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**MONDAY, FEBRUARY 2, 2004**

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

**8:00 Weed & Parks Board meeting at Weed & Parks Office**

**MEETING W/PHILLIP CRISMAN RE: GNEA UNIFIED ENVIRONMENTAL PERMITTING WEBSITE**

Present at the February 2, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson and Clerk Eisenzimer.

Discussion was held relative to Phillip Crisman presenting information about GNEA and philosophy of bringing together all components that are at work in the Highway 2 corridor through the Rocky Mountain front along the southern boundary of Glacier National Park, and involving Flathead County in a website designed to allow anybody wishing to receive a permit along said corridor to be able to interview and receive permit. Intention is to have every entity that requires permit to have permit available on website.

**PUBLIC HEARING: ROAD NAMING OF DUSTY TRAIL, FALLING LEAF COURT, HIDDEN HILLS LANE & HIDDEN MEADOWS LANE**

Present at the February 2, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Laurie King, Karen Yerian, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Dusty Trail

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Dusty Trail

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

Commissioner Hall made a **motion** to adopt Resolution No. 1679 Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1679**

**WHEREAS**, Flathead County has proposed to name a private road generally running easterly off Browns Meadow Road and located in the S1/2S1/2 of Section 1, Township 26 North, Range 23 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 2, 2004, concerning the proposal, after publication and mailing of notice thereof on January 20, 2004, and January 27, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Dusty Trail**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Browns Meadow Road and located in the S1/2S1/2 of Section 1, Township 26 North, Range 23 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named Dusty Trail.

**BE IT FURTHER RESOLVED** that the naming of **Dusty Trail** shall be effective on February 2, 2004.

Dated this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

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

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**MONDAY, FEBRUARY 2, 2004  
(CONTINUED)**

Present at the February 2, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Falling Leaf Court

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Falling Leaf Court.

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

Commissioner Watne made a **motion** to adopt Resolution No. 1680 Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1680**

**WHEREAS**, Flathead County has proposed to name a private road generally running northwesterly off Scholar Boulevard and located in W1/2SW1/4 in Section 20, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 2, 2004, concerning the proposal, after publication and mailing of notice thereof on January 20, 2004, and January 27, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Falling Leaf Court**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northwesterly off Scholar Boulevard and located in W1/2SW1/4 in Section 20, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Falling Leaf Court**.

**BE IT FURTHER RESOLVED** that the naming of **Falling Leaf Court** shall be effective on February 2, 2004.

Dated this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

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

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Present at the February 2, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Hidden Hills Lane

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Hidden Hills Lane

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

Commissioner Hall made a **motion** to adopt Resolution No. 1681 Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1681**

**WHEREAS**, Flathead County has proposed to name a private road generally running easterly, southerly and westerly off Big Mountain Road and located in the SE1/4NE1/4 of Section 14. Township 31 North, Range 22 West, P.M.M., Flathead County, Montana. This road was, in part, formerly known as Woods Lane.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 2, 2004, concerning the proposal, after publication and mailing of notice thereof on January 20, 2004, and January 27, 2004; and

**MONDAY, FEBRUARY 2, 2004  
(CONTINUED)**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Hidden Hills Lane**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running easterly, southerly and westerly off Big Mountain Road and located in the SE1/4NE1/4 of Section 14, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Hidden Hills Lane**.

**BE IT FURTHER RESOLVED** that the naming of **Hidden Hills Lane** shall be effective on February 2, 2004.

Dated this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

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

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Present at the February 2, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Janelle Thueson, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Hidden Meadows Lane

Janelle Thueson asking questions about what addresses are going to be changed.

William Kuehn asked about new road signs and expressed favor for road name.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Hidden Meadows Lane

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

Commissioner Hall made a **motion** to adopt Resolution No. 1682 Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1682**

**WHEREAS**, Flathead County has proposed to name a private road generally running east and northerly off MT Highway 40 West and located in the E1/2W1/2 of Section 11, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana. This Road was, in part, formerly known as Svensrud Road.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 2, 2004, concerning the proposal, after publication and mailing of notice thereof on January 20, 2004, and January 27, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Hidden Meadow Lane**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running east and northerly off MT Highway 40 West and located in the E1/2W1/2 of Section 11, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Hidden Meadow Lane**.

**BE IT FURTHER RESOLVED** that the naming of **Hidden Meadow Lane** shall be effective on February 2, 2004.

Dated this 2<sup>nd</sup> day of February, 2004.

**MONDAY, FEBRUARY 2, 2004  
(CONTINUED)**

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

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

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FLAG LOTS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the February 2, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Public Hearing for Text Amendment to the Flathead County Zoning Regulations and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

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

The proposed amendment would amend Section 5.08.010.3.G, concerning Flag Lots, to require notification of adjacent neighbors, rather than property owners within 150 feet, when flag lots are created, and to provide such notice in the process for major subdivisions rather than minor subdivisions.

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

The public hearing will be held on the 19th day of February, 2004, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 5 and February 12, 2004.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MINIMUM LOT WIDTH TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the February 2, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Public Hearing for Text Amendment to the Flathead County Zoning Regulations and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**MONDAY, FEBRUARY 2, 2004  
(CONTINUED)**

**NOTICE OF PUBLIC HEARING**

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

The proposed amendment would amend Sections 3.07.040.2 and 3.08.040.2 in the SAG-5 and SAG-10 (Suburban Agricultural) classifications, to allow for lot depth to exceed lot width by more than three times if the average lot width is at least 300 feet instead of the current 330 feet.

