

MONDAY, NOVEMBER 1, 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 no one present to speak on matters within the Commissions' jurisdiction, Chairman Gipe closed the public comment period.

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

THIS MEETING WAS NOT HELD

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the November 1, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Computer Services Director Norm Calvert, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to amount of work for Elections, conversation about telephone expenses.

PRELIMINARY PLAT: BIG HORN MEADOWS, LOT 2

Present at the November 1, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Kirsten Holland, Jim Burton of Jackola Engineering, J.T. Bauska, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the preliminary plat filed by Unicorp Inc. for approval of the Amended Subdivision Plat of Lot 2, Big Horn Meadows. This is a resubdivision of an existing commercial lot, creating a total of three commercial lots. The subdivision is proposed on 8.771 acres and will be served by individual on-site wells and septic systems. The subdivision is accessed via Big Horn Drive and US Highway 2 West. The property is in the Scenic Corridor Zoning District. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-32 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve Preliminary Plat of Amended Subdivision Plat of Lot2, Big Horn Meadows subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye**- Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #05-07-3-01-023-0

Present at the November 1, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Gipe presented the Department of Public Health and Human Services for a tobacco prevention program.

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

DOCUMENT FOR SIGNATURE: N.W.MONTANA HUMAN RESOURCES WORKPLAN-EMERGENCY SHELTER GRANT

Present at the November 1, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented the Northwest Montana Human Resources Workplan Emergency Shelter Grant for \$48,949.00

Commissioner Hall made a **motion** to approve the N.W. Montana Human Resources grant. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

THIS MEETING WAS NOT HELD

CONSIDERATION OF ADOPTION OF RESOLUTION: CREATION OF PART-TIME JUSTICE OF THE PEACE

Present at the November 1, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 432C. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 432C

WHEREAS, the Board of Commissioners of Flathead County, Montana, created a second Justice of the Peace Court in Flathead County, located in Columbia Falls, Montana, by its passage of resolution No. 171 on April 17, 1974, pursuant to Section 3-10-101, M.C.A.;

WHEREAS, the offices of the two Justices of the Peace were combined in the Flathead County Justice Center, which opened in September 1987;

WHEREAS, the Board of Commissioners enacted Resolution No. 432B on June 5, 1989, permanently rescinding the operation of the second Justice of the Peace Court.

WHEREAS the on-going growth in Flathead County has resulted in one Justice of the Peace no longer being able to complete all of the duties of the position in a timely manner; and

WHEREAS, the Board of Commissioners approved the inclusion in the Justice Court budget of a half-time Justice of the Peace position for fiscal year 2004-2005.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana that a second Justice of the Peace position is hereby designated to sit in Kalispell, Montana, and to be a half-time position.

BE IT FURTHER RESOLVED that the current Justice of the Peace position shall be denominated "Department No. 1" and the new half-time position shall be denominated "Department No. 2".

BE IT FURTHER RESOLVED that the starting salary for Department No. 2 shall be one-half of the base salary set for elected officials by the Board of Commissioners, on the recommendation of the Flathead County Compensation Board, for the 2004-2005 fiscal year.

BE IT FURTHER RESOLVED that the Board of Commissioners shall appoint a person to Department No. 2, pursuant to Section 3-10-206, M.C.A., to serve through 2006. The person elected in the general election to be held on November 7, 2006, shall serve a four-year term as prescribed in Sections 3-10-205 and 7-4-2205, M.C.A.

DATED this 1st day of November, 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

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

COS REVIEW: SARKINEN (2)

Present at the November 1, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Jim Burton of Jackola Engineering, Assistant Webb, and Clerk Eisenzimer.

Sanderson presented the two Immediate Family Transfer requests by Ed Sarkinen which creates 6 parcels which are all going to family members.

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 2, 2004.

TUESDAY, NOVEMBER 2, 2004

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

COUNTY OFFICES CLOSED – ELECTION DAY

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

WEDNESDAY, NOVEMBER 3, 2004

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

Seeing nobody present to comment on matters within the Commissions' Jurisdiction, Chairman Gipe closed the public comment period.

COS REVIEW: SIEMENS

Present at the November 3, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Joe Kauffman, Randy Siemens, Assistant Webb, and Clerk Moser.

Forrest Sanderson reviewed the Immediate Family Transfer requested by Randy Siemens.

Commissioner Hall made a **motion** to approve the requested Immediate Family Transfer. Commissioner Watne PT **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

PUBLIC HEARING: CLYDESDALE LANE ROAD NAMING

Present at the November 3, 2004 9:45 A.M. duly advertised public hearing were Commissioners Watne and Hall, Karen Yerian, Assistant Webb and Clerk Moser.

Commissioner Watne opened the public hearing to anyone wishing to speak in favor of the requested road name.

No one rising to speak, Commissioner Watne asked for anyone wishing to speak in opposition to the road name.

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

Commissioner Hall made a **motion** to adopt Resolution No 1759. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1759

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Hems Road and located in the Southwest ¼ of the Southwest ¼ in Section 14, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 3, 2004, concerning the proposal, after publication and mailing of notice thereof on October 22, 2004, and October 29, 2004; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Hems Road and located in the Southwest ¼ of the Southwest ¼ in Section 14, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named Clydesdale Lane.

BE IT FURTHER RESOLVED that the naming of Clydesdale Lane shall be effective on November 3, 2004.

