
MONDAY, JULY 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.

COUNTY OFFICES CLOSED – 4TH OF JULY HOLIDAY

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

TUESDAY, JULY 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.

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

THIS MEETING DID NOT TAKE PLACE

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the July 6, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Computer Services Director Norm Calvert, and Clerk Eisenzimer.

General discussion was held relative to JADE conversion debugging; Election system conversion; coordination of 911 conversion with City of Kalispell.

**TUESDAY, JULY 6, 2004
(CONTINUED)**

DOCUMENT FOR SIGNATURE: AGREEMENT BETWEEN OFFICE OF COURT ADMINISTRATORS & FLATHEAD COUNTY

Present at the July 6, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a motion to approve the agreement between Office of Court Administrators and Computer Services. Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

PUBLIC HEARING: ROAD NAME/BEAR SPRINGS LODGE ROAD

Present at the July 6, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Bear Springs Lodge Road.

No one rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the Bear Springs Lodge Road.

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

Commissioner Hall made a motion to adopt Resolution No. 1726 Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1726

WHEREAS, Flathead County has proposed to name a private road generally running southerly off of a road locally known as Skookum Road, which runs southerly off US Highway 2 W and located in the Northwest Quarter of Section 13 and in the East Half of Section 14, Township 26 North, Range 25 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 6th day of July, 2004, at 9:30 A.M., concerning the proposal, after publication and mailing of notice thereof on June 25, 2004 and July 2, 2004; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Bear Springs Lodge Road.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly off of a road locally known as Skookum Road, which runs southerly off US Highway 2 W and located in the Northwest Quarter of Section 13 and in the East Half of Section 14, Township 26 North, Range 25 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named Bear Springs Lodge Road.

BE IT FURTHER RESOLVED that the naming of Bear Springs Lodge Road shall be effective on July 6, 2004.

Dated this 6th day of July, 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

**TUESDAY, JULY 6, 2004
(CONTINUED)**

TAX REFUND REQUEST: WEST VALLEY FIRE DEPT.

Present at the July 6, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a motion to approve the tax refund for West Valley Fire Department from 1997-2001. Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING: LIBRARY

Present at the July 6, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Chairman Gipe presented a request from the Library to replace vacant courier position.

Commissioner Hall made a motion to approve the requested position opening. Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: COLLINS

Present at the July 6, 2004, 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Traci Tull, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by John Collins on Whitefish Lake to install an 'l'shaped wood floating dock measuring 8 feet in width by 32 feet in length with a 4 foot by 16 foot gangway (320 sq. ft. total). Total impervious cover with installation of dock will be 320 sq. ft.. Staff recommends approval. General discussion was held.

Commissioner Hall made a motion to approve Lakeshore Permit #WLP-04-22 with 13 conditions and authorize Chairman to sign. Chairman Gipe seconded the motion. Aye- Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: ROWLES

Present at the July 6, 2004, 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall, Planner Traci Tull and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by Roger Rowles on Whitefish Lake to replace existing dock with a new 'l'shaped, EZ- Dock that will include a swim ladder. Dock will measure 34 feet in total length including the aluminum gangway, and will vary from 3 feet to 80 inches in total width. Impervious cover – 176 sq. ft. Staff recommends approval. General discussion was held.

Commissioner Hall made a motion to approve Lakeshore Permit #WLP-04-23 with 13 conditions and authorize Chairman to sign. Chairman Gipe seconded the motion. Aye- Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: HAUGEN

Present at the July 6, 2004, 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Traci Tull and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by Linda Haugen on Whitefish Lake to replace existing dock with new 'l'shaped EZ dock measuring 50 feet in total length, including gangway, and will vary from 3 feet to 80 inches in total width. Impervious cover – 249 sq. ft. Staff recommends approval. General discussion was held.

Commissioner Hall made a motion to approve Lakeshore Permit #WLP-04-24 with 13 conditions and authorize Chairman to sign. Chairman Gipe seconded the motion. Aye- Hall and Gipe. Motion carried by quorum.

PUBLIC HEARING: CONSIDERATION OF ADOPTION OF RESOLUTIONS #1717/CORNERSTONE OF LAW MEMORIAL & 1718/NATIONAL MOTTO PLAQUES

Present at the July 6, 2004 10:15 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Hall and Watne, Denise Cofer, Fred Bryant, Jim Russell, Dan Jones, Jim Holmquist, Karen Holmquist, Anita Dougharty, Jeanne Harriman, Jim Huff, Patti Everett, George Everett, Harris Himes, Dallas Erickson, Steve Haag, Norman Deforrest, Clarice Ryan, TerryAnn Lorentzen, Chuck Lorentzen, Charlotte Komenda, Rick Komenda, Crystal Wendt, Leon Nelson, Merry J. Nelson, Lieselotte Heitman, Rev. Bill Harper, Rita Harper, Rebecca Holmquist, Darlene Meyer, Frank McCliman, Glenn McKenna, Jr., Mike R. Hamner and Clerk Eisenzimer.

Commissioner Hall read Resolution 1717 aloud.

RESOLUTION NO. 1717

**A RESOLUTION PROVIDING FOR THE PLACEMENT OF
CORNERSTONE OF LAW MEMORIAL**

WHEREAS, the **CITIZENS OF FLATHEAD COUNTY** wish to honor their heritage, cultural past and history of law by placement of monuments of the BILL OF RIGHTS, DECLARATION OF INDEPENDENCE, THE MAYFLOWER COMPACT, THE MAGNA CARTA, PREAMBLE TO THE MONTANA CONSTITUTION and THE

**TUESDAY, JULY 6, 2004
(CONTINUED)**

PREAMBLE TO THE UNITED STATES OF AMERICA CONSTITUTION with the existing TEN COMMANDMENTS MONUMENT;

WHEREAS, it is not their intent to endorse any religion but to recognize our cultural past and to remind us of our heritage and to empower us to fight for our liberty and freedom;

WHEREAS, they recognize that without knowledge of our past, we cannot protect our future and agree with Thomas Jefferson's statement in 1816: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be;"

WHEREAS, based upon the concerns set forth, citizens have proposed, and the Clerk and Recorder has approved, a petition for the passage of a resolution requiring the placement of monuments comprising a Cornerstone of Law Memorial at the Flathead County Courthouse;

WHEREAS, the monuments would be done in stone according to the design laid out by the County Commission;

WHEREAS, the citizens seek organizations, individuals and businesses to fund these monuments;

WHEREAS, the monuments are to be in place by July 4, 2007 and if not, the fate of the Ten Commandments monument is to be decided by the County Commission with input from the public; and

WHEREAS, Section 7-5-133, M.C.A., provides that the governing body may, within 60 days of receiving a petition, take the action called for in the petition and, if the action is taken, the question need not be submitted to the electors.

NOW, THEREFORE, BE IT RESOLVED, that the Monuments mentioned above shall be added as part of the cornerstone of law display near the existing Ten Commandments Monument at the north end of the court house, pursuant to the above-stated terms and conditions.

Dated this 6th day of July 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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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

Chairman Gipe read Resolution 1718 aloud.

