

## MONDAY, APRIL 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.

### **MONTHLY MEETING W/JIM ATKINSON, AOA**

Present at the April 19, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, AOA Director Jim Atkinson, and Clerk Eisenzimer.

General discussion was held relative to return of 889<sup>th</sup> on Monday, April 26; removal of two trees at the Bigfork Senior Center; remodel of Agency on Aging; education and sign up for Medicare discount cards.

### **CONSIDERATION OF POSITION OPENING: DEPUTY COUNTY ATTORNEY**

Present at the April 19, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe presented memo from the County Attorney's office asking for authorization to immediately hire for the Deputy County Attorney position after the resignation of one of the attorneys.

Commissioner Watne made a **motion** to approve the authorization to hire Deputy County Attorney. Chairman Gipe **seconded** the motion. **Aye-** Watne and Gipe. Motion carried by quorum.

### **PERSONNEL INTERVIEW**

#### **THIS MEETING WAS CLOSED**

**10:00 a.m. Commissioner Hall attended RC&D meeting in Ronan**

### **MONTHLY MEETING W/KIM CROWLEY, LIBRARY**

Present at the April 19, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Library Director Kim Crowley, and Clerk Eisenzimer.

General discussion was held relative to National Library Week; credit card for library purchases; discussion with City of Kalispell regarding future library building; discussion of interviewees for administrative assistant.

### **CONSIDERATION OF POSITION OPENING: PROFESSIONAL LIBRARIAN**

Present at the April 19, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe reviewed a letter from Kim Crowley to request opening for professional librarian.

Commissioner Watne made a **motion** to approve the opening of the position for professional librarian. Chairman Gipe **seconded** the motion. **Aye -** Watne and Gipe. Motion carried by quorum.

### **MEETING W/LISA WURSTER, TD&H RE: MCWENNEGAR MEADOWS**

Present at the April 19, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Lisa Wurster of Thomas Dean and Hoskins, Donna and Jim Buechle, and Clerk Eisenzimer.

Lisa Wurster began with we're just back before you to see if you'd had a chance to look at the information we presented last time and if you had any guidance or if you had taken a look at the plats. We just want some guidance to know how to proceed with the existing lot layout or some recommendations for a different lot, the open space, curved linear road, paving Montfort and paving internal road versus having a different layout and amenities that would not be included with that.

Chairman Gipe explained, well Lisa we will review that with planning but you'll have to work with them.

Lisa asked so would you like us to resubmit it as we have already submitted it and you'll reconsider it?

Chairman Gipe continued, talk to Forrest because we won't make any decision with nothing before us. We'll be glad to look at it, we'd like you visit with them and work things out with them and they know where we are on most of the stuff.

Lisa then added, I tried to get Johna here this morning but she was out.

Chairman Gipe asked if you work with them and then bring it to us.

Lisa continued we were just hoping for some guidance, we don't want to resubmit it if it's just going to come back

Chairman Gipe added well, talk to Johna and Forrest on it, they know where we're at on it

Lisa asked they know where you stand on it?

Chairman Gipe continued yeah I think so because we've talked to Johna about it.

Lisa agreed o, I'll get together with Johna and she will give me some guidance and recommendation.

Chairman Gipe said sure, visit with them

Lisa continued and hopefully you guys can be supportive of whatever we put back before you next time.

Chairman Gipe explained we have to see what you have first, we can't prejudge.

Lisa finished with we don't want to submit the same thing if it's just going to get turned down and the denial letter was kind of vague. We did want the septic put on water and the lot density. We knew you'd like 1 ½ acre lots versus the 1 - 1 ½ acre we showed. We'd be more than happy to try and incorporate that in there, we just don't want to go through the whole process and find out.

Chairman Gipe ended there's no reason to and expensive to know those things but talk with them. We know where you're at.

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

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## **TUESDAY, APRIL 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.

### **8:30 a.m. Commissioner Hall attended Cooperating Workshop in Missoula**

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

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## **WEDNESDAY, APRIL 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 a.m. RSVP Meeting at Windward Place**

### **PUBLIC HEARING: WGTS, LLP ZONE CHANGE/HOLT ZONING DISTRICT**

Present at the April 21, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Morrison reviewed an amendment to the Holt Zoning District Map in the Holt Zoning District by WGTS, LLP and Richard & Nancy Whitacker from R-1 PUD zoning (a suburban residential use district with one (1) acre minimum lot size) to RC-1 zoning (a residential cluster use district with a minimum lot size ranging from 2500 square feet to 4500 square feet).

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

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

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

Commissioner Hall made a **motion** to adopt Staff Report #FZC-04-01 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No. 533Z. Chairman Gipe **seconded** the motion. **Aye -** Hall and Gipe. Motion carried by quorum.

