

\*\*\*\*\*

## **MONDAY, MARCH 22, 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/JOE RUSSELL, HEALTH DEPARTMENT**

Present at the March 22, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Health Director Joe Russell, and Clerk Eisenzimer.

General discussion was held relative to funding for community health center; AFLAC supplemental insurance; blood borne pathogen course for employees and consideration of vaccinations for employees against blood borne diseases; annexation districts and hookups for subdivisions.

### **CONSIDERATION OF PROCLAMATION: CHILD ABUSE PREVENTION & AWARENESS MONTH**

Present at the March 22, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to proclaim April as Child Abuse Prevention and Awareness Month. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

### **CONSIDERATION OF PRINTING BIDS: SHERIFF'S OFFICE, CLERK & RECORDER'S OFFICE, HEALTH DEPT., ELECTION DEPT.**

Present at the March 22, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve on behalf of the Sheriff's Department, the bid submitted by Northstar Printing for 5000 voluntary statements, 5000 Name/Module, 5000 No Smoking, 5000 Inmate Request Forms, 5000 Arrest/Detention Forms, 5000 Visiting log, 500 Evidence4 Forms in the amount of \$138, \$40, \$40, \$72, \$72, \$78, \$65 respectively. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Sheriff's Department, the bid submitted by Kalispell Copy Center for 5000 envelopes and 1000 Victim Notification Forms in the amount of \$403.75 and \$25.00. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Sheriff's Department, the bid submitted by O'Neil Printers for 5000 Time sheets, 1000 Inmate Rule Books, 3 sets Business Cards (500 each set) in the amount of \$94.50, \$92.50, \$84.50. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Clerk and Recorder's Office, the bid submitted by Wright Impressions for 20,000 envelopes printed on side and 10,000 envelopes printed on both sides in the amount of \$305.20 and \$229.93. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the City-County Health Department, the bid submitted by Wright Impressions for 4 sets business cards, (500 sets each) and 3000 Be Wise Get Immunized in the amount of \$60 and \$106.53. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Sheriff's Department, the bid submitted by Northstar Printing for 1000 Depo-Provera reminders cards in the amount of \$95. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Flathead City-County Health Department, the bid submitted by The Towne Printer for 3000 Immunization Cards in the amount of \$104.25. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Election Department, the bid submitted by Northstar Printing for 5000 Absentee Voter Instructions in the amount of \$99. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: NAMING OF ROADS/LOG CABIN LANE & ELDER RIDGE ROAD**

Present at the March 22, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

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

### **NOTICE OF PUBLIC HEARING**

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

**Road generally running westerly then northerly off Brown's Meadow Road and located in the Southeast Quarter of the Southwest Quarter and in the West Half of the West Half of Section 1, Township 26 North, Range 23 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **5<sup>th</sup> day of April, 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 **LOG CABIN LANE**.

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

Dated this 22<sup>nd</sup> day of March, 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 March 25, 2004 and April 1, 2004.

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

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

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

**Road generally running southerly and westerly off Truman Heights and located in the north half of the northeast quarter, Section 29, Township 27 North Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **5<sup>th</sup> day of April, 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 **ELDER RIDGE ROAD**.

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

Dated this 22<sup>nd</sup> day of March, 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 March 25, & April 1, 2004.

#### **COS REVIEW: SAPPINGTON**

Present at the March 22, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Debbie Shoemaker and Dawn Marquardt of Marquardt and Marquardt Surveying and Clerk Eisenzimer.

Sanderson presented Sappington Immediate Family Transfer being 4 acre parcel and James Sappington wishes to divide deeding 2 parcels being 2.15 acres to his sons.

Commissioner Hall made a **motion** to approve Immediate Family Transfer for Sappington. Chairman Hall **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

#### **OPEN BIDS: LIVESTOCK PAVILION/FAIRGROUNDS**

Present at the March 22, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall, Fairgrounds Superintendent Jay Scott, Mike Frasier of Thomas Dean and Hoskins, Scott Davidson, Les Schlegel, Tim Pearson, David Blasdel, and Clerk Eisenzimer.