RESOLUTION NO. 1718

"IN GOD WE TRUST" NATIONAL MOTTO RESOLUTION

WHEREAS, The CITIZENS OF FLATHEAD COUNTY wish to honor our heritage and history by the placement of National Motto Plaques within the County Offices;

WHEREAS, it is not their intent to endorse any religion but it is their intent to recognize our cultural past and to remind us of our heritage and to empower us to fight for our liberty and freedom;

WHEREAS, they recognize that without knowledge of our past, we cannot protect our future;

WHEREAS, they agree with Thomas Jefferson's statement in 1816: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be;"

WHEREAS, based upon the concerns set forth, citizens have proposed, and the Clerk and Recorder has approved, a petition for the passage of a resolution requiring department Heads to place a plaque within their office, and encourage Elected Officials to place within their offices a National Motto Plaque;

WHEREAS, the plaques will show a picture of the United States Flag with the inscription of the National Motto "In God We Trust" and wording "The national Motto of the United States of America adopted by Congress on July 30, 1956;" and

WHEREAS, Section 7-5-133, M.C.A., provides that the governing body may, within 60 days of receiving a petition, take the action called for in the petition and, if the action is taken, the question need not be submitted to the electors.

**TUESDAY, JULY 6, 2004
(CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED that the national motto plaque be placed in various county offices, pursuant to the above-stated terms and conditions.

Dated this 6th day of July, 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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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

Chairman Gipe opened the public hearing to anyone wishing to speak in opposition of the proposed resolutions.

No one rising to speak, Chairman Gipe asked for anyone wishing to speak in favor of the proposed resolutions.

Dan Jones with Flathead Citizens for Community Values and you guys have heard my spiel before so I won't go through it all again, you did a good job of recapping by reading that. I just want to point out that we do have extremely strong public support, I know there's one person maybe a small group out there that's asked to have that monument removed but during the last elections we were able to kind of at the last minute to get some petitions out. It was just a few of them, just a handful, we didn't really have time to prepare real well, but just on that one day, we got 3233 signatures in favor of that cornerstone of law memorial and we've got 2676 signatures in favor of the "In God We Trust" motto. That was just last minute, real quick just got a few of the places covered, not very many at all. This is a copy of what the City of Grand Junction Colorado has done with the cornerstone of law and this is similar to what we are suggesting. (Mr. Jones presented the Board of Commissioners with a computerized layout of the memorial monuments). Other than that, Harris Himes is an attorney with our group and is here to answer any legal questions that you might have and point some things that need to be followed.

Harris Himes – I need to qualify I'm a California Attorney as well as a Pastor down in Hamilton. Just to remind you that from the standpoint of the Ten Commandments and the type of display that you're talking about. Legally, the courts are pretty much in agreement that this type of thing is appropriate particularly from the stand point that from the historical standpoint, the emphasis is that it shows that we have a history of a faith in God in our county and its history. It is not an attempt to establish religion in any way and that's what your resolution has said on that. From the stand point of the "In God We Trust", national motto plaques that would be placed in the offices, that has come under attack numerous times and we have the third, the fifth, ninth and tenth circuits that have come out in favor of saying that there's no constitutional problem with "In God We Trust" and of course we're part of the ninth circuit. From the Supreme Court's standpoint, the "In God We Trust" has been approved as an appropriate way of expressing the history of the faith in God that we have in this country and some of the cases there are like Addington V. Schimpf, County of Allegheny vs. American Civil Liberties Union, Lynch vs. Donnelly so your on firm ground on both of these issues as far as establishing and passing these resolutions and we encourage you to do so. If you have any questions please ask.

Karen Holmquist with Flathead Citizens for Community Values. I'd like to read the third verse of the Star Spangled Banner, I didn't even know there were more verses. "O Thus be it ever when free men shall stand between their loved homes and the wars of desolation, lest with victory and peace may the heaven rescued land praise the power that have made and preserved us a nation. When conquer we must, when our cause it is just, and this be our motto, in God is our trust, and the Star Spangled Banner in triumph shall wave o'er the land of the free and the home of the brave." We are a nation blessed because we have been established in honoring God and our laws are based in obedience to his laws. If we think we can put our trust in our own hand, we do so at our own peril.

Chuck Lorentzen – We've just in the last few days celebrated our independence and I've seen on tv many programs and some videos too of people almost spending their lifetime researching all of the history that we have in our nation depending on God and relying on the Bible, where the Ten Commandments come from, so the words that they used to defend the position that we're a Christian nation you know I just cheer inside when I hear it and I want to tell you that I'm in favor of what's going on here 100% and you know if I could go more than 100% I'd do that but what we're doing is a good thing to do and I'm really in favor of it.

Chairman Gipe responded, Chuck, we feel just like you do. If we could go 100% more we would.

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

Commissioner Hall declared it an honor and made a motion to adopt Resolution No. 1717. Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

Commissioner Hall again declared it an honor and made a motion to adopt Resolution No. 1718. Chairman Gipe seconded the motion. Aye - Hall and Gipe. Motion carried by quorum.

Commissioner Watne was seated and signed Resolution No. 1717

Commissioner Watne was seated and signed Resolution No. 1718.

**TUESDAY, JULY 6, 2004
(CONTINUED)**

MEETING W/CHARLIE JOHNSON, ROAD DEPT.

THIS MEETING DID NOT TAKE PLACE

1:15 p.m. 911 Meeting at Justice Center

01At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 7, 2004.

WEDNESDAY, JULY 7, 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.

FINAL PLAT: CHEERY LYNN SITES SUBDIVISION

Present at the July 7, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner BJ Grieve, Debbie Shoemaker and Dawn Marquardt of Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Grieve reviewed the application submitted by Marquardt & Marquardt Surveying for final plat approval of Cheery Lynn Sites Subdivision which will create 5 residential lots off Cheery Lynn Road in Section 3, Township 28 North, Range 21 West. The property is zoned R-2, Evergreen Zoning District. Preliminary plat was approved on June 5, 2003, subject to ten conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat for Cheery Lynn Sites Subdivision. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

FINAL PLAT: VISTA ESTATES

Present at the July 7, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Debbie Shoemaker and Dawn Marquardt of Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Morrison reviewed the application submitted by Marquardt & Marquardt Surveying for final plat approval of Vista Estates Subdivision, which will create four residential lots off Columbia Falls Stage Road in Section 17, Township 29 North, Range 20 West. The property is unzoned. Preliminary plat was approved on November 18, 2003, subject to 16 conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat for Vista Estates. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONTINUATION OF PRELIMINARY PLAT: WEST HILL SUBDIVISION

Present at the July 7, 2004, 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner BJ Grieve, John Parsons and Clerk Eisenzimer.

Grieve reviewed the continuation of preliminary plat from June 22, 2004 for West Hill Subdivision filed by Budget Finance, John Parsons, and Jim Burton. West Hill Subdivision creates a minor subdivision that will create three (3) single-family residential lots. The subdivision is located off US Highway 2 West. Staff recommends approval of the Preliminary Plat.

Parsons requested that preliminary plat approval be continued in order to have time to review the staff report and allow them time for agreement.