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

The public hearing will be held on the 19th day of February, 2004, at 10:15 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 2nd day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 5 and February 12, 2004.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ACCESSORY USE RESTRICTIONS TEXT  
AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the February 2, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Public Hearing for Text Amendment to the Flathead County Zoning Regulations and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

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

The proposed amendment would amend Section 5.01.030.1 to allow for overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, in a completely enclosed building, in residential districts (R-1, R-2, R-3, R-4, R-5, RA-1 and RC-1 zoning classifications).

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

The public hearing will be held on the 19th day of February, 2004, at 10:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 5 and February 12, 2004.

MONDAY, FEBRUARY 2, 2004  
(CONTINUED)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GUEST RANCH TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the February 2, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Public Hearing for Text Amendment to the Flathead County Zoning Regulations and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

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

The proposed amendment would amend Section 7.08.060 Guest Ranch to allow guest ranches to be located on property consisting of a one-quarter (¼) aliquot part of a U.S. Government Section as well as on a tracts consisting of at least one hundred and sixty (160) acres.

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

The public hearing will be held on the 19th day of February, 2004, at 10:45 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 2<sup>nd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 5 and February 12, 2004.

**BOARD APPOINTMENT: ROGERS LAKE LAND USE ADVISORY COMMITTEE**

Present at the February 2, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Chris Damrow to the Rogers Lake Land Use Advisory Committee. Commissioner Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF REPLACEMENT FOR DIETARY AID**

Present at the February 2, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe reviewed a request for the opening of the position for dietary aid for the Agency on Aging.

Commissioner Watne made a **motion** to open position to replace dietary aid position for Agency on Aging. Commissioner Gipe **seconded** the motion. **Aye** – Gipe and Watne. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: KRIER**

Present at the February 2, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Tim Beck, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Jerry Krier on Flathead Lake to install an F-shaped crib/piling dock measuring 8 feet in width by 60 feet in length with a 25-foot breakwater wing and a 20-foot breakwater wing. Move existing shore station from old dock to new dock. Downsize two existing docks by chipping and breaking them apart and install an electrical line.

Commissioner Watne made a **motion** to approve variance allowing landowner to leave portion of dock to prevent erosion of shoreline. Commissioner Gipe **seconded** the motion. **Aye**- Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Lakeshore Permit No. FLV-04-01 subject to 35 conditions and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**10:00 a.m. Commissioner Hall is to attend RC & D meeting at Depot Building Conference Room**

**MONDAY, FEBRUARY 2, 2004  
(CONTINUED)**

**MEETING W/RUSS CROWDER**

Present at the February 2, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Russ Crowder and Clerk Eisenzimer.

Discussion was held relative to Mr. Crowder pointing out that too much development is going on on our rural lands and we need to restrict it more. Particularly near lakes and rivers; discussion as to water samples being taken to test what impact the fires of recent years have had on water quality.

**MEETING W/ CHARLIE JOHNSON, ROAD DEPT**

Present at the February 2, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson and Clerk Eisenzimer.

Discussion was held relative to Glazier Pit.

This has to do with the old Glazier pit. Years and years and years ago evidently we was in that Glazier pit, it came back to haunt us, because the reclamation was never signed off on it. Anyhow, we've worked out. We got out of there sometime before we rebuilt Batavia I guess from what I understand. We've worked out a settlement and I need you guys to sign it so we can transfer our liability over to Swede and Glaziers. I don't know how many more these I got out there.

Commissioner Watne made a **motion** to approve the memorandum of understanding to complete the reclamation of Howard Glazier Gravel Pit. Commissioner Gipe **seconded** the motion. **Aye-** Gipe and Watne. Motion carried by quorum.

Concern from homeowner as to result of snowplowing; fire hydrants are covered with snow so fire district needs to clear snow away from hydrants. Concerns over budget for the Ashley Lake Road project; Seven Mile Hill project, Gas tax money and determinations as to what roads are paid for.

**NEIL CONSULTANTS RE: LASALLE RFP**

Present at the February 2, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Road Superintendent Charlie Johnson, Jeff Schmidt of Neil Consultants, and Clerk Eisenzimer.

Discussion was held relative to Neal Consultants being the sole proposal, Charlie Johnson questioned Jeff Schmidt as to estimated time to finish bridge, time for completing bridge was answered to be 2 ½ months, road can be designed concurrently with bridge and estimated time is three months; Johnson questioned about time length or any problems getting permits, Schmidt said the permit process might be pretty lengthy but it depends on what's all there as far as wetlands, should be easier without state and federal money and time estimate to submit permits should be around 3 weeks, Johnson questioned about intersection at Snappy's, Perkins, and Shopko, Schmidt answered that that's going to be one of the key issues of the project for sure and the bridge design, quite honestly, I don't what we're designing as far as a road; a Super two or a standard two lane. Johnson replied it's probably going to be a Super Two with turn lanes, especially down towards the intersection there. There's a bike path that has to be designed along with the bridge having to have a separate bike path on it.

Johnson questioned Schmidt as to what other problems they foresee in designing this project. Schmidt responded with the right of way issues and making sure the memorandum of understanding is complete. Question about cost, Schmidt responded that generic cost for bridge construction which is standard Super Two bridge is \$150,000 w/out bike path, and construction of 2.8 miles of road projected to be around \$410,000 and permitting will be included in lump sum.