Chairman Gipe opened and read aloud the bids for the Fairgrounds Livestock Pavilion; each bid is accompanied with prices for deductions in the following: (1) Dry-Type Fire Sprinkler System; (2) 20 Feet of Building; (3) 40 Feet of Building; (4) 60 Feet of Building

Pearson Construction– Base Bid \$992,250.00  
Reduction by Deduct 1- \$50,000.00  
Reduction by Deduct 2- \$34,150.00  
Reduction by Deduct 3- \$73,320.00  
Reduction by Deduct 4- \$104,185.00

Davidson Construction – Base Bid \$1,015,050.00  
Reduction by Deduct 1- \$64,585.00  
Reduction by Deduct 2- \$36,445.00  
Reduction by Deduct 3- \$76,345.00  
Reduction by Deduct 4- \$115,903.00

Les Schlegel Enterprises – Base Bid \$1,092,310.00  
Reduction by Deduct 1- \$71,000.00  
Reduction by Deduct 2- \$33,982.00  
Reduction by Deduct 3- \$70,107.00  
Reduction by Deduct 4- \$99,104.00

Commissioner Hall made a **motion** to take the bids under advisement and refer them to the Fair Board for a recommendation. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**CONSIDERATION OF NORTH VALLEY HOSPITAL AMENDMENT/WHITEFISH CITY-COUNTY MASTER PLAN**

Present at the March 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Andy Anderson, Marilyn Hays, Maura Fields, Carol Blake, Bruce Lutz, Eric Mulcahy, Marie Hanson, Craig Aasved, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Eric Mulcahy presented North Valley Hospital request to amend the Whitefish City-County Master plan by giving examples surrounding zoning and land uses.

Planning and Zoning Director Forrest Sanderson offered support for the North Valley Hospital City-County Master Plan amendment.

Commissioner Hall made a **motion** to adopt Resolution 677N to amend Whitefish City-County Master Plan. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**RESOLUTION NO. 677 N**

**WHEREAS**, the Whitefish City-County Planning Board has recommended that the Board of Commissioners and the Whitefish City Council adopt an amendment to the Whitefish City-County Master Plan, to change the designation of 45 acres near the Northeast corner of the intersection of Highway 93 and Highway 40, from "Agricultural" to "Public Facilities", to allow for a Hospital and Medical Office Building; and

**WHEREAS**, the Board of Commissioners has reviewed the proposed amendment to the Whitefish City-County Master Plan and agrees that the amendment to of the Whitefish City-County Master Plan should be considered for adoption.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it intends to consider an amendment to the Whitefish City-County Master Plan, as recommended by the Whitefish City-County Planning Board, which would change the designation of 45 acres near the Northeast corner of the intersection of Highway 93 and Highway 40, from "Agricultural" to "Public Facilities", to allow for a Hospital and Medical Office Building.

**BE IT FURTHER RESOLVED** that the Board of Commissioners will consider whether to pass a final resolution adopting the amendment to the Whitefish City-County Master Plan after receiving comments concerning the change for thirty days. The thirty-day comment period will commence on the date of the first publication of notice of passage of this Resolution. A meeting will be scheduled at the Office of the Board of Commissioners, Courthouse, West Annex, 800 South Main, Kalispell, Montana, after the passage of the comment period.

DATED this 22<sup>nd</sup> day of March, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer  
Deputy

Commissioner Hall made a **motion** to approve Notice of Intent of passage and authorize chairman to sign. Chairman Gipe seconded the motion. Aye- Hall and Gipe. Motion carried by quorum.

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
AMENDMENT OF WHITEFISH CITY-COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 677N, dated March 22, 2004) to adopt an amendment to the Whitefish City-County Master Plan, as recommended by the Whitefish City-County Planning Board.

The proposed amendment to the Whitefish City-County Master Plan would change the designation of 45 acres near the Northeast corner of the intersection of Highway 93 and Highway 40, from "Agricultural" to "Public Facilities", to allow for a Hospital and Medical Office Building.

The Whitefish City-County Master Plan and the proposed amendment to that Plan are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will consider whether to pass a final resolution adopting the amendment to the Whitefish City-County Master Plan at a meeting to be scheduled at the Office of the Board of Commissioners, Courthouse, West Annex, 800 South Main, Kalispell, Montana, after the passage of a thirty-day comment period to commence on the first publication of this Notice. The Board will consider any written comments concerning the said amendment which are received in the Board's Office during that thirty-day period.

DATED this 22<sup>nd</sup> day of March, 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  
Deputy

Publish on March 25<sup>th</sup> and April 1<sup>st</sup>, 2004.

