
MONDAY, OCTOBER 18, 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/JIM ATKINSON, AOA

Present at the October 18, 2004 9:00 A.M. Meeting were Chairman Gipe, AOA Director Jim Atkinson, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to attendance at state conference for Eagle Transit; award of two diesel truck cabs for Eagle Transit; request to have Commissioners view new office space; mental health legislative issues.

Commissioner Hall was seated.

PUBLIC HEARING: CROSSROADS CHRISTIAN FELLOWSHIP ZONE CHANGE REQUEST/BIGFORK ZONING DISTRICT

Present at the October 18, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Planner Peggy Goodrich, Don Burton, Assistant Webb, and Clerk Eisenzimer.

Goodrich presented Staff Report FZC-04-19 which is a request by Crossroads Christian Fellowship to change zoning in the Bigfork Zoning District from R-1 (Suburban Residential) to B-3 (Community Business).

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the requested zone change.

No one rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the requested zone change.

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

Commissioner Hall made a **motion** to adopt Resolution No. 956 BD. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 956 BD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the - 18th day of October 2004, concerning a proposal by Crossroads Christian Fellowship, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on October 7 and October 14, 2004;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, finds from the Planning Board's report that the proposed zoning gives reasonable consideration to the character of the district, and adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business), that area being described on Exhibit "A" hereto.

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

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

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 18th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By: _____
Robert W. Watne, Member

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
CROSSROAD CHRISTIAN FELLOWSHIP
REQUEST FOR ZONE CHANGE FROM R-1 TO B-3**

LEGAL DESCRIPTION

The property proposed for rezoning is located on the east side of Highway 35, just north of the intersection of Highway 83 and Highway 35 (Streeter's Corner) in Bigfork. The property can be described as Lot 2, Flathead Swan Junction Unit No. 3, Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
BIGFORK AREA ZONING DISTRICT**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 956BD) on October 18, 2004, to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business)

The boundaries of the area proposed to be amended from R-1 to B-3 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district designed to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, to a business district providing areas for the development of congregated community shopping areas, to serve a number of neighborhoods of a major segment of the Planning Area, as a business center and not a strip development.

The regulations defining the R-1 and B-3 Zones 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.

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

DATED this 18th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

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

Publish on October 21 and October 28, 2004.

**EXHIBIT A
CROSSROAD CHRISTIAN FELLOWSHIP
REQUEST FOR ZONE CHANGE FROM R-1 TO B-3**

LEGAL DESCRIPTION

The property proposed for rezoning is located on the east side of Highway 35, just north of the intersection of Highway 83 and Highway 35 (Streeter's Corner) in Bigfork. The property can be described as Lot 2, Flathead Swan Junction Unit No. 3, Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County.

PUBLIC HEARING: ARMSTRONG LANE ROAD NAMING

Present at the October 18, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Armstrong Lane.

No one present to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Armstrong Lane.

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

Commissioner Hall made a **motion** to adopt Resolution No.1753. Chairman Gipe **seconded** the motion. **Aye** -Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1753

WHEREAS, Flathead County has proposed to name a private road **generally running westerly off Spring Creek Drive and located in the southeast quarter (SE1/4), Section 10, Township 28 North Range 22 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 18, 2004, concerning the proposal, after publication and mailing of notice thereof on October 5, 2004, and October 12, 2004; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road **generally running westerly off Spring Creek Drive and located in the southeast quarter (SE1/4), Section 10, Township 28 North Range 22 West, P.M.M., Flathead County, Montana**, should be, and it hereby is, named Armstrong Lane.

BE IT FURTHER RESOLVED that the naming of Armstrong Lane shall be effective on October 18, 2004.

Dated this 18th day of October, 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

MEETING W/GEORGE SMITH/PLANNING & ZONING OFFICE RE: WATERSIDE MARINA VARIANCE

Present at the October 18, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner George Smith, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to a determination of whether the variance requested for the Waterside Marina (aka Cottage Cove) variance qualifies as major or minor.

Agreement was made that the request is for a Major Variance.

MEETING W/LINDA & DEL COOLIDGE RE: CULVERT ON POLEBRIDGE LOOP ROAD

Present at the October 18, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Linda and Del Coolidge, Road Superintendent Charlie Johnson, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to a question about Polebridge Loop Road and to whether Polebridge Loop Road is going to be maintained. The Board of Commissioners said that road will not be maintained. The second request concerns an easement that crosses their property and has never had a road built there and they were instructed to begin abandonment process.

CONSIDERATION OF REQUEST FOR MEDICAL LEAVE: P. RENFRO

Present at the October 18, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to request for Medical Leave for Pam Renfro.