Commissioner Watne made a **motion** to take proposal under advisement and refer to Road Department for review. Commissioner Gipe **seconded** the motion. **Aye-** Gipe and Watne. Motion carried by quorum.

**ASHLEY LAKE ROAD PROJECT**

Present at the February 2, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Glen Brist, Bernie Windauer, Paul Waccholz, and Clerk Eisenzimer.

Charlie Johnson has some questions for the low bidder before awarding the bid.

Paul Waccholz explained that they offered gravel for saving some of the costs.

Johnson, paving is an alternate, are we going to take that deduct off the top. Cattle guard is an alternate, Johnson recommends leave the cattle guard and the hydro-seeding but remove paving.

Commissioner Gipe recommended meeting with Schlegel and Sons to work out contract details and deductions for paving and existing gravel.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 3, 2004.

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**TUESDAY, FEBRUARY 3, 2004**

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

**MONTHLY MEETING W/DONNA MADDUX, SUPT OF SCHOOLS**

Present at the February 3, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Discussion was held relative to issues involving Whitefish stakeholders over school trust lands; lawsuit involving state funding for education.

**MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES**

Present at the February 3, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Computer Services Director Norm Calvert, and Clerk Eisenzimer.

General discussion was held relative to JADE training; sheriff system; Health Department moved into paradym house; title companies accessing system and requesting adjustment to rates; Commissioners presented Norm with GNEA request.

**OPEN BIDS: LIQUID ASPHALT, GRAVEL CRUSHING, GAS & DIESEL, PROPANE, TIRES/ ROAD DEPT**

Present at the February 3, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Kevin Siegitch, Kyle Schellinger, Kevin Goertzen, Dell McManus, Brad Newrams, Chris Rasmussen, and Clerk Eisenzimer.

Liquid Asphalt:

Montana Refining;  
 CRS 2- \$174.75/ton  
 PG64-22 161.50/ton  
 PG58-22 161.50/ton  
 SS1 TACK OIL \$161.50/ton

Idaho Asphalt Supply Inc  
 CR2-\$202/ton  
 PG64-22 \$217/ ton  
 PG58-22 217/ton  
 CSS1 TACK OIL \$197/ton

Mac Asphalt Inc.  
 CRS 2-\$289.75/ton  
 PG64-22 No Bid  
 PG58-22 No Bid  
 SS 1 TACK OIL \$269.95/ton

CHS  
 CRS 2- \$142.98/ton w Distributor charge being billed separately by carrier.  
 PG64-22 \$142.98/ ton  
 PG58-22 \$142.98/ton  
 SS 1 TACK OIL \$142.98/ton

Commissioner Watne made a **motion** to take the liquid asphalt bids under advisement and refer them to the Road Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Gravel crushing- 3/8 for chip sealing  
 Otto Crushing – NO BID  
 JTL- \$12/ton- \$36,000  
 Helena Sand and Gravel- \$12/ton - \$36,000  
 Schellinger - \$10.5/ton - \$31,500

Crushing and stockpiling gravel  
 Pioneer Equipment and Supply- NO BID  
 Schellinger - \$3.17/ton - \$221,900  
 LHC - \$4.50/ton - \$315,000

Commissioner Watne made a **motion** to take the Gravel crushing bids under advisement and refer them to the Road Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

Gas and Diesel

**City Service**

|                    | REGULAR<br>NO LEAD | RED DYED<br>LOW SULFER<br>DIESEL #2 | RED DYED<br>LOW SULFER<br>DIESEL #1 |
|--------------------|--------------------|-------------------------------------|-------------------------------------|
| MARTIN CITY        | .159               | .159                                | .159                                |
| COLUMBIA FALLS     | .139               | .139                                | .139                                |
| BUSCH PIT          | XXXX               | .209                                | .209                                |
| COUNTY SHOP        | .109               | .109                                | .109                                |
| OLNEY - MIELKE     | XXXX               | .259                                | .259                                |
| BIGFORK - SULLIVAN | XXXX               | .149                                | .149                                |
| BIGFORK - THOENNES | XXXX               | .149                                | .149                                |
| KILA - WIDGREN     | XXXX               | .149                                | .149                                |
| MIXING PLANT       | XXXX               | .109                                | .109                                |
| MAIN COURTHOUSE    | .129               | .129                                | .129                                |



Commissioner Watne made a **motion** to take the Gas and Diesel bids under advisement and refer them to the Road Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Propane

Northern Energy SHELL/CONOCO HD 5 Delivery cost \$.08/gallon

Commissioner Watne made a **motion** to take the propane bids under advisement and refer them to the Road Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously,

Tires

Les Schwab BIDS ON FILE  
Tire-ama BIDS ON FILE

Commissioner Watne made a **motion** to take the tire bids under advisement and refer them to the Road Department for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

#### **MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES**

Present at the February 3, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Human Resource Director Raeann Campbell, and Clerk Eisenzimer.

General discussion was held relative to claims paid; First Interstate Bank manages trust fund and is requesting to raise the fee, agreement was made to take it to bid; mandatory drug and alcohol training for Department heads and supervisors; companies asking to solicit on paychecks; agreement was made to not allow soliciting with paychecks.