**MEETING W/ELAINE BADLEY RE: ASHLEY CREEK MEADOWS**

Present at the March 22, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Elaine Badley, Bodie Morton, Jeff Morton and Clerk Eisenzimer.

General discussion was held relative to preliminary plat approval of Ashley Creek Meadows subdivision. Ms Badley voiced concern over approval of preliminary plat for Ashley Creek Meadows; Sanderson clarified jurisdiction of Flathead County Planning and Zoning and advised Ms. Badley to consult with her legal counsel regarding easements and address water issues to Department of Environmental Quality.

**CONSIDERATION OF LAKESHORE PERMIT: COIT FAMILY TRUST**

Present at the March 22, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck, Planner Traci Tull and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Coit Family Trust on Flathead Lake to remove and replace existing dock. New dock will be a crib dock measuring five feet in width by 60 feet in total length. Dock w/ill consist of three breakwater portion, each measuring five feet in width by 24 feet in length. Widths of breakwater wing will measure 40 inches, 60 inches, and 80 inches, and install a boat shelter. General discussion was held. Board recommends approval of permit as presented with corrected dimensions of breakwater wing from approval on March 10, 2004.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-14a with 32 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: BARTELS**

Present at the March 22, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck, Planner Traci Tull and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Jeff Bartels on Flathead Lake to remove existing dock and install new dock at a different location. New dock will be L-shaped piling dock, measuring 60 feet in length with a 25 foot breakwater wing. Rehab portions of shoreline behind existing retaining wall. In one area, fill dirt will be placed behind wall to allow for growth of native vegetation. Washed gravel will be placed behind retaining wall in another area. General discussion was held. Board recommends approval of permit as presented with Condition 18 which states: Fill projects for the purpose of

expanding existing land areas shall not be permitted. Within 5 feet landward of any retaining wall, backfill shall consist of easily drained gravel, rock, stone, sand or a combination of the above being **denied**.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-18 with remaining 29 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: ROHRER**

Present at the March 22, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck, Planner Traci Tull and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by David Rohrer on Whitefish Lake to dismantle portion of existing dock and convert it into a swim platform. Swim platform will be square, measuring 8 feet x 8 feet and install a buoy. General discussion was held Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-35 with 27 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

**11:45 a.m. Commissioner Hall is to meet with Ruby Zimmerman**

**4:30 p.m. Commissioner Hall is to attend Meeting with Mayor Nicosia & City Manager Shaw re: Extraterritorial Jurisdiction.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 23, 2004.

\*\*\*\*\*

**TUESDAY, MARCH 23, 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.

**GIS MEETING W/TOM REYNOLDS & PAULA ROBINSON**

Present at the March 23, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Clerk and Recorder Paula Robinson, GIS Coordinator Tom Reynolds, Road Superintendent Charlie Johnson, Guy Foy and Clerk Eisenzimer.

General discussion was held relative to 911 software install scheduled for May 3 and 4, readdressing issues regarding cities so that ambulances are able to locate patients; auditing of RSID taxation; whether preparation of ownership lists should be conducted by Planning and Zoning, GIS or the Plat Room; discussion of Homeland Security money for GIS purposes and providing imagery and request for involvement to produce a better detailed image; discussion of budget transfer from Road Department for shared staff.

**BOARD APPOINTMENT: FLATHEAD CO. MUSEUM BOARD**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Jacqueline Adams to the Flathead County Museum Board. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF REQUEST FOR VACATION EXTENSION: A. MARBLE**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve request for six month extension to use vacation time Commissioner Watne **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF REQUEST FOR PLAQUES: COURTHOUSE**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall presented letter that Kalispell Exchange Club has offered to put together a temporary display of evolution of law to set next to the Ten Commandments Monument and then having the plaques placed at the Health Department.

Commissioner Hall made a **motion** to approve consideration from Kalispell Exchange Club. Commissioner Watne **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/PORCION DENVER ST. & COLORADO AVE.& LODGEPOLE DR.**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to Quit Claimdeed portion of Denver Street and Colorado Avenue to City of Whitefish. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to deed portion of Lodgepole Drive to Engel Trust. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: APPROACH PERMIT FOR JTL/ROAD DEPT.**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve encroachment permit for JTL to approve building of approach during construction of Highway 93 South.. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: SECTION 5311 VEHICLE REHABILITATION CONTRACT/EAGLE TRANSIT**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve Section 5311 contract for vehicle rehabilitation and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF RESOLUTION REVISING LOAD LIMITS**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1698 revising load limits and correcting some of the roads listed. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**FINAL PLAT: SHOULER'S SUBDIVISION**