Commissioner Watne made a **motion** to grant a 30 day extension for the Preliminary Plat for West Hill Subdivision subject to conditions. Chairman Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENT: LIBRARY

Present at the July 7, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Jerry Hansen to the Library Board. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: AGREEMENT & GENERAL RELEASE/J. GURULE

Present at the July 7, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Agreement and General Release of J. Gurule. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

PUBLIC HEARING: \$10 MILLION BOND ISSUE ON BALLOT/FLATHEAD LAND TRUST

Present at the July 7, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planning & Zoning Director Forrest Sanderson, Clerk & Recorder Paula Robinson, Jim Sappington, Bruce Sneddon, Diana Sneddon, Neal Brown, Ken Siderius, Milt Carlson, George Baumbach, Roy C. Albertus, Kristin R. Bruninga, J.D. Coleman,

Roger L. Semler, Denise Cofer, Clarice Ryan, Gina Klempel, Chuck Mercord, Kathleen Sudan, Rick Hanners, Bob Krause, Deputy County Attorney Dennis Hester, Ken Kalvig, Duncan Scott, Gary E. Hall, Gary L. Henry, Rose Schwennesen, Karen Reeves, George Everett, Amy Royer, Sara Swan Bussi, Don Murray, and Clerk Eisenzimer.

Ken Siderius presented the requested bond issue. Request is for a \$10,000,000.00 bond to use as seed money to buy developmental rights on those people that would be interested in doing something like this. It's strictly a voluntary program, its no different than selling water rights or selling mineral rights. It would give people an opportunity to sell their developmental rights, it would give you as commissioners another option when people come in about their land, it would give Mr. Sanderson and the Planning Board another option and I have some other information I would like to share with you later. That's the basic idea that we have, it's been very successful in Gallatin County and hopefully some of you gentlemen have talked to those Commissioners when you've been at some of the State Meetings.

Commissioner Gipe explained to those in attendance that this public hearing is to determine if this request ought to go to the public in a vote. If it was passed, on a \$100,000 home the tax responsibility would be \$13.74 for 20 years, for a \$200,000 home the taxes would be \$27.48 a year.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the requested bond issue.

Chuck Mercord- I'm here representing the Flathead Lakers. We early on have been at the previous meeting and have voiced our support for this issue. I'm here basically to reaffirm that. At an executive meeting of the Lakers here recently, they asked if we would do that. The Lakers may be approaching this from a little bit different venue than the attitudes of the letters to the editor that I've read and it's for and against, or it has a tax issue implication there of why should the public pay for this sort of thing. We look at it a little differently, our reason for being I guess is to insure that the health of Flathead Lake, it's tributaries and the ecosystem remain healthy. We have supported the issues of the McWinneger's Slough, the bond issues to put more of these properties, particularly wetlands and more undesirable properties into easements and that sort of thing because it's been proven that the filtering system for the ecosystem in the Lake comes largely from wetlands and properties and we feel that that is important. History has told us and the history of a number of other large lakes and areas similar to this that once an area or its natural habitat is impaired by whatever it may be the cost to bring it back to some normal thing, far exceeds the cost of what may happen going into that. I mean like Tahoe, Lake Washington, there's a number of examples. As a matter of fact, Jack Stanford at the Biological Station is working to basically bring back to a natural system the whole ecosystem in and around Ellensburg, Washington where the freeway just marched right down the middle of the river and destroyed a great deal of things and the actual repair and mitigation of that thing is just unreal and the number of dollars. So, our approach is yes, I think this is an issue that the public ought to have an opportunity to vote on if they feel that the protection of the natural resources, some of the natural beauty can be enhanced by allowing the rural or agriculture people to sell their property and get some of the gain out of then this provides an additional vehicle for the county to use to enhance that.

Ken Siderius, Flathead Land Trust. I think it's important that you people understand that we had an opportunity to visit with you earlier and present you with a lot of information. There isn't any reason to go through that again. I would like to make sure that our prior presentation and the minutes of those meetings were considered or are considered when you make a decision on whether this issue should be on the ballot. I also understand the importance of having a hearing such as this, it's an important issue in our valley, it's an important issue as far as land is going and it's also a tax issue and it's something that needs to be discussed with the people. I would like to just tell you how we got to where we are today. A little over a year and a half ago, two years ago, a group of citizens through the Flathead Land Trust, some members of the Flathead Land Trust, other people that were interested formed a group and called it Flathead Land Trust Ag Committee to look at the possibility to look at a bond such as this. It's important for you to know as commissioners that right after Mr. Hall was elected, Bob O'Neal and myself came down and visited with you and said we have a group that's interested in looking at a bond. We want to let you know before we let anyone else know because it's something that's going to affect both you and the citizens of Flathead County so we were very upfront about that. At the same time we also informed Mr. Sanderson at the Planning Office. We also told you at that time that really the only true measure of whether there's interest in Flathead County in doing something like this would be through a survey. And if the results of the survey did not come out positively, we would not be back so we also spoke with you at that time so that other people in the community would become aware of what was going on that we were going to inform other groups of what we were doing. Those groups were, we visited with two of the Chambers, we met with the Board of Realtors, we met with the County Planning Board, we met with two of the local Rotary Clubs, we put some articles in the local papers. We met with Trout Unlimited and we sent information out through the Land Trust newsletter. During this time we were in the process of getting ready to conduct a survey. Now in conducting the survey, in this county, it's important to make sure that that survey is unbiased. So we contacted a pollster and the pollster was a gentleman that has done in the State of Montana, including work for Conrad Burns. Now we all know that in Flathead County voter registration is much greater in the Republican Party than in the Democratic Party and that's fine. So we felt that we needed to get a pollster that had done work for the Republican Party and also was from out of town to make sure that our survey was completely unbiased. We also had to raise \$15,000 to conduct this survey and raising \$15,000 isn't easy but we also felt that was very necessary to get a quality pollster so that our results would not be questioned. In addition to that so that you gentlemen could get answers to any of your questions, we spent an additional \$500 to bring Mr. Moore if you remember to make a presentation and answer any questions that you might have on that survey. When we talked about the results of the survey we can go through a lot of things here this morning but those results are in the previous minutes. A couple of things, at the time we did the survey, we used two figures, \$20,000,000 bond or a \$10,000,000 bond. We chose to go with the \$10,000,000 bond because that's what the people of Flathead County said they would support. So we chose the more modest bond and 60% of the people in the survey said they could support a bond issue of \$10,000,000 for 20 years. The other thing we asked them about was why would they do something like this and their main reason is a concern for the quality of life so we did what the people asked for. And then after you gentlemen had listened to that, we needed to take care of the legal aspects of that so we worked with I believe Jonathan's here this morning, we worked with Jonathan Smith and the bond attorney in Missoula to make sure that the bond was worded correctly and that Flathead County's legal representative had a say in how that bond was put together the other thing that's important for people to know is the criteria for selecting this land is rated exactly the way the people in the survey said what was most important to them and what was least important to them and their number one choice was to conserve and preserve the quality of the water in the Flathead Valley and that criteria is listed exactly like the people asked it to be listed.