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

DOCUMENT FOR SIGNATURE: SECTION 5311 CONTRACT/EAGLE TRANSIT

Present at the October 18, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe reviewed a contract for gift to Agency on Aging.

Commissioner Hall made a **motion** to approve Section 5311 Contract for Copier. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve document for signature to purchase two computers. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING: ROW SPECIALIST & OPERATOR/ROAD DEPT.

Present at the October 18, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to request for Right of Way Specialist and an Operator for Road Department.

Commissioner Hall made a **motion** to approve the opening of position for a Right of way specialist. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve operator position for the Road Department. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF EQUIVEST REQUEST: D.JONES

Present at the October 18, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to request from D. Jones to roll over Equivest 401 (k) to roll over to another fund.

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

MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the October 18, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Deputy County Attorney Jonathan Smith, Human Resource Director Raeann Campbell, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to transportation program manager job has not revised and AOA is requesting revision to job description; job description was approved for Human Resource Assistant on August 20; request for approval for Flu mist for insurance benefit; presentation of employee incident report forms and non-employee incident report forms.

Commissioner Hall made a **motion** to approve the revision to AOA job description. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the job description for Human Resource Assistant. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to deny insurance benefit for Flu Mist. Chairman Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve incident reports. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

11:30 a.m. Chairman Gipe attended a Meeting w/Franz Barthel

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 19, 2004.

TUESDAY, OCTOBER 19, 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.

Chairman Gipe opened the public comment period asking for comments within the Commissions' jurisdiction, no one rising to speak Chairman Gipe closed the public comment period.

MEETING W/KALISPELL INDUSTRIAL CENTER RE: COUNTY ROADS

Present at the October 19, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Road Superintendent Charlie Johnson, Kirsten Johnson, Pride Johnson, Reed Darrow, John Krimmell, Shelly Toavs, Bernie Olson State Representative HD 76, Jordonna Dores, Bob Cook, Joshua Backer, and Clerk Eisenzimer.

Reed Darrow, a member of the Kalispell Industrial Center Board of Directors, presented the Board with a break down of the Kalispell Industrial Center Businesses by number of employees, total taxes, and road taxes. Myself and several business owners, or their representatives along with Senator Bob Keenan, Representative Bernie Olson are here collectively to request the Board of Commissioners to place the public county roads in the Kalispell Industrial Center on a full maintenance schedule. The Kalispell Industrial Center is a business park located south of Kalispell off of US Highway 93 and acts as a gateway business park for Kalispell, the county seat of Flathead County. Let me start with a little history, the business park was platted and approved in the late 1970's. At that time it was mandated that the roads be built to county specs and then deeded to the county. Approximately 3300 feet of county road was completed, paved and deeded to the county in the early 80's. It wasn't until the early 90's that the first businesses located there. Now, in 2004 90% of the original 18 lots are occupied by viable growing businesses. Our dilemma is that in the decade in which the park was vacant, the county was not in the practice of maintaining these little used roads. However now and for the last decade, there is definitely a need for road maintenance and

the county has not provided maintenance, sanding, or snowplowing. Over 200 employees come to work on these county roads on a daily basis. In addition to these businesses customers and the trucks that supply them with their goods and services. These roads may very well be the most used unmaintained county roads in the county. The land owners currently pay over \$2500 a year in property taxes to the county road department. Total property taxes exceed \$84,000 a year, that's in 2003. Payroll from these businesses exceeds 6.5 million. That's a lot of money to be driving on unsafe, public county roads. These businesses are like most small businesses, they are the driving force behind economic development in the Flathead County. To retax these businesses by forcing them to privately maintain a county road is grossly unjust. The current Kalispell Industrial Center Association has no structure, ways or means to impose fees to its members to maintain a public county road. Four wheel drives and tow trucks should not be required to access these businesses. While we realize that the county road department is underfunded, perhaps the Flathead County Board of Commissioners could be persuaded to prioritize. I'm reminded that when the company Stream came here, several years ago, there were numerous city and county personnel and officials and various agencies working on incentives and tax relief to get them located here. Stream's gone now, we're still here. All we're asking is a little over ½ mile of county road be maintained. It's easy for the Board of Commissioners or the County Road Department to say that we don't have the money perhaps there's some economic development funding that the Commissioners could get a grant for or just simply prioritize. One business north of Whitefish got almost a ½ mile of county road paved when they located there, with the intent of employing 10 – 40 people. Where they got the money, how they got it, I don't know but the county paved the road. A business park the magnitude of Kalispell Industrial Center certainly deserves to be on the road maintenance schedule after 20 plus years of neglect. While all along it has and will continue to generate tax revenue and bolster economic activity. At this point I'd like to let the other business owners from the Kalispell Industrial Center state what they have to offer in their expectations along with our Representative and Senator.

