

MONDAY, AUGUST 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.

Commissioner Watne asked for public comment within the Commission's jurisdiction, no one rising to speak, Commissioner Watne closed the public comment period.

10:00 a.m. Commissioner Hall attended District 10 & 11 meeting at Ravalli County Commissioners Conference Room, Hamilton

PUBLIC HEARING: SANDERS, ET AL, ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the August 23, 2004 10:00 A.M. duly advertised public hearing were Commissioner Watne, Planner Johna Morrison, Greg Stevens, Bob Sanders, Marjorie Sanders, Mark Salansky, Rolland Andrews, and Clerk Eisenzimer.

Planner Morrison presented the zone change request filed by Robert and Marjorie Sanders, Rolland and Laurel Andrews, Mark Salansky to amend properties along Lower Valley Road from AG-20 and AG-80 to SAG-10.

Commissioner Watne opened the public hearing to anyone wishing to speak in favor of the requested zone change.

Greg Stevens – I've got an old map which I'll get into in a minute but Mark Salansky called me up a couple months ago and asked me for my advice. He'd been to the Flathead County Planning and Zoning Office probably last summer to ask about a zone change and at the time he was told don't bother. Its spot zoning and it'll never happen. The planner that told him that is no longer there, he's found a new home at the Tri-city Planning Office. Mark called me up and asked me what I thought and I said let me check into it and so what I found was my little spot zoning decision here. There's three elements, one of them, the first element in spot zoning is that the requested use is significantly different from prevailing use in the area and certainly that's not the case here because when I look at the AG-80 agricultural uses, and the SAG-10 agricultural uses, they're identical. Sixteen of the SAG-10 uses are also in the AG-80 there are I think four more in the AG-80, they're like feed lots for cattle, hogs and chickens but the basic uses are identical in both of those. So there is no use change, its not different from the prevailing use in the area. So then I went a little further and I looked at what's actually happening there. In the pink here is Mr. Andrews property, this is Mr. Salansky's and Mr. Sanders. This is an AG-80 zone. Surrounding Mr. Andrews is a 2.9 acre piece, 7 1/2 , 7 1/2 , 10, 9 , 9, 3, and 1/2 acre. So as we see, what's happened here, this is on Foy's Bend, there's some big, high quality expensive homes here. But even though this is an AG-80 zone, the prevailing use is less than 10 acres. On all these parcels up to here; it's the prevalent use at this point in here is a suburban agricultural recreational type of homesite. This was changed, this is the O'Connell zone change that was done a year and a half ago, right across Lower Valley Road. This has all changed. As we go farther over here, it just seems like it's a logical progression. Particularly on riverfront property but even farther out, we have a 9, 9 1/2 a 9.7 and a couple other less than 5 so it seems as though the prevailing use indicates that this is an appropriate zone change. Particularly on this river frontage property and so I told them, yes, I think it'd be feasible to go ahead and put in for a zone change on that because of the type of development that's already occurred there. It seems particularly unfair to Mr. Andrews to be tossed into an AG-80 when everybody around him is less than that. And Mr. Salansky's is actually in two pieces but he can't do anything with it because of the prevailing zone. The planning board saw it the same way so it seems like a real reasonable thing.

No one else rising to speak, Commissioner Watne asked for anyone wishing to speak in opposition to the requested zone change.

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

Commissioner Watne advised that when the Board is present, they will review the minutes and proceed with a decision.

PUBLIC HEARING: GUNDERSON & LEIB ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the August 23, 2004 10:30 A.M. duly advertised public hearing were Commissioner Watne, Planner Johna Morrison, Doug Leib, Karen Gunderson, and Clerk Eisenzimer.

Planner Morrison presented the zone change request filed by Karen Gunderson and Doug Leib which is approximately two miles south of the intersection of Whitefish Stage and Reserve Drive from R-1 (Residential) to I-1 (Industrial).

Commissioner Watne opened the public hearing to anyone wishing to speak in favor of the requested zone change.

