
MONDAY, JANUARY 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.

COUNTY OFFICES CLOSED- MARTIN LUTHER KING, JR. DAY

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

TUESDAY, JANUARY 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.

Chairman Gipe is to attend Wolf Management meeting at MACo Conference Room, Helena

MONTHLY MEETING W/JIM ATKINSON, AOA

THIS MEETING WAS CANCELLED

OPEN BIDS: BALLOT COUNT SCANNER/ELECTION DEPT.

Present at the January 20, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Clerk and Recorder Paula Robinson and Clerk Eisenzimer.

Considering one scanner bid was submitted and after being advised by Deputy County Attorney Jonathan Smith, Commissioner Watne made a **motion** to waive security bond requirement and take bid for scanner tabulation under advisement for Clerk and Recorder. Commissioner Hall **seconded** the motion. Aye- Hall and Watne. Motion carried by quorum.

FINAL PLAT: WILD BILL ESTATES

Present at the January 20, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Erica Wirtala of Sands Surveying and Clerk Eisenzimer.

Morrison reviewed the final plat for Wild Bill Estates which is an application by Tom Hoover for approval of a four lot minor subdivision, approximately 16 miles southwest of Kalispell. The subject property is 80.0 acres in size and is in an unzoned portion of Flathead County. Preliminary plat was waived on September 30, 2003 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FWP-04-01 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat for Wild Bill Estates. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

Present at the January 20, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Sheriff Jim Dupont, and Clerk Eisenzimer

General discussion was held relative to number of occupants, expansion of jail facilities; food contract; maintenance contract for kitchen; updating kitchen equipment;

PUBLIC HEARING: BROWN LIVING TRUST ZONE CHANGE/THE PONDS ZONING DISTRICT.

Present at the January 20, 2004 10:30 A.M. duly advertised public hearing were Commissioners Hall and Watne, Erica Wirtala of Sands Surveying, Planner Johna Morrison and Clerk Eisenzimer.

Morrison presented zone change request; to rescind The Ponds Zoning District.

Commissioner Hall opened the public hearing to anyone wishing to speak in favor of the zone change request.

Erica Wirtala explained that most of the eighty acres is taken up by waterway and land was zoned on advice from attorney and has since decided that he should not be zoned.

Dan Henderson added I'm very familiar with the property out there and with Alanson and he basically had that for dog training and just wanted to keep it as it is. He subsequently moved out of town, the highest and best use for the property is not what it is right now. So as far as any impact on the neighbors and the general area it's going to be absolutely minimal. He's still going to have to go through the process if he subdivides it and proceeds with it. The ponds out there are going to make any development limited at best.

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

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

Commissioner Watne made a **motion** to adopt Resolution No.911B Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried unanimously.

RESOLUTION NO. 911 B

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 20th day of January, 2004, concerning the rescission of the Ponds Zoning District;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on January 9 and January 16, 2004;

**TUESDAY, JANUARY 20, 2004
(CONTINUED)**

WHEREAS, the Board of Commissioners heard public comment on the proposed rescission of that zoning district at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the rescission of the Ponds Zoning District.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to rescind the Ponds Zoning District, the boundaries of which are shown on Exhibit "A" hereto, after which the property will be unzoned.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the boundaries of the Ponds Zoning District, the general character of the proposed zoning regulations, that said regulations are on file in the Clerk & Recorder's Office, and that for (30) days after the first publication thereof, the Board will receive written protests to the rescission of the Ponds 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 Ponds Zoning District for a period of (30) days after the first publication of that notice.

BE IT FURTHER RESOLVED that if forty percent of the freeholders protest the proposed rescission of the Ponds Zoning District, then that zoning district will not be rescinded.

DATED this 20th day of January, 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, P.T.
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

**Exhibit A
ALANSON BROWN III LIVING TRUST #FZC-03-45
ZONE CHANGE FROM SAG-5 TO UNZONED
Ponds Zoning District
December 10, 2003**

The property is south of Kalispell near the Kalispell Industrial Center along Highway 93 South and contains approximately 80 acres. The property is further described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana, and Lot 1 of Campfire Memories, a platted subdivision in Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

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 intent (Resolution No. 911 B) on January 20, 2004, to rescind the Ponds Zoning District.