I'll start, my wife and I own Ranger Storage, located on three lots in the Kalispell Industrial Center. We pay taxes on 1.1 million dollars of assessed real estate. We have 56,000 square foot of leasable space, 14,000 of which is largely commercial use. We've expanded seven times now and currently paid \$468 annually to the County Road Department.

Kirsten Johnson – of Counter Assault. We're a pepper spray manufacturer and we own lot 5 in the Kalispell Industrial Center. We manufacture bear deterrent, personal defense sprays, law enforcement and military sprays. Over 75% of our business is to out of state and international customers. We have 4 full time employees and we also use temporary employees and local subcontractors as well. Our annual salaries in subcontract payments are approximately \$200,000. Our 2003 assessed value was about \$230,000 and we paid property taxes of just over \$2800. This spring we completed an expansion that doubled our warehouse and manufacturing space. I understand that the county paved about ¾ of a mile of road for a single business relocating to Whitefish. I do not believe it is appropriate for the county to expand it's paved road system for a single company in the county who has 12 employees currently and yet not maintain the county roads for 17 companies with over 200 employees annual payrolls in excess of \$6.7 million and plans to add more jobs.

Shelly Toavs – I work for Connector Technology we have 50 employees at our facility and I don't have any of the tax breakdown of what we pay for roads. We also have several delivery trucks that make deliveries to our facility and pick ups throughout the day.

John Krimmell – I'm the property owner at Lot 9 in the Kalispell Industrial Center. We're KR Automotive, we being myself and my son-in-law. We're a small automotive specialty shop. We do some fabrications, some restoration and some development of some advanced systems. We pay oh, this year we paid \$2500 or so in property tax, \$100 of that in road use. That's all I have to say.

Joshua Backer – With BMC Trust. We own 140 Industrial Court, we have anywhere from 20 – 30 employees on an annual basis. It fluctuates during the season and we have 3 – 4 delivery trucks that are constantly driving on the roads there. We pay about \$8500 in overall taxes and about \$300 of that dedicated to the road taxes. We have and we pay our employees our annual payroll is around \$650,000. I feel that the county should really take a look at maintaining these roads.

Jordonna Does – I am the owner of Merlin Data Publishing doing business as Merlin Information Services. My husband and I also own Complex Drive Building Partners. We came to the valley ten years ago, my husband and I brought our little company and we've been quietly growing ever since. Right now we employ 61 employees. We are going to pay out \$2.4 million in payroll alone this year. So 61 employees, \$2.4 million in payroll, you can do the math, these are good paying jobs. We are getting ready to break ground on a brand new building in between Counter Assault and Coca-cola down there. That's the Complex Drive Building Partners and that new building is going to accommodate up to 49 new workstations. It's also going to accommodate the largest data center that the Flathead Valley has. We're going to see our payroll go up immediately in 2005 to about \$3.1 million and it's going to keep growing from there. You've never seen me here before you, asking for help. We, Merlin Information Services and Merlin Data Publishing has not come to the governmental agencies and asked for aid. We are coming to you and asking for help now because our employees are complaining about not being able to get their vehicles into their work place on a level road on the county when it snows because no body's plowing. The potholes are really bad over there. Our employees deserve to be able to get to work on a level road in the county, it's not a lot of road, it's ¾ of a mile of road. It's a small amount. We are business people, all of us here are business people and we understand that you've got budgets to deal with. We understand that. What we're asking for is not only do we want to get the road fixed, because it really needs some major repair, it's been neglected for ten years. On the immediate basis, we'd like to get it plowed. We'd like to get the pot holes filled if we could. That would be wonderful, get the pot holes filled, get the plowing done and then lets get us on the priority list and move up there for substantial improvement on that road. That's a county road, that's bringing in a lot of money. You've got the information in front of you. It's going to continue to grow. Bob over here is putting in new businesses here that he's going to be leasing out to new businesses that are coming in. That road deserves to be maintained by the County. We are not asking you for any other kind of public welfare, government welfare or anything else to help our corporations and our businesses. We're just asking that our employees be able to get to work on a safe road that's plowed in the winter time, the pot holes are filled and it's maintained from here on out.