Karen Gunderson – We live there in the house that's on the front of that place. We bought it a year and a half ago and have remodeled the house in the front and put a great deal into it. We would like to have that as a caretakers place but then on the back of it, be able to put mini-storage or whatever.

Doug Leib – I'm the other applicant and we wish to use it for all the legal purposes that are within I-5 and specifically we want to go to mini-storage is where we want to go with the back half of it.

Morrison and Gunderson corrected the statement to show that he is wanting to use the property for I-1 zoning.

No one else present, Commissioner Watne closed the public hearing.

Commissioner Watne advised that when the Board is present, they will review the minutes and proceed with a decision.

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

TUESDAY, AUGUST 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 Watne asked for public comment within the Commission's jurisdiction, no one rising to speak, Commissioner Watne closed the public comment period.

MONTHLY MEETING W/JOE RUSSELL, HEALTH DEPARTMENT

THIS MEETING WAS NOT HELD

GIS MEETING W/PAULA ROBINSON AND TOM REYNOLDS

Present at the August 24, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, GIS Coordinator Tom Reynolds, Roads Superintendent Charlie Johnson, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to GIS Conference and addressing workshop; issue of readdressing and opposition by homeowners in Tally Lake area; consideration of joint meeting with postmasters, road department and county regarding addressing; generation of ownership lists for covenant process being completed by GIS now instead of the plat room; auditing of Fire Districts; responder list; mandate from the state to account for roads that cross state trust land and have such roads request easement, GIS had identified 88 roads and 300 sections of road that do cross State Trust Lands; consideration of partnerships to purchase right of ways that cross State Lands.

MONTHLY MEETING W/JUSTIN MORRIS, 4-H OFFICE

Present at the August 24, 2004 10:00 A.M. Meeting were Commissioners Watne and Hall, Extension Agent Justin Morris, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to the success of the Fair; increased interest of residents contacting extension office now that an extension agent is on board; countywide interest for master gardener program; noxious weed education program; seminar Friday, August 27th on alternative crops and niche marketing at FVCC; new agent orientation at Bozeman from September 21-24.

PUBLIC HEARING: ROAD ABANDONMENT #417

Present at the August 24, 2004 10:15 A.M. duly advertised public hearing were Commissioner Watne and Hall, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne opened the public hearing to anyone wishing to speak in favor of the requested road abandonment for the following tract of land;

A tract of land located in US Government Lot 2 of Section 26, Township 31 North, Range 22 West, Principal Median, Montana.

No one in the audience to speak, Commissioner Watne closed the public hearing.

Commissioner Hall made a **motion** to approve Road abandonment #417 described as

A tract of land located in US Government Lot 2 of Section 26, Township 31 North, Range 22 West, Principal Median, Montana.

and as recommended by the Viewer's report dated July 22, 2004 and subject to the conditions listed on the report. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: INVESTMENT POLICY/TREASURER'S OFFICE

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Assistant Webb and Clerk Eisenzimer.

Deputy County Attorney Jonathan Smith explained that the investment policy was put into place in 1989 and this agreement continues that policy of purchase of securities for investment.

Commissioner Hall made a **motion** to approve the investment policy for the Treasurer's office and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. . Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SIA/TIEBUCKER SUBDIVISION

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne presented Subdivision Improvement Agreement for Tiebucker's Subdivision in the amount of \$25,437.50.

Commissioner Hall made a **motion** to approve SIA and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT/V. CERAVOLO

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the professional services contract for Vanessa Ceravolo to fill in for Judge Ortle in case of illness or vacation. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/RAEANN CAMPBELL/HUMAN RESOURCES OFFICE RE: PEDIARIX VACCINE

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Human Resource Officer Raeann Campbell, Deputy County Attorney Jonathan Smith, Assistant Webb, Jim Moen, and Clerk Eisenzimer.

Jim Moen explained that Pediarix vaccinates against diphtheria, tetanus, pertussis, hepatitis B, and polio and will replace several individual vaccinations and the request is to accept the vaccine to the list of acceptable list of vaccines available for insurance plan.