Commissioner Watne made a **motion** to approve memorandum regarding mandatory supervisory training on drugs and alcohol in workplace. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING OF ANTLER LOOP, HIDE-A-WAY LANE, HARD ROCK ROAD**

Present at the February 3, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

#### **NOTICE OF PUBLIC HEARING**

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

**Road generally running northwesterly off Antler Ridge Road and is located in the Northeast ¼ of the Northeast ¼ of Section 32, and in the Southeast ¼ of Section 29 all in Township 31 North, Range 22 West, P.M.M/, Flathead County, Montana.**

The public hearing will be held on the **23<sup>rd</sup> day of February, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **ANTLER LOOP**

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

Dated this 3<sup>rd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 6<sup>th</sup> and February 13<sup>th</sup>, 2004.

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

#### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **HIDE-A-WAY LANE**.

**Road generally running southeasterly then northwesterly off an unnamed road petitioned to be Antler Loop and located in the Southeast ¼ of Section 29, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **23<sup>rd</sup> day of February, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **HIDE-A-WAY LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **HIDE-A-WAY LANE**, who has an address assignment on the proposed **HIDE-A-WAY LANE**, or who owns property along the proposed **HIDE-A-WAY LANE**.

Dated this 3<sup>rd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 6<sup>th</sup> and February 13<sup>th</sup>, 2004.

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

#### **NOTICE OF PUBLIC HEARING**

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

**Road generally running northerly off Montana Highway 82 and located in the East ½ Southeast ¼ of Section 13, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **23<sup>rd</sup> day of February, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **HARD ROCK ROAD**.

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

Dated this 3<sup>rd</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on February 6<sup>th</sup> and February 13<sup>th</sup>, 2004.

#### **MEETING W/ DEB DEIST/BOOKKEEPING, ET AL, RE: COUNTY VEHICLE MILEAGE TAX**

Present at the February 3, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Road Superintendent Charlie Johnson, Human Resources Director Raeann Campbell, Dave

Prunty, Health Director Joe Russell, Clerk and Recorder Paula Robinson, Guy Foy, Ted Gilbertson, Richard Stockdale, OES Director Alan Marble, Gordie Jewett, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Deb Deist addressed issue of logging mileage per IRS regulations, discussion continued regarding what needs to be logged.

**PRELIMINARY PLAT: LITTLE BITTERROOT ESTATES**

Present at the February 3, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Tom Sands of Sands Surveying, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Little Bitterroot Estates filed by LBL and Owl Corporation which is a sixteen lot single family subdivision on approximately 160 acres. The property is near the south end of Little Bitterroot Lake along Bitterroot Drive, west of Kalispell.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-44 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Little Bitterroot Estates subject to 17 conditions Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried by unanimously.

**PRELIMINARY PLAT: STONEFOXX**

Present at the February 2, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Rob Cherot, Tom Sands of Sands Surveying, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Stonefoxx filed by Brandyland LP which is a sixteen lot single family subdivision. The property is located between Fairview Cemetery and Columbia Falls Stage Road, 8 miles northeast of Kalispell. The property contains 80.351 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-45 as amended as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Stonefoxx subject to 12 conditions. Commissioner Watne **seconded** the motion. **Aye** –Watne, Gipe and Hall. Motion carried unanimously.

**MEETING W/BECKY ESLICK/CLERK & RECORDER'S OFFICE RE: TAX DEED**

Present at the February 2, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Becky Eslick and Clerk Eisenzimer.

Eslick presented map to ask if parcel can be sold as surplus.

Commissioner Hall made a **motion** to approve sale of tract of land on deed recorded as instrument no.199229610080 Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**1:15 p.m. 911 meeting at Justice Center**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on Wednesday, February 4, 2004.

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**WEDNESDAY, FEBRUARY 4, 2004**

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

**MEETING W/ BUILDING COMMITTEE**

Present at the February 4, 2004 8:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, County Treasurer Patty Arnold, Clerk and Recorder Paula Robinson, Deb Deist, Human Resources Director Raeann Campbell, Lorraine Reid, Norm Calvert, Deputy County Attorney Jonathan Smith, Mike Absalonson, City County Health Director Joe Russell, and Clerk Eisenzimer.

Discussion was held relative to proceeding with plans for new county building.

Commissioner Hall made a **motion** that county building be built according to Plan B. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**MONTHLY MEETING W/DAVE PRUNTY**

Present at the February 4, 2004 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Solid Waste Director Dave Prunty, and Clerk Eisenzimer.

General discussion was held relative to installation of alarm system because of break in; Construction of Fire/Dust Suppression Well; Landfill expansion project; operations; opinion of value for the Hook & Farrell Property; Landfill Density Calculations and Remaining Life; Somers Container Site Purchase; Landfill assessment adjustment; Open Board position; budget and financial reports.

**MEETING W/ ART VALE/ PLUM CREEK RE: ROADS**

Present at the February 4, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Tom Ray, Art Vail, Road Superintendent Charlie Johnson, and Clerk Eisenzimer.

Discussion was held relative to road closures during spring thaw. Plum Creek would like to be self policing and keep roads open as long as possible by hauling logs during the colder times of day. Superintendent Johnson agreed with proposal but reminded that there are several factors that are involved including private haulers, the public and sporadic weather changes.

