" West 100.60 feet South 13°56'35" East 61.89 feet, South 00°11'01" West 940.05 feet, South 14°13'23" West 61.85 feet, South 00°11'13" West 819.87 feet, South 13°36'03" East 41.31 feet, and South 00°11'13" West 28.38 feet; thence leaving said highway right-of-way, South 88°23'14" East 310.13 feet; thence South 00°09'06" West 593.14 feet to the south line of Government Lot 2 of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the south line of said Government Lot 2, South 89°42'28" East 933.90 feet to the northwest corner of the Northeast Quarter of the Southwest Quarter of the above said Section 30; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 1098.90 feet; thence North 00°15'40" West 2005.38 feet; thence South 89°41'13" East 1443.51 feet; thence North 00°14'42" West 2167.64 feet to the north line of the Northeast Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 218.76 feet to the northeast corner of the Northwest Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 1325.46 feet to the northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 30; thence along the north line of said aliquot part, North 89°41'25" West 1328.06 feet to the northeast corner of Government Lot 1 of said Section 30; thence along the north line of said Government Lot 1, North 89°41'25" West 1237.84 feet to the Point of Beginning, containing 273.371 acres of land.

A tract of land, situated, lying, and being in Government Lot 4, the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 998.90 feet to a point on the east line of the Southeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the east line of said aliquot part, South 00°15'40" East 399.72 feet; thence North 89°44'43" West 1383.36 feet to the approximate thread of the Stillwater River; thence along said thread of said Stillwater River, the following ten (10) courses: North 51°43'38" West 36.49 feet; North 75°13'30" West 65.45 feet, South 50°42'04" West 291.30 feet; South 75°30'07" West 128.45 feet; North 55°32'34" West 100.35 feet; North 01°07'27" East 92.74 feet; North 48°20'43" East 191.54 feet; North 14°48'53" East 122.29 feet; North 12°11'01" West 142.46 feet; and North 22°22'01" West 265.55 feet, more or less, to the north boundary of Government Lot 4 of the above-said Section 30; thence along said north boundary of said Government Lot 4, South 89°43'03" East a distance of 530.65 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the west line of said aliquot part, North 00°23'78" West a distance of 1325.29 feet to the point of beginning, containing 25.991 acres of land.

**TUESDAY, DECEMBER 23, 2003
(CONTINUED)**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 24, 2003.

WEDNESDAY, DECEMBER 24, 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/LEE CORAY-LUDDEN RSVP

Present at the December 24, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner and Hall, RSVP Director Lee Coray-Ludden, and Clerk Eisenzimer.

General discussion was held relative to gift wrapping by Soroptomists, advisory council meeting at Heritage Place, completion of federal reports.

MONTHLY MEETING W/NORM CALVERT/COMPUTER SERVICES: PROGRAMMER/ANALYST LEADWORKER

Present at the December 24, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Computer Services Director Norm Calvert, and Clerk Eisenzimer.

General discussion was held relative to reclassification of one computer services staff member to lead worker position, discussion was tabled.

Commissioner Hall made a **motion** to table discussion for programmer/analyst lead worker. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: NORTH FORK ZONING DISTRICT

Present at the December 24, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eisenzimer.

RESOLUTION NO. 955FO

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 9th day of October, 2003, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification;

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 Flathead County Planning Board regarding the proposed amendment;

WHEREAS, based upon that recommendation and the testimony of the public, 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. 955FN dated November 3, 2003) to change the zoning regulations amending Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 6 and November 13, 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 Flathead County Zoning Regulations Section 3.40.020 and would add new Sections 3.40.030, 3.40.040 and 3.40.050, to restrict uses in the North Fork zoning classification to defined permitted and conditional uses, as well as defining certain terms as used in the North Fork zoning classification; as set forth on Exhibit A hereto.

DATED this 24th day of December, 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

**WEDNESDAY, DECEMBER 24, 2003
(CONTINUED)**

ATTEST:
Paula Robinson, Clerk

By: /s/Monica R. Eisenzimer
Monica R. Eisenzimer, Deputy

EXHIBIT 'A'

3.40.020 Permitted Uses:

1. Agriculture/Timber Operations
2. Bed and Breakfast or Hostel
3. Church
4. Community Center Buildings
5. Community Residential Facility, Class One
6. Dwellings, Single-Family (Includes Accessory Structures per Section 5.01.020(1) Flathead County Zoning Regulations)
7. Guest Cabins
8. Post Office
9. Public School
10. Public Utilities
11. Recreational Vehicle or Camping (private)
12. Residential Business
13. Rental Cabins

3.40.030 Conditional uses

1. Camp or Retreat Center
2. Coin-Operated Laundry
3. Convenience Store
4. Extractive Industries
5. Gift/Souvenir Shop
6. Guest Ranch
7. Residential Business With More Than Five Employees
8. Private School
9. Public Showers
10. Outdoor Recreation Facility (Rental Cabins are limited to 1 per 5 acres)
11. Recreational Vehicle or Camping (public)
12. Restaurant
13. Tavern