Commissioner Hall made a **motion** to approve the addition of Pediarix to the insurance plan's acceptable vaccines. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

QUARTERLY INVESTMENT REPORT W/PATTY ARNOLD, TREASURER

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, County Treasurer Patty Arnold, Adele Krantz, and Clerk Eisenzimer.

Discussion was held relative to investment earnings of 1.17 for the county.

MEETING W/ED CABRAL RE: MCMANNAMY DRAW PROJECT

Present at the August 24, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Deputy County Attorney Jonathan Smith, Ed Cabral, and Clerk Eisenzimer.

Mr. Cabral began with what we got is the county come in and put stakes on my property and claimed they're moving the road over because years ago a logger put it in the wrong spot. I've owned the property since 1983. What we got is a water problem that the power company and the phone company as they come in and put in more lines then they bury the ditch and then all the water runs in our place. My mom's trailer literally fell off it's blocks several times. We've re-blocked it and talked to the county about getting it fixed and last fall they come and started to dig the ditch and hit a phone line. It was a dead one, probably to my place and my mom's place and they said they couldn't do anything with it. Then the snow come so then this year they were going to get it taken care of because U-Dig or someone out there marking the lines had companies come up and I talked to the guys and they said they were going to lower their lines and put the ditch in. Now they're way out of it, it's moved the road onto our property if they move it over and what I want to do is stop that. I don't see any reason why they can't cut a ditch back in for drainage that was there for who knows how many years. I don't understand their reasoning on moving the road. We've got another road across that they've been improving on the road but they've buried the culvert that's there so there's no drainage there. I talked to Charlie Johnson, that must be you I talked to and you also talked to my brother-in-law and told him it was his responsibility to go talk to the people up the hill and tell them how to build the road.

Charlie Johnson – No, I didn't say that.

Mr. Cabral – well you said that you couldn't talk to them.

Charlie Johnson – I have no jurisdiction over the private roads that are being built, only to where they attach to the county road.

Mr. Cabral- okay, and this attaches to the county road.

Charlie Johnson – and we're dealing with those people in regards to their culvert in there. Where we're at on this thing, is we ran into this problem at the phone line up there. What happens to us is they run a 10pair up there, more people move in they run another 10 pair and this right of way is covered with utilities so what we did, is we went in and surveyed it because after we dug up the first phone line in there, we decided that we're going to have to probably figure out a better way to do this. Now, what we got there and what he's referring to is we've surveyed the right-of-way through there. At some point in time, if there's any improvement to that road, that road is going to have to be moved back to the center of right-of-way. I mean, that's and you know and there's been some indications even from the Board there that they'd like to see something done eventually with McMannamy. So we surveyed it so we knew where we were at and we got in touch with the phone company and the other utilities and we were talking to them about relocating their utilities out of the way because every time we go to cut a ditch we got phone lines in our ditch. The road seems to be set off to one side of the right-of-way which is opposite of where you guys reside. The road is not built center of the right-of-way, it's still within the confines of the right-of-way but it's built all to one side. In order to put the ditch in there, we're probably going to have to shift that road over just a little bit to alleviate some of the drainage problems up in McMannamy, so that's where we're at. Where the problem starts to lie here is typical of all right-of-ways we got. You guys got some fences on the right-of-way and things like that, we're trying to deal with the immediate problem you know of the water washing your mother's trailer off the foundation. I guess I understand so that's what we're trying to alleviate there. We've got other problems on up that road and down the road both directions. So that's where the right-of-way stakes came from, but everything that is staked there for right-of-way is the county easement through there.

Mr. Cabral – Now as far as I've got a copy from the courthouse on my property description and that was done in 1973. It shows stakes to where my property boundary is and now none of that is right anymore?

Charlie Johnson – well, unfortunately, your property boundaries come to the center of the right-of-way of the easement. See, you pay taxes to the centerline, but we have an easement across there. That's usually the way that works out.