Dated this 3rd day of November, 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/Kimberly Moser
Deputy

MEETING W/RAY HARBIN/MDOT RE: BIG MOUNTAIN ROAD

Present at the November 3, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, Craig Genzlinger, Fred Jones, Bill Dunham, Dwane Kailey, Gray Kalberg, Ray Harbin, Stephen Herzog, Erica Wirtala with Sands Surveying, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Ray Harbin – I'm the right of way supervisor for MDOT. I asked if we could have this meeting so we could discuss the issues related to the reconstruction of the Big Mountain Road. There have been over the last number of years, a variety of issues that have made that something not pretentious necessarily but a challenging project. At one point we felt like the reception that we got from the people who lived in the area was less than reasonable. We were batting about 0 for 80 so we decided that it wasn't really worth pursuing the project in any great length. We met again with the Commission as you folks certainly remember and decided that it would probably be in the best interests of everybody if we just bag it. That created a real flurry of interest on part of the Homeowner's Association, the Big Mountain land owners and various others who made a concerted effort to get back with us and see if we could resurrect the project. Subsequent to that time we decided that based on the amount of available funds and based on the design considerations and the problems involved and related with the acquisition of the necessary right of way, that we would split the project and do what we felt was a reasonable effort to go from the top down and through the switch back area which are the most dangerous curves and the areas that need the most work. We set forth a year or so ago on that lofty goal and worked diligently toward that end until a few weeks ago when we seem to have run into another obstacle and at this point it appears that the project would include a large piece of Forest Service Property and I believe something like 18 other land owners. It appears that we're probably going to have to go to court with probably ten of those eighteen because we're not able to agree on land values. Land values as you all know are escalating at a very rapid rate here in Flathead County but they seem to be escalating at an exponential rate at Big Mountain. I don't know that we have the funds that are necessary to provide all of the right-of-way necessary to build the job. Dwayne will be able to address those financial details at a little more depth here in a moment, but I've asked to meet with you fellows today to see if you have a sense, a feel, a kind of direction. Do you want to keep going? Do you want to move forward with what we have, do you want to pull the pin again, what do you want to do? This is something that we're going to have to talk about because we may be at some point pricing ourselves out of a project.

Commissioner Hall – Ray, just to bring up the facts of it. The money that was left on the project, the secondary road funding money was transferred over to the secondary road group. A majority of the funding for that project was taken off the project. The money that was left was federally apportioned. How much was it? 2 million or 4 million?

There were two pieces of federal earmarked money and the total was 4.4 million or 4 ½ million roughly.

Commissioner Hall – 4 ½ million, that was taken off of the North Fork Road, part of it, not all of it?

I think there was 2 million or so on the North Fork Road and the other 2.5 was direct ear marked for the Big Mountain.

Commissioner Hall – and Conrad Burns appropriated that money for us? So you still have the 4.5 for that project and it's not really becoming feasible that that's going to come even close to being able to make that happen?

Ray Harbin – Again, I would defer the comments on where we're at, where we're going to Dwayne. He's got a little better handle on it, he's got some data available here.

Dwane Kailey – Cost wise to date we have spent 1.4 million on the project that's in design and some right-of-way. We've already got a submittal from the consultant to amend their contract to complete the design and get it done. That's for about \$124,000. That's going to bring us to a total of about 1.56 million dollars. Over and above that we've still got to complete the right-of-way. I'm not sure what the estimates for the right-of-way are going to be.

Commissioner Hall – Do you have a guess, I mean you don't but I think Ray has kind of a general idea because you have 3 million left.

Ray Harbin – For right-of-way.

Commissioner Hall – Right-of-way and construction.

Well, and that's one thing we wanted to talk about because the estimate for the project itself, just for construction is up around \$6 million. Now you mentioned something earlier about how we had pulled out the secondary funds off this job. I'm not sure if that's totally correct. Right now we're still showing in our books anyways, that we have about 5 1/2 million dollars designated in secondary funds for this job. Now, I guess the secondary roads committee and you or whomever from this county could go ahead and move the money to another project if you so choose but right now in our books, we have not done that.

Commissioner Hall – I didn't know that.

Dwane Kailey – We're still showing about 5.5 million for this project in secondary funds. Originally what we'd thought when we split the project was that we would have enough with the ear mark to complete the design, purchase the right-of-way and purchase utilities. We're estimating utility relocations at roughly about a million dollars so the secondary funds money would be used to construct the road way when we split it. Right now, with the costs of the right of way going up, we're not thinking we're going to have enough money to construct it with the earmark and with the secondary funds that you guys have designated right now.

Commissioner Hall – How far off are you?

Ray Harbin – That's a difficult question Gary. When we have a balance of something in the neighborhood of 3 million dollars and we have it appears that it could be a many as 10 condemnations the value of the real estate up there, one parcel in particular was 10 acres of right of way that would be necessary to par from one parcel, that same land owner sold some of his property, sold I believe it was something around 8 acres for \$1,000,000; which comes to something like \$120,000 an acre. If we're going to pay \$100,000 an acre for right of way, then we don't have enough money, that's pretty much the long and the short of it.

Commissioner Hall – That was the biggest land holder, 10 acres and the rest of them are what?

Ray Harbin – There's a couple of others that are reasonably large as well, then there are some little ones. Part of the costs you have to remember too Gary is that you have legal costs involved, court costs, trial preparation. There's all kinds of other ancillary expenses involved if you have to go through the process of eminent domain to acquire the right-of-way.

Commissioner Hall – Then, correct me if I'm wrong, but if you go through that process basically you end up paying full retail for the land. Even though basically you're just getting the option to pay to buy it.

Ray Harbin – if we prevail in a legal action the State is not required to pay the attorney fees for the defendant. However we do pay all of the other costs that were involved and we pay fair market value as determined by the court. If on the other hand, the court determines that there's some value in excess of what we made our offers for, then we have to pay all of the expenses including the expenses for the defendants which become very expensive. Expert witnesses, appraisal costs all of the other ancillary things, engineering, reasonable design issues, there are many many issues. I would be very very reluctant to try to get through 10 condemnations with \$3 million I just don't think that's enough at all.