Bernie Olson – I live in Lakeside. I am the current Representative to the State of Montana for this district which is currently District 76, soon to be in this next election, District 10. I'm running for re election but I'm here primarily because this complex is the biggest employer in my district. It has the biggest payroll, most people working and the issue here is, we're talking about 3300 feet of road in the complex, it's providing tremendous economic growth and benefit to my district and to the whole county. When I was contacted, I wrote you all three of you Commissioners a letter on this issue, some time back and what we're trying to do is follow up on that letter to make sure that you understand that this is an important issue and for me and my District it's a very important issue. It's one of the things that I've campaigned on in the past that we need to encourage business to come to the valley and in this case we're talking about businesses that are already here coming on their own without tax incentive, without asking us to do things for them. They're already here, they're already providing the jobs and it makes sense to me that as a Republican, just as a taxpayer and a person that lives in that District that is something that we should be doing at the County level and I know the budget issues. In fact I just got some information from the Highway Department here yesterday

that makes it look like it's even going to be tougher for you but I'm thinking that there's got to be roads that don't have near the traffic that this one does that we could certainly come in and take care of 3300 feet of road as the people are paying taxes want us to do. I would like the Commissioners to consider this because for me it's a very high priority item.

Bob Keenan – Thank you, I like the fact that the roles are reversed and I'm testifying in front of a Committee. Asking for money, I haven't done that for a while if ever. At any rate, Mr. Darrow came to see me, or called me up I should say, a few months ago and so he has been working on this issue obviously for a long time and I suggested that we, that he get his group together and that they compute their taxes and that we approach this, we all absolutely all of us understand the limited road budget that we have and it seems to be shrinking all the time. I don't know how House Bill 124 a couple of sessions ago and then the state assumption of the Secondary roads impacted the County road budgets but it might be something to look into. We understand that it's a prioritization that you have for spending your money on county roads and just would appreciate your consideration for these folks, given the number of people that travel on that road on a daily basis and the payroll that they contribute to the economy of Flathead County.

Chairman Gipe – Let me just say a couple of things. As most of you know, I've been here for too long and that's 18 years. We have never taken over the maintenance of a county road in 18 years that was like yours. We've got several of them, more than several that people have come in, just like you folks are doing and has asked us to do that. The reason is certainly we've always felt that if we did something like that, we ever let the curtain down, why there'd be six more groups in here next week to want us to do the same thing. That's not to say that something can't be done with your road or can't be done through the county with grants and things like that. I think that there's something that I know as long as I'm here, I'm certainly willing to work and we're willing to talk about it. Charlie and I, I don't know how many times we've talked about your problem and like I say, I guess the only reason I can tell you that it hasn't been done is because we're afraid let that curtain down because we'd be swamped with other requests. I think the best thing I've seen, this is the best sheet of paper that I've seen, at least you've done your work and you showed us what's out there. I would certainly be willing and am willing to see if we can't work something out.

Commissioner Watne – I agree, 100%.

Chairman Gipe – The \$2500, you all can see and the thing that we get hit with why all the time is that people come in here and say well, we pay \$84,000 taxes, well, I agree with you, you pay that much taxes but you certainly have done a good job and if Reed, if you or whoever broke out that road tax, it shows exactly what the problem is in Flathead County, it shows exactly what the problem is throughout the state is that there's not enough road taxes going to the roads. Let's see if we can't work something out for you.

DOCUMENT FOR SIGNATURE: CONVEYANCE OF CEMETERY LOT/G. CAPDEVILLE

Present at the October 19, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Conveyance of a Cemetery Lot to Glenn Capdeville. Chairman Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE REQUEST/RESOURCE LABOR GROUP OF MONTANA, LLC

THIS MEETING WAS NOT HELD

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CLYDESDALE LANE ROAD NAMING

Present at the October 19, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

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

Road generally running easterly off Hems Road and located in the Southwest 1/4 of the Southwest 1/4 in Section 14, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **3rd day of November, 2004, at 9:45 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **CLYDESDALE LANE**.

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

Dated this 19th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

Publish on October 22 & 29, 2004.

CONSIDERATION OF POSITION OPENING: COURIER/LIBRARY

Present at the October 19, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe reviewed a request for opening the position of courier.

Commissioner Watne made a **motion** to approve the request to open the position of courier. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

Present at the October 19, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Sheriff Jim Dupont, and Clerk Eisenzimer.

General discussion was held relative to consortium to build radio tower communication along the northern border; reimbursement for Title III money.

Commissioner Watne made a **motion** to approve the signing of the Memorandum of Understanding between the Department of Military Affairs, Disaster and Emergency Services Division and the Northern Tier Interoperability Consortium and authorize the Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: PALMER

Present at the October 19, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner George Smith, and Clerk Eisenzimer.