### **RESOLUTION NO. 533Z**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 21<sup>st</sup> day of April, 2004, concerning a proposal by WGTS, LLP, to change the zoning designation in a portion of the Holt Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on April 8 and April 15, 2003;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Holt 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 Holt Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster), 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 Holt Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Holt 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 Holt Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

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

DATED this 21st day of April, 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: \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

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

**Exhibit A**  
**WGTS, LLC and Whitaker**  
**Amendment to the Bigfork Zoning District Map/Holt Zoning District**

The property proposed for rezoning is located just south of Eagle Bend North off of the West side of Chapman Hill Road. The property may be described as Assessor's Tracts 11 and 11C, in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage 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**  
**HOLT 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. 533Z) on April 21, 2004, to change the zoning designation in a portion of the Holt Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster)

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

The proposed change would change the character of the zoning regulations applicable to the property from providing for a residential district for estate type development in rural areas, away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc. to providing for a residential theme in a rural environment in order to encourage a master planned community with a central recreational focus, and generally requiring a full range of public services, such as public water supplies and sewage treatment, to serve the district, with a gross density for units to be clustered at one (1) unit per acre. Although minimum lot area would decrease to 2,500 square feet, allowed density would remain at one unit per acre.

The regulations defining the R-1, PUD and RC-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 21<sup>st</sup> day of April, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on April 25, and May 2, 2004.

**Exhibit A**  
**WGTS, LLC and Whitaker**  
**Amendment to the Bigfork Zoning District Map/Holt Zoning District**

The property proposed for rezoning is located just south of Eagle Bend North off of the West side of Chapman Hill Road. The property may be described as Assessor's Tracts 11 and 11C, in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

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

#### **DISCUSSION OF PLANNING AND ZONING GRANT AVAILABLE**

Present at the April 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Chairman Gipe reviewed a note from Kirsten Miller, the Grant Writer that there's a Planning Grant available by way of a block grant program. This grant is up to \$20,000 requiring equal match in kind of including staff hours or cash. Kirsten would like to apply for this grant in anticipation of procuring an professional engineer or other technician to facilitate creation of a Capital Improvement Plan.

Sanderson continued that he was willing to fund and fill said requirements through funding or staffing.

Commissioner Hall made a **motion** to authorize Kirsten Miller to apply for that grant. Chairman Gipe **seconded** the motion. **Aye**-Hall and Gipe. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: BID REVIEW CERTIFICATION/HELENA FLATS BIKE PATH AND FARM TO MARKET ROAD BIKE PATH**

Present at the April 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Bob Warren and Kyle Schellinger of Schellinger Construction, Greg Sandon of Sandon Construction, Steve Settle of Settle Services, Planner Peggy Goodrich, and Clerk Eisenzimer.

Sanderson began with the CTEP Committee comprised of Charlie Johnson, Jed Fisher, Peter Steele, Donna Maddux and myself did meet and review the bid applications for the two bike paths. Be advised there were actually two complete bid packages submitted for each of these trails, Settle Services being complete on both projects and Sandon on Helena Flats and Schellinger on Farm to Market. There was question at the time of the bid opening of completeness. The Settle applications did not contain the schedule of participation by DBE's and the DBE list. The DBE goal for this project was 0% for both projects and there is a 48 hour window for the bidders to complete that segment of the application. That is spelled out in the bid packets for both projects. The committee did review and recommend to the Board of Commissioners a course of action, however the Settle project is complete it does meet the bid specifications and they were significantly the lowest bidder. I would strongly recommend before you execute this that you talk to your legal counsel and Jon is here to do that. I called Jon, explained to him what is going on and I would really recommend that you talk to Jon before you ink whatever agreement. These are going to be controversial to say the least.

Commissioner Hall asking if the bid or the trails are going to be controversial.

Sanderson answered that the letting of the bids is the issue. The bids, if you follow the recommendation of the committee, you are not selecting the lowest complete bid.

Jon Smith responded, it's pretty tough to not go with the low bidder unless there's some good reason not to. If the bid package was complete and it was done on time and everything. You know we can waive through formalities but I don't see any informality to give it to someone other than the lowest submittal, unless there's some good reason not to.