Commissioner Watne – and how long down the road would you be looking at before you even got through that process?

Ray Harbin – Again, that's another issue that could be two or three years.

Commissioner Watne – so values could jump quite a bit more.

Ray Harbin – We're in a bit of a quagmire gentlemen and that's why we've come to you to see what you think is appropriate course of action.

Dwane Kailey – And just for you guys' information, we have I guess several options. Probably the easiest to explain is we can do a couple of things. One is we can keep pursuing the project, keep buying the right-of-way until we expend ear marked money then reassess our situation. How much we've got left and see if you guys want to designate additional secondary funds to cover the construction and whatever else might be remaining. Or, we can end it at that point of time and when we decide to move it forward as a priority project we can do it. We'll have the design complete and we'll have the right-of-way for it or a majority of the right of way. Another option is and I guess we're asking you guys to consider it and let us know how you'd like to see it proceed. Another option is, is one reason we've got Craig here is there is potential because this project, the costs have substantially exceeded what we ever anticipated. There is potential that we could ask FHWA to basically drop the job as it exists today and go with a no build option.

Commissioner Hall – explain no build option.

Craig Genzlinger – When the project was pursued, I guess if you're going to say kill the project or pull the plug that's probably the option you're going to have to explore unless you're going to pay back the federal aid. We initiated a project, we spent federal dollars moving the project forward towards for construction. Now that we're in the process, I certainly understand some things have changed. Normally if the department drops a project and says well, we've just decided not to build it then we ask

for reimbursement for the federal dollars that were spent on that project. The option to not have to pay that back is we go back and look at what's changed and do a reevaluation of the documents and what we're talking about here on a couplet. Say, here's the things that have changed X,Y and Z and because of those, we feel that this is a no build alternative rather than a construction alternative. Now at that point then there wouldn't be a requirement for payback of the federal money. That's what the no build is. You know and if you do continue to pursue the project there are limitations on how long you have until you have to move to construction but once you've acquired right of way you do have 20 years basically under federal regulations now that before you have to move it into a construction stage before we'd start talking payback options.

Jonathan Smith – The payback at this point is 1.5 million?

Correct.

That did come out of the ear mark, right? That's out of the 4.5.

I guess it's just one other quick item on that ear mark from Federal Highway's perspective, if that money, if you decided not to pursue the project, that money was designated for Big Mountain Road so it would take Congressional action if the county wanted to spend that money on some other priority. We wouldn't be able to, Federal Highways ourselves, just to say okay, well this can go to some other project. It would take Congressional Action or Congressional intent to move that to another project.

Commissioner Hall – I would like to see the money put back on a project that it was taken from which is the North Fork Road. I mean the prep, the work's been done, I don't know if you can use the EIS or not that was already done on that. But of course that's controversial but not one that I'm fearful to take on. I think it's time and the people realize that it's time to do that. But, again then you're putting our Senator in a hard spot. He's gotten the money for the North Fork Road Project, then we've asked him to take it and put it on Big Mountain and now we're asking him to give it back so that we can do the original project. That's what scares me. I would be embarrassed to go before him to ask him that but that may be an option. To me that's an option. I don't want to lose the funding and I think, I'm just speaking for myself, I think the alternative is a no build alternative. Because of our past experience, what we've gone through up to this point. Every year the project increases by millions, not thousands. I don't think that's going to go away. I don't think that's going to change. That's my opinion Bob.

Commissioner Watne – I agree.

Ray Harbin – Commissioner Hall, it's important to keep in mind that your last statement is a very important statement. You say it goes up every year by millions. It's going to continue to do that whether we build or not. There is an issue of public safety that's involved in this whole project. There are some compelling needs to do something about the safety of that road. If we continue to wait there's a good possibility that it's going to cost us even more money in the future. Maybe we're going to have to go back and revisit it and start over from square one and fund it with a big bunch of money but is that something that the county is prepared to do. This is your project and this is your money that you're spending and you're going to tap out your secondary road funds for a long time if you spend what it's going to take to wait about 10 years and then do this over. SO that's another issue that has to be carefully balanced when you make this decision.

Commissioner Hall – We've talked about it and we've been talking about it with out you folks in the audience and we realize what the potential is and there's folks in the back row that I guess I would like to hear from also just to kind of get your input and I think you understand what we're dealing with here and I know how Howard feels. I don't want to speak for him and I won't speak for him but we're pretty much all in the same page with this but would you folks like to address this?