#### **PRELIMINARY PLAT: JOHN'S GARDEN ACRES**

Present at the February 4, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Debbie Shoemaker and Dawn Marquardt of Marquardt and Marquardt Surveying, John Christensen, Ted Dykstra, Bill Hagerman, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for John's Garden Acres filed by John and Alice Christensen which is a thirty-four lot single family and eight duplex subdivision on approximately 7.4 acres. The property is located near US Highway 2 East in Evergreen between Judith and Margrethe Roads. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-47 with amended condition 10, subsection D to read, "this subdivision is located in a mixed use area and as such irregular hours of operation, noise and fumes are associated with these businesses." Commissioner Gipe seconded the motion. **Aye**- Hall and Gipe. Motion carried by quorum

Commissioner Hall made a **motion** to approve the Preliminary Plat for John's Garden Acres subject to 16 conditions. Commissioner Gipe **seconded** the motion. **Aye** –Gipe and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: FLATHEAD CROSSING #2**

Present at the February 4, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Debbie Shoemaker and Dawn Marquardt of Marquardt and Marquardt Surveying, Tara Harbin, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Flathead Crossing #2 filed by West Wood Development which is a three lot commercial subdivision. The property is located at the intersection of MT Highway 82 and MT Highway 35 north of Bigfork. The property contains 2.46 acres. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-46 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** –Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Flathead Crossing #2 subject to 15 conditions. Commissioner Gipe **seconded** the motion. **Aye** –Gipe and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: ROCKY CLIFF SUBDIVISION**

Present at the February 4, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, John Schwartz of Schwartz Engineering, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Rocky Cliff Subdivision filed by Murcon Development, Inc. which is a forty-one lot single family and nine lot commercial subdivision on approximately 46.75 acres. The property is located at 3650 Highway 93 South, south of Kalispell. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-48 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Rocky Cliff Subdivision subject to 17 conditions. Commissioner Gipe **seconded** the motion. **Aye** -Gipe and Hall. Motion carried by quorum.

#### **AUTHORIZATION TO PUBLISH INVITATION TO BID/ LIVESTOCK PAVILION/ FAIRGROUNDS**

Present at the February 4, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Invitation to Bid and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Gipe and Hall. Motion carried by quorum.

#### **INVITATION TO BID**

The Flathead County Commissioners will receive sealed bids plainly marked "Flathead County Fairgrounds Building" for the construction of a 45000 square foot rigid frame steel structure at the Flathead County Fairgrounds until **5:00 P.M., February 23, 2004**, local time at the office of the Flathead County Commissioners. Bids will be opened and read at **9:30 a.m. on February 26, 2004**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Generally, the work consists of excavation, foundations, erection of a rigid steel structure, construction of an entry area and restrooms. The scope of work is more particularly described in the Project manual.

The Project Manual/ Contract Documents can be obtained from Thomas, Dean and Hoskins, 690 North Meridian Suite 101, Kalispell, Montana, 59901. Plans, specifications and the Contract documents are available for a nonrefundable fee of \$50.00

In addition Contract Documents maybe examined at the following locations:

Northwest Montana Plans Exchange, 2303 Hwy 2 East, Kalispell, MT 59901  
Missoula Plans Exchange, 201 North Russell Street, Missoula, MT 59801  
Great Falls Builders Exchange, Box 2027, Great Falls, MT 59403  
Montana Contractor's Association, PO Box 4519, Helena, MT 59604  
Associated Builders and Contractors, N 1404 Thor Court, Spokane, WA 99202

There will be a pre-bid Conference at the office of Thomas, Dean and Hoskins, 690 North Meridian Suite 101, Kalispell, MT 59901 at 3:00 P.M. local time on February 12<sup>th</sup>, 2004. Interested contractors are encouraged to attend.

Contractors and any of the CONTRACTOR'S subcontractor's doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). Forms for registration are available from the Department of Labor and Industry, PO Box 8011, 1805 Prospect, Helena, MT 59604-8011. Information on registration can be obtained by calling 1-800-556-6694. CONTRACTORS are required to have registered with the DLI prior to bidding on this project.

All laborers and mechanics employed by CONTRACTORS or subcontractors in performance of the construction work shall be paid wages at rates as may be required by the laws of the State of Montana. The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. This project is subject to the Montana Contractors Gross Receipt Tax.

The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

Each bid or proposal must be accompanied by a certified check, cashier's check, or bid bond payable to Flathead County, in an amount not less than 10 percent (10%) of the total amount of the bid. Successful BIDDERS shall furnish an approved Performance Bond and a Labor and Materials Payment Bond, each in the amount of one hundred percent (100%) of the contract amount. Insurance as required shall be provided by the successful BIDDER(S) and a certificate(s) of that insurance shall be provided.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the office of the Flathead County Clerk and Recorder.

No bid may be withdrawn after the scheduled time for the opening of bids.

The right is reserved to reject any or all proposals received, to waive informalities, to postpone the award of the contract for a period time not to exceed sixty (60) days, and to accept the lowest responsive and responsible bid which is in the best interest of the OWNER.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana  
800 South Main  
Kalispell, MT 59901

BY: /s/Howard W. Gipe  
Howard W. Gipe, Chairman

ATTEST:  
Paula Robinson, Clerk

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

Publish February 8<sup>th</sup> and 15<sup>th</sup>, 2004

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WOLFORD DEVELOPMENT MONTANA ZONE CHANGE/  
STILLWATER AND EVERGREEN & VICINITY ZONING DISTRICT**

Present at the February 4, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Ken Kalvig, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 797CO Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**RESOLUTION NO. 797 CO**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 23rd day of December, 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);

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

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

**WHEREAS**, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 CN, dated December 23, 2003 to change the zoning designation 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);and

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on December 27, 2003 and January 3, 2004, 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 changes portions of 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), those portions being described on Exhibit "A", as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 4<sup>th</sup> day of February, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

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

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

**11:00 a.m. County Attorney Meeting at County Attorney's Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on Thursday, February 5, 2004.