The boundaries of the Ponds Zoning District are set forth on Exhibit "A" attached hereto.

The proposal is to rescind the zoning of the property. The SAG-5 (Suburban Agricultural) Zoning would be removed and no zoning regulations would apply.

The current zoning regulations, contained in the Flathead County Comprehensive Zoning Regulations, are on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 16137.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the rescission of the Ponds Zoning District and the regulations therefor, from persons owning real property within that proposed district, whose names appear on the last completed assessment role of Flathead County.

DATED this 20th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/ Gary D. Hall, P.T.
Howard W. Gipe, Chairman

TUESDAY, JANUARY 20, 2004
(CONTINUED)

ATTEST:
Paula Robinson, Clerk

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

Publish on January 23 and 30, 2004.

Exhibit A
ALANSON BROWN III LIVING TRUST #FZC-03-45
ZONE CHANGE FROM SAG-5 TO UNZONED
Ponds Zoning District
December 10, 2003

The property is south of Kalispell near the Kalispell Industrial Center along Highway 93 South and contains approximately 80 acres. The property is further described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana, and Lot 1 of Campfire Memories, a platted subdivision in Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana.

PRELIMINARY PLAT: W-R SUBDIVISION

Present at the January 20, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Dawn Marquardt of Marquardt & Marquardt Surveying and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for W-R Subdivision filed by Wayne and Barbara Ristine. W-R Subdivision creates a one lot industrial subdivision on approximately 1.67 acres. The property is located 500 feet directly west of Penco Power Products and Big "R" Ranch & Home Supply, just west of the Kalispell City Limits. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-03-46 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for W-R Subdivision subject to 8 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/CHARLIE JOHNSON, ROAD DEPT.

Present at the January 20, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Road Superintendent Charlie Johnson and Clerk Eisenzimer.

Discussion was held relative to stop signs in subdivisions, Robbin Lane; property owner is requesting improvement; agreement was made to draft letter to property owner suggesting he improve it himself; East Evergreen, Ash Road plowing and maintenance; East and West Evergreen regarding walk paths, they want wider walk paths and new striping; suggestion has been made to Evergreen School to contact Flathead Electric regarding Roundup for Safety and lighting on walk ways; Lupfer Road, property owner wants his road rebuilt, agreement was made to address road issue when brought up in any future preliminary plat approval; plowing hazards, boat and car sitting on County right-of-way, county attorney will be addressing this issue; Marion area, dam road can not be plowed due to cars parked on the road, agreement was made to place "No Parking" signs in area; Al Buck on South Mountain View in Evergreen is requesting that maintenance be continued onto gravel road, property owner was informed that right of way ends at pavement; Sally Bilby wants to know about LaSalle Extension Budget spending; Ashley Lake bid requests, recommending keeping guardrail in project; review of Resolution for mailboxes.