Smith reviewed Lake and Lakeshore Construction Permit filed by Jack Palmer on Flathead Lake to construct a dock 103 feet from high water mark of shoreline. Dock will be concrete/steel pier & steel frame structure supporting pre-cast concrete decking. Dock will be a gangway section 6 feet, 6 inches wide for a distance of 72 feet extending lake-ward to cluster of large imbedded boulders; & comprising 851 sq. ft. of impervious cover. At boulder cluster, dock is an irregular platform with faces approx. 34 feet, 18 feet, 31 feet, 6 feet & 36 feet respectively in a clockwise direction from the gangway intersection; comprising 1020 sq. ft. Total impervious cover is 1,871 square feet. Native rock boulders will serve as primary foundation for dock, and applicant is planning to plane boulders down to minimize boating hazard & to drill for piers. All work will be done at lowest water. Staff recommends approval. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLV-04-27 with 19 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye**- Watne and Gipe. Motion carried by quorum.

QUARTERLY INVESTMENT REPORT W/ADELE KRANTZ, TREASURER

Present at the October 19, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Treasurer Adele Krantz, Karen Okamoto, and Clerk Eisenzimer.

Discussion was held relative to the progress of the pool investment program; thanks for the 3% convenience fee, credit card use is declining but costs should be recovered, update on tax bills, public administration cases should be closed by the end of the year.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 20, 2004.

WEDNESDAY, OCTOBER 20, 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.

- 9:15 a.m. RSVP Meeting at Windward Place**
- 11:00 a.m. County Attorney Meeting at County Attorney's Office**
- 12:00 p.m. Chairman Gipe attended DUI Task Force Meeting at the Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 21, 2004.

THURSDAY, OCTOBER 21, 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.

Seeing members of the public present, Chairman Gipe opened the public comment period asking for comments within the Commissions' jurisdiction.

Dave Hadden – I'm here today just to make a comment about the Flathead County's Adopted Framework for Coordination with State and Federal Agencies. I've been attending the county's Natural Resource Advisory Committee when my time and schedule permits. I'm not sure where this resolution originated but maybe it originated from that Committee. If it has, I hadn't in the times I've been able to attend that committee, I haven't heard any discussion about it. I just learned about the resolution last night at about 8:15 and so I scrambled, I read it several times and scrambled to put together some thoughts to talk to you about it. I'm neither for nor against the resolution, but at the same time I really don't know what it means or what its intent is. For example, as all resolutions are written, there are several Whereas's, the last Whereas says the County has cooperating status. That term cooperating status, I don't really know what it means and I'm not sure with whom the County is saying it has cooperating status. It's unclear.

Commissioner Hall – Let me address that or I can just let you give your comments.

Dave Hadden – If I could just finish my comment, that'd be great. I guess having read it several times now, my greatest concern is with paragraph 3 at the bottom of the page. The last paragraph, second to last paragraph on the page, numbered paragraph number 3, which reads the public involvement can be interpreted to require open meetings and there is no need to have a meeting unless the topic can be discussed publicly, in a meaningful way. The sharing of technical information does not require a public meeting. I don't have problems with that on the surface but I'm not really sure what it means, I really believe in open government and I'm concerned that this resolution.

Chairman Gipe – Well, we do too. We do very much so.

Dave Hadden – I'm just concerned, it seems like that's one of the key intents of this resolution is to define what a public meeting and to perhaps and I see a potential for the public to be excluded from public dialogue.

Chairman Gipe – Not while we're involved.

Dave Hadden – Well that's good to be reassured on that but I'm really concerned on two points. That this resolution has been brought forward without notice that I took notice of to the public except in the Commissioners agenda to be heard by the public and to receive public comment on the day of its adoption so I think the timeline there is very short. As I said earlier, the effect maybe to preclude the public from important meetings that should be open to the public under the Montana Public Meeting law so I would just request that the County Commission table the adoption of the resolution today and provide the public with adequate notice and a period of time to comment on the resolution particularly because of my concern is that it may infringe on people's right to participate in government.

Chairman Gipe – Well, we wouldn't participate if it wasn't open to the public. We just won't do that because that's illegal.

Dave Hadden – I can appreciate that and I think your record can speak to that, I just am concerned that this can be construed to be something where the public is, there may be an initiative between government agencies and that initiative may go unnoticed until it's well formed and beyond the scope of the public to really comment on it.

Commissioner Hall – Let me address that. Let the record show this is Dave Hadden, are you representing your organization or.

Dave Hadden – I'm representing myself.

Commissioner Hall – Okay, just for the record. The meeting I think, have you missed the last two? I know you missed the one yesterday and how about the one before that.