3.40.040 Development Standards

1. Minimum lot size: No lot or tract smaller than 20 acres can be created.
2. Setbacks of new buildings from public road ways and waterways:
 - a. River, stream or lake (lakes over 20 ac.): 150 ft. from high water line
 - b. North Fork Road: 150 ft. from R/W line
 - c. Other public roads: 100 ft. from R/W line
3. Any existing lot or tract which cannot meet these setbacks because of size or topographic limitations will be given a variance.
4. On-Site Signs: There are no restrictions on signs advertising a business or activity on the property it is located.
5. Off-site signs: Signs which advertise anything not on the property they are located (billboards, etc.) are prohibited except that directional signs (signs which state the name of the business and/or use with directional information and being a maximum size of 4 square feet, located on private property) are allowed.
6. Grandfathered (non-conforming) uses: Any lot, building or sign that legally exists at the time of adoption of these regulations and does not meet the above standards is legally protected and may continue to be used. In addition, if a building that exists at time of adoption of these regulations does not meet the setbacks, the owner is free to expand, modify or rebuild it.
7. Cellular towers - Administrative Conditional Use Permit (see Section 2.06.045)

3.40.050 Definitions:

The definitions of terms used in these regulations are to be those used in the Flathead County Zoning Regulations except for terms which have a specific definition set forth below. Those definitions stated below shall only apply to this Zoning District.

1. GUEST CABINS: A detached structure being an accessory to a single-family dwelling, which may or may not have cooking facilities and/or bathroom facilities. If a guest cabin is rented, it shall be deemed as a rental cabin and subject to density requirements placed upon rental cabins in this zoning district.

**WEDNESDAY, DECEMBER 24, 2003
(CONTINUED)**

2. RECREATIONAL VEHICLE AND CAMPING (PRIVATE, USE): The placement of a recreational vehicle or tent on a parcel of land that may or may not contain an existing residence for the private, non-commercial use of the landowner or a guest.
3. RENTAL CABIN: Rental cabins may be built at a density of one for each five acres of contiguous property owned. For example, a person owning 20 acres can have four rental cabins in addition to the main residence. One rental cabin is allowed per tract of record regardless of acreage (Lots less than 5.0 acres in size). Standards are the same as those outlined for a guest cabin. A deed restriction shall be placed on qualifying property by a landowner when two or more rental cabins are built and placed in service.

The purpose of the deed restriction is to inform future owners of the property of the rental cabin density allocation that has been used or to provide an additional mechanism to insure compliance with the rental cabin density in the event of subdivision of the parent tract.

4. RESIDENTIAL BUSINESS: Any use conducted entirely within the dwelling, accessory buildings or outbuildings and carried on by a landowner, members of the landowner's immediate family and up to five non-family employees.
5. RESIDENTIAL BUSINESS WITH MORE THAN FIVE EMPLOYEES: A Residential Business that employs more than five non-family member for its operation.

Commissioner Hall made a **motion** to approve Resolution 955FO Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: BURGERT JR. V. STATE OF MONTANA

Present at the December 24, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize county attorney's office to accept the case of Let the People Vote. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR LEAVE W/O PAY: N. NUCKINS

Present at the December 24, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve leave w/o pay for Nichole Nuckins. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: HARBOR VILLAGE #2

Present at the December 24, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Tim Fox of Rocky Mountain Recreational Communities, LLC for Harbor Village #2 Subdivision which creates a five lot minor subdivision along Eagle Bend Drive in Bigfork. The subject property is 2.13 acres in size and is located in the RC-1, Bigfork Zoning District. Preliminary Plat approval was waived on October 20, 2003 subject to six conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval for the final plat.

Commissioner made a **motion** to adopt Staff Report FWP-03-45 as findings of fact. Commissioner **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$14,000.00 for completion of the roads, power and phones, sewer, water, clean up and onsite amenities. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Harbor Village #2 Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE IV

Present at the December 24, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Rocky Mountain Recreational Communities, LLC for Harbor Village at Eagle Bend, Phase IV Subdivision, a major subdivision that creates 13 single family residential lots. The subdivision is located in the Eagle Bend area of Bigfork. Preliminary Plat was approved on January 9, 2003 subject to 25 conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Harbor Village at Eagle Bend, Phase IV, Subdivision. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: BITTERROOT COVE

Present at the December 24, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eisenzimer.

**WEDNESDAY, DECEMBER 24, 2003
(CONTINUED)**

Morrison reviewed the Staff Report regarding the application filed by Plum Creek Land Company for approval of Bitterroot Cove, a subdivision that will create eighteen lots. This subdivision is located on the south side of Highway 2 West, approximately 20 miles west of Kalispell in Marion. Preliminary Plat was approved on July 25, 2002 subject to 20 conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Bitterroot Cove Subdivision. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

FINAL PLAT: LAKESIDE SHORES

Present at the December 24, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioner Hall, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Montana Mapping Associates on behalf of Lakeside Shores, LLC for Lakeside Shores Subdivision, a subdivision that creates 7 units on 2.25 acres. The subdivision is located on Adams Street and Lakeside Boulevard in Lakeside. Preliminary Plat was approved on April 21, 2003 subject to 2 conditions. Morrison indicated that all conditions had been met or otherwise addressed. The plat is in substantial compliance with the Flathead County Subdivision Regulations. Staff recommends approval for the final plat.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$10,000.00 for completion of the roads, power and phones, sewer, water, clean up and onsite amenities. Chairman Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum

Commissioner Hall made a **motion** to approve Final Plat of Lakeside Shores. Chairman Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 25, 2003.

THURSDAY, DECEMBER 25, 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 – CHRISTMAS DAY

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

FRIDAY, DECEMBER 26, 2003

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

No Meetings Scheduled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 29, 2003.