As far as putting an item like this on the ballot, from the Flathead Land Trust or from people in the community, we've made no effort to put pressure on the commissioners one way or the other. We know that there are people in favor and we know that there are people against. We didn't organize a writing campaign. We didn't call or have a group of people call you to put pressure on you. The only calls you gentlemen received were I left a message on Mr. Hall's phone and on Mr. Watne's phone if you had a question we'd be happy to try to answer those questions for you and I spoke with Mr. Gipe at breakfast one morning and said we were available if there were questions that came up. Now the positive reasons for supporting this bond issue are it isn't something that's word of mouth, its facts from a survey that say that 60% of the people will vote in favor of this bond. It isn't a case of anybody losing their rights; it's strictly a voluntary program. It will not lower taxes, that piece of property will be

taxed at the same rate it's presently taxed at. It's a modest tax as Mr. Gipe mentioned earlier. It gives another option to farmer, or the land owner, it gives another option to the Planners and it gives another option to the Commissioners. It's a property right. One of the things that we hear in this valley a whole lot is we need to be careful that we take care of people's property rights. It's a local effort; we're not asking for some organization from out of state to come in and help us out, it's a local effort. It's an incentive not a restriction. It's a very thing that's driving our economy. When we met with you earlier we brought in some local people that spoke in support, Mr. Wachholz from the Realtor's Association was here, Susie Birch, past president of the Kalispell Chamber was here, Warren Elie, a land appraiser who does much of the work for Plum Creek was here. Mr. Mercord from the Flathead Lakers was here. Don Bennett from the Columbia Falls Bank was here. Bob O'Neal a local citizen was here. Ray Sanders a farmer was here. Carter Fritz a farmer was here and Allan Clark, a farmer, was here. Also during the last few years there have been two economic studies and two articles with information in the paper that the quality of life in Flathead County is what's driving the economy. There is absolutely no reason to believe that the Flathead Land Trust or that anyone that's in favor of this bond issue is doing anything to upset the economy. We feel that it'll continue to drive the economy. We have given you facts, not hearsay. We have given you that 60% of the people would support this bond. We feel very strongly that we can back up our information that we have interacted with you as Commissioners and the people of Flathead County in a very positive and professional way. We have demonstrated to you a very sound set of facts and reasons to place this bond on the November 4th ballot. The people of this valley deserve to have a choice in this matter and we trust that you will provide them with that opportunity. Thank you for your time.

Neal Brown – I have property on Swan River and my neighbor across the river has quite a bit of acreage; probably 100 acres or so. I know that when the day comes that I want to sell my property, it's going to be worth more because of the open spaces there. So, I think it's a real opportunity for our community and I would hope to see this on the bond. Thank you.

Karen Reeves – I'm here in support of the bond issue of putting it on the ballot. I think that Canola doesn't ask for paved roads, Peppermint doesn't want more schools. Dairy cows don't ask for more police and fire protection. These are the things that are going to be really taxing the county government in the future if that's all homes. The things that people value in the Flathead are some open spaces. Here's a tool to achieve that and I think it's an exciting prospect for you fellas to put this on the ballot in the fall and let the people decide on it. I really support this thing.

Rose Schwennesen from Bigfork – My reason for being here is to encourage you to allow the citizens of Flathead County to actually vote on this measure. It's important to address the idea of taxation because I feel that I've heard that this is an issue and there's some items that are misinterpreted. With conservation easements as you know, the lands are not taken out of the tax base. They do continue to be taxed, if it is an agricultural land, the land is taxed as agriculture and national studies have shown that agricultural lands don't require more, they pay more in taxes than they require in services from the county. So it's not a matter that we're going to take things out of the tax base. It would still remain the same. I would really appreciate the farmers being able to choose this is their ultimate property rights that they could choose to put in a conservation easement and having a bond issue to support this will allow them that latitude as Ken has mentioned, there are farmers that don't have a lot of choices. There's development, there's the splitting of the family farm in order to pay taxes that would happen if it was inherited so there are a lot of issues that this would address and still maintain our high quality of life and open space and in addition to that, I am on the Board of the Flathead Lakers and as Chuck ably told you, we are interested in the quality of water too. And I believe this will help us in the end.

Amy Royer – I'm coming to you two fold, one as a resident of this county and a land owner that I think it's imperative that you do give us the option to look at this bond issue and make a decision for the county as a resident. So I come to you in favor of having it placed on the bond. I also am the regional director for the Montana Land Alliance and I think from a private landowner's perspective that this does provide a tool for land owners to look at as they continue to review the options for their property and working with the alliance for the last thirteen years and working in land conservation for the last twenty years with private land owners that the choices here are very serious for land owners and they need to have options. They need to have tools that meet their management, their estate planning, their conservation initiatives and some of their financial needs and this would provide another tool to the box that is imperative as we look at the changing landscape not only here in Flathead County but across the state and so I think it's important for you to take this as a very serious matter today and look to hopefully have you place it on the bond as positive for this county.

Don Murray – Thanks very much for this opportunity, I hadn't planned to say anything, I just thought I'd come down and observe but I guess I'd like to say thanks for your consideration of this proposal. I know we're asking a lot of our taxpayers these days including maybe asking them to support a new high school and as a member of the School Board I'm part of that, I know how important that is but this is something too that I think is crucially important for our community, I would strongly urge that you give our voters the opportunity to address this. It's been a great asset for a number of other communities, not only in Montana but around the Rocky Mountain West to preserve some of what's left of what we really treasure here. I'd just like to go on record as saying that I'm a big proponent of this. Please give it your support. Thank you very much.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the requested bond issue.

Gary E. Hall – I'm vice president of Montanans for Multiple Use, I guess I'll break the ice here. Although Montanans for Multiple Use is not primarily a property rights organization we are definitely interested in these kind of issues. Last night I talked to a fellow in Crow's Nest Canada about the problems they're having up there with similar issues. The nature conservancy in Crow's Nest Canada has bought 1/3 of the total property in that area and removed it totally from the tax base. They have also bought up 100,000 acres in the Pincher Creek and Cardston districts, reducing the tax base, completely taking those 100,000 acres off because they're a non-profit organization. It's not quite the same issue as you're talking about here but I still don't understand why they can say there won't be some tax reduction on the tax rolls. If you take away the development rights certainly the valuation of the property will go down. Maybe if a property is not completely, is in agricultural it might not affect it, I don't know. I'd like to hear more about that but there's a lot of property out there that is not agricultural that maybe affected by this thing. I'm concerned that we haven't heard any of the details. Who's going to own these easements, whose going to manage them, whose going to look after them. One thing when I was on the planning board, we looked at the easements and we read them or some of us did. Every easement I ever saw, conservation easement, had a clause in there that said that the terms of the contract could be changed if both parties agreed so I don't know who the parties would be in this case but very often in an easement case along down the road, the property owner decides he wants to move or his heirs decide they're not interested in keeping that property, they want to sell it, the only person they can sell it to is either somebody else that wants an easement type property or they can sell it back to the original easement holder. IF they sell it to the easement holder then the easement holder becomes the property owner and owns both parts of the contract, he can change the terms of the contract, put it back into development and make a huge profit. That's something you need to look at. I don't know if the county's going to own the easements that might not be the case here. So I'm really concerned about the tax base, what will happen to the tax base. I'm concerned that the cost to the property taxpayer is going to go up for several reasons. First of all, we're going to pay \$27 for a \$200,000 property to pay for the bond. Gallatin County asked for this \$10,000,000 bond, they spent the \$10 million