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**THURSDAY, FEBRUARY 5, 2004**

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

**8:30 a.m. Commissioner Hall is to attend AOA TAB meeting at the Lutheran Home Cottage**

**MEETING W/ FRED LEISTIKO RE: RESOLUTION #1678/MUSEUMS**

Present at the February 5, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Linda Engh-Grady, Carolyn Pitman, Jill Evans, Irlene Nelson, Teri Howman, Alan Satterlee, Mark Norley, Velvet Phillips-Sullivan, Bernie Olson, Bill Peterson, Ed Gilliland, Delores Swanberg, Keith Robinson, Cliff Collins, John Hinchey, Judy Hinchey, Dorothy McGlenn, Fred Leistiko, Deputy County Attorney Jonathan Smith, Megan Morris, and Clerk Eisenzimer.

Fred Leistiko- My name is Fred Leistiko, I live at 132 Buffalo Stage Road in Kalispell and I'm a member of the board of trustees for the Hockaday Museum of Arts, I want to thank you for taking the time today to listen to the representatives of the museums and facilities for the arts and humanities and the cultural centers that make up the Flathead County's arts and cultural community here. Last year myself and a couple of representatives from here met with you the County Commissioners at the Central School Museum to discuss the possibility of levying for assistance. The subject of that presentation was to show our needs in the county for some financial relief as the community of the Flathead continues to grow and expand. The cultural centers here in Flathead are valued assets, we explained then, they're assets of the county northwestern Montana, but the museums and the cultural centers and the performing arts are all assets and they need to be maintained. Because they safe guard and preserve our heritage as well as provide a place for educational institutions to show their students the value of the arts and culture in their life. The creative arts and the performing arts centers of the flathead have a lot to offer, thousands of visitor from outside the Flathead hear the music and the performing arts and view the creative arts and the displays that each of these individual locations have throughout the county. There is not just one location in the county, there are eight wonderful museums and culture and performing art centers available throughout the county. They're staffed with hard working staff members and volunteers who make up the art and cultural community of the Flathead and they have a lot of individual memberships in these different centers. After that last meeting we started to develop some plans because the idea came out that and it was receptive as far as the County Commissioners were concerned that maybe there was something that could be done here so everyone was going to go back and start to work on this thing. Develop some sort of plan to present to you the County Commissioners here. The plan was to ask you to put on the ballot an appropriate mill levy to help us all deal with the growth and expansion here in the Flathead. There were different opinions expressed by various organizations and there was actually no central committee was put together to put these plans together. Each went their separate way to discuss what they could do and we at the Hockaday Museum were discussing fees versus tax revenue and grants versus trusts and how the money would actually be disseminated and how you'd work this out. So we were working on it. A few weeks ago, actually in January Bill Peterson, the Director of Central School Museum approached me at a function that we were mutually attending and he told me that Central School Museum was going forward with a proposal for the County and he asked me what I thought of it and I said well what is it? I said, well I thought that really you need to get everybody together instead of Central School going forward with their own proposal for tax payers money that we should really get everybody together and go for it. We were fairly close to that. Monday of last week as a matter of fact, I received an email with the proposal that Hockaday had been working on had been finalized and I went last Thursday to the Rotary, noon rotary and I approached Mr. Peterson there and I said, you know Bill, we got a final draft here of a proposal and we want to get together so we can get the County Commissioners. And he said, well I think it's too late. I said, what do you mean it's too late? He said, well we went and got our money ourselves. I thought whoa, I didn't think that was, I said well, that's not good. I think you know the rest of the community arts and cultural community of the Flathead kind of got left out here. We believe that consideration should be given to all of the museums, the cultural centers and the performing art centers in the county that are struggling. All of them are struggling to stay open. This resolution although it identifies half the money for Central School Museum and half for the Flathead County Museum Board of which I know a couple of the board members who weren't even aware of this. So, we have come before you today and I'd like

you to hear just momentarily from each of the groups and including Central School or any of the other organizations that are here and get it on the record so that you know they're in favor of rescinding the resolution that you passed and in place put another resolution. We have prepared a resolution using all of the, most of the data down through, exactly as it's, as a matter of fact, several of the paragraphs are, they're all exactly the same. I have copies of the Montana Code Annotated that's all in this resolution. I have copies of Montana Code Annotated that also says that a grant program can be established by County Commissioners, the guidelines for that grant program of course you'd have to put together a group of art and cultural people to help you establish some guidelines for it, but the guidelines can be put together. I don't know if it's necessary to read the, I have given the copies of our proposed resolution to the Clerk and I don't know if you want me to go through that paragraph by paragraph but basically it's pretty much the same. This resolution actually represents an equal sharing of the revenue generated from the county taxpayers. Subject to any of your questions, thank you very much.

Bernie Olson- My name is Bernie Olson, I live at 161 Lakeside Boulevard, Lakeside. I'm on the Central School and Northwest Montana Historical Board. I would like to clarify one or two things that were said here. The meeting that was held with the County Commissioners at the Central School Museum was called by our board and we invited the Commissioners to come and tour our facility and hear our needs and our wants in terms of what we thought we would need to continue to operate. There were two people from the Hockaday that were there also but it was our meeting, called by us to explain to the Commissioners our needs and interests. It wasn't a joint we, it was our we, we were the ones who called it and I think that's important to note. Also, we never heard back from anybody after we went through that, I think it was clear to the people from the Hockaday what our interests were and by December I approached the, I guess it was already January, I approached Jonathan Smith to write up our proposal because we knew we had to get it in before February if it were to get on the June primary ballot. I think it's important to note we were the ones that instigated the whole process.