Commissioner Watne- so it's a declared right-of-way instead of a deeded right-of-way.

Mr. Cabral – another question is, why can't the ditch be put in there like it was for years. The power and phone company comes in and you guys cut a ditch and then they put their lines in.

Charlie Johnson – That's our intent, we're trying to move the power company out of the ditch so that we can get enough depth in there. We're asking them if possible to relocate their lines so we don't have to move the road as much. We're up against the edge of the right-of-way so we only got "X" amount of feet in there to work and if they lower the ditch, every year that we go through there and cut that, we just get that much lower to it.

Mr. Cabral- The road's been raised over the years.

Charlie Johnson – I agree.

Mr. Cabral – It's been raised quite a bit because I've got a bank now that's this high (indicated with hands how high the bank is) where I used to have a driveway but now that that road's moved over, it's going to be that much higher and I'm going to have to have a damn 30' approach to get into my place. I'll probably have to cut some apple trees out so I can make a driveway.

Charlie Johnson – Well, eventually if that roads rebuilt, we're going to end up dealing with access to there any how. What we're trying to do now is move the utilities out of the ditch line to the other side of the road so that we can go ahead and continue to establish that ditch through there. The ditch is inadequate the way it is.

Mr. Cabral – but it never was until the power companies and phone company came and buried it. We never had a water problem.

Charlie Johnson – I agree. Well, you didn't have near the water problem because you didn't have all the development above you. As the development comes in, you get more and more water down the stream of the road.

Mr. Cabral- but also the development above us required more lines and when they come in and dug their lines, they just took a cat shoved the dirt right in the ditch.

Charlie Johnson – I know and we've gone back and cleaned it out and cut the phone lines. So that's kind of where we're back to we need to get them out of there.

Commissioner Watne – so where are you at in this process right now?

Charlie Johnson – We're kind of on hold waiting for the utility companies, mainly the phone company to get their engineer to say ok, this is where we're going to go so we can improve it. I can't afford to move that road very much, we're talking two or three feet right now. I don't want to spend a lot of money, I don't have a lot of money to spend, I just need to solve the problem that I got there. Down the line, if that road is ever rebuilt, it has to go back to the center of right-of-way.

Commissioner Hall – yeah, and then I think for Ed's information, from my perspective and I'm just one person, but I don't anticipate that road to be totally rebuilt for years and years to come. I mean, it's on the priority list, it needs work but it's definitely not at the top of the list so it'd be many many years.

Mr. Cabral – so when can I get them stakes out of there so I don't have to drive around them? I moved one already. I moved it up towards the fence because it was put in this far off the corner of a car that was parked there.

Charlie Johnson – well, that's not an issue, I'm sure we have other stakes up and down the road, so if you need to remove one to get in and out of there. But I want you to be aware that that's where the right-of-way is.

Mr. Cabral – so then, everything I've got beyond those stakes is going to have to be moved; a propane tank at my brother Walt's place.

Charlie Johnson – yes, at some point in time, if the road is to ever be rebuilt, I mean, I'm not going to hammer on you right now, I would like to see if you ever have to repair your fence put it where it belongs at that point in time. But right now, we're just trying to alleviate the water problem through that ditch.

Mr. Cabral – So what if you just cut the ditch and then tell the phone company to come fix your lines.

Charlie Johnson – It doesn't quite work that way.

Mr. Cabral – you guys cut a ditch and they put a line through it and then they bury your ditch.

Charlie Johnson – It's a battle that we're fighting all over this county.

Mr. Cabral – So basically there ain't a damn thing I can do about it.

Charlie Johnson – Well, I don't know, I guess I don't understand what you're asking for. If you're asking us.

Mr. Cabral – well property that I've used for years and years now all of a sudden is no longer ours, because years ago a logger put the road in. If the road was put in years ago, why wasn't the county involved in it.

Charlie Johnson – I can't answer that question. All I know is that every road that I survey anymore, you're lucky it's within the confines of the right-of-way.