Fred Jones – I'm the CEO of Winter Sports, Inc. Obviously we're interested in the road and disappointed that you're having as much trouble as you are, disappointed with the people you're dealing with. There's only one way our land value is going to go down and that's if we go out of business. That's a potential if we don't get this thing addressed. On the other hand, I don't think any of us want to go there. What I'd like to do is find a way to try to work with you and some of these land owners that are willing to work with you and see if there's any middle ground at all. I don't know that there is. But we all know that it's not going to get any cheaper, so I don't see what we have to gain by stopping the process at this point. We need to try to acquire that ground on some basis because everytime we come to the County to try to get improvements on Big Mountain, this road is a big issue and it's going to continue to be a big issue. Just as a point of reference, my perspective is that Big Mountain is a fairly significant economic portion of the county and the land values certainly contribute to the county's coffers as well as the employment they have up there and Big Mountain alone employs 550 people in winter and 150 in the summer and there are a lot of other businesses up there that employ people as well as the construction trades which are certainly not insignificant these days with what's going on up there. So I'm not sure we want to kill Big Mountain so if we're not going to kill Big Mountain, how do we make it viable. The point of reference I was going to give you was operationally last year, Big Mountain lost \$1.9 million in operations. Big Mountain can't continue to do that. Our strategic plan is to change that picture. We need to develop a critical mass of beds up there to support the summer and winter business. So we need to continue to develop our village core which has been on the plans for a long time and the village core is a high density area right at the base of the lifts. That's critical to our business plan. However when we come to the county trying to do additional projects, one of the big issues is that road and the safety aspects you bring up. So it's critical to us and our survival and our long term economic viability that somehow we work through this thing and I know it's been years and I don't have the perspective because I'm new on the block but I know it's been going on for a long long time and each time you look at it it's more and more expensive. I said, the only way it's going to get cheaper is if we go out of business and then you don't need the road anyway so it's a moot point. So, I can only sit here and encourage you not to drop the project at least get through the acquisitions portion. You're going to need the right of way whenever you build it and I will offer to provide any assistance or work with you however we can to see if we can help you in that process. I don't know that we can but I'd certainly be willing to meet with the land owners and try to make a case from our perspective at least as to why they ought to be cooperative.

Commissioner Hall – I think politically something sir that you need to realize too is, I'm sorry we haven't had a chance to visit, I know when you first came to town you called and we just haven't really spent much time together but, politically you folks are saying, you know you've got a lot of money up there for a special group and folks that really doesn't adequately represent the whole valley. You know what I'm saying. That's what we hear. That's what I hear.

Commissioner Watne – I've heard it for 10 years.

Commissioner Hall – and as we consider taxpayers money and the other needs that we have, we take that all into consideration. We just recently did an RSID up there somewhere didn't we Jon? Where was that?

It was in Subdivision 2 to redo their water lines and roads.

Jon Smith – Road and water lines.

Commissioner Hall – and I'm not sure but what I guess as an alternative, I don't know if we might be too late in the game or not but I feel like we're going to have to make a decision soon. I mean we need to look at something like that up there for that road is to have some help from the people that live up there and have an RSID. I don't think there's enough home owners up there to really make that big of a difference. I don't know. How many home owners are there up there?

I would guess it's in the range of a couple hundred.

Commissioner Hall – so that wouldn't be enough to even come close.

If I'm not mistaken, an RSID is based on property owners, not necessarily homeowners.

Commissioner Hall – Right, I'm sorry I didn't say it that way but that's.

There are quite a few more property owners up there than there are homeowners.

Commissioner Hall – Yes, that's true.

Small distinction but it's important I think.

Commissioner Hall – and it may not fly. I mean you have to have a percentage of agreement and folks may not want to do that.

Erica Wirtala – I work at Sands Surveying, we worked on the project last year that many of you were involved with. It was called Big Mountain West, it was a zone change growth policy amendment and one of the cornerstones of that project that was critical for it to get passed, not only through this office but through Whitefish Planning Board and Whitefish City Council was that improvements be made to that road and at that stage, I believe it was Linda Stevens, is that right out of the Missoula office? Martin, excuse me had been working really hard up there and the terrible part of that road is in the top portion where the opening grades and the turn radiuses aren't correct and it seemed as though that project was moving forward that there was only one land owner that was kind of a hold out and that most of the huge problems would be addressed with that area. Is it possible that some of this could be split into a phase of projects where the worst is addressed and reconstructed and that as things improve and money gets better and land values, and the right of way people come to grips with reality there and loosen their hold on some of those areas that don't need to be highly priced, that maybe you could do that in a series of phasing where you know, down below and the areas aren't quite so steep and the turn radiuses aren't so critical that and we address those. Most priority issues and do it that way. I don't know if that's.

Commissioner Hall – Actually, it's my understanding that we've done that. We've already done that, we've put that into priorities. Ray, would you like to address that?

Ray Harbin – That's absolutely right, we split the project into essentially two halves. The lower portion of it which has the least critical needs, I guess for lack of a better explanation, is going to be done subsequent to the time that we do the upper area which is the most critical. Our goal has been to concentrate all of our efforts on the other portions of it. We have had some land owners in the lower area who have contacted us that we would you to purchase our right of way as well and we're having a real difficult time justifying the expenditures in that lower segment when it's so critical that we spend our money in the upper part where we have the greatest need.

Erica Wirtala – so these landowners that are holding out. *(tape ends)*

Myrt Webb – what do you guys think is the best options?

Ray Harbin – That's why we're here today, is we're basically, it's your money.

Myrt Webb – but we'd like to know what you think.

Commissioner Hall – Well, I think we've heard what they think.

Ray Harbin – I'll give you my two cents worth. I think we should keep trying to get what we can for right of way until we run out of money, then we'll come back and revisit this issue.

Myrt Webb – Is that what you all think?

Commissioner Hall – Is that the best use of the money though? If you put enough, you put years into this Ray, and you've put years into this and you're losing ground. Instead of moving forward, I see it as you're moving backwards.

Myrt Webb – Is that a consensus between all four of you?

Ray Harbin – Let me answer his question, you're right in many respects. We've spent a lot of time working on this project and we seem to be running into obstacles at every corner. Conversely, it's important to keep in mind that we're going to need it at some point as these gentlemen have clearly pointed out and I think we all agree. At some point we have to address it. If we can keep working with what we have of available funds until we establish some sort of a corridor that may in the not too distant future, provide that opportunity to build a safer infrastructure up there then I think we should move that way. It however, is your decision exclusively to decide the direction of this job.

Myrt Webb – but you guys work with this all the time, that's why we're interested in know what do you think, what's your recommendation.