Commissioner Hall, I have a question for Jon (Deputy County Attorney Jonathan Smith) Have you reviewed this new resolution that's been put forth?

Smith, no just quickly looking at it.

Linda Engh-Grady with the Hockaday Museum Director and I live at 785 Northwoods Drive, Whitefish Montana. I agree it was the Central School Museum that did call that meeting and I found out about it at the last minute and was uninvited but did attend it. I just want to say that we're not discounting the fact that the Central School Museum does need money, but I'm also going to state that the rest of the cultural organizations throughout the valley do need money as well. It's not really a complete onesided situation. We are all cultural organizations of the valley, we are economic stimulators to the valley which I know that many legislators would agree that the arts are extremely important in this valley and make the quality of life here excellent and we have some extremely talented organizations within this valley. The Hockaday museum itself is very in favor of this particular proposal that we've put before you on the resolution. We believe that all organizations should be participants in this and setting up some sort of a nice grant program that would benefit all of them because everyone of us should be taking part of this.

Megan Morris- I represent Flathead Business and Industry, I'm here to submit a letter on behalf of our board. I'm not going to read the letter, I'm just going to give you guys a nutshell of what it says. FBIA is requesting that you guys do not pass this resolution today. Not because we don't support the arts and museums it's because we would like documentation of exactly where this funding will be spent and the Board in their inquiries has been unable to retain this information and so until we can have documentation of where these funds will be spent, we ask you not to pass this resolution.

Jill Evans- I'm the administrator for the Stumptown Historical Society. We own the Depot Building in Whitefish and maintain that. I think something that needs to be clarified here is that we as a group here who represent the cultural arts in the valley are not fighting amongst ourselves, that's not what we want to do. What we're looking at is as a group and you have already passed a resolution and what we're questioning is the equity of that resolution and that more discussion is appropriate. I commend Dr. Peterson for his enthusiasm for getting this done but the rest of us have feelings that maybe a light shone on the process would be effective and positive, particularly when we are actually asking for tax money from our citizens and that's a sacred trust, so I request that we carefully look at this and in reference to the last speaker, I hope she understands that you already have a resolution and that we're asking is for a different one.

Bill Peterson, I live at 3700 Lower Valley Road, Kalispell Montana. I guess some points that I wanted to make here are just a few very simple ones. When we presented on June 2<sup>nd</sup>, we presented to the Commissioners a very exact figure of what we needed and then we were asked for a very exact figure of what we needed. We asked that the mill levy go on for quite a bit more than what it ended up going on as and in working with the commissioners and those folks that were involved in that, from what I understand, the advice was given to us to put into the mill levy exactly what we needed to answer our prayers so we did that. Kind of as a committee agreement and as advice from I guess some of you folks based on the figures that we had provided back in June. I just wanted to go on record by saying that's not just something we dreamed up and it's not something that should have been a surprise to anyone these were figures submitted in June.

Carolyn Pitman, I live at 1 Tideway, Whitefish Montana. I'm the Director of the Whitefish Theater Company and the O'Shaughnessy Cultural Arts Center in Whitefish. I've lived in the valley for twenty five years and when I first came here there was tax money going to one entity here in the valley and that was rescinded by the voters not too long after I moved here. Since that time I think the arts in this valley have flourished and are so exciting and exuberant and they cover every corner of the valley and I feel that to ask the taxpayers to support one entity when there are so many vibrant entities in the valley would be unfair and also I don't know if it's passable so I would ask you to consider that there are many of us in the valley who are working very hard for the arts and that perhaps we're all deserving of some of that support.

Commissioner Hall asking Jonathan Smith, what is the deadline for this ballot issue to be put on the June primary? Is there a deadline of February. Smith answered, it's in March.

Teri Floorman, I'm the Director of the Conrad Mansion here in Kalispell. My address is 145 Foot Drive, Kalispell. I'd like to bring up the fact that the Conrad Mansion is one of many assets to this community such as Central School, such as some of the other cultural venues that we do have. I think that we are all a whole so to speak, there's not just one venue here that we should support. As far as the grant writing process and the proposal that we are attending is that everyone can benefit from it. With the correct standings and the correct paperwork whatever it takes in order to put this together, every cultural venue can actually benefit from this situation and that's what I would like to see happen here.

Alan Satterlee, I'm the interim executive Director of the Glacier Symphony and Chorale, I live at 121 Rainbow Drive in Kalispell. Our board of directors of the Glacier Symphony and Chorale, and I've also spoken with the board of directors of the Glacier Performing Arts Center, I actually wish to remain neutral today in how they'd express their opinion on this resolution. Mostly because we've just been brought in to the conversation in the last 48 hours and no one really had time to sort of get all the

background and understand it but as the Executive Director of the organization, I would say, I 'd have to concur I think it would be good for the county to really consider all of the arts organizations and the value of all of the arts organizations and how they might benefit from receiving public support.

Velvet Phillips-Sullivan – I'm on the board of directors of the Stumptown Arts Studio in Whitefish. It's exciting to me to see the County Commissioners supporting the arts and I totally agree that it's exciting how much the arts have flourished in the valley and what they bring to the valley. We work a lot with children and I see on a daily basis how the arts can have an improvement in children's lives so thank you for considering this.