Present at the March 23, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Chairman Gipe reviewed the final plat for Shouler's Subdivision which is an application by Big Sky Surveying for approval of a two lot residential subdivision off East Evergreen Drive in Section 3, Township 28 North, Range 21 West. The property is zoned R-5, Evergreen Zoning District. Preliminary plat was granted on February 22, 2001 subject to 10 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve final plat for Shouler's Subdivision. Commissioner Watne **seconded** the motion. **Aye**- Watne, Hall and Gipe. Motion carried unanimously.

**PUBLIC HEARING: ROAD NAME FOR ROXLIN LANE**

Present at the March 23, 2004 10:30 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 Roxlin Lane

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

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

Commissioner Hall made a **motion** to adopt Resolution No.1699 Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1699**

**WHEREAS**, Flathead County has proposed to name a private road generally running northerly off Homestead Drive and located in the southwest quarter of Government Lot 3, Section 7, Township 30 North Range 20 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on March 23, 2004, concerning the proposal, after publication and mailing of notice thereof on March 9, 2004, and March 16, 2004; and

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northerly off Homestead Drive and located in the southwest quarter of Government Lot 3, Section 7, Township 30 North Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Roxlin Lane**.

**BE IT FURTHER RESOLVED** that the naming of **Roxlin Lane** shall be effective on March 23, 2004.

Dated this 23<sup>rd</sup> day of March, 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

**CONSIDERATION OF ADOPTION OF RESOLUTION: RESCIND RESOLUTION 1678/MUSEUM**

Present at the March 23, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dolores Swanberg Cliff Collins, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1678A, which rescinds Resolution 1678 . Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1678 A**

**WHEREAS**, Section 7-16-2205, M.C.A., authorizes counties to levy property taxes to fund museums, facilities for the arts and the humanities, and collections of exhibits;

**WHEREAS**, Section 15-10-425, M.C.A., authorizes the Board of Commissioners to exceed the mill levy limit provided for in Section 15-10-420, M.C.A., by conducting an election;

**WHEREAS**, the Board of Commissioners of Flathead County was asked by the Northwest Montana Historical Society to levy taxes for the maintenance of the Central School Museum and also determined that the Flathead County Museum Board needs funds to maintain museum property owned by the County;

**WHEREAS**, the Board of Commissioners passed Resolution No. 1678 on January 29, 2004, placing the following proposition on the ballot at the June 8, 2004, Primary election:

Shall the Board of Commissioners of Flathead County, Montana, be authorized to levy up to 1.62 additional mills per year, one-half for the maintenance of the Central School Museum and the remainder for other museum purposes of the Flathead County Museum Board.

- FOR authorizing the levy of up to 1.62 additional mills per year for museums.
- AGAINST authorizing the levy of up to 1.62 additional mills per year for museums;

and

**WHEREAS**, it has come to the attention of the Board of Commissioners since the passage of Resolution No. 1678 that the many County organizations which provide museum facilities, facilities for the arts and the humanities, and collections of exhibits should make a collective effort to present a unified program to the Commissioners in order that all such organizations might benefit from taxes that a voted levy would provide.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that Resolution No. 1678 is hereby rescinded and that a tax levy for museum purposes will not be placed on the June 8, 2004, Primary Election.

DATED this 23<sup>rd</sup> day of March, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

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

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

**CONSIDERATION OF ADOPTION OF RESOLUTION: AMEND RESOLUTION 1694/STUDY COMMISSION**

Present at the March 23, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1694A amending Resolution 1694. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1694A**

**WHEREAS**, Article XI, Section 9(2), Constitution of Montana, requires that each local government hold an election to determine whether that local government will undertake a review procedure once every ten years;

**WHEREAS**, the Board of Commissioners adopted Resolution No. 1694 on March 2, 2004, to call for a vote on whether to establish a study commission to examine the government of Flathead County, Montana, and to make recommendations thereon; and

**WHEREAS**, the Board of Commissioners has determined that that Resolution must be amended to separate the question of establishment of a study commission from the question of funding of such a commission.