Dave Hadden – I think I missed the one before, I was.

Commissioner Hall – I don't have the minutes in front of me but that was requested. What was requested, this came out of the other plans around the State that have completed their Resource Use plans. Beaverhead in particular completed their Resource Use plan. The outline of this resolution came from Beaverhead. As you know, we've given you everything that we've been doing and kept you in the process as much as when you're there and so forth. So this was patterned after what the other Resource Use plans have done around the State in the past. So, it's nothing more than just the framework for cooperation or coordination with our Federal and State agencies. The whole purpose of the Resource Use plan, as you know is to gain cooperating agency status. That is an official Federal requirement that communities have that anyway but you have to go through this process of having this resource use program in place in order to gain that cooperating agency status. The reason I brought up the last two meetings, the meeting before last was our resolutions in place. As we look through all that we've been doing, as you know for the last year, this resolution was not in place and so we put it together with our attorney and presented it to the Commissioners. It just came forward to be dealt with, you know your attorney has written it and trust me, he will not let any. This paragraph three is I guess we can ask him about it this morning but I don't see a problem with it. But it's a resolution that has to be in place in order for us to finish our process of gaining cooperating agency status which is actually required by Federal Law.

Dave Hadden – So, under the Whereas the County has cooperating status, if this were adopted today at the time frame it was proposed in the agenda, the county will not technically have cooperating status until you complete the resource use plan.

Commissioner Hall – yes, see it's a technicality and in fact, Kathy at the Forest Service says you already have cooperating status but officially, I think as a matter of record, this resolution has to be in place in order for us to finish, we're almost done with the Resource Use plan as you know and we'll have public hearings on it and public comment and may probably revise it after we get more comment.

Dave Hadden – Well, this came so quickly, I wasn't really sure if it came out of the committee. I wasn't sure how it did and why it was put forward outside of the rest of the package that everything was going forward with so.

Commissioner Hall – Oh, it is part of the package, in fact, it should have been done probably toward the beginning of this process but it has to be a part of the process. Like I said, we adopted it and got the language out of the other counties that have done that.

Dave Hadden – Thanks for answering my question. I know it was testimony time, I wasn't expecting to get answers but thank you for your time.

MONTHLY MEETING W/RICHARD STOCKDALE, ANIMAL CONTROL

Present at the October 21, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Animal Control Director Richard Stockdale, and Clerk Eisenzimer.

General discussion was held relative to coordination between the State, Road Department and Weed, Parks and Maintenance and replacement of signs at Four Corners intersection, Humane Society is full and requesting very few animals for adoption; advised the Commissioners on experience working in Alabama during Hurricane Ivan; issues with vicious dogs and dogs harassing livestock;

MONTHLY MEETING W/JED FISHER, WEED, PARKS AND MAINTENANCE DEPARTMENT

THIS MEETING WAS NOT HELD

MONTHLY MEETING W/ALAN MARBLE, OES

Present at the October 21, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, OES Director Alan Marble, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to reiterations of goals and fulfilling training and readiness for several emergency responder groups; Northern Tier project and grant projections; update of emergency operations plans; reconfiguration of Emergency Broadcast System so that all entities are informed; preparation of volcanic ash plan.

PUBLIC HEARING: SLETHAUG LANE ROAD NAMING

Present at the October 21, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Slethaug Lane.

No one present to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Slethaug Lane.

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

Commissioner Watne made a **motion** to adopt Resolution No. 1754. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1754

WHEREAS, Flathead County has proposed to name a private road generally running northeasterly off Montana Highway 83 (Swan Highway) and located in the NE ¼ Section 23, the SE ¼ Section 14, the W½ and NE ¼ Section 13 and in the SE ¼ Section 12, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 21, 2004, concerning the proposal, after publication and mailing of notice thereof on October 10, 2004, and October 17, 2004; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northeasterly off Montana Highway 83 (Swan Highway) and located in the NE ¼ Section 23, the SE ¼ Section 14, the W½ and NE ¼ Section 13 and in the SE ¼ Section 12, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Slethaug Lane**.

BE IT FURTHER RESOLVED that the naming of **Slethaug Lane** shall be effective on October 21, 2004.