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dollars and then they decided that wasn't enough and they went back and asked for another \$10 million dollars so we can expect that if this passes, it won't be enough, we'll have to have more. When the tax base does drop and I believe it will, I don't know how much but I believe it will if this passes, and we put these properties into easements, the remaining properties will increase in valuation because of the fewer developable properties in the county. The taxes will accordingly go up. The value of your property will probably be worth more but if you don't want to sell it you'll be paying higher taxes on it. Because they're will be a decreased tax base, each property that's developable will be paying more. There'll be costs to administer it if the county becomes the easement holder. I feel it'll have a negative economic impact because it'll affect the business climate. Business owners pay property taxes too. I think there's a danger of a long range conversion of property to nontaxable entities with conservation easements because over the long range, over the long haul, people like I said before they want to move, they want to get rid of their property and they have a hard time, a harder time selling it because it's not developable so they have to sell it in many cases to either government or another easement holder or group like Flathead Land Trust or Nature Conservancy. Philosophically I think this is not a good idea because it forces people like myself to pay for someone else's agenda. I think that's the wrong thing for government to be doing. I don't want to have to pay for this environmentalist program. Frankly, if it's so well supported, I don't see why they can't raise the money to pay for it themselves if the people want it that bad. Why don't the people in favor of it pay for it rather than forcing the taxpayers to pay for it. I think it's county welfare for environmentalists. Finally, the issue of putting it on the ballot; I really don't think that 60% of the property owners in this valley are in favor of this thing. Maybe the survey shows that but I don't think the people knew what they were responding to when they sold the survey. I don't know the implications have been really explored and the thing is it's a very complicated issue. Because this is a complicated issue, voter education would determine the outcome of the bond election. The only ones who can raise the money to do a good job at that are the environmentalists. I do not believe that 60% would support it if they had a chance to find out what the long range implications of this bond would be. Thank you for your time.

Ken Kalvig – First of all I want to thank the people that have been working on this matter, for their efforts in it. Open space preservation I think is an important issue and I think as the survey has indicated, most people feel that way about it. Let me talk briefly about preservation of open space and the first thing I want to say is we're fortunate to live in Flathead County. We do have a lot of open space already. 85% or some number close to that of Flathead County is already open space through federal or state land. There was a picture that I wish I could have got my hands on and I didn't keep it at the time but I think around the turn of the new year, the Daily InterLake in a magazine insert that they had put into the newspaper had a photograph of Flathead County taken from space. What was amazing to me about that when you look from that high of a perspective, is how much open space already exists in Flathead County. We've got roughly 80,000 people that live here. Yes, there are more and more people moving here but we have a tremendous amount of open space already. For all of Montana approximately 1-2% of the state is developed. So I think that gives some perspective of how we're doing in the area of having open space available to our use right now and also for future generations. I really think that the issue here is do we want to be spending \$10 million dollars in trying to further this effort. I think we already have a good start at having enough open space. There are other alternatives that we can use to preserve open space. One that the county is currently working on is setting up a new growth policy. That will be a long range planning document as you gentlemen know, those growth policies talk about open areas, agricultural areas, areas that should not be developed. That's an effort that the county is already involved in, that money has already been budgeted for and that can be a tool that can be used to preserve open space for the future without having to reach into the pockets of taxpayers anymore. Zoning of course follows that and that's another way to preserve open space. Finally if a private property owner wants to leave their property in open space, they always have the right to put covenants on those properties. So that's something that doesn't cost the taxpayers anything. Perhaps the question is, should the taxpayers of Flathead County really be setting aside money to pay for that open space? I think as the gentleman that said just before I got up here, it is a very complicated issue and I certainly don't feel like I have enough information on it to make a real good informed decision this November. One of the questions that comes to mind that the previous speaker raised and Mr. Siderius said when he first got up here, is this enough money and I think Mr. Siderius used the word "seed money". The \$10 million dollars would be seed money for this. Well how much does that buy, and how much more are we going to have to come back and ask for? I think that's a real important question that I'd like to have answered before we start going down this path. I don't know whether or not we're going to have that information before we get to November. I think a higher priority that I would like to see the money spent for if I'm going to have to pay some additional taxes for something is improving the road system in Flathead County to me that's an issue that I deal with everyday. Having to get from my home to work to the places that I need to go to take care of my family, raise my family, I really think that that's Flathead County's most pressing issue right now. I think preservation of open space is a good issue and it's something that we and future generations are going to have to deal with. I don't think it's as high a priority because of the other alternatives we have then dealing with transportation.

George Everett – After listening to what Ken just said, he is right. You can put deed restrictions on your properties and that can eliminate any kind of development that you want. When you start putting more and more taxes out there to the public you not only increase the tax on a personal home, but there are a lot of rentals in this valley and so then they aren't \$100,000 - \$200,000 rentals, these are big apartments and those are passed on to the renters from the land owners or landlords. So each time this goes in we just see an increase in that kind of thing for some of the least that can afford to pay. I know my taxes just through the recent school bonds and Evergreen Fire Department will increase \$140 this year. So it's \$17 here, \$32 there, \$16 there, it might not sound like much but when it starts adding up it starts to put a real hurt on the least that can afford to do this. As far as a filtering system for our water quality, those lands that will not PERK out that are low in nature, they can't be developed anyway. I've seen since the 1980's I've been in real estate, there's probably been over \$200 million in tax benefits that have gone to people that have taken these conservation easements and they could have done all of this through deeds but these are tax loopholes that gave and usually it's more of a wealthy person, not all the time there's a lot of family farms out there. But they took advantage of these and they're the necessity for this kind of a bond issue should not be put on the ballot this year. Again, I agree with what Ken said, our road systems are in need of great repair. We need more avenues to move our traffic so my feeling is that this can wait and lets put our money to a better priority.

Roy Albertus – I'm some familiar with conservation land that I see. Directly south of me is conservation land that is loaded with knapweed. I feel that if the county gets involved in donating conservation group and then they in turn buy land, generally which is flood plan land that I see, then they become a third party and being responsible for that land such as knapweed. I have some conflicting interests. If we're interested in water, let's stop fertilizing our land. I know this hits a little hard on the farmer because he needs that fertilizer and I know what fertilizer does but we can't talk out of our mouth both ways. I would say I would be a little against the county getting involved because primarily the land owner's responsible for the care of the land such as knapweed. If the conservation group becomes involved, they are our second part party and if the county gets involved they are our third part party. They all know what part is and what the attorneys can do with this sort of thing. I think the county basically is setting themselves up or preparing to set themselves up for lawsuits. Thank you very much for the time.

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Jim Sappington – I've been in real estate for over 31 years and deal with real estate issues and the last 14 years, I have been researching writing and presenting classes on real estate and real estate issues. The last seven of which have been private property vs. public interest and the last 5 of that is researching conservation easements and reading them item by item, line by line. In turn I can now do a risk analysis document on a person who is thinking about putting a conservation easement on their property, what risks are involved and that type of thing or a buyer thinking about doing it or lender thinking about loaning on a property with a conservation easement, what risks are being taken. In my opinion there are 12 issues that need to be addressed and I'm going to address them one by one and with your permission I will welcome any challenges to any of these issues and try to say what I have to say about those.

First thing is private real estate. Private real estate is nothing more than a definition of a physical boundary of property. That's all real estate is. Anyone who has ownership by virtue of owning the real estate also bought control. The other thing that we get mixed up between real estate is private real property. Private real property is a portion of real estate which we commonly call uses. It is not real estate in itself. Private real property may be such things as the right to walk on your property. That is a private real property right. It has a value. There are hundreds and even maybe even thousands of private real property rights that go with real estate or have been assumed to go with real estate.