Craig Genzlinger – I'll give you my perspective from Federal Highways I guess. That is that if money was specifically appropriated in Washington for this project, it's identified as a need locally and that need was carried forward to Washington, money was set up, there's definitely a need up there. I think the Federal Highways perspective, yeah, we'd still like to see the project pursued. That's what the money was established for. I guess the only thing I disagree with what you've said Ray, is that certainly it's their call on the project, but again, if we're going to drop the project and I'm not guaranteed the no build at this point we have to go through the re-evaluation process and go through the environmental process again before I can say to you

that you don't owe us \$1.5 million. So there is that hanging out there. I think enough things have been changed just from what I've seen on the surface, you know you'd probably make a fairly convincing case with this. So I don't see that as a huge obstacle but I can't sit here today and say there's no payback probably. Like I said, I think the money was appropriated for this project. I certainly agree on it, I think that none of us have any misconceptions that any of it's going to get any cheaper. I don't know if you guys have looked at scaling back the project you know as much as you can within standards.

Commissioner Hall – I guess I come back to the North Fork Road, I mean, that's where the money was originally put on and I'd like to see it go back there but I guess I must be missing something somewhere. If we spend all of our money on right of way, which I'm not sure that we can, then what you have is right of way and you'll never get that project funded in my eyes. I'm really in a quandary here.

Commissioner Watne – It'd sure slow it down, but if you don't have the right of way ten years from now, you've really got a problem.

Commissioner Hall – I mean, we've known about this for a while and I'm not saying anything to you about helping getting right of way acquisitions but Big Mountain's known about this for a long time and we've been working on this forever. I mean if we needed help with right of way acquisitions we'd have dealt with this two years ago trying to get some people up there to you know. I don't know why they haven't done it yet.

Myrt Webb – what does my counter part the Administrator say.

Dwane Kailey - I guess I've got a question for Craig and when we discussed this earlier you said something here that either I misinterpreted or I don't think we discussed earlier. You alluded to the fact that we might have a harder time with justifying the payback or getting out of the payback if we pursued purchasing the right of way?

Craig Genzlinger – no, I don't think that's the case. No, I think you can step back at any point in the process and say hey, things have changed. Whether it was our end of acquiring right of way or not. No, I don't think that would be an issue.

Dwane Kailey – That was the only thing that had me concerned. Given that fact, I would say that from my stand point, yeah I feel that we should pursue purchasing the right of way and complete it out if we can.

Commissioner Hall – what is, there must be a point that you have in your mind like a drop dead point of what point do you get to when you say it's time to stop.

Ray Harbin – Ultimately in short, that's why we're here today is that we're not the one that has to listen to the public everyday, you guys are. Without a doubt, I just did a public meeting a couple of weeks ago and I was hearing the exact same comments at that public meeting, I was a safety project on Whitefish Stage Road and they were hitting me with the same comments that you were alluding to earlier about funding Big Mountain Road versus funding improvements on Whitefish Stage Road so without a doubt, that's why we're coming to you guys and referring to you guys. It's your decision.

Commissioner Watne – I don't think we're ready to make a decision on it.

Commissioner Hall – No, I don't think so but we need to. I think soon. This is on record so lastly, what I heard you say was that because of the efforts that have been made and Myrt, this is kind of new for you. But, we've been here before. I would think that FHWA would probably agree to a no build alternative just because of the efforts that have been put forth and the money that's been expended so I'm really on the verge of pulling the pin.

Craig Genzlinger – We would certainly recognize the fact that you guys have put forth the effort in trying to complete this project and it wasn't just that you changed your priorities or changed your minds. You guys put in a lot of good faith effort to do this project and we certainly understand that.

Ray Harbin – Could I suggest a possible alternative for your consideration. Is it possible that you would concur with my suggestion to move forward with our attempts to acquire the right of way until say the end of December, at which time we would come back and revisit shortly after the first of the year when you have a new sitting Commissioner that could help make this complicated decision. We can give you an update to see what progress has been made during that period of time. That would allow an opportunity for my staff to complete some of their work. See if I can give you a better sense of how many contentious land owners we're going to have. See if the folks from Big Mountain can generate some interest on the part of some of the land owners to participate more actively in the system. Maybe things will change again. The wind blows strange ways up there sometimes and you know it's sometimes good and sometimes not so good.

Commissioner Hall – I agree. I think we need to do that and it's only two months away or less and it gives Big Mountain an opportunity to try and jump in the picture. It's kind of, I know you have a list of the land owners and you folks probably do too. It might be a good time to sit down with them.

Ray Harbin – you could certainly find the information over in the plat room.

Commissioner Watne – That's the best idea so far, so let's do that.

I think we have the direction that we need gentlemen.

Craig Genzlinger – would you guys find that a great deal to have some kind of idea of what kind of acreage you're talking about for right of way that's required and some kind of potential cost.

Dwane Kailey – Legal fees it's hard to say.

Ray – I can give you a detailed analysis of what we have and what we expect to expend at that next meeting. If you prefer to have it before or after the end of the year, I don't know.

Commissioner Hall – I personally would prefer to have it before the end of the year.

Ray Harbin – I can come anytime, any day because you're the public and you're important.

Commissioner Hall – Ray, we're looking at the 21st or the 22nd of December at the latest if that can happen. If it can't happen then we'll go after the first of the year. I would like Howard to be a part of this decision because of his history.

Ray Harbin – The first three days of the week of the 20th, somewhere in that area. Tuesday or Wednesday, the 21st or 22nd.

This meeting was continued.

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

THURSDAY, NOVEMBER 4, 2004

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

Commissioner Watne asked for public comment on matters within the Commissions' jurisdiction.