Johnson began with you guys wanted me to talk to Jonathan Smith, we'd talked about stop signs and private subdivisions and stuff and he's working on that. Also, I talked to you guys about Robbin Lane. Now we got a letter from the guy wanting it improved, it's out on Riverside. Commissioner Watne reminded that we're not going to improve a driveway. Johnson confirmed that he just wanted to check before he wrote him a letter saying that it's not going to happen. Also, out in the Evergreen Area, you know Ash Road, you know how it cuts off of LaSalle and goes around to the Evergreen, well we take care of that in there, that one little piece in there. There's another portion of Ashe Road, I think it's East Ash Road that goes back into Precision Engineering. That gentleman called me and that was created as a subdivision here I think three or four, five years ago. We've never maintained it, when Glacier Paving was back in there they always did the maintenance of it. It's a private road, he called me the other day and was upset because we're not plowing it, I told him that it's a private road. He will be in to see you guys, because he pays all of these taxes and he wants the road plowed. You guys will be hearing about that, I told him we're not going to maintain it so be advised of that. You guys probably got some letters on East Evergreen, east and west Evergreen regarding the walking paths out there. Your office has gotten letters, I got two different letters I think if I remember right. But anyhow, we're kind of back to the same thing, they need wider walk paths now they're talking about putting in sidewalks out there. I haven't responded to any of those letters yet. Commissioner Hall advised that he had responded to both of those letters by saying, as a scout project, if you want, my recommendation would be to work with the local landowner and put up a sign asking people to slow down. Johnson added that we do stripe that every year just before school, this year has been exceptionally bad, due to all of the sanding we're doing. You normally, in a normal year, we get a chance to go out and sweep it off once or twice during the winter, this year hasn't been a normal year. We've also suggested to the school out there that they get with Flathead Electric on Roundup for Safety for the lighting of that. It seems to keep coming back to us, you know we're willing to work with them on it, but we're not willing to go out and do all the research because Flathead Electric kind of wants the person that's applying for it to do whatever's necessary. Commissioner Hall asked if he was going to make those recommendations in his response letter to the school. Johnson confirmed that he will and added further, in fact, I think Jimmy wrote them a letter mentioning that. If they want to do sidewalks and stuff, my suggestion also would be to put in for some SETAB money if it's still going to be available, that's kind of speculative as to if it's going to be around or not. Lupfer road up north of Whitefish, Whitey Bratton, he calls me everyday. What do I tell this guy? He wants his road rebuilt. I mean, right and when we went past the railroad tracks, that was off of right-of-way by 150 feet, I don't know what's above there. There are 6 or

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8 homes back in there. Commissioner Hall added, apparently the last phone call I received was that there was a nasty wreck on one of those corners, apparently there's an L-shaped corner. Johnson agreed and added, it's a hard as you go across the railroad tracks you make a right hand turn and then you make a left hand turn, it's narrow back in there. It's my understanding Plum Creek's got three or four sections of land back in there that they've logged out that they're talking about selling for a subdivision, but you know, it's like I tried to explain to Whitey, that ain't the only problem we've got in this county for narrow, windy roads. Commissioner Watne proceeded with when and if they ever do that and a preliminary plat comes in, would be the time to address that. Superintendent Johnson agreed and asked that's kind of what I was wondering if you guys wanted to approach from that angle. Commissioners Hall and Watne agreed that that was the best approach. Johnson will tell Mr. Bratton that because he hears from him every morning at 6:00 regularly.

I want to talk to you a little bit about plowing hazards, the other day up in Aluminum City we got a boat, we got a car, I took the County Attorney up there and we almost got in a fist fight. There's a gentleman up there that's got his boats and stuff parked on the right of way, the tongues of trailers hang out in the right of way, he's a very disgruntled individual. So, the county Attorney will be dealing with him. We've got to do a little survey, but we're starting to run into this. As the snow accumulates in people's yards, they want to plow their driveway so they want to park out there. Well, evidently this stuff had been parked there for some time, it drifted over, and as we went through and was widening out the road, we found them. So, the one car that we did hit, the kid was supposed to dig it out so we could see what damage was done to it. The boat, I won't even tell you what the guy told me about the boat. If I want it moved, I can move it myself. His mom's using it for a flower pot out there in the road, and if we want the thing moved, we can move it. Commissioner Watne agreed to let the County Attorney take care of it. I just wanted to let you guys know that you're going to hear that we're the big, bad, ugly road department and we're picking on some of these people. Also, out in the Marion area, you know where the dam is there on the south end of the lake? I guess you can call it a bridge, it's not really a bridge, it's an earth filled dam across there, with a couple wier boxes that come out of it. We can not plow that, they park their cars there. Again this morning we was out there, we couldn't even get the snow plow there, these guys are parking on the road. Commissioner Watne suggested putting up "No Parking" signs. Johnson agreed and will put up "No Parking" signs. Johnson continued, we put up some courtesy signs out there that say, "Do not block snow plow" but they're not working. Next thing is Al Buck out on South Mountain View, Evergreen, you go down to the end of Mountain View that apartment complex sits in there, he was in here about a year ago, last winter wanting it paved and the county road extended down into there. It's county right of way actually that goes in there. It comes out at Spring Creek, you go down to Spring Creek, he called me again this morning wanting to know why we end our maintenance down there at the end of the asphalt. The reason for that is basically our right of way kind of ends there, it narrows down to about 10 foot and it would be right over against his apartment complex. We looked at that last year, I think there two or three different times. He wanted it extended back in there and he wanted the county to back in there and pave it and you guys said no. Do you still feel that way about it? Commissioners Watne and Hall agreed that they do agree with keeping maintenance the same as in past.