Bob Warren with Schellinger Construction continued we bid 4 or 5 of these projects, Federal funded or State funded every month and the DBE requirements on every single project is just spelled out black and white. If there's no submit or fulfilled the DBE requirements as stated in the book, I don't even expect if I screwed up the bid should even be read. In two or three spots in the spec book it says in black and white that if these aren't signed or a name inserted to the contractor then it's non-responsive. The 48 hour thing that Forrest mentioned points to the bidder list. The 48 hour does not cover the DBE requirements and if you look at paragraph 1 and 2 on the DBE pages the 48 hours to turn in the Bidders list is the only part of that that you're allowed 48 hours the other schedule of participation on the DBE's says that you folks have 48 hours to make the determination on whether the bid is responsive or not, it does give 48 hours to turn in the DBE requirements. Your checklist clearly spells out that the name of the prime contractor has to be filled in. Your checklist number 3 on the list of the ten things we have. Number one being original bid bond. Number two being certificate of compliance, number three is the schedule of participation by DBE. If you go on down through that the bid envelope basically what you're encouraging is that we can pick and choose which parts of these that we want. Maybe we decided we didn't want to turn in the bid bond, I don't know how you can pick one item out of this list and all of a sudden make it not as important as the rest. I mean Vickie Cokes and the DBE people in Helena take their job real seriously and for them to just put there stuff into these federally funded projects as a drill and it can be followed but it's not necessary. They don't think very highly of that and I'm on some committees in Helena and she's at every meeting and we spend an hour once a month listening to her and her shop talk about the DBE and the DEO program so it's a big deal and if you look at the other page on a DBE the very first sentence says to be eligible for award, the bidder must execute and submit as part of his bid the DBE requirements. The 48 hours comes in paragraph 2 where it says that the prime bidder must submit a completed bidder's list within 48 hours of the bid opening. No where on the schedule of participation by DBE's is that 48 hour window mentioned at all. I've talked to Vickie in Helena about this and it's, to me you're risking the federal funds for whatever the low bid amount is. It's nothing you can take lightly. They take it real serious in Helena. We have reports every week DBE reports and EU reports and this basically just renders there little shock power. To me there's no gray area at all. I talked to the CTEP department in Helena and they said that the bid never should have been read was their initial take and boy they never should have read it. It's no different than if there hadn't been a bid bond, no different than if it hadn't been signed so our stance is that it's pretty obvious, we're second bidder on the project, it's not going to make or break us but the whole concept of what this is all about is in jeopardy as far as I'm concerned if we go this route. I can't speak for Greg.

Greg Sandon of Sandon Construction added I'm in full agreement with Bob it spells it out clearly in the spec book. Signatures are required and if we let this one slide, what's going to happen down the road?

Steve Settle responded, I'm the low bidder. I read the spec book. I read contracts every day. I bid scores of these contracts and I take exception to the discussion here of what you're hearing and seeing here is a great deal of displaced second place bidders attempt to secure work. I'm a first place bidder in an attempt to secure work. Our opinions are simply opinions. The real crux falls with your legal counsel. He's going to tell you what the rules are, not our interpretations of the rules. Anything that any of the three of us say is going to have an element of salesmanship to it. We are not disinterested parties, we are interested parties. The only disinterested party that you have here is your counsel.

Commissioner Hall questioned Mr. Settle as to why the contracts weren't signed.

Mr. Settle responded that these have a 0% DBE requirement. There's a large difference in the interpretation in contract law of which requirement if there is a participation requirement. If there's a participation requirement of 1%, then you have a considerable different level of responsibility than if you have a 0%. These two contracts do not require DBE participation. The data that's within these contracts is simply for a statistical gathering function within Vickie Cokes shop and the DBE folks in Helena. Then in after fact, if you're awarded then you can put that information in. Sometimes you don't want that information because as soon as the bid is turned it it's public information to everybody and you may or may not want to know what you're partnering relationships with particular DBE's are within that scope.

Sandon continued, Bob already went through the list of rules and regulations on that and signatures are required. It's right below bid bond and everything else. You can't just pick and choose and saying it's 0 so it's inconsequential, that isn't the case.

Commissioner Hall consulted with Forrest Sanderson on time restraint to let the bids. Sanderson replied that as long as the bids are let giving the contractors time to gear up and do the construction as contained in the documents, that's all that's required.

Commissioner Hall made a **motion** to continue Bid Review until Tuesday April 27, 2004 at 11:15 AM. Commissioner Gipe **seconded** the motion. **Aye** -Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to continue Bid Review until Tuesday April 27, 2004 at 11:15 AM. Commissioner Gipe **seconded** the motion. **Aye** -Hall and Gipe. Motion carried by quorum.

**Commissioner Watne was seated.**

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WHITEFISH FIRE DIST. ANNEXATION/SHERWOOD, ET AL.**

Present at the April 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, 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, Hall and Gipe. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2126(3), M.C.A., that it will hold a public hearing to consider a petition to withdraw territory from the West Valley Fire District and annex it to the Whitefish Rural Fire District, said territory being described on Exhibit A hereto.

The Board of Commissioners has received a petition in writing by the owners of 50% or more of the privately owned lands of the area to be withdrawn and annexed (Exhibit A), who constitute a majority of the taxpaying freeholders within that area, according to the last-completed assessment roll, asking that such area be transferred to and included in the Whitefish Rural Fire District.

The public hearing will be held on the 10th day of May, 2004, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed transfer and will consider whether protests by the owners of 50% or more of the area of the privately owned lands included within either district affected, who constitute a majority of the taxpaying freeholders of either district according to the last-completed assessment roll, were received.

DATED this 21st day of April, 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 April 26 and May 3, 2004.