**NOW, THEREFORE, BE IT RESOLVED** that the following ballot issues shall be on the June 8, 2004, Primary Election ballot for all voters of Flathead County:

Vote for one:

- **FOR** funding a study commission, if approved by the voters, by a levy, for each year the study commission is in existence, not to exceed \$148,360.09, or approximately 1 mill in excess of all other mill levies authorized by law.
- **AGAINST** funding a study commission, if approved by the voters, by a levy, for each year the study commission is in existence, not to exceed \$148,360.09, or approximately 1 mill in excess of all other mill levies authorized by law.

The impact of levying of one additional mill on a home valued at \$100,000, under the 2004 mill value, would be approximately \$3.30 in additional property taxes. The impact of levying of one additional mill on a home valued at \$200,000, under the 2004 mill value, would be approximately \$6.60 in additional property taxes.

Vote for one:

- **FOR** the review of the government of Flathead County and the establishment of a local government study commission consisting of nine members to examine the government of Flathead County and submit recommendations thereon.
- **AGAINST** the review of the government of Flathead County and the establishment of a study commission.

**BE IT FURTHER RESOLVED**, pursuant to Section 7-3-175(2), M.C.A., that the question of conducting a local government review and establishing a study commission requires an affirmative vote of a majority of those voting on the question of passage.

DATED this 23<sup>rd</sup> day of March, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

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

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

**AUTHORIZATION TO PUBLISH NOTICE OF SALE: 1146 S. MAIN HOUSE**

Present at the March 23, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize publication of sale of house at 1146 S. Main and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**NOTICE OF SALE**

The Board of Commissioners of Flathead County hereby gives notice that it will sell at public auction (pursuant to Section 7-8-2212, M.C.A.) the following surplus property:

The house located on Lots 11 & 12, Block 143, Kalispell Original Townsite, according to the map or plat thereof on file at the Office of the Clerk and Recorder, Flathead County, Montana, which is to be moved off of the property of the County. The property has a street address of 1146 South Main, Kalispell, MT.

The successful bidder at auction must execute a contract requiring the buyer to remove the purchased building from County property by May 10, 2004. If the building is not removed by that date, the buyer will forfeit the building to the County, without return of the purchase price, and it will be razed and removed from County property. Trees may not be removed in order to remove the building without prior specific, written approval from the Board of Commissioners.

The auction of the described property will be held at the front door of the Flathead County Justice Center, 920 South Main, Kalispell, Montana, on the 7<sup>th</sup> day of April, 2004, at 10:00 o'clock, a.m. Bidding will start at 90% of the appraised values of the building. The appraised value is \$2,000; bidding will start at \$1,800.

Interested parties may arrange to inspect the building prior to the sale, by contacting: Flathead County Board of Commissioners, 800 South Main, Kalispell, MT 59901. Telephone: (406) 758-5503. The contract form to be signed at the sale is available at the same address and phone number.

Terms of the sale will be cash at time of sale. The County is selling the property "as is", without any warranty or guarantee of any kind whatsoever.

DATED this 23<sup>rd</sup> day of March, 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 March 27th and April 3, 2004.



**MEETING W/DARLENE SCHOTTLE, SUPT. OF SCHOOLS, RE: PROPERTY BY VO-AG BUILDING**

Present at the March 23, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, William R. Sutton, Superintendent of Schools Donna Maddux, School District #5 Superintendent Darlene Schottle, Brad Walterskirchen, and Clerk Eisenzimer.

General discussion was held relative to request to see if there is any interest in selling property next to the Vo-Ag Building. Chairman Gipe stated that Flathead County is not interested in selling property next to Vo-Ag Building.

**11:30 a.m. Commissioner Gipe is to View Road Abandonment #412 (portion Monroe St.) w/Jim Burton – this meeting is continued until a later date.**

**5:00 p.m. Commissioner Watne is to attend Refuse Board Meeting at Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 24, 2004.

\*\*\*\*\*

**WEDNESDAY, MARCH 24, 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.

**Commissioner Hall is to travel to Reno**

**MONTHLY MEETING W/LEE CORAY-LUDDEN RSVP**

Present at the March 24, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, RSVP Director Lee Coray-Ludden, and Clerk Eisenzimer.