Commissioner Hall – There's some roads that go on KM Ranch road, if you're familiar with that, but it's way off the right-of-way. It's completely off the right-of-way. They just put it where it was most convenient to have a road, not in the right-of-way. That's happened a lot of places in the valley.

Mr. Cabral – Now you said there was one on Hoffman Draw.

Charlie Johnson – Right, there's a house in the right-of-way.

Mr. Cabral – So you're not even going to deal with that one.

Charlie Johnson – I explained to you what we've been doing on Hoffman Draw and we would show you the same courtesy if your house was in the right-of-way. We're trying to deal with...

Mr. Cabral – I'll move it, I can have it moved within a week.

Charlie Johnson – Well, if your house doesn't seem to be the issue here right now. What seems to be the issue is this ditch and like I say, we're probably going to end up moving the utilities that are in there and re-gutting that ditch. I don't anticipate that road moving over. The issue that I'm dealing with on Hoffman Draw, the house is in the right-of-way, it's halfway into the right-of-way and we're trying to deal around that by getting land from the landowner on the other side. The last thing I want to do is build a road through somebody's house. We seem to be making progress and we would show you the same courtesy, if your house was in the right-of-way, we'd try to acquire or have the right-of-way on the other side of the road so we didn't have to

build a road through your house. I mean these right-of-way issues take forever to work out. It's really unfortunate that these roads weren't put in the right place. I mean it's not uncommon, nor are we the Gestapo and we just push the road right through. In the conversation that I had with you, I said in the future, your fences and stuff ought to be taken into consideration if you rebuild them. I don't see this road getting rebuilt any time soon. In fact, I'm not sure we could get it done in my lifetime.

Mr. Cabral – So then, as far as what's going to happen up there is the ditch is going to be put back to help with drainage.

Charlie Johnson – Right and then we'll probably move the road over a couple feet to accommodate that in there and hopefully we can get the utilities relocated out of our ditch line in the immediate future and every time they come in there and plow in more utility lines, they fill up our ditch. We're trying to alleviate that and one of the issues we've always had with the utility companies is they put in 10 pair, we're saying put in 100 pair. They get real upset when we say hey, spend a lot of money so that you don't have to keep coming back and tearing up the set pipe. State law, we're bound to give the utility companies right-of-way to put their utilities and that.

Mr. Cabral – Where's it give them the right to fill in the ditch and create water problems.

Charlie Johnson – It doesn't.

Mr. Cabral – They were the main problem on this whole thing.

Charlie Johnson – I understand, while I'm sitting here right now, they're doing it to me someplace else in the county. We can not police them, we're doing a real shabby job of taking care of utilities and stuff because the minute we say to the utility company, you clear this right-of-way and you put it out here, they immediately say, well then you're going to deny service to all these people because we're not going to do it. That's some of the issues that were working and there's only me working on the utilities along with the right-of-way and all the other things and we need somebody with the utility companies constantly. I can almost assure you today that they're plowing them in someplace else; while we're here.

Commissioner Hall – Where is this particular ditch on your priority list, is there going to be anything done this fall?

Charlie Johnson – yes, it has to get done this fall. Greg's up in the North Fork right now working on that portion around Moose Creek coming around the bridge there. They started on that Monday, and as soon as he comes out of there, I think it's on his schedule depending on where we're at utility wise.

Commissioner Hall – Does that help you at all Ed? It helped me understand what's going on up there.

Mr. Cabral – So basically I ain't got a leg to stand on, whatever you guys are planning on doing, there's nothing I can do about it.

Commissioner Hall – No, I think what Charlie has said to you and what I've heard this morning is that if you eventually rebuild your fence, that you probably need to move it to where the stakes are now and that he's not planning to build a new road right through your place. For now there's not an issue with the fence, he's going to do what he can to help with the ditch issue and that's all we can do for now and I don't anticipate.

Commissioner Watne – I don't think there's going to be any major road building up there.