**Exhibit A**

A TRACT OF LAND, SITUATED, LYING AND BEING IN THE WEST HALF OF THE NORTHEAST QUARTER AND IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 30 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 28, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana;  
Thence N89°50'00"E along the North boundary of said NW1/4 NE1/4 and along the centerline of a 60 foot declared County road known as Hodgson Road, a distance of 1321.48 feet to the Northeast corner thereof;  
Thence leaving said centerline S00°54'45"E and along the East boundary of said NW1/4 NE1/4 a distance of 1322.45 feet to a found iron pin and the Northeast corner of the SW1/4 NE1/4;

Thence S00°53'53"E and along the East boundary of said SW1/4NE1/4 a distance of 1322.65 feet to a found iron pin and the Southeast corner thereof;  
Thence S89°51'10"W and along the South boundary of said SW1/4 NE1/4 a distance of 1321.51 feet to a found iron pin and the Southeast corner of said SE1/4 NW1/4;  
Thence S89°51'42"W and along the South boundary of said SEq/4 Nw1/4 a distance of 1023.76 feet to a found iron pin;  
Thence N01°13'35"W 734.96 feet to a found iron pipe;  
Thence S89°32'39W 293.14 feet to the West boundary of said SE1/4Nw1/4, which is on the centerline of a 60 foot declared County road know as Whitefish Stage Road;  
Thence N00°52'50"W and along said West boundary and said centerline a distance of 589.73 feet to the Northwest corner thereof;  
Thence leaving said centerline N89°51'28"E and along the North boundary of said SE1/4 NW1/4 a distance of 660.40 feet to a set iron pin;  
Thence N00°53'33"W 1322.27 feet to appoint on the North boundary of said Section 28 and the centerline of said Hogdson Road;  
Thence N89°51'14"E and along said North boundary and said centerline a distance of 660.12 feet to the point of beginning and containing 135.401 acres; Subject to and together with (two) 60 foot declared County roads and together with all appurtenant easements of record.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: STOLTZE TAX INCENTIVE REQUEST**

Present at the April 21, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, 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 Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of F.H. Stoltze Land & Lumber Company of Columbia Falls, Montana, seeking the application of tax reducing benefits to the remodeling and expansion of the Sawmill at 600 Half Moon Road, at Columbia Falls, Montana in Section 2, Township 30 North, Range 21 West, P.M.M. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the 24th day of May, 2004, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of F.H. Stoltze Land & Lumber Company.

DATED this 21st day of April, 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  
Monica R. Eisenzimer, Deputy

Publish on April 26 and May 17, 2004.

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: AMENDED CIP/FAIRGROUNDS**

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

Commissioner Watne made a **motion** to adopt Resolution 1499A. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 1499A**

**WHEREAS**, the provisions of Section 7-6-2219 to 7-6-2221, M.C.A., authorize the County to establish a capital improvement fund, for the replacement and acquisition of property, plant or equipment costing in excess of five thousand dollars (\$5,000.00) with a life expectancy of five (5) years or more, after formally adopting a capital improvement program;

**WHEREAS**, the Board of Commissioners of Flathead County created a capital improvement program to set aside funding to replace the Saddle Club Building at the Flathead County Fairgrounds and said project has been completed;

**WHEREAS**, the Board of Commissioners has determined that the Fair Department should construct a livestock pavilion at the Flathead County Fairgrounds and the engineer's estimate for said project is \$1,400,000.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County hereby formally amends the capital improvement program known as the FC Fair Building Replacement CIP, and that the purpose of this program will be to construct a livestock pavilion at the Flathead County Fairgrounds.

**BE IT FURTHER RESOLVED**, that the anticipated sources of revenue for this program are a transfer of funds from the sale of Fairgrounds property to the State of Montana, appropriations from the budget of the Fair Department and interest on the money in this Fund.

**BE IT FURTHER RESOLVED**, that the Clerk and Recorder shall transfer the amount of \$1,121,500 from Fund 2160 to the FC Fair Building Replacement CIP, Fund 4008.

**BE IT FURTHER RESOLVED**, that monies held in the fund shall be invested and all interest earned by the FC Fair Building Replacement CIP shall, as provided by Section 7-6-2702, M.C.A., be credited to the FC Fair Building Replacement CIP (Fund 4008).

DATED this 21<sup>st</sup> day of April, 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

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: FIRE SEASON 2004**

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

Commissioner Hall made a **motion** to adopt Resolution 1705. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 1705**

**WHEREAS**, The Board of Commissioners, Flathead County, Montana, has the authority, pursuant to Section 7-33-2205, M.C.A., to establish fire seasons annually, during which no person may ignite or set any forest fire, slash burning fire, land-clearing fire, or debris burning fire within areas of the County which they so designate, without the individual or other person desiring to ignite or set any of the above mentioned fires, having obtained an official written permit for such a fire from the recognized protection agency for that protection area;

**WHEREAS**, burning permits are typically required only during the May 1 through September 30 State Forest Fire Season; and

**WHEREAS**, in a cooperative effort with the Department of Natural Resources and Conservation, State of Montana, the Flathead National Forest, U.S.D.A. and Glacier National Park, N.P.S., the Board of Commissioners, Flathead County, Montana does hereby set the following fire season and the fire protection areas, as below set forth.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby establishes a fire season for the year 2004 to run from May 1 to September 30, 2004, inclusive.