Now we get into the tricky stuff, Sally Delby, our neighbors over here on Willow Glen Drive. She called me at 10:20 this morning and wants to know about the \$300,000 that's in my budget to be spent on the Conrad Connector, or the LaSalle Extension as its sometimes referred to. She wants to know what I've spent so far on surveying, RFP and she wants copies of all of that stuff. From what I understand, \$200,000 of this came from the sell of that gravel pit, there as another \$100,000 put in there but we have never received spending authority on that. I mean, do you guys want me to start paying some of these bills out of that as we get going here on this RFP or how do you want to deal with this? Commissioner Hall asked where else the money would come from and Johnson agreed that this is his question as well. Agreement was made to start paying some bills from this account and Johnson proceeded with I kind of got the indication from Sally that she wants this money spent on Willow Glen. Commissioner Watne reminded that that money was purposely put there to take care of this other stuff. Superintendent Johnson reaffirmed that I do have spending authority to spend some of this and when I do, on anything that I do there, I will bring it back and tell you guys before we pay it. We've kind of been paying for some of this out of our own budget but at some point in time we need to switch over. Commissioner Hall asked if he can use some of that money for Ashley Lake. Commissioner Watne reminded that we specified that it was going to go for this. Johnson continued, I know you guys expressed, but you've never specified to me exactly so we've never done anything with it exactly. Commissioner Watne asked if the right of way there is secure yet. Johnson answered no. Commissioner Watne added, I think we should be backing off of this thing until we've got right of way secured, until we've got something in black and white. We could sit there and do all these RFP's and everything else and then go no where. Commissioner Hall continued I've got a list of timelines upstairs; you should have a copy of that that you got from Agather. Commissioner Watne continued it's kind of tough for us to keep going on this bugger if we don't even have the right of way tied up. Commissioner Hall then added, well the right of way's tied up and moving forward, so it's not quite as clean as you'd like to have it but it's moving forward. I think we're just waiting for the principle parties to work out some access issues. Commissioner Watne responded, two years ago or whatever it was we were under the impression that that was done and it never was.