Charlie Johnson – I can guarantee you, with the money that I've got, there ain't going to be anything major done.

Commissioner Hall – Nothing's really changed for you except that we're going to get the ditch fixed.

Mr. Cabral – Thank you gentlemen.

CONTINUATION OF CONSIDERATION OF JOB DESCRIPTION: EXTENSION AGENT

THIS MEETING WAS CANCELLED

5:00 p.m. Commissioner Watne attended 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 August 25, 2004.

WEDNESDAY, AUGUST 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 Watne asked for public comment within the Commission's jurisdiction, no one rising to speak, Commissioner Watne closed the public comment period.

MONTHLY MEETING W/BOBBIE KELLY, RSVP

THIS MEETING WAS NOT HELD

TAKE ACTION: PHEASANT RUN PARK

Present at the August 25, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb and Clerk Eisenzimer.

Commissioner Watne reviewed the file of Pheasant Run Park and advised that the time limit for Plat approval did expire on August 8, 2004.

MONTHLY MEETING W/DAVE PRUNTY, SOLID WASTE DIST.

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

General discussion was held relative to landfill expansion project; Creston container site purchase; landfill rate adjustment; refuse operations; Somers container site purchase; Columbia Falls site expansion to the north, request of the Board to approve awarding of bid to expand the Columbia Falls site at the September Board meeting, Commissioners Watne and Hall approved the awarding of the project to accommodate construction season; Coram Container Site Hours of operation; Land Acquisition Policy for the District.

CONSIDERATION OF POSITION OPENING: LABORER/SPOTTER-SOLID WASTE DISTRICT

Present at the August 25, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne reviewed a memo to replace a retiring employee at the Solid Waste District.

Commissioner Hall made a **motion** to approve the opening of this position. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/KIM CROWLEY, LIBRARY

Present at the August 25, 2004 10:00 A.M. Meeting were Commissioners Watne and Hall, Library Director Kim Crowley, and Clerk Eisenzimer.

General discussion was held relative to a program that the State is running, One Book Montana being a discussion group centered around every community reading the same book, books are available for check out at the Library, new additions of employees; carryover money from 2003-2004 being placed into Library Depreciation fund for future Library needs.

PRELIMINARY PLAT: GENTRY ESTATES

Present at the August 25, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Debbie Shoemaker and Dawn Marquardt of Marquardt Surveying, Assistant Webb and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Gentry Estates Subdivision filed by Kirk Gentry and Marquardt Surveying to create four single-family residential lots. The subdivision is proposed on 19.73 acres and will be served by individual wells and septic systems. The subdivision is located near Kokanee Bend on the east side of the Flathead River 1 ½ miles east and south of Columbia Falls. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-30 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Gentry Estates subject to 9 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: AGREEMENT/SPECIAL FRIENDS ADVOCACY & EAGLE TRANSIT

Present at the August 25, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb and Clerk Eisenzimer.

Commissioner Watne presented an agreement ensuring bus service for Special Friends Advocacy by Eagle Transit

Commissioner Hall made a **motion** to approve document for signature and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CONTRACT AMENDMENT NO. 1/ADG & EAGLE TRANSIT

Present at the August 25, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb and Clerk Eisenzimer.

Commissioner Watne reviewed the Contract Agreement between Les Schlegel and Architect's Design Group for Eagle Transit, being a change order on a \$218,000 contract for \$2100.

Commissioner Hall made a **motion** to approve the Contract Agreement and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

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

4:00 p.m. Commissioner Hall attended Transportation Committee Meeting at Kalispell Chamber of Commerce

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

THURSDAY, AUGUST 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 Watne asked for public comment within the Commission's jurisdiction

Michael Frasier - I'm here to provide comment in support of the East Valley Estates preliminary plat, it's 55 acres and it's minimal development with 17 lots. What's really important to remember is that there's 30 acres that are going to be set aside for open space so it really fits with the character of the area. The lots are going to be clustered. When the planning board looked at that they said this type of project is exactly what the clustered subdivision provisions were written for to address. They said this is an ideal application and they were very supportive. I'd like to emphasize just a couple things about the owners, Jim and Donna Buechle, they've made land donations in support of conservation in the valley. They've placed conservation easements

on large tracts of land to preserve the open space and they've made sales of agricultural land to other farmers at ag prices rather than try to recover. This is a piece of property that really doesn't fit in any of those other categories and it really fits with development perspective so we think it's a good project and we would request your support.