Denise Lang – I just have a quick little question. I want to make comments about Harbor Springs is this the point to do it? I actually have some packets for you, would it be alright if I distribute them. This is a copy of the Bigfork Area Land Use plan and our new survey questionnaire. In that packet that I just distributed to you are a number of letters from people from the community who couldn't be here today and there's also a copy of what I'm about to request from you. First I want to start with a preface that much has been said that Bigfork was not here to oppose the Bigfork Master Plan Amendment on the Pierce property in Icebox Canyon. I just want to point out that there were a number of us who were here, close to a dozen who opposed that Bigfork Master Plan Amendment. It may have been, it's somewhere between 6 and 12, but I did want you to know that we were here at that time. So, let me begin by saying that Mr. Barrington here is today requesting to amend the Bigfork Master Plan for his project Harbor Springs and also representing the partners property, Mill Creek. The County Commissioners are to be commended for their decision to deny his initial request earlier this year. Mr. Barrington is also to be applauded for addressing the concerns of the community regarding density and lowering his original density request from R-4 (Urban Residential) to R-2 (Suburban Residential). As you know, a growth policy must be in place on or prior to October 1, 2006 as mandated by the State. Our plan has not been revealed and is currently under revision. I submit to you a copy of the original Bigfork Master Plan and a copy of our current survey questionnaire seeking the community's input and guidance. Copies of this survey are located in the Bigfork Library and the Chamber of Commerce for additional input into the questioning process. The Bigfork Land Use Advisory Committee has also received a copy of the survey and are not weighing in with their request for new questions or to upgrade questions in the next two weeks. We're on a fast track. The will of the people was heard and implemented in 1993 and '94 and I urge you to allow the residents to voice and guide the growth of Bigfork as they voiced their opinion on November 2nd. I don't know if a moratorium is called for but you will find an example of a moratorium that was implemented in Louisville also in your packet but first I'd like you to step back and envision what a uniquely beautiful place that you have as a backdrop for your lives. Please don't take it for granted. Other beautiful communities have lowered their standards under pressure from developers only to find out that it has diminished or destroyed the character of the community. As a former resident of the mountains of Colorado, I can speak to the fact that Vale, Aspen and Telluride have lost their charm through the development at the expense of their natural surrounding. Consider this natural gift when making your decision and allow Bigfork to direct growth, to incorporate both nature and development and as a friend of mine once said, "If you don't build it, sometimes they'll still come".

Reto Barrington – I'm here to speak to the item which will appear on your agenda at 10:30 and coincidentally it's the same item that Ms. Lang just spoke about. This is the eighth public hearing on this matter although this is technically not a public hearing, there has been, it's been through the Bigfork Land Use Advisory Committee three times and it's been through the Planning Board three times. The most recent generation was for a revised density down from R-4 to R-2, actually it's for a different categorization under the growth policy from Urban Residential to Suburban Residential which has as its consequence a dramatic reduction from the previous application which this board had chosen the last time it appeared here, not to refer to public comment. That public debate has been open and I believe good exchanges of information have taken place. The major planning issues I believe are reviewed. Most effective, the point to the most current public record on the debate regarding the matter of planning matters and that is that from the two subordinate tribunals that being Bigfork Land Use Advisory Committee and the planning board, this current application received unanimous consent, or unanimous approval, 5-0 at the Bigfork Board and 7-0 at the Planning Board which basically was a much stronger record than the application for the higher density. It's my belief that the large number of public hearings that have taken place with regard to this matter have in fact provided a dramatic amount of public input which is I think precisely what the steering committee is attempting to receive through its current solicitation. Public input into the planning process. I'm of the strong belief that the planning matters have been addressed and that what remains is a question about whether or not we're governed by the law today or whether or not we're governed by a law that might come into being at some time in the future. Right now there's a legally, well positioned application in front of you, what the steering committee is requesting is that this matter be tabled or turned back so that some event in the future can govern the disposition of the land use on this property and so those are my remarks and I do make those remarks respectfully to both this board and to those who've opposed the project to date with the hope that the Board of Commissioners will see their way clear to support this current application given the strong recommendations coming from the subordinate boards.

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

PUBLIC HEARING: ROAD ABANDONMENT #418 (RIVER VIEW SUB)

Present at the November 4, 2004 9:30 A.M. duly advertised public hearing were Commissioners Watne and Hall, Don Stewart, Judy Stewart, Assistant Webb, and Clerk Eisenzimer.

The section of road being requested for abandonment is as follows:

A tract of land situated lying and being in the NW ¼ of Section 16, Township 30 North, Range 20 West, Principal Meridian, Montana and more particularly described as follows to with:

Beginning at the SW corner of Lot 2 of the Plat of River View Subdivision (records of Flathead County, Montana); Thence along the southerly boundary of Lots 2 & 1 of said Plat S82° 08'00"E 66.84 ft; Thence S23°36'00"W 68.70 ft; Thence N81° 08'00"W 166.95 feet to

a point on the southerly boundary of Lot 4 of said Plat; Thence along the southerly boundary of Lots 4 & 3 of said Plat N69°50'00" E 134.50 ft to the point of beginning and containing 0.176 acres. Subject to and together with all appurtenant easements of record.

Commissioner Hall commented that he did view this road along with Jim Burton and together they agreed that this road should be abandoned.

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

Don Stewart – I'm one of the land owners that wishes to get this abandoned. There are four houses that circle this, it's a weed patch. It was at one time I think supposed to be a cul de sac and I think later on they built another road which changed it from a dead end road to circular drive type thing. There are two 60 foot right of ways coming in from both directions and I talked to all of the neighbors and we decided that maybe it would be better if we were able to kind of land scape it and make it a nicer area and the county isn't going to do anything with it, I'm sure.