Johnson deciding to move on, lets talk about Ashley Lake, I have not received copies of the bids yet, I guess I'm not asking you guys to award this right now, but what kind of direction are you guys looking at going as far as who's going to do what? Commissioner Watne answered, we're kind of looking to you guys to send us back a recommendation, and it's going to be kind of tough not to go with low. Johnson, most definitely you know, I do want to say one thing, there's a couple things here, I did not load this thing up to try to scuttle the project just so that everybody's on the same page as I am. We bid the asphalt is an alternative because I knew the project was going to be spendy, we bid the guardrail as an alternative because I knew it was going to be spendy. I'd mentioned to you guys that I was going to increase the percentage of the grade you know, over 6%, it's at 6 ½% if we would've kept it at 6% it would've increased the project by roughly \$100,000. So, whatever rumors are floating around out there, I just wanted to clear that up. That's why it's at 6 ½% because it would have added another hundred thousand dollars to that, now my recommendation is, and like I say, when I get these we'll make a recommendation and it's probably going to be along the lines of low bid. We're going to have to discuss the alternates, that sort of thing; one of the alternates that I don't want to see given up is the guardrail. I think it's essential. Commissioner Watne then answered it looks to me like low bid and if you took alternate 3 out of there or C or whatever it is, that would make it a little more palatable. Johnson proceeded with, well I'm saying the only problem I got and I think alternate C if I'm not mistaken is the paving portion of it. It becomes a maintenance problem keeping washboards out of it at that point, but that's your guys' choice what you want to do, I can live without the paving for the time being. Commissioner Watne added and that may be something that a year or two down that road we can... Johnson interjected, right because I'm out for any kind of paving I can get, you know it would solve a lot of our washboard problems up on Ashley and some of the other places Marquardt and some of those that solve that. So, I just want to let you guys know I'm really don't recommend leaving the guardrail out of it, you know the cattle guards, we can do a deduct on that kind of stuff. Commissioner Hall asked what about or is there any language in it concerning getting or reducing the cost of the project if there's help from one of the landowners to donate gravel. Can the person bidding the project deduct from his costs if he gets some help? I'm just asking you because you're the professional. Johnson answered, I don't see why not, I guess that's a question, no there's no language in there. Commissioner Watne added, and the way it was bid, I don't know

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how that would work. Johnson, now if this individual wanted to give the county the money to help pay for that, I think that would probably be the way to go with it. Hall, I'm meeting with Paul Waccholz. Commissioner Watne asked, wasn't there supposed to be \$23,000 there or something? Johnson added there is \$23,000 from the sale of the gravel that is in the county's budget, but I think what Gary is talking about is over and above that. Commissioner Hall responded, well, I don't know if we could get help but I've asked for it. Commissioner Watne responded, yes, Waccholz had mentioned that once before. Johnson answered, I would assume rather than probably reduce the bid, this is an assumption and this is something we're going to have to run by the county attorney, is that Waccholz make a donation to the county and the county uses that to help pay. Commissioner Hall replied, so he can still be selling gravel and it'll be easier for him to donate the gravel. Johnson finished with other than that, that's pretty much all I've got. Here's the resolution involving mailboxes so that there's, you guys should have that.

PUBLIC HEARING: NEITZLING ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT.

Present at the January 20, 2004 11:30 A.M. duly advertised public hearing were Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Erica Wirtala for Sands Surveying and Clerk Eisenzimer.

Sanderson presented the zone change request. Requesting minimum lot size changed to 5 acres in place of 10 acres.

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

Erica Wirtala spoke that this is simply a matter of a zone change as it adjoins parcel that is already zoned to SAG-5.

Bob Neitzling commented that he bought the property in 1973, the covenants stated that 10 acres could be divided once, and this procedure completes that exception.

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

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

Forrest Sanderson pointed out that property is adjacent to property that has already been zoned SAG-5, this completes the process for this parcel of land.

Commissioner Watne made a **motion** to adopt staff report #FZC-03-44 along with incorporating all maps and exhibits on file in Clerk and Records office referring to Highway 93 zoning district. Commissioner Hall **seconded** the motion. Aye- Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution No.837AW Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 837 AW

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 20th day of January, 2004, concerning a proposal by Robert and Maureen Neitzling to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 9 and January 16, 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 recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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 this resolution of intention to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), 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 Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, 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 Highway 93 North 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 Highway 93 North 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 protest the proposed change in said district, then the change will not be adopted.

DATED this 20th day January, 2004.

**TUESDAY, JANUARY 20, 2004
(CONTINUED)**

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, P.T.
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

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

**Exhibit A
ROBERT AND MAUREEN NEITZLING #FZC-03-44
ZONE CHANGE FROM SAG-10 TO SAG-5
Highway 93 North Zoning District
December 10, 2003**

The property is located at 1621 Rose Crossing north of Kalispell and contains approximately 10 acres. The property is further described as the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE1/4SW1/4SW1/4) in Section 20, Township 29 North, Range 20 West, P. M., Flathead County, Montana.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
HIGHWAY 93 NORTH 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. 837 AW) on January 20, 2004, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 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 Highway 93 North Zoning District from persons owning real property within that 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 20th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By/s/Gary D. Hall, P.T.
Howard W. Gipe, Chairman

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

Publish on January 23 and January 30, 2004.