**BE IT FURTHER RESOLVED**, that the protection area to which this resolution applies is the entire Flathead County area, except the three Incorporated Cities in Flathead County and the areas inside the City Limits thereof. This does and shall include all private, State and Federal lands within Flathead County, outside the Cities.

**BE IT FURTHER RESOLVED** that the recognized protection agencies for the designated protection areas are the Rural Fire Districts, and Fire Service Areas authorized under State law to provide fire protection within their districts and the Department of Natural Resources and Conservation, Glacier National Park, and Flathead National forest, authorized to provide fire protection on certain private, Federal and State land.

**BE IT FURTHER RESOLVED**, that should weather conditions or fire danger warrant, the Board of Commissioners may require any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies to first obtain an official written permit from that particular agency or adhere to other restrictions during the April 21 to May 1 period.

**BE IT FURTHER RESOLVED**, that any person desiring to ignite or set any forest fire, slash-burning fire, land-clearing fire or debris-burning fire within the jurisdictional area of any of the above enumerated protection agencies during the May 1 to September 30 period, or any extension thereof, must first obtain an official written permit from that particular agency.

**BE IT FURTHER RESOLVED**, that this resolution will take effect on April 21, 2004.

**PASSED AND ADOPTED** this 21st day of April, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

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

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

**PUBLIC HEARING: NAMING OF ROAD/NARROW WAY**

Present at the April 1, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the naming of Narrow Way.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the naming of Narrow Way.

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

Commissioner Watne made a **motion** to adopt Resolution No. 1706. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1706**

**WHEREAS**, Flathead County has proposed to name a private road generally running **southerly and easterly off of LaSalle Road, located in Section 25, Township 30 North, Range 21 West, M.P.M., Flathead County, Montana.**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on April 21, 2004, concerning the proposal, after publication and mailing of notice thereof on April 8, 2004 and April 15, 2004; and

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running **southerly and easterly off of LaSalle Road, in Section 25, Township 30 North, Range 21 West, M.P.M., Flathead County, Montana**, should be, and it hereby is, named Narrow Way.

**BE IT FURTHER RESOLVED** that the naming of Narrow Way shall be effective on April 21, 2004.

Dated this 21<sup>st</sup> day of April, 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  
Monica R. Eisenzimer, Deputy

**CONSIDERATION OF LAKESHORE PERMIT: HONG**

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

Tull reviewed Lake and Lakeshore Construction Permit filed by Angela Hong on Little Bitterroot Lake to remove one dead tree and one tree that is leaning into the lake. General discussion was held Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-35 with 44 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: BAY CLUB, INC**

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

Tull reviewed Lake and Lakeshore Construction Permit filed by Bay Club, Inc. dba Marina Cay on Swan River on Bigfork Bay to remove dead tree trunk. Replace wooden dock steps with concrete dock steps. Install new fence (48") with stone pillars (78") around entire Tiki/pool area. Parts of fence will only be 6 feet from mean annual high water elevation. Install flower beds that will be lined to prevent leaching toward marina. Install utilities (gas & electric) to new steel fence. Remove lawn east of Tiki Bar and install concrete patio to enlarge picnic area. Expand Tiki Bar to cover entire deck (28 feet x 54 feet). Construct gatekeeper shack (12 feet x 14 feet) next to docks. General discussion was held Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-08 with 48 conditions including the condition to allow the Tiki Bar cover to be constructed to exact specifications indicated in the project plans submitted and to allow the Gatekeeper's shack to be constructed according to the exact specifications indicated in the project plans submitted in the application and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF POSITION OPENING: PLANNING TECHNICIAN/PLANNING & ZONING OFFICE**

Present at the April 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forest Sanderson and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the purchase of a new computer system and vehicle in order to accommodate new employee. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: FLAG LOTS TEXT AMENDMENT/FLATHEAD CO. ZONING REGULATIONS**

Present at the April 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forest Sanderson, and Clerk Eisenzimer.

Chairman Gipe reviewed a request from the County Attorney's office that in order to keep resolutions of intent and final resolutions in chronological order, Resolution of Intent 955FU be changed to 955FZ and Resolution of Intent 955FW becomes 955GB.

Commissioner Watne made a **motion** to change resolution numbers as requested. Chairman Gipe **seconded** the motion. **Aye-** Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt Resolution 955FU. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried by quorum.