Dave Heine – I'm here to express my support for East Valley Estates. I think it's a well designed cluster, the density's good. It does not intrude into any interior ag areas, it's located out near the Highway. It will be easy for future homeowners there to get into Kalispell and back without impacting the county roads, it's close to the Highway. Jim and Donna have been very supportive of protecting open space. We had this property for sale and after there were three offers to purchase, all by developers, they decided they wanted to have control of this themselves and that's why we're before you today.

Jim Buechle – I just want to say that my wife and I have tried to do the right thing by the property out there with the real estate out there. We put a conservation easement on some property, we donated a piece of property to Flathead Land Trust and this is as it's been said, this is a piece of property that doesn't fit with anything for us. It's our porous piece of property and so it's time to build some houses on it.

no one else rising to speak, Commissioner Watne closed the public comment period.

MEETING W/JIM ATKINSON, AOA

Present at the August 26, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, AOA Director Jim Atkinson, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to Senior Home Repair grant needs Exhibit 3B1, a signature certification form, and so said form was signed, witnessed by Assistant Webb and Notarized by the Clerk; remodel of leased building space for three offices and a conference room and whether or not to use an architect or use Maintenance Department to do remodel, agreement was made to wait and consult with Maintenance Superintendent Jed Fisher on completion of this project; no progress on plan to purchase Gateway West Mall.

PRELIMINARY PLAT: MARION PINES, LOT 17

Present at the August 26, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Debbie Shoemaker and Dawn Marquardt of Marquardt Surveying, Richard Walker, Assistant Webb and Clerk Eisenzimer.

Holland reviewed the preliminary plat for Lot 17 of Marion Pines filed by ASG, Inc. and Marquardt & Marquardt Surveying to change Lot 17 from single family residential to commercial use on approximately 6.02 acres. The property is located at 120 Marion Pines Drive, Marion, Montana. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-23 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Lot 17 of Marion Pines subject to 6 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

PRELIMINARY PLAT: EAST VALLEY ESTATES

Present at the August 26, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Dave Heine, Jim Buechle, Donna Buechle, Lisa Wurster and Michael Frasier of Thomas Dean & Hoskins, Assistant Webb and Clerk Eisenzimer.

Holland reviewed the preliminary plat for East Valley Estates filed by Buechle Living trust, James E. and Donna J. Buechle, a major subdivision that will create 17 lot single family residential lots on approximately 55.052 acres. The subdivision will be served by multi-user wells and individual sewer systems and is in an unzoned portion of the county. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-25 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for East Valley Estates subject to 14 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: WILLIAMS

Present at the August 26, 2004 10:00 A.M. Meeting were Chairman Gipe Commissioner Hall, Planners Traci Tull and George Smith, Janet Turner, Doug Williams, Bill Montgomery, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit/Major Variance filed by Doug Williams on Ashley Lake to construct a seaplane exit ramp. Staff recommends approval. General discussion was held and it was recommended that the applicants keep the ramp natural and completing the project with native vegetation and washed rock to restore the area of work and blend in with the natural surrounding area.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-17 with 31 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye**- Hall and Watne. Motion carried by quorum.

FINAL PLAT: GOOD ROCK ESTATES

Present at the August 26, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Rick Swan of Thomas Dean & Hoskins, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the application submitted by Thomas, Dean & Hoskins for approval of Good Rock Estates, which will create five residential lots in Assessor's Tract 3A in Section 32, Township 30 North, Range 20 West, and Assessor's Tract 7A in Section 29, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana. The subdivision is located immediately west of Middle Road, south of Badrock Drive and is situated approximately three miles south of Columbia Falls. The property is unzoned. Preliminary plat was approved on February 17, 2004, subject to 17 conditions. Staff recommends approval.