The second thing I'm going to talk about, because we're going to use these to address what I have to say because each one of these is what I call a slice of real estate. Private real estate, the right to use is a slice of real estate that has a market value and is measurable. Conservation easement; by definition the true sense of the word, it's not an easement. The true sense of the word it's more a partnership agreement. What you've done is taken on a partner. Whenever a conservation easement is placed on your property, you have also been taken on a property on the remaining uses of that property. So what is being not only bought the remainder is being controlled. Control by definition is a private property right.

Fourth issue is perpetuity. In order for someone to get a tax benefit or a price for a property in which they can if they do it in the form of a purchase and they sell off the easement itself, in order for them to use that as a benefit, it has to be in perpetuity. You can't do a partial time period and get the tax benefit from the IRS codes. This means if we're going to do something in perpetuity such as an easement on a property then it has to be forever. I don't know about you, but it seems to me that the uses of property have never remained constant and never will. Those of us that think that we're smart enough today to put something on in perpetuity forever really need to have another think coming. Because it will not remain as such, it can't.

Issue number five is nonprofit organizations or government. If the goal is to conserve something, why does it have to go to a third party? If the real goal is to conserve something, why do we have to give it to a third party or sell it to a third party such as a conservation group or government? Maybe the issue isn't to really conserve those things. If you go into the websites of those particular entities, and read their definitions of conservation you're going to be surprised by what they mean by conservation and what is being said about conservation so it doesn't have to go to a third party. It goes there by choice because there's a monetary benefit only to the land owner at the time. It doesn't have to go there if you're really trying to conserve something, it can be done through deed restrictions, it can be done by different ways of doing that. SO the real shift is control, who is going to control private property, I'm not talking about real estate, private property, the inherent rights with real estate.

The other issue is and I hate to use the term but I know of no other way to use it and that's called voting to steal. Have we come to the place in this country that if I personally go to your bank account and take something out of it, they can lock me up. But I can go and get a group of us to go and extract something from your bank account, and we even without your permission and it's even called legal and beneficial. I should be ashamed if I am resisting that if you're trying to take something from my bank account because for the benefit of everybody. Well, my bank is not for the benefit of everybody, so are we at the place now that we seem to think that a vote can extract money from other people and is that the right use of a vote. What we're doing has been mentioned before, we're taking from the people that can least afford it and give it to the people who least need it. Because they already have a value, they just don't wish to get rid of that value, they want to keep that value and have someone else pay for it.

Flawed appraisal system, in order for a conservation easement to be placed on a property there is always two appraisals done. One of them states the economic value of the personal property when all of slices were in the hand of the owner, in other words, when I buy the property I can do anything that I want, it has a value. The second appraisal comes in and says if we're going to remove an entity from that, a slice from that ownership, then the remaining part has a value. The thing that makes it a flawed appraisal system is that no appraisal has ever measured all the slices. That's the problem so what they do in an appraisal system is they take away a slice of right to use but they also keep control over the remaining slices. In other words if I want permission to use my ground as farm ground, in other words they can take away development rights but you can use it for farm ground if you read the wording, who makes the decision as to what farm ground is, who decides what farming practices are and in the agreements that I've read, the person that holds the conservation easement decides the farming practice. It's already been mentioned about knapweed. Suppose that the county says to all landowners, you have to get rid of your knapweed on your property. The conservation easement says that the person that holds the conservation on this property you can not use certain sprays in order to do it. Now, the owner who has the remaining things is the one that's responsible. You have one entity saying you can't do it, another entity says you have to do it. Now where does that put you? Did I get a problem when I put a conservation easement or did I get a benefit?

The other issue is a destabilization of industry. The concept of ownership of private real estate and private property is the bedrock of our economic system. It's been a major factor of why we're the envy of the world and our way of life and that's why millions come here. A destabilization of the real estate industry would destabilize our economic system. Well how do you destabilize an industry? By not knowing what the value of anything is. Our system is based upon an inherent trust. When the lender perceives that the object that they're loaning on has value. In real estate, I put up the property itself as a value, I don't have to personally guarantee payment on that real estate. Now, what is the value of the remaining uses if somebody else has the control? And how are you going to measure that? I've talked to several lenders who, and I give courses all over the state to lenders, real estate people and appraisers and other people about real estate issues. Some of them are getting very concerned about this issue. Are they going to have anything to take back if in fact the payments are not made? Any value?

There is promoting the endeavor. If those people promoting this endeavor were really concerned about conserving something they thought was valuable, they could do it by becoming private owners of the property themselves. They could go out and raise the money in order to buy then if they wanted to get like minded people, form a legal entity and purchase the real estate and the property and conserve it any way they wanted to. They don't want to do that. They don't want to force us who don't see it their way to pay for what they feel is their need.

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Issue number ten, not fully informed. There are many other beneficial ways other than using conservation easements for owners of private property not to pay inheritance taxes and give lifetime income streams and other benefits. A conservation easement is just one of those things. There's lots in the tax codes that promote other ways of doing it.

Issue number eleven, those entities owning the conservation easement not only want to control the property in which the easement on it, they also want to control the surrounding property. If you talk to anyone that's had a property next to a person with a conservation easement and tried to get something done with that property, they begin to run into road blocks from the various organizations saying in order to preserve the easement on this property, you can't develop your property. There's going to be massive law suits over these particular issues.

Issue number twelve, do nonprofit organizations have to keep the ownership of their easement? No they don't. Can they sell it? Yes. For the same amount they paid for it? No. At a profit? Yes. Who's the buyer? Either its another conservation group or the government. Why do they want it? For control. Ask those who were placed in reservation easements or reservations earlier in this state. Are we heading the same direction when we're giving government control? In the 1950's there were very few conservation groups, now there's thousands of them. They're well funded, all you have to do is start tracing the money, find out where the money's coming from and start making your own conclusions as to what's going on with conservation easements.

Duncan Scott – As usual my law partner Ken Kalvig was far more eloquent than I. I'd like to leave you with this thought, if you're going to put a proposed tax increase on the ballot, I'd ask that it be dedicated to fixing our roads, not purchasing open space. There are private alternatives to preserve the open space that we hold dear, there are not private alternatives to fixing our road systems, thank you.

Gary Henry - I've been a resident of the Flathead Valley for 31 years. I'm very concerned with the direction that I see property ownership and management going here. In a free society citizens have the right to own property and they have the right to do with that what they will, barring extreme uses that would be detrimental to everyone. In a free society we have that right, in socialist systems the government owns all the property and citizens are left to do the bidding of the government. There is a huge movement in this country and it's backed by socialism. Nature conservancy is one of them, recently the congress and the Senate of the United States Government called the CARA Bill, Conservation and Reinvestment Act, they allotted 13 billion dollars every year for the purchase of conservation easements. Ultimately with the goal that the property purchased by different conservation groups that they have funded would revert back to government control because the value would be gone, the uses would be so restricted that there would be no value to it, the only buyer is the government. I am a very strong private property rights advocate, recently retired so take note I'm going to be available to oppose actions like this on every occasion and I have lots of time to do that. I have total faith in our commissioners and our planning board to make wise decisions on the uses of land division and uses. We don't need third party organizations with ulterior motives to come in here and the audacity of these people to ask us to give up our rights and to pay to give up our own rights is something I can't comprehend. I want to go on record as being opposed to putting this on the ballot. Mr. Commissioners, was there an effort to get a petition initiative going that these guys could've got enough signatures to put this on the ballot? I don't know the answer to that.