**TUESDAY, JANUARY 20, 2004
(CONTINUED)**

**Exhibit A
ROBERT AND MAUREEN NEITZLING #FZC-03-44
ZONE CHANGE FROM SAG-10 TO SAG-5
Highway 93 North Zoning District
December 10, 2003**

The property is located at 1621 Rose Crossing north of Kalispell and contains approximately 10 acres. The property is further described as the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE1/4SW1/4SW1/4) in Section 20, Township 29 North, Range 20 West, P. M., Flathead County, Montana.

COS REVIEW: HOERNER

Present at the January 20, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, Carol and Benny Hoerner and Clerk Eisenzimer.

Larsen Engineering presented information to explain family transfer.

Commissioner Watne made a **motion** to approve Certificate of Survey as presented. Commissioner Hall **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

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

WEDNESDAY, JANUARY 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.

9:15 Commissioner Hall is to attend RSVP meeting at Heritage Place

PRELIMINARY PLAT: ASPEN BLUFF

Present at the January 21, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Jane Eby of Eby & Associates, Ronald Buentemeier and Chuck Roady of F.H. Stoltze Land & Lumber, FVCC Surveying class students, Craig Way, Mike Cochran, Steve Boduck, Jerry Sabol, Josh Lenderman, Kris Caister, Kevin Lensman, Josh Nelson, Sarah Corcoran, Klint Mowrer, Adam Pray, Lucas Breckenridge, Ron Schlagenhauser... and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Aspen Bluff Subdivision filed by F.H. Stoltze Land and Lumber Co. and Eby & Associates. Aspen Bluff creates a five lot single-family residential subdivision. The property is located north of Whitefish on Highway 93. The property contains 36.6 acres.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-03-42 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** -Gipe, Watne and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Aspen Bluff Subdivision subject to 14 conditions. Commissioner Watne **seconded** the motion. **Aye** -Gipe, Watne and Hall. Motion carried unanimously.

BOARD APPOINTMENTS: EVERGREEN WATER & SEWER AND RSVP

Present at the January 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Pamela Holmquist to the Evergreen Water and Sewer Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the appointment of Jane Parker and Pete Fauske to the RSVP Board. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the appointment of Bob Love to the Blankenship Fire District Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF POSITION OPENING: TEMP/RECORDS STORAGE DEPT.

Present at the January 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Clerk and Recorder Paula Robinson, Records Preservationist Johna Hardesty and Clerk Eisenzimer.

Commissioner Hall made a **motion** to grant request to fill temporary position in Records Preservation Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

OPEN PROPOSALS: ENGINEER FOR LASALLE ROAD EXTENSION PROJECT

Present at the January 21, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, Dorothy Merola, Nina Wickersham, and Clerk Eisenzimer.

One proposal from Neil Consultants

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

**WEDNESDAY, JANUARY 21, 2004
(CONTINUED)**

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-4-3-01-024-0

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

Commissioner Hall made a **motion** to approve Health Department contract for Montana Obesity Clinic and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: SECTION 5311 APPLICATION/EAGLE TRANSIT

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

Commissioner Watne made a **motion** to approve application for transportation assistance for Eagle Transit and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: JAMES

Present at the January 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Tim Beck, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Kent and Carol James on Flathead Lake to remove and replace existing old piling dock. New L-shaped dock will have exact same dimensions (footprint) & measure 65 feet in length with an 8 foot long breakwater wing. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit No. FLP-04-02 subject to 17 conditions and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: DISKIN

Present at the January 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Tim Beck, and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Jack Diskin on Flathead Lake to install new concrete retaining wall 2 feet lake ward of existing, old wood retaining wall. New retaining wall will measure 130 feet in length & will be wood faced. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit No. FLP-04-01 subject to 24 conditions and authorize the Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**11:00 A.M. County Attorney meeting at County Attorney's office
12:00 Chairman Gipe is to attend 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 January 22 , 2004.