Dated this 21st day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SANDERS ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Johna Morrison, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No.957AQ Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 957 AQ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 23rd day of August, 2004, to consider a request to change the zoning designation in a portion of the Lower Side Zoning District from AG-20 and AG-80 (Agricultural) to SAG-10 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 957 AP, dated September 1, 2004) to change the zoning designation in a portion of the Lower Side Zoning District from AG-20 and AG-80 (Agricultural) to SAG-10 (Suburban Agricultural); and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 5 and September 12, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and amends the Lower Side Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-20 and AG-80 to SAG-10, as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 21st day October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

EXHIBIT A
ROBERT AND MARJORIE SANDERS, ROLLAND AND LAUREL ANDREWS,
MARK SALANSKY
ZONE CHANGE FROM AG-20 AND AG-80 TO SAG-10

The properties are located along Lower Valley Road, approximately 2-3 miles southeast of the intersection of US Highway 93 North and Lower Valley Road. The subject properties may be legally described as Lot 1 of the Amended Plat of Lots 1 and 2 of Cloverleaf Estates, and Assessor's Tract 1 in Government Lot 4 in Section 35, and Assessor's Tracts 7C and 5 in Section 34, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SAV, LLC ZONE CHANGE/EVERGREEN VICINITY ZONING DISTRICT

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Johna Morrison, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 797CZ Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 797 CZ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 30th day of August, 2004, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention

(Resolution No. 797 CY, dated August 30, 2004) to change the zoning designation from R-2 (One Family Limited Residential) to R-5 (Two Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 2 and September 9, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-2 (One Family Limited Residential) to R-5 (Two Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 21st day of October, 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: _____
Gary D. Hall, Member

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
SAV, LLC
ZONE CHANGE FROM R-2 TO R-5**

The property is located in the Evergreen and Vicinity Zoning District near the intersection of Harmony Road and Solberg Drive. The subject property may be described as Lot 2 of amended plat of portions of lots 22 and 23 of Hoiland-Day Acres, a subdivision in Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 400 Solberg Drive.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GUNDERSON & LEIB ZONE CHANGE/EVERGREEN & VICINITY ZONING DIST.

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner and Watne, Planner Johna Morrison, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 797CW. Chairman Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 797 CW

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 23rd day of August, 2004, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Residential) to I-1 (Light Industrial);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 CV, dated September 1, 2004) to change the zoning designation from R-1 (Residential) to I-1 (Light Industrial); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on September 5 and September 12, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-1 (Residential) to I-1 (Light Industrial), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 21st day of October, 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: _____
Gary D. Hall, Member

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
KAREN GUNDERSON & DOUGLAS LEIB
ZONE CHANGE FROM R-1 TO I-1**

The property is located in the Evergreen and Vicinity Zoning District on Whitefish Stage, approximately two miles south of the intersection of Whitefish Stage and Reserve Drive. The subject properties may be described as Assessor's Tracts 11BA and 10A in Government Lot 12 in Section 5, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF PRINTING BIDS: ANIMAL CONTROL

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve on behalf of Animal Control, the bid submitted by Northstar Printing for two part dog license applications in the amount of \$249. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

MEETING W/SAFETY COMMITTEE & RAY BARNICOAT/MACo

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Ray Barnicoat from MACo, Carl Crouse from the Safety Bureau, Human Resource Director Raeann Campbell, Solid Waste Superintendent Dave Prunty, Animal Control Director Richard Stockdale, OES Director Alan Marble, Robin Boon, and Clerk Eisenzimer.

Discussion was held regarding the opportunity for the Safety Committee in Flathead County being a pilot program on the implementation of SMART, a Safety Excellence Program.

Carl Crouse presented the Board of Commissioners and the members of the Safety Committee with an outline and draft information on the program.

Agreement was made to implement the requested program.

Explanation of accomplishments of the Safety Committee and a request for information from safety members that information is given to employees.

FINAL PLAT: JOHN'S GARDEN ACRES

Present at the October 21, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Johna Morrison, Ted Dykstra, Dawn Marquardt of Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Marquardt Surveying for final plat approval of John's Garden Acres Subdivision which creates 42 single family residential lots. The subdivision is located in Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana. The preliminary plat approval for this subdivision was granted on February 4, 2004 subject to 16 conditions of approval. Morrison indicated that all conditions had been met or otherwise addressed. The parkland is dedicated on the plat and a check for the appraised value of the .47 acres has been deposited in the amount of \$2790.00. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$156,101.10 Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat of John's Garden Acres Subdivision. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: FLATHEAD COUNTY'S ADOPTED FRAMEWORK FOR COORDINATION

Present at the October 21, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, Chuck Samuelson, Clarice Ryan, Fred Hodgeboom, Gina Klempel, Ronald Buentemeier, Jim Hollopeter, Clarence Taber, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No.1755. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION 1755

**FLATHEAD COUNTY'S
ADOPTED FRAMEWORK FOR COORDINATION
WITH STATE AND FEDERAL AGENCIES**

WHEREAS, Flathead County, as a political subdivision of the State of Montana, desires to fully participate in the planning and regulatory process at the Federal and State level;