**RESOLUTION NO. 955FU**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 17th day of February, 2004, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Section 5.08.010.3.G, concerning Flag Lots, to require notification of adjacent neighbors, rather than property owners within 150 feet, when flag lots are created, and to provide such notice in the process for major subdivisions rather than minor subdivisions;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed amendment;

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FT dated February 19, 2004) to change the zoning regulations amending Section 5.08.010.3.G, concerning Flag Lots, to require notification of adjacent neighbors, rather than property owners within 150 feet, when flag lots are created, and to provide such notice in the process for major subdivisions rather than minor subdivisions;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on February 24 and March 2, 2004, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Section 5.08.010.3.G, concerning Flag Lots, to require notification of adjacent neighbors, rather than property owners within 150 feet, when flag lots are created, and to provide such notice in the process for major subdivisions rather than minor subdivisions, as set forth on Exhibit A hereto.

DATED this 21<sup>st</sup> day of April, 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  
Monica R. Eisenzimer, Deputy

**FLATHEAD COUNTY ZONING REGULATIONS  
PUBLIC NOTIFICATION FLAG LOT  
TEXT AMENDMENTS TO THE FLATHEAD COUNTY ZONING REGULATIONS**

**EXHIBIT 'A'**

The following amendments to Section 5.08.010(3)(G) Flag lots of the County Zoning Regulations are proposed as follows: (additions are in ***bold, italic and underlined*** whereas deletions are ~~struck through~~)

Section 5.08.010(3) – Flag lots:

Flag lots shall be permitted in the “R” Districts only and the following special standards shall apply:

~~(G) — Property owners within 150 feet shall be notified in the event of the creation of a flag lot concurrent with minor subdivision process.~~

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MINIMUM LOT WIDTH TEXT AMENDMENT/FLATHEAD CO. ZONING REGULATIONS**

Present at the April 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forest Sanderson and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 955GA. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 955GA**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 17th day of February, 2004, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Sections 3.07.040.2 and 3.08.040.2 in the SAG-5 and SAG-10 (Suburban Agricultural) classifications, to allow for lot depth to exceed lot width by more than three times if the average lot width is at least 300 feet instead of the current 330 feet;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed amendment;

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FU dated February 19, 2004 and amended to be Resolution No. 955 FZ on April 21, 2004) to change the zoning regulations amending Sections 3.07.040.2 and 3.08.040.2 in the SAG-5 and SAG-10 (Suburban Agricultural) classifications, to allow for lot depth to exceed lot width by more than three times if the average lot width is at least 300 feet instead of the current 330 feet;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on February 24 and March 2, 2004, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Sections 3.07.040.2 and 3.08.040.2 in the SAG-5 and SAG-10 (Suburban Agricultural) classifications, to allow for lot depth to exceed lot width by more than three times if the average lot width is at least 300 feet instead of the current 330 feet, as set forth on Exhibit A hereto.

DATED this 21<sup>st</sup> day of April, 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  
Monica R. Eisenzimer, Deputy

**FLATHEAD COUNTY ZONING REGULATIONS  
TEXT AMENDMENT/ MINIMUM LOT LENGTH TO WIDTH  
STANDARDS IN SAG DISTRICTS**

**EXHIBIT 'A'**

The following amendments to Section 3.07.040(2) and Section 3.08.040(2) of the County Zoning Regulations are proposed as follows: (Additions are in ***bold, italic and underlined*** whereas deletions are ~~struck through~~)

Section 3.07.040 – Bulk and Dimensional requirements (SAG-10)

2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is greater than ~~330~~ ***300*** feet.

Section 3.08.040 – Bulk and Dimensional Requirements (SAG-5)

2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is greater than ~~330~~ ***300*** feet.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ACCESSORY USE RESTRICTIONS TEXT AMENDMENT/FLATHEAD CO. ZONING REGULATIONS**

Present at the April 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forest Sanderson and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 955FW. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 955 FW**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 19<sup>th</sup> day of February, 2004, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Section 5.01.030.1 to allow for overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, in a completely enclosed building, in residential districts (R-1, R-2, R-3, R-4, R-5, RA-1 and RC-1 zoning classifications);

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed amendment;

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FV dated February 19, 2004) to change the zoning regulations amending Section 5.01.030.1 to allow for overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, in a completely enclosed building, in residential districts (R-1, R-2, R-3, R-4, R-5, RA-1 and RC-1 zoning classifications);

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on February 24 and March 2, 2004, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Section 5.01.030.1 to allow for overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, in a completely enclosed building, in residential districts (R-1, R-2, R-3, R-4, R-5, RA-1 and RC-1 zoning classifications), as set forth on Exhibit A hereto.