THURSDAY, JANUARY 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.

Commissioner Gipe is to attend a Land Use Meeting in Helena

CONSIDERATION OF REQUEST FOR POLLING FACILITIES/ELECTION DEPT.

Present at the January 22, 2004 9:00 A.M. Meeting were Commissioner Hall, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the request for polling facilities by the Election Department Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: SCHUSTER ONE SUBDIVISION

Present at the January 22, 2004 9:15 A.M. Meeting were Commissioner Hall, Commissioner Watne, Jim Burton of Jackola Engineering, Planner Johna Morrison, Erica Wirtala of Sands Surveying and Clerk Eisenzimer.

Morrison reviewed the final plat for Schuster One Subdivision which is an application by Tom Schuster for approval of a one lot minor subdivision along Creston Road, approximately 8 miles southeast of Kalispell. The subject property is 2.0 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on July 24, 2003, subject to seven conditions. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FWP-04-02 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat for Schuster One Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**THURSDAY, JANUARY 22, 2004
(CONTINUED)**

FINAL PLAT: PEAK SOUTH

Present at the January 22, 2004 9:30 A.M. Meeting were Commissioner Hall, Commissioner Watne, Jim Burton of Jackola Engineering, Planner Johna Morrison, Erica Wirtala of Sands Surveying and Clerk Eisenzimer.

Morrison reviewed the final plat for Peak South Subdivision which is an application by Peak Development for approval of a one lot minor subdivision at the intersection of Demersville Road, Highway 93 and Rocky Cliff Drive, approximately 6 miles south of Kalispell. The subject property is 1.038 acres in size and is located in the 1-2, Lower Side Zoning District. Preliminary plat approval was waived on March 12, 2003, subject to seven conditions. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FWP-04-03 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat for Peak South Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

FINAL PLAT: FLATHEAD CROSSING #1

Present at the January 20, 2004 9:45 A.M. Meeting were Commissioner Hall, Commissioner Watne, Dawn Marquardt and Debbie Shoemaker or Marquardt & Marquardt Surveying, Planner Johna Morrison, Erica Wirtala of Sands Surveying and Clerk Eisenzimer.

Morrison reviewed the final plat for Flathead Crossing #1, which is an application by West Wood Development for a two lot minor subdivision at the intersection of Highway 82 and Highway 35, approximately 2 miles north of Bigfork. The subject property is 2.17 acres in size and is located in the B-3, Bigfork Zoning District. Preliminary plat approval was waived on September 17, 2003, subject to seven conditions. Staff recommends approval of the final plat.

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

Commissioner Watne made a **motion** to approve Flathead Crossing #1. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 22nd day of January, 2004, approve payroll and claims for payment in the amount of \$2,299,521.22 for the period beginning December 1, 2003 and ending on December 31, 2003.

The full and complete claim list is available for public view in the Office of Clerk & Recorder, Flathead County Courthouse, Kalispell, Montana. Individual requests for personal copies will be accepted by the Clerk Recorder.

Dated this 22nd day of January, 2004

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish January 27, 2004.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of December 1, 2003, and December 31, 2003, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

Individual requests for personal copies will be accepted by the Flathead County Clerk and Recorder, Flathead County, Courthouse, Kalispell, Montana.

Dated this 22nd day of January, 2004

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish January 27, 2004.

**THURSDAY, JANUARY 22, 2004
(CONTINUED)**

- 10:00 a.m. Commissioners are to attend Quarterly Jail Facility Tour**
- 6:00 p.m. Commissioner Hall is to attend a Stakeholders Group meeting at North Valley Hospital**
- 7:30 p.m. Commissioner Hall is to attend Flathead Valley Economic Forecast and Analysis meeting at Kalispell Center Mall WestCoast Hotel**

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

FRIDAY, JANUARY 23, 2004

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

NO MEETINGS SCHEDULED

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