Commissioner Hall answered that's an option that they had, they did not take advantage of that option, this is the course they chose.

Mr. Henry continued, as far as surveys go, in my 31 years in the Flathead Valley, I have never been approached to be a participant in a survey of any kind. I don't know where they get these results. I don't know who they talk to. I would ask you respectfully to deny this request to put this on the ballot in November. Thank you.

Bruce Sneddon – I have quite a lot of concern about what's transpired over the last year of what I've been able to read on how this thing is going to operate. I have a couple of questions that you may not be able to answer right now, but 60% of what was a sample size. How many people were called? We use a lot of figures but we don't back them up with the information so it would be nice if we knew what the sample size was out of the total number of eligible number of voters that are over 45,000, I think that would add some merit. The other thing that I have concerns about is using my tax dollars of my money which I like to hoard and spend very little on. I will spend it for education, I will spend it for the police force, for the function of this county and for the roads and other essential services but we just voted for school taxes, for emergency services, for Eagle Transit, Kalispell will come around and ask for more money from me for a school and who knows what else is going to come up and ask for more money. Frankly, with my tax bill and all these little add-ons it's getting hard to live here. We need to look at what we need to spend our taxes for and prioritize. I've heard a lot about open space. We have a lot of open space but where's this land if we raise \$10 million what's this money going to be spent for? Is it going to go up the North Fork, is it going to go up towards Essex? Up around Whitefish Lake towards Eureka, or is going down into the southern part around Flathead Lake? Where's this land? How can I vote intelligently if I don't know where this money's going to be spent. Also, if it's that important that we need to save Flathead Lake or we need to save the aquifers, then I look to you as the commissioners to work with the state and the planning board to designate areas that are critical to the maintenance of the open space in this county and either make it a state or county park where we the people have access to it; where we the people can hold you accountable and the people that work for you accountable for its maintenance. Not some third party that comes in and uses us as a bank to buy property. That is not the way that the economy should work. If it's important enough for us as a county to do something then do it through a tax, make a park out of it so that we all have ownership. If it's not that important then those people that want it can raise their own money and they can buy the development rights.

Clarice Ryan – I'm very very pleased to have this opportunity to discuss with you the County Commissioners and anyone that is interested in this issue. I'm glad it has come to the fore front. This has been taking over so much of our land throughout the United States as well as here, undercover without people even being aware that it's even going on. There is a land grab going on throughout this continent and it extends up into Canada and I'm very concerned. This decision involves \$10 million tax dollars. We have elected you, the County Commissioners to make wise decisions concerning the use of that money and the interests of the Flathead County. We had been watching the ever increasing amount of acreage being placed under conservation easement in the interests of keeping it as farmland, timberland and a wildlife preserve. It should not require a land trust to accomplish this. Actually it is something that can be done by the property owners themselves. It is the personal monetary benefit and tax advantage to the current property owner that provides the motivation to turn over this opportunity to run and manage their own lands. The land owner in order to get a slight financial advantage for himself indirectly places a higher tax burden on his neighbors as available land becomes scarcer and property values rise. As land productivity is restricted, tax revenues for the county are reduced. Heirs to this land, not interested in farming or living on it, will have trouble disposing of it due to the easement with it's restrictions on use and development potential, as we know there are many many people that have

a love of the land and love of the farm and agriculture has been decreasing as we have more import of food and so forth and prices are competitive, it's difficult to make a living on a farm, many of them have to take on other jobs in order to support that farm so they are searching for income in addition and they're being bought out on this scheme of conservation easement and also the slight reduction of taxes by losing developmental rights. They will, however, have ongoing taxes as well as costs of maintenance, weed removal, insurance etc. It will become a financial burden to these people for land they never see, that mom an pop used to have up there in Montana. Present owners are doing their children o favor by leaving them land encumbered by a conservation easement, which goes on forever and which they will have continuing expense on. Too many present owners think no farther than their own immediate personal gain, their own advantage. They don't think in terms of even what the kids want or the grandkids or their kids and on and on into perpetuity. All county residents could easily become victims of an uninformed public making a huge decision that extends into perpetuity. It sounds good, the propaganda pitch sounds appealing. They're appealing to nature and preserving open space and all of this. This can be done without turning over our property to a land trust to run it for them. This can be done if that's what our wishes are.

Land trusts have no business asking the general population of the county for money to entice property owners into sharing the rights to their land. What are they buying? They're buying supervision or control; you don't have pay for that. The non-profit operations are the ONLY ones that will profit in the long run. And eventually our government will increase its land holdings far above the current 80% level here in Flathead County. They'll eventually get it, if not the federal government.

The blitz of conservation easements is permeating this entire country and impacting our ability as a nation to access and utilization of our natural resources. When you have a conservation easement land trust on it, they will restrict any kind of mining or any other kind of use, even gravel. These are essential to maintaining our economy, our way of life and even our constitution and form of government. Our whole way of life is being threatened. One of the foundations for getting control of a country known by the communistic countries throughout history, one of the first targets is to get control of the land and if you have control of the land, you have control of the natural resources, the water and the people. If this bond issue is put to a vote a massive education program would be needed to sufficiently inform the voting public of the pitfalls. The public does not understand, this is a very complex issue with many ramifications. If passed it would mean that \$10 million tax dollars would be funneled through supposedly non-profit operations into the hands of a relatively small percentage of the people with little to show for it. It would not stop growth and development, these people are going to come, we have a beautiful valley, people are baling out of the cities, they are coming. Conservation easements won't stop them, it would simply push the development out further, increasing property values on all of that land and putting a greater burden on present property owners because people who have lived there all their lives suddenly have to be paying higher taxes on the property they've lived on all their lives.

I would prefer to see our county Commissioners take the responsibility of studying in depth this proposal and comprehend the ramifications and make the proper decision on behalf of the taxpayers. It's awfully difficult to explain, there have been so much of this pushing of conservation easements and I've heard the glorious presentation just now of all the wonderful things that conservation easements can do for you and without a background of knowledge, these words sound beautiful and also there's a little bit of money involved which is being funneled to you out of the taxpayer. We are dealing with an intricately devised scheme to use the people's money to buy out our own land the rights to our own land. It is based upon unacknowledged greed on both parts. The conservation easement people are not nonprofit, they're only providing a service, there's nothing and is it a service? It's a disservice. There were many good points that others who have been at this mic today have brought out and one is that, well one, the decisions for the land owners, they don't need help. They can make these decisions themselves. The water quality can be controlled through codes and inspections and permits. We have had that kind of control because it is necessary. We have seen wrong things being done. It is being done at a national level. When I go to Washington D.C. and all this "balldurah" about water quality up here in Montana, strictly snow juice, probably the purest water anywhere, I go to Washington D.C. and take the train to Maryland, 15 minutes out from our White House, is the branch of the Potomac and it is so thick you can stir it with a soup spoon and it has finally come out that one of the plants, the factories in Washington D.C. was dumping waste every night at 2 or 3:00 in the morning into that. Now, if they are so concerned about controlling our water, maybe they ought to look at their own doorstep. It makes you lose faith in all of this concern over water quality, is it really about the water or is it about control?