DATED this 21<sup>st</sup> day of April, 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  
Monica R. Eisenzimer, Deputy

**FLATHEAD COUNTY ZONING REGULATIONS  
TEXT AMENDMENTS TO THE FLATHEAD COUNTY ZONING REGULATIONS  
ACCESSORY USE RESTRICTIONS IN R DISTRICTS**

**EXHIBIT 'A'**

The following amendments to Sections 5.01.030(1) Accessory Use Restrictions of the County Zoning Regulations are proposed as follows: (Additions are in bold, italic and underlined)

Section 5.01.030 – Accessory Use Restrictions

1. In R districts, there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, **unless stored in a completely enclosed building**, excluding recreational vehicles. No manufactured home, no heavy equipment, and no wrecked, junked or inoperable motor vehicle without a valid license tag shall be allowed to be parked or stored in an R district for a period of more than seven days unless stored in a completely enclosed building.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GUEST RANCH TEXT AMENDMENT/FLATHEAD CO. ZONING REGULATIONS**

Present at the April 21, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forest Sanderson and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 955GC. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 955GC**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 17th day of February, 2004, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Section 7.08.060 Guest Ranch to allow guest ranches to be located on property consisting of a one-quarter (¼) aliquot part of a U.S. Government Section as well as on a tracts consisting of at least one hundred and sixty (160) acres.

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of Flathead County Planning Board regarding the proposed amendment;

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FW dated February 19, 2004 and amended to be Resolution No. 955 GB on April 21, 2004) to change the zoning regulations amending Section 7.08.060 Guest Ranch to allow guest ranches to be located on property consisting of a one-quarter (¼) aliquot part of a U.S. Government Section as well as on a tracts consisting of at least one hundred and sixty (160) acres;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on February 24 and March 2, 2004, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Section 7.08.060 Guest Ranch to allow guest ranches to be located on property consisting of a one-quarter (¼) aliquot part of a U.S. Government Section as well as on a tracts consisting of at least one hundred and sixty (160) acres, as set forth on Exhibit A hereto.

DATED this 21<sup>st</sup> day of April, 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  
Monica R. Eisenzimer, Deputy

**GUEST RANCH DEFINITIONS  
TEXT AMENDMENTS TO THE FLATHEAD COUNTY ZONING REGULATIONS**

**EXHIBIT 'A'**

The following amendments to Section 7.08.060 Guest Ranch of the Flathead County Zoning Regulations are as follows: (Additions are in bold, italic and underlined)

Section 7.08.060

Guest Ranch- A centrally managed facility that provides full service lodging, dining or cooking facilities and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or conference facilities. Activities provided shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement on-site activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All ranches providing guest services shall contain or have a use agreement for at least 160 acres ***or be described as ¼ aliquot part of a United States Government Section.***

**11:00 a.m. County Attorney Meeting at the County Attorney's office**  
**12:00 p.m. Commissioner Gipe attended DUI Task Force Meeting at the Summit**

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

\*\*\*\*\*

**THURSDAY, APRIL 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.

**MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

Present at the April 22, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Clerk and Recorder Paula Robinson, Human Resources Officer Raeann Campbell, Computer Services Director Norm Calvert, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Discussion was held relative to decision to offer position for Administrative Assistant.

Commissioner Watne made a motion to approve the offering of a contract to William Sheridan for the Administrative Assistant position. Commissioner Hall **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

Campbell presented The Board of Commissioners with a Summary of Changes for the Flathead County Employee Policy Manual. Comments were received from Department Heads and any further comments will be directed to the Commissioners before a final draught is completed.

**CONSIDERATION OF ADOPTION OF RESOLUTION: TERMINATE INTERLOCAL AGREEMENTS/JUVENILE DETENTION**

Present at the April 22, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Chairman Gipe reviewed Resolution 1707 terminating an inter-local agreement between Flathead County and state, local and tribal agencies who use the facility.

Commissioner Watne made a **motion** to adopt Resolution 1707. Commissioner Hall **seconded** the motion. **Aye -** Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1707**

**WHEREAS**, Flathead County executed Interlocal Agreements for provision of juvenile detention services with state, local and tribal agencies effective July 1, 2000; and

**WHEREAS**, Flathead County has determined that those agreements should be terminated.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the Interlocal Agreements executed in the year 2000, for provision of juvenile detention services, should be terminated.

Dated this 22<sup>nd</sup> day of April, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By /s/Robert W. Watne

Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

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

By /s/ Monica R. Eisenzimer  
Deputy

#### **Quarterly Jail Facility Tour**

#### **TAKE ACTION: CRYSTAL VIEW PHASE II & WALKING COYOTE FLATS UNIT 2**

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe noted that the Plat application for Crystal View Phase II and Walking Coyote Flats Unit 2 expired on April 25, 2004.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #412 (PORTION OF MONROE ST.)**

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

#### **NOTICE OF DISCONTINUANCE OF PUBLIC ROADWAY NO. 412**

Notice is hereby given that the Board of Viewers have reported unfavorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

The southerly ten (10) feet of Monroe Street from Electric Avenue at the East end to the alley at the West end, a distance of one hundred and forty two (142) feet, in Bigfork, Flathead County, Montana.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

The hearing on this petition for abandonment is set for **Tuesday, May 11, 2004 at 10:00 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 22<sup>nd</sup> day of April, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

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

Publish on **April 27 and May 4, 2004**

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

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe presented contract for signature from the Health Department regarding workmen's comp and general business matters.