Mark Norley – I live at 612 Sylvan Court in Kalispell. I'm president of the board of trustees of the Hockaday Museum of Art. I first would like to thank you gentlemen for giving us this audience today and I would also like to thank Bill Peterson and the Board of Central School Museum for bringing this issue before all of us. There are mysteries to exactly how the mill level can be support our local organizations. We know that it existed very satisfactorily for a period of time and I think that since that mill level that did support the arts was superceded by something else, that there's been a tremendous growth in our community from Whitefish to Bigfork of arts and cultural organizations. We all strive to support ourselves and fortunately there are grants that are available and I think all of the organizations that are represented here to day have made an effort to acquire as many of these grants as possible. The competition in the grant world is greater than the competition in the political world. And so we can not depend on these grants, but we would certainly be pleased to have the communities support even though modestly the cultural and artistic organizations in the area. We are hoping that since this mill levy existed at one time that it could be resurrected and used to the advantage of all of the organizations represented here today as well as the general community.

Commissioner Gipe commented, we sure appreciate you coming in and we'll sure take a look at this and try to work this out in the next couple of days.

Bernie Olson-I did want to point out that the current resolution that we've written was \$240,000. \$120,000 would go to the County Museum Board that is currently in existence and they have the power under the Montana codes to distribute that money in whatever way they see fit in the arts, humanities and museums. So, it isn't just all the money's going to the Central School Museum. Half of it is available for everybody else and nobody's even mentioned that fact.

Commissioner Halls commented I just say that this actually, the things that have transpired in the last couple days and this new resolution, I see a couple things that need to be changed. We're not prepared to adopt this one that was presented, but there's some good things in it. I think the Museum Board needs to look it over and we need some time to work on it, but I would strongly say, especially since our newspaper guy is feverishly writing away that this has been a good opportunity for everyone to sit in the same room together and realize the need that you're going to have to really work cohesively to even get this mill levy passed. There's going to be at least, there's at least one and possibly one other request for a mill levy for things that are going on in the valley, so if you can work together and present that to the community, we have a good chance of realizing some help for all the museums and the performing arts which we need. It's obvious, so I'm encouraged by today's meeting and seeing you all here together and I look forward to the next time you make a presentation to us and we'll look this resolution over and discuss it with the museum board and our attorney and we've got some time to make it happen.

Fred Leistiko, a suggestion that we have discussed amongst the five or six of the museums and the cultural arts centers is. If you notice on the new resolution we said in there that whereas the Flathead County Museum Board is capable of administering a grant application program for the county, the last whereas, which is true and we agree with that. We think that that's the venue for the distribution. One other thing then your next question would be what are the guidelines for that and I think it was brought up by Megan, what are the guidelines? If you desire the County Commissioners desire, I'm sure that you could get a raise of hands here of volunteers to within the next four months a temporary committee to establish the set of guidelines that you could use for the administration or give to you that you can look at for the distribution and the grant application format to be used on this resolution. I'm sure that you'd get plenty of volunteers from the different organizations to help you establish those guidelines.

Commissioner Hall commenting, I would say Fred and also before you sit down, I want to ask you before. Tell me what all eight are. You mentioned eight, so I'd like you to tell me but just a minute before we do that.

Leistiko, well, Alan's got the list. Linda's got the list, here she'll go through it because I think there's one I missed.

Hall, and I want to also say before you list that off, I accept responsibility as a commissioner for not realizing that. I was under the assumption that everyone was on board, that everyone was a part of this resolution and I think we are today.

Linda Engh-Grady listing various qualifying 501C3 nonprofit organizations that has to do with arts and culture.

Bigfork Community Players  
Stumptown Art Studio  
Bigfork Cultural Center  
Conrad Mansion  
Stumptown Historical Museum  
Whitefish Theater Company  
Glacier Symphony & Chorale  
The New Performing Art Center  
Central School Museum  
Bigfork Center for the Performing Arts  
Hockaday Museum of Art

Jill Evans, I'd like to know when they are appointed to the Flathead County Museum Board and where they meet so that possibly we could go or even when it's appropriate I assume that they are appointed by the Commissioners so possibly when vacancies are open you might consider involving some of us from the North Valley who we don't even know who's on the board. Just as a possibility I know that some of my board members would be very interested in serving there so thank you.

Commissioner Hall, I do notice there's a Montana Historical Society and there is no one from Whitefish on that board and so just look forward to what you're all going to come up with. Thank you.

Agreement was made to look at proposals after the separate groups work together and bring in new proposal.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-3-31-023-0**



Present at the February 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve contact for tobacco use prevention program. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-7-4-51-007-0**

Present at the February 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve contract for HIV prevention program and authorize Chairman to sign. Char **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

**CONSIDERATION OF ADOPTION OF RESOLUTION: EVERGREEN WATER & SEWER DISTRICT SYSTEM**

Present at the February 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1683. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

**CONSIDERATION OF ADOPTION OF RESOLUTION: MERIDIAN ROAD/MT TRANSPORTATION COMMISSION**

Present at the February 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1684. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: STREET & ALLEY ABANDONMENT PETITION/ 10<sup>TH</sup> STREET WEST & BLOCK 132 ALLEY**

Present at the February 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

**6:00 p.m. Commissioner Hall is to attend Whitefish Area Trust Land Plan Advisory Committee Meeting at North Valley Hospital Conference Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on Friday, February 6, 2004.

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**FRIDAY, FEBRUARY 6, 2004**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Gipe, Commissioners Hall and Watne, 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 February 9, 2004.