General discussion was held relative to request for board member as one member must resign from board, grant process; recruitment of volunteers; golf tournament;

**AWARD BIDS: LIVESTOCK PAVILION/FAIRGROUNDS**

Present at the March 24, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Fair Superintendent Jay Scott, J Chad Piedalve, Tom Tanner, Scott Davidson, Mike Frasier of Thomas Dean and Hoskins, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to release requirement for bids to be delivered in a sealed envelope. Chairman Gipe **seconded** the motion. **Aye-** Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve on behalf of the Fair Board, the bid submitted by Tim Pearson Construction for Livestock Pavilion in the amount of \$992,250.00. Chairman Gipe **seconded** the motion. **Aye -** Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF REQUEST FOR MATERNITY LEAVE: L. BLAKE**

Present at the March 24, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve Maternity Leave for Lisa Blake and authorize chairman to sign. Chairman Gipe **seconded** the motion. **Aye -** Watne and Gipe. Motion carried by quorum.

**MONTHLY MEETING W/DAVE PRUNTY**

Present at the March 24, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Solid Waste Director Dave Prunty, and Clerk Eisenzimer.

General discussion was held relative to Flathead County residents using Lake County container sites and Lake County residents using Flathead County container sites; Hook and Farrell property; refuse operations; construction of fire/dust suppression well; Somers container site purchase; Fiscal year 2005 budget process; purchase of Creston container site/ Bigfork Container site; budget.

**MONTHLY MEETING W/KIM CROWLEY, LIBRARY**

Present at the 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Library Director Kim Crowley, and Clerk Eisenzimer.

General discussion was held relative to Bigfork Library potential; opening up library data base to allow Flathead County residents to hold and borrow articles from several local libraries and the State Library; future plans for library.

**OPEN BIDS: GRAVEL PUP TRAILERS/ROAD DEPT.**

Present at the March 24, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Ted Gilbertson, Guy Foy, and Clerk Eisenzimer.

Scona - No bid  
Western Plains Machinery Co. – No bid  
Rocky Mountain Truck Center – \$42,000  
3V Distributing - \$48,648.00

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

## MEETING W/LISA WURSTER/THOMAS, DEAN & HOSKINS RE: MCWENNEGER MEADOWS

Present at the March 24, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Johnna Morrison, Lisa Wurster of Thomas Dean and Hoskins, Dave Heine, Jack Keith, Jim Buechle, Donna Buechle, Superintendent of Schools Donna Maddux, and Clerk Eisenzimer.

Lisa Wurster began with I have some information to present to you guys. You've seen this subdivision before a couple months ago, and what we're here to discuss is the possibility of trying to proceed with it as submitted to you a few months ago. This was the lot configuration. Lisa presenting Commissioner with maps showing proposed lots and land use. We have 32 lots on 55 acres and 12 acres of open space. We have the internal road of McWenninger Meadows Road is what we were calling it, entirely paved and Jim Buechle the developer who is back there with his wife Donna, were willing to pave Montford Road to our first approach which equated to about 12-1300 feet of paving Montford which Charlie Johnson was in support of. You guys had requested larger lots, the lots in this development range from one to 2.65 acres, 32 lots on 55 acres was approximately 1.72 acres per lot, we came up with an alternative layout where we had no cul-de-sacs and we had 15 lots on the 55 acres. We're not proposing to pave any of the internal road, we have 15 wells rather than a public water system. Here we have fire suppression, here we have no fire suppression. The open space would be limited because in order to make these lots larger I think we're going to have to cut into our open space buffer along the highway. So you can see that there's some drawbacks to the larger lot concept compared to what we call clustering. Then I wanted to bring your attention to was a few letters we've received from the Flathead Weed Department that I'll leave with you guys. From Western Brokers Dave Heine has written a letter and he actually is here today and can talk a little bit about this. The other thing that we wanted to bring to your attention was the fact that Jim and Donna Buechle have gone through a lot of effort to preserve farm land in this area. They have donated 12 acres and Jim correct me if I'm wrong, to the Flathead Land Trust. They have sold or put a Conservation Easement on 412 acres and they also sold 100 acres to keep as farmland. We have another letter from Susan Howell that I just got this morning that I'm not going to leave with you because I'd like to send it to you, but the Buechles tried to preserve this 55 acre piece as well. They were unsuccessful because it was not considered prime agricultural land. They've had a few offers from other developers to buy it basically turn it into 5 acre patches and Jim can talk to you about that too. I'd also like to introduce Donna Maddux with the rural schools who might have a few things to say about the benefit of having a cluster development and a larger number of lots but I will leave this with you guys here and there's a copy for both of you, if you have any questions otherwise I'm going to turn it over to Dave.