I also am very suspicious of that 60% survey. I didn't get surveyed. I wonder why? I wonder what organization or what membership they were using, I would like that detailed as was requested. The open space, we can control open space. There is a developer that has come into Bigfork with the prospect of 300 new homes. Well everyone panics. 300 hundred homes, what are we going to do? We want open space. It's ag land, agricultural land. Eagle Bend, everything is growing around it, if you declare it ag land and everybody has to move on out, the city will eventually envelope that land and you can't get farm equipment in there to manage it. So it grows weeds, so the heirs have to pay for weed removal, they have to pay the taxes and the neighbors love it, they have open space, they can go hiking in it, it's all wildlife and they decide to do a little hunting with all the population you have to get high insurance because guns do kill neighbors. So this developer was offering open space at his expense. He could have put in, and jammed it with houses but he was providing walking paths and so forth and cluster housing and a beautiful location. We have to accept the fact that it is possible to make attractive development. WE don't have to have row houses and piles of high rise apartments. There are other ways to control this other than turning it over to a conservation easement and to lock it into a farm for ever and ever in the middle of a heavily populated area. Law suits, you better believe that if you are sharing your decisions that you always made on you're your farm, sharing it with somebody else who now comes in and tells you what you can not do, primarily what you can not do. Eventually there's going to be disagreement. Eventually it'll probably reach the courts and you will lose and you get to pay the attorneys. Unfortunately our lives are being run now by lawsuits and it's a very expensive thing for the losers and we are more and more becoming the losers. There are several other comments I could add onto but I think these points were brought out very well by the rest of them and I trust that you three County Commissioners have been giving a lot of thought to this and I trust your decision.

J.D. Coleman – Just sort of summarize on the things. It seems that we've heard a lot about pro and con on the conservation easements. The thing it boils to me is this bond issue an appropriate use of tax payer money for us to even hold it and to put it on the ballot. Paula does not put things on the ballot for nothing. They cost money. Secondly, is the use this bond money, taxpayer money, for this purpose that everybody described an appropriate use of taxpayer money when there is funding available? There's an enormous amount of money has flown into the valley from prescriptive foundations, three names that come immediately to mind, Ford, Peugh, Pullett, foundations that pump money into environmental concerns here in the Flathead Valley. I would think that foundation money is available for conservation easements. Thirdly, water quality, there is already a governmental organization designed to protect water quality in the Flathead and that's the Flathead Basin Commission. There's a taxpayer funded organization down at Yellow Bay, Jack Sandford who's made a mission of dabbling in Flathead Forest policies on protecting water quality in Flathead Lake so there is no need for a duplication of effort on water quality. You have governmental agencies that are providing this at taxpayer expense so that's it, I think again, is it an appropriate use of taxpayer's money?

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

**WEDNESDAY, JULY 7, 2004
(CONTINUED)**

Commissioner Watne commented, I think we've received an awful lot of information here and I think the reasons for not doing it pack a lot of weight and I don't know how you two feel about it, personally, I oppose putting it on the ballot.

Commissioner Hall added, we had the option of making a decision two weeks ago whether we would deny the proposal or the resolution or to have a public hearing. I'm glad that we decided to have a public hearing today, it was good to hear all sides. I have a question for the Land Trust, are you a nonprofit organization?

Ken Siderius answered that yes, we are and we will not own the easements.

Commissioner Hall continued, okay, you know I respect the testimony given. One of the things a lot of folks don't realize when we talk about wetlands, we talk about property that's been submitted to us as Commissioners by the planning board recommending approval. If it's in a sensitive area, I think of one in the Egan Slough area that we rejected. A very large subdivision but just the density was there, the Planning Board recommended it and the Commissioners turned it down. I would also agree with one of the speakers that we have a lot of organizations, countywide and county driven that look at these issues and some of the concerns of why they would want to have conservation easement put on the ballot. One of the other things of course that we have to take into consideration is one of the testimonies about foundation money could be used for private funds. My mother who I help and my siblings help finance. A widowed mother that, one of the biggest struggles I've had is why should she pay for someone else's view shed and increase taxes. Mr. Everett is paying \$140 more this year on his taxes. In the primary election we had a water and sewer district that was approved, an emergency ambulance, Agency on Aging, we have the opportunity as commissioners to decide what goes on the ballot but we also have to realize the repercussions of a \$10 million dollar conservation bond. I have a lot of friends that are in support of this, Chuck Mercord and others and there is other ways to put it on the ballot but I also, not only from testimony given today, but I just don't feel that this is something that we should put on the ballot and so I'm opposed to it also.

Chairman Gipe added his comments. I thank you all for the public hearing, this has been a good public hearing and I think there has been a lot of things brought out and I'm sure for not only us but for a lot of you that it was an educational thing because like I say, a number of you have a lot of expertise in this line. I think when you talk about open space and like 80% is open space, I think there was some good things that were said about some folks would rather use their tax dollars for a road system. Well, we all know what the situation of the road system and how costly it's getting nowadays and I guess the other thing is when you start talking about things for taxes and things we're going to need for taxes. We're looking at new schools and we're looking at a problem with the jails and also as you all know, problems with the buildings here that they're about to fall down over our ears and we don't have the dollars to take care of that so, I guess that's all I have to say.

Commissioner Hall made a **motion** to deny placing the \$10,000,000 bond issue on the ballot. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

THURSDAY, JULY 8, 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. AOA TAB Meeting at Lutheran Home Cottage

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the July 8, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

General discussion was held relative to exceeded revenue projections for fiscal year 2003-2004; subdivision activity has declined since previous year; planning for text amendment on Reserve Drive; motocross track at Raceway Park;

DOCUMENT FOR SIGNATURE: DEPT. OF AGRICULTURE PROFESSIONAL SERVICES AGREEMENT/WEED & PARKS DEPT.

Present at the July 8, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Weed & Parks Superintendent Jed Fisher, and Clerk Eisenzimer.

Chairman Gipe presented an agreement requested for signature between the Department of Agriculture Professional Services Agreement allowing the County weed department the ability to charge the landowner sufficient fees for inspecting hay and seed to be free of noxious weeds.

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

DOCUMENT FOR SIGNATURE: INTERLOCAL AGREEMENT/CITY-COUNTY HEALTH DEPT.

Present at the July 8, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, City - County Health Director Joe Russell, Deputy County Attorney Dennis Hester, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the inter-local agreement increasing the number of members to 9. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

BUDGET AMENDMENT

Present at the July 8, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

**THURSDAY, JULY 8, 2004
(CONTINUED)**

MEETING W/GREG SEABLOOM/PACIFIC N.W. TRAIL ASSOCIATION

Present at the July 8, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Discussion was held relative to development of a trail system between the Pacific Ocean and the Continental Divide at Glacier National Park involving at risk youth for the SKY education program (Service-Knowledge-Youth).

- 2:00 p.m. AOA Board Meeting at Kalispell Senior Center**
- 4:00 p.m. Commissioner Hall attended Natural Resource Committee Meeting at Commissioners Meeting Room**
- 6:00 p.m. Commissioner Hall attended School Trust Lands Advisory Committee conference call at ReMax Office, Whitefish**
- 7:30 p.m. Fair Board Meeting at Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 9, 2004.

FRIDAY, JULY 9, 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.

- 9:00 a.m. Commissioner Hall attended RC&D Meeting at the Justice Center**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 12, 2004.