Chairman Gipe was seated.

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

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

Commissioner Hall made a **motion** to approve Road Abandonment 418. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: ROAD ABANDONMENT #419 (GOVT LOT 6, 23-27-20)

Present at the November 4, 2004 9:45 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Larry Strachota, Leslie Kehoe, Jim M Kehoe, Assistant Webb, and Clerk Eisenzimer.

The section of road being requested for abandonment is as follows:

A tract of land in Government Lot 6 of Section 23, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows:

Commencing at the southeast corner of Parcel "A" as shown on Certificate of Survey No. 9151, records of Flathead County; thence N20°21'06"W 157.99 feet along the east boundary of said Parcel "A" to the TRUE POINT OF BEGINNING of the tract of land herein described; thence N84°57'12"W 83.36 ft; thence North 74.65 feet to the left (south) bank of the Flathead River; thence Easterly along said left bank 60 feet more or less to a point that is N20°21'06"W from the point of beginning; thence S20°21'06"E 80 feet more or less to the point of beginning.

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

Larry Strachota – I'm here on behalf of Steward and Kelly Edwards to be sure that it's brought to light that they do have substantial investment in the property along the River there at Holt Point. The only access they have to three parcels of property is through this proposed abandoned property so they are looking to see that this would be denied so that they can continue to have the access to those properties.

Chairman Gipe – you're in opposition to it.

Larry Strachota – I'm in opposition to it, I'm opposed to this. That is their only access and with topography and other private lands that do surround them, it would keep them from having any other access.

Leslie Kehoe – We're the ones that asked for the abandonment. We don't have any intention of disallowing the easement on the property. Our family has been there since 1922 and our little raspberry patch is on there and my father; and the pilot house from the Helena which is the steamboat that my grandparents built over at the mouth of the harbor in Bigfork. My father put the pilot house on and it's essentially on county land and the road is not being used except for easement through it. It would make, you know it's a historical easement, we don't have a problem with that and we'd be happy to put something in the document that eventually gets recorded saying that they do have rights of ingress and egress so we simply do not have a problem with that at all. But like I say, it just makes the property a little more contiguous and it has not been used. That was a public road it probably was discontinued back in the early '40s when the bridge was built. So, I don't know if you have any other questions you know, it's just kind of a historical thing and we wanted to make sure that there wouldn't be any problems and felt it was just time to do it. My brother and I run the store now and like I say, the property there where it's built was bought in 1922 and so we've been there a few years. My grandparents moved here in 1915 so you know, we have a little bit of history here. We don't have any intention of being nasty to anybody. There's no point to that at all, I mean they're neighbors and we had no intention of them not being able to access. There is easement across our property too west of that and we'd just like to continue with the easement the way it is.

Chairman Gipe – Let me just say that we have some opposition to this and we have never abandoned a road that I know of where there was opposition to. So I just wanted to tell you that.

Commissioner Hall – Let me ask, does the public actually access the river through that.

Leslie Kehoe – No, the road comes down to the river where the bridge crosses the river. SO the county accesses the property right here, (*showing points on map*). They actually go down on our property if they're going to access it because that's the easiest way to access.

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

Commissioner Watne made a **motion** to deny the requested abandonment considering the letters that were received. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: ROAD ABANDONMENT #421 (PORTION RIVER STREET)

Present at the November 4, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, David Barton, Robin Magaddino, Assistant Webb, and Clerk Eisenzimer.

The section of road being requested for abandonment is as follows:

East End of River Street, Between Block 5 Lot 8 and Block 6 Lot 1A, Plat of Bigfork. East of intersection with Cascade Avenue.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the abandonment.

David Barton – I own the property on the north side of the abandonment in question. Pending that, I'm in favor of it for the reason is that it's become a parking place for people to park there for extended periods of time. If not even camp and it just collects a bunch of garbage at the end of that street. It looks like some fairly unsavory goings on there after hours and such. I think abandonment would be appropriate there and it's not paved and it impedes access to both garages there and they're basically if you get a couple cars stacked in there. Like I say, we see them there for extended periods of time sometimes.

Robin Maggadino - My mother owns the house on the south side. Indeed people do camp there all summer. Really we want it abandoned because no one maintains it, there's no existing road, in fact the surveyor said that there's nothing there. Basically, we'd like to be able to do something with that piece of property; fence it off, clean it up without anyone complaining about that too.

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

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

Commissioner Watne made a **motion** to approve Road Abandonment 421. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF MEDICAL LEAVE EXTENSION: P.RENFROW

Present at the November 4, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented the request for extension of medical leave for Pam Renfrow is requesting temporary employment until release from physician.

Commissioner Hall made a **motion** to approve medical leave extension as described. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF POSITION OPENING REQUEST: OAI/CLERK OF COURT

Present at the November 4, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Webb explained the two people are terminating with two people requesting employment.

Commissioner Hall made a **motion** to approve the position replacement for Clerk of Court's office. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF MATERNITY LEAVE: A.COEN

Present at the November 4, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Chairman Gipe presented the request from April Coen for maternity leave but will be working part time 5 hours per day until amount of leave is completed. Request also includes a request for temporary employee during April's maternity leave.

Commissioner Hall made a **motion** to approve the maternity leave request for April Coen. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: HARBOR SPRINGS LLC AMENDMENT/FLATHEAD CO. MASTER PLAN

Present at the November 4, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Jesse Gonzales, Shelley Gonzales, Denise Lang, Reto Barrington, Michael Frasier of Thomas Dean and Hoskins, Peggy Sue Amelon, Assistant Webb, and Clerk Eisenzimer.