Commissioner Watne made a **motion** to approve and sign DPHHS Contract #04-07-3-01-024. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF ISOLATION CONTRACT/PLEASANT VALLEY SCHOOL**

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe reviewed a request for isolation contract from Pleasant Valley School.

Commissioner Hall made a **motion** to deny approval, motion died for a second. Commissioner Watne **made** a motion to approve the motion. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by vote.

**CONSIDERATION OF REQUEST FOR PURCHASE: FLAT-BOTTOM BOAT/WEED, PARKS & MAINTENANCE**

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Gordon Jewett, and Clerk Eisenzimer.

Gordon Jewett presented request for flat-bottom boat to allow Weed, Parks & Maintenance to access weeds and control insects by waterways.

Commissioner Watne made a **motion** to approve the request for boat for Weed, Parks & Maintenance. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF EMPLOYMENT EXTENSION: FISHER, BLACK & DRENT/WEED, PARKS & MAINTENANCE**

Present at the April 22, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Gordon Jewett and Clerk Eisenzimer.

Chairman Gipe reviewed letter to add 2 months to Clayton Fischer's employment due to extended recreational programs at the Conrad Complex and to add 30 days to Steve Drent and Mike Black's employment.

Commissioner Watne made a **motion** to approve extension of employment for above named employees. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**MEETING W/HELEN PILLING RE: RAILS TO TRAILS MAP**

Present at the April 22, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Discussion was held relative to presentation of Rails to Trails bike path map and discussion as to the economic value of trail system.

**CONSIDERATION OF LAKESHORE PERMIT: KRIER**

Present at the April 21, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Traci Tull, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by Jerry Krier on Flathead Lake to install an F-shaped crib/piling dock measuring 8 feet in width by 60 feet in length, with a 25 foot breakwater wing and a 20 foot breakwater wing. A nonconforming solid crib dock is currently located on the property and will be removed prior to construction of new dock. Move existing shore station from old dock to new dock. Downsize 2 existing rocks by chipping and busting them apart. Install an electrical line. General discussion was held Board recommends approval of permit as presented.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLV-04-01a with 36 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye**- Watne and Gipe. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: CURRY**

Present at the April 21, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner Traci Tull, and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed by Roy Curry on Flathead Lake to install and F-shaped crib/piling dock measuring 8 feet in width by 60 feet in length, with a 25 foot breakwater wing and a 20 foot breakwater wing. A nonconforming, solid crib dock is currently located on the property and will be removed prior to construction of the new dock. Extend the boards to be within 1 foot of the lake bottom instead of the required 3 feet minimum. General discussion was held Board recommends approval of permit as presented.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLV-04-03a with 24 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye**- Watne and Gipe. Motion carried by quorum.

**MEETING W/EVERGREEN BUSINESS & PROPERTY OWNERS ASSOCIATION RE: EVERGREEN WATER & SEWER AND ANNEXATION**

Present at the April 22, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Rosemarie Malson, James Finley, Carl Rauthe, Darlene Jump-Rauthe, Harold Wachsmutt, Ross Penne, Tom Dalton, Ray Malson, George Everett, Kerry Finley, Bob Herron, Roberta Struck, Carolyn Robinson, Denise Cofer, Linda Graham, Ray Baier, Pam Holmquist, Andy Hyde of Carver Engineering, Deputy County Attorney Dennis Hester, City-County Health Director Joe Russell, John Hirschfelder, Jack Fallon, and Clerk Eisenzimer.

Discussion was held relative to request to expand Evergreen Water & Sewer to include Evergreen Fire District in its entirety and disagreement with the Annexation District document that the City of Kalispell delivered to Evergreen property owners.

Chairman Gipe reminded the Evergreen Business and Property Owners Association that the Board of Commissioners does support them and will consult with County Attorney's office for further action.

**CONSIDERATION OF PRINTING BIDS: HEALTH DEPT.**

Present at the April 22, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve on behalf of the Health Department, the bid submitted by Insty Prints for 500 business cards in the amount of \$24.95. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve on behalf of the Health Department, the bid submitted by Northstar Printing for 3,000 TB Cards, 3,000 Field Visit Report Forms and 3,000 Receipt for Permit for Sewage Treatment System Books in the amount of \$65.,\$265.,\$106 respectively. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve on behalf of the Department, the bid submitted by for 1500 brochures in the amount of \$799.30. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

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

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**FRIDAY, APRIL 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 April 26, 2004.

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