Dave Heine continued with I've been working with the Buechles for probably a couple years now and I went through their Conservation Easement process and some of the planning and we had this 55 acre piece listed and it was just time and time again that people were wanting to buy it to develop it and they range from, we had two formal offers and two informal offers. One of the offerees was wanting to put it into 5 acre parcels and each parcel to have a driveway out onto Montford Road and just not have any kind of interior development and no paved roads et cetera. That was the point when the Buechles said, you know we really need to take control of this thing ourselves and that's where we kind of came up with this plan. We felt it was pretty important to have the corridor along the highway to be open and it is a little bit of a lower lying area but it's still a visual corridor for people that are traveling. We felt that the community water would be a good deal. To have two good size wells and fire protection et cetera and we've also worked on some protective covenants that we haven't finalized them because we need to know what kind of format we're going to be looking at for this property. The Buechles are very concerned about having a property that will be a good site for years and years to come. I have attached a letter that right there and thank you for your time.

Donna Maddux introduced herself and added the Buechles are good neighbors, they're good stewards of the land and their proposal as initially drafted really took that into account. They're trying to make properties that would be appealing and would be useful to the purchasers without changing the neighborhood. From the standpoint of schools, first off we like cluster developments because there are those open spaces for kids. Secondly, all the schools in that area are experiencing declining enrollments. The three schools, Cayuse Prairie, Creston and Fairmont Egan have been exploring consolidation. They've got the Montana School Boards Association investigating whether that pencils for them. Increased enrollment in the area would be positive. Thank you.

Lisa Wurster following up with so just to basically point out what we feel are the pros and cons for the two different lots. We've got 15 wells on individual water systems versus 2 wells and a public water system. Fire suppression versus no fire suppression. Equal amounts of open space approximately. We've got a curved linear road that can promote the decreased speeding through these roads, whereas here as you all know, high-schoolers will like to just go straight. This is visually more appealing all of the roads would be paved, Montford would be partially paved. Here we would not be paving Montford and we would only pave a portion of the internal road. Proliferation of weeds versus less likely to have proliferation of weeds and we will have covenants here whereas here it is not as likely that the covenants will be as strict. So, we were kind of hoping to maybe have some positive feedback from you guys as to which direction you would like us to proceed.

Chairman Gipe answered that we will take a look at it and let you know.

Jim Buechle rising to speak, I just want to say that Donna and I started out about 4 years ago trying to sell the whole place with the Conservation Easement on it and what it's come down to is we were working with the Flathead Land Trust and it's come down to the fact that they couldn't find buyers or even raise the money to put the Conservation Easement on the whole thing. It came as kind of shock to me, sitting at my table one day when it was suggested that possibly they had access to some moneys to put the conservation easement on the 400 acre plus that Lisa mentioned, that maybe could find a buyer for the 100 acres that we did do and some other thing to do with the other. Didn't really come right out and say it, but it was pretty well informed that if you want the extra cash for your plans and your desires, you're going to have to subdivide. That's where we're at, it's not a totally satisfying thing because I am a farmer but also we have other issues in our life that's why we went to this particular or are going the route that we're trying to attempt today, I really wish for your cooperation and you know we're trying to do a good thing, we thought we had a good layout so we're here showing you what we've got.

## DOCUMENT FOR SIGNATURE: MEMORANDUM OF AGREEMENT/AOA

Present at the March 24, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve Memorandum of Agreement from the State Unit on Aging that helps pay for some staff to attend Governor's Conference on Aging. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

## CONSIDERATION OF BUDGET TRANSFER/ROAD DEPT.

Present at the March 24, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to transfer \$17,000 to Road Department for a pot holer Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**MEETING W/ CLARKE FONTAINE**

Present at the March 24, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Clark Fontaine and Clerk Eisenzimer.

Mr. Fontaine approached the Board of Commissioners requesting a letter to approve hookup to Evergreen Water and Sewer.

Agreement was made to send a letter to Mr. Fontaine and to Evergreen Water and Sewer in support of hookup and Mr. Fontaine will be required to seek approval from City of Kalispell.

**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 March 25, 2004.

\*\*\*\*\*

**THURSDAY, MARCH 25, 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.

**Commissioner Hall is to attend RAC meeting in Reno**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 26 , 2004.

\*\*\*\*\*

**FRIDAY, MARCH 26, 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.

**Commissioner Hall is to attend Montana Coalition of Forest Counties Conference in Reno**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 29, 2004.