WHEREAS, the County desires to participate in a meaningful manner in the planning process of both State and Federal agencies;

WHEREAS, Federal law and regulation repeatedly discuss "Coordination with other Federal agencies, State and local governments, and Indian Tribes," in NEPA, FLMA, (citations in Flathead County Natural Resource Use Plan, Appendix C);

WHEREAS, Flathead County Commissioners created the Natural Resource Use Committee of the County Planning Board on July 28, 2003, appointed the member thereof on December 22, 2003, and have delegated part of this information gathering, decision making and planning process to the Natural Resource Use Committee;

WHEREAS, the County desires to implement a framework for participation in this process, to best facilitate "Coordination and Cooperation with other agencies";

WHEREAS, the State and Federal agencies recognize that the County is impacted by State and Federal planning and regulatory effect, and desire to encourage the County's meaningful participation in the same;

WHEREAS, the County recognizes that State and Federal agencies are impacted by County planning and regulatory effect and desire to encourage agencies meaningful participation in the same; and

WHEREAS, the County has cooperating status.

NOW THEREFORE, BE IT RESOLVED that Flathead County and its designated agents desire to participate in the State and Federal planning process as follows:

- 1) Meaningful public involvement probably requires more than timely exchange of information. It places an additional responsibility on the U.S. Forest Service and other Federal agencies to incorporate, where appropriate, the ideas and comments of State and local entities into Federal land use plans and decisions. When the comments of State and local entities are not incorporated, the Forest Service and other Federal agencies should explain why as thoroughly and clearly as possible.
- 2) Staff should be allowed to work with a possible action to determine whether it is reasonable that it will become a proposed action and shape the proposal so that it can be intelligently discussed. Meaningful involvement by the County probably begins at the point the staff recommends that the decision maker consider a discretionary action.
- 3) Public involvement can be interpreted to require open meetings and that there is no need to have a meeting until the topic can be discussed publicly in a meaningful way. The sharing of technical information does not require a public meeting.
- 4) Flathead County recognizes that the process of coordination, cooperation, and consideration of land and resource planning options place certain responsibilities upon Flathead County. To this end, Flathead County commits itself to respond to agencies enquiries to participate in the process described herein, and to be available before, during, and after the public participation process. Flathead County further understands its obligation to share information and ideas with State and Federal agencies, in the similar manner outlined herein. Flathead County recognized that the rights and obligation enumerated in this paragraph reciprocate amongst Local, State, and Federal agencies.

DATED this 21st day of October, 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: _____
Gary D. Hall, Member

By/s/ Monica R. Eisenzimer
Deputy

AUTHORIZATION TO PUBLISH NOTICE OF SALE: 1140 S. MAIN HOUSE

Present at the October 21, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Sale and authorize the Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

NOTICE OF SALE

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

The house located on Lots 9 and 10, Block 143, Kalispell Original Townsite, according to the map or plat thereof on file at the Office of the Clerk and Recorder, Flathead County, Montana,

which has a street address of 1140 South Main, Kalispell, Montana.

The successful bidder at auction must execute a contract requiring the buyer to remove the purchased building from County property by December 1, 2004. If the building is not removed by that date, the buyer will forfeit the building to the County, without return of the purchase price, and it will be razed and removed from County property. Trees may not be removed in order to remove the buildings without prior specific, written approval from the Board of Commissioners.

The auction of the described property will be held at the front door of the Flathead County Justice Center, 920 South Main, Kalispell, Montana, on the 4th day of November, 2004, at 9:00 o'clock, a.m. Bidding will start at 90% of the appraised value of the building. The appraised value is \$3,000.00 and, therefore, the bidding will start at \$2,700.00.

Interested parties may arrange to inspect the building to be sold prior to sale, by contacting the Flathead County Board of Commissioners, 800 South Main, Kalispell, MT 59901; Telephone: (406) 758-5503. The contract form to be signed at the sale is available at the same address and phone number. Terms of the sale will be cash at time of sale. The County is selling the property "as is", without any warranty or guarantee of any kind whatsoever.

DATED this 21st day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By /s/ Monica R. Eisenzimer
Deputy

Publish on October 26th and November 2nd, 2004.

2:00 p.m. Commissioner Watne attended Health Board Meeting at the Earl Bennett Building
5:00 p.m. Commissioner Hall attended Whitefish Stakeholders meeting at Mountain West Bank, Whitefish

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 22, 2004.

FRIDAY, OCTOBER 22, 2004

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 25, 2004.