Commissioner Hall made a **motion** to approve the final plat for Good Rock Estates. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: EVERS CREEK MEADOWS

Present at the August 26, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Assistant Webb and Clerk Eisenzimer.

Holland reviewed the application submitted by John and Linda Kauffman for approval of Evers Creek Meadows, a two lot subdivision in Section 35, Township 32 North, Range 24 West, P.M.M., Flathead County, Montana. The subject property is 160.711 acres in size and is unzoned. Preliminary plat approval was waived on August 19, 2003 subject to eight conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-26 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the final plat for Evers Creek Meadows Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: BEAR RUN ESTATES

Present at the August 26, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Planner Peggy Goodrich, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the application submitted for final plat approval for Bear Run Estates Subdivision, a five lot minor subdivision located near the Smith Lake Waterfowl Production Area and is the site of the "Conrad Ranch" along Von Der Heide Lane approximately five miles west of Kalispell. The subject property is 45.47 acres in size and is located in an unzoned area. Preliminary plat approval was granted on January 13, 2004, subject to sixteen conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-30 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the final plat for Bear Run Estates. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: ROCKY CLIFF INDUSTRIAL PARK

Present at the August 26, 2004 11:15 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the application submitted by Marquardt and Marquardt Surveying for final plat approval of Rocky Cliff Industrial Park Subdivision, which will create 3 Industrial lots off Rocky Cliff Road in Section 33, Township 28 North, Range 21 West. The property is zoned I-1H, Lower Side Zoning District. Preliminary plat approval was granted on November 6, 2002 subject to 9 conditions. Staff recommends approval.

Commissioner Hall made a **motion** to approve the final plat for Rocky Cliff Industrial Park. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF EDUCATIONAL ASSISTANCE: D. MICHELS

Present at the August 26, 2004 11:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne reviewed a memo from Paula Robinson requesting educational assistance for D. Michels in the Finance Department to continue education relevant to her position with Flathead County.

Commissioner Hall made a **motion** to approve the requested educational assistance. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: NATIONAL INCIDENT MANAGEMENT SYSTEMS/OES

Present at the August 26, 2004 11:30 A.M. Meeting were Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1741. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1741

WHEREAS, the President has declared that in order to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management with the objective of ensuring that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management;

WHEREAS, the federal government, through the Department of Homeland Security, has promulgated the National Incident Management System (NIMS);

WHEREAS, the promulgation was announced by Secretary Ridge in March, 2004; and

WHEREAS, State and local agencies must adopt the NIMS to receive Federal preparedness assistance (through grants, contracts and other activities).

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that Flathead County, Montana, hereby adopts the National Incident Management System as promulgated by the Department of Homeland Security, as summarized on the attachment hereto.

Dated this 26th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
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
Deputy

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WINDWALKER ESTATES PUD

Present at the August 26, 2004 11:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

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

The area proposed to be overlaid with a PUD is described as Assessor's Tracts 5C and 2B in Section 2, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located at Windwalker Estates Subdivision in Kalispell, Montana.

The proposal would allow for the development of thirty nine (39) residential lots, and 1 ancillary lot where an indoor arena will be built, on 197.61 acres. Although the overall density of one lot per five acres would not be increased, the proposal would allow for lots of less than five acres on portions of the property, with the increased density offset by detailed plans and phasing in of the development.

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

The public hearing will be held on the **13th day of September, 2004, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the West Side Zoning District.

DATED this 26th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W. Watne, PT
Howard W. Gipe, Chairman

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

Publish on August 31 and September 7, 2004.

3:00 p.m. Commissioner Hall attended Jobs Now Meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 27, 2004.

FRIDAY, AUGUST 27, 2004

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 30, 2004.