Morrison presented the application submitted by Harbor Springs LLC to amend the text of the Flathead County Growth Policy and the Bigfork Land Use Plan. The applicant proposes to amend the Master Plan map designation on a block of property from agricultural to Suburban Residential. Suburban residential translates to 1 to 2 units per acre.

The property proposed for the map amendment is located on Holt Drive north and mostly west of the Bigfork Post Office and on both sides of Chapman Hill Road.

Commissioner Watne made a **motion** to approve Resolution 789L. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

WHEREAS, Harbor Springs, LLC, has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan by changing the designation of approximately 62.6 acres of land located in Bigfork, from an Agricultural designation to a Suburban Residential designation, to allow for new residential housing opportunities to meet the market demand;

WHEREAS, the Flathead County Planning Board recommended approval of the request; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan and Bigfork Neighborhood plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by amending the Bigfork Area Land Use Plan to change the designation of approximately 62.6 acres of land located in Bigfork, from an Agricultural designation to a Suburban Residential designation, to allow for new residential housing opportunities to meet the market demand.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to December 14, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan and the Bigfork Neighborhood plan after that date.

DATED this 4th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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 FLATHEAD COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789L) on November 4, 2004, to consider a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan as proposed by Harbor Springs, LLC.

The proposed amendment would change the designation of approximately 62.6 acres of land located in Bigfork, from an Agricultural designation to a Suburban Residential designation, to allow for new residential housing opportunities to meet the market demand. The properties proposed for amendment are Assessors Tract 6 in Section 25 and Tracts 10A, 10AB and 10AA in Section 26, all in Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to December 14, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 4th day of November, 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 November 9 and November 16, 2004.

CONTINUATION OF PRELIMINARY PLAT STILLWATER COVE

Present at the November 4, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Kirsten Holland, Debbie Shoemaker and Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Holland introduced the preliminary plat filed by Mitchell Tanner and Mary Baker-Johnson for approval of Stillwater Cove, a minor subdivision creating four single family residential lots. Due to a change in the design of one lot to allow for public access, decision on this plat was continued on September 23, 2004 until a new map is drawn. Condition 2 except for variance must comply with the condition. Variances are being

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-35 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat of Stillwater Cove subject to 18 conditions as amended. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: YODEL DOG PEAK, TRIPLETT ROAD AND CYGNET TRAIL ROAD NAMING

Present at the November 4, 2004 11:00 A.M. Meeting were Chairman Gipe, 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 **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

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

Road generally running easterly off a branch road running northerly off Kienas Road and located in the Northeast ¼ of Section 7 and in the Northwest ¼ of Section 8, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **22nd day of November, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **YODEL DOG PEAK**.

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

Dated this 4th day of November, 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 November 9th & 16th, 2004.

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

NOTICE OF PUBLIC HEARING

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

Road generally running northerly off a branch road which runs northwesterly-northeasterly, off Kienas Road and located in the NE¼ of the NE¼ Section 18 and in the East Half of Section 7, all in Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **22nd day of November, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **TRIPLETT ROAD**.

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

Dated this 4th day of November, 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 November 9th & 16th, 2004.

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

NOTICE OF PUBLIC HEARING

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

Road generally running westerly off Swan Hill Drive and located in the Southwest ¼ Section 19, and in the Northwest¼ Section 30, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana

The public hearing will be held on the **22nd day of November, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **CYGNET TRAIL**.

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

Dated this 4th day of November, 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 November 9th & 16th, 2004.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FRAME ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the November 4, 2004 11:15 A.M. Meeting were Chairman Gipe, 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 **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Sylvia P. Frame to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve smaller agricultural functions, to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development, to a residential district intended to provide for large tract development, in suburban areas, generally served by sewer and/or water lines. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-2 would result in a minimum lot size of 20,000 square feet.

The regulations defining the SAG-5 and R-2 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.

The public hearing will be held on the **22nd day of November, 2004, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Lower Side Zoning District.

DATED this 4th day of November, 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 November 9 and November 16, 2004.

EXHIBIT A

**LOWER SIDE ZONING DISTRICT
FRAME REQUEST**

LOCATION AND LEGAL DESCRIPTION OF PROPERTY:

The property is located in the Lower side zoning district adjacent to the intersection of the Flathead River and Montana Highway 35. The subject properties may be described as Tracts 2BC and 2B in Section 2, Township 28 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 2085 MT Hwy 35 and 30 Panoramic Drive.

FINAL PLAT: CONRAD FARMS, LOT 4

Present at the November 4, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner BJ Grieve, Assistant Webb, and Clerk Eisenzimer.

Grieve reviewed the application submitted by Greg Simonson for final plat approval of the Amended Plat of Lot 4, Conrad Farms Subdivision, a subdivision creating two single family residential lots. The subdivision is located in the SW ½ of Section 5, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The preliminary plat approval for this subdivision was granted on June 8, 2004 subject to 12 conditions. Grieve indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Amended Plat of Lot 4, Conrad Farms Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne, Hall and Gipe. Motion carried unanimously.

TAX REFUND REQUEST: MONTANA MARBLE & TILE

Present at the November 4, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Webb advised that the applicant rents the property and the taxes were already paid by the landowner. Recommendation is to approve the request.

Commissioner Hall made a **motion** to approve the tax refund request for Montana Marble & Tile. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the November 4, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Human Resource Director Raeann Campbell, and Clerk Eisenzimer.

General discussion was held relative to request to change the job description for the Program manager for Agency on Aging, the incident report for the month of October and the interview process in place for the hiring of the administrative assistant.

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

FRIDAY, NOVEMBER 5, 2004

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

9:00 a.m. Chairman Gipe is to attend Urban Funding Meeting at MDOT, Kalispell.

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