

MONDAY, OCTOBER 4, 2004

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

8:00 a.m. Weed & Parks Board Meeting at Weed & Parks Office

MONTHLY MEETING W/JUSTIN MORRIS, 4-H OFFICE

Present at the October 4, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, Extension Agent Justin Morris, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to addressing clients' needs considering entomology and horticultural questions; reasonable success at seminar for Value added agricultural production; creation of agricultural producer directory; cheat grass seminar program development conference in Missoula; request for county priorities.

CONSIDERATION OF LAKESHORE PERMIT: CASHIN

Present at the October 4, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Planner Traci Tull, Assistant Webb, and Clerk Eisenzimer.

Tull reviewed the After-The-Fact Lake and Lakeshore Construction Permit filed by Mike Cashin on Whitefish Lake to add 2 sport port jet ski ramps to existing 'F' shaped Glacier Dock. Dock measures 50 feet in total length with 2 breakwater wings measuring 20 feet each. (Impervious cover = 460 sq. ft.) Two additional ski ramps are 9 feet in length by 9 feet in width. Maximum allowable impervious cover on this lot is 920 sq ft (according to applicant). Total impervious cover with the additional ski ramp is 541 feet). Install a buoy about 20 feet out from the dock. Staff recommends approval. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-04-31 with 25 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: EISINGER TEXT AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the October 4, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Ken Kalvig, Michael Frasier, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution No. 789G Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 789G

WHEREAS, Corwin-Eisinger Motors, Inc., has requested a revision to the Flathead County Master Plan

WHEREAS, the Flathead County Planning Board recommended the proposed amendment to the Flathead County Master Plan;

WHEREAS, the Flathead County Board of Commissioners reviewed the proposals and determined that the proposed amendments to the Flathead County Master Plan should be formally considered;

WHEREAS, the Flathead County Board of Commissioners passed a resolution of intention (Resolution No. 789F) on August 12, 2004, to formally consider those amendments and allowed for written public comment regarding the amendment to be received by the Commissioners Office prior to September 17, 2004; and

WHEREAS, the Flathead County Board of Commissioners reviewed the Planning Board recommendation and the public comment on the proposed amendments to the Flathead County Master Plan.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, pursuant to Section 76-1-604, M.C.A., that it hereby adopts the proposed amendment to the Flathead County Master Plan, to change the designation of approximately 10.1 acres of highway frontage located to the Northeast of the intersection of West Reserve Drive and U.S. Highway 93 known as Tract 4 I in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from a suburban residential designation to a commercial designation.

DATED this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer

Deputy

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PIERCE TEXT AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the October 4, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution No. 789I Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 789I

WHEREAS, James R. Pierce has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan designation of land located in Bigfork, from agricultural to residential, to allow for new residential housing opportunities to meet the market demand;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan;

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789H) to consider the requested plan change on August 12, 2004, and gave notice that it would consider public comment received prior to September 17, 2004; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts an amendment to the Flathead County Master Plan to change the designation from agricultural to residential, on property described as Assessors Tract 5C in Section 24 and Assessors Tract 6 in Section 25, both in Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, to allow for new residential housing opportunities to meet the market demand.

DATED this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

PUBLIC HEARING: PIERCE ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the October 4, 2004 9:30 A.M. duly advertised public hearing were Commissioners Watne and Hall, Planner Johna Morrison, Jim Pierce, Ron Pierce, Michael Frasier of Thomas, Dean and Hoskins, Assistant Webb, and Clerk Eisenzimer.

Morrison presented Staff Report #FZC-04-14 which is a request to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 to R-2 (One Family Residential) by Jim Pierce. The proposal is for an amendment to the Holt Zoning District map.

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

Michael Frasier of Thomas Dean and Hoskins – This property is just on the east side of Highway 35. It includes part of the lake but the purpose of the proposal is allow some limited development on this some 60 acres. It's a really rough, broken parcel and the R 2 allows a half acre lot size. The overall densities are probably not going to even come close to R-1 which would be one acre lots but we need that zoning with the smaller lot size just so we can have the flexibility of developing in this rocky, cliffy area. We really don't have any intentions of any high density development, we know we're going to have some significant set backs around the pond but this is just the next step in the development process; to define what we can have for a minimum lot size. You've approved the Suburban Residential Land Use, the zoning is conformant with the land use. Really, the R2 is consistent with the development patterns in the area. It allows limited residential development and some limited growth in the Bigfork Area. On that basis, it really doesn't have a significant impact. At the planning board meeting I think the major issue before the Planning Board was the, there's two conflicting groups in Bigfork. There's the Bigfork Steering Committee, and then there's the Bigfork Advocacy and they're intention would be to have all actions stop until they have an opportunity to review things and come forth with a new master plan. They think they'll have that by December but realistically it's six month to a year from today before that's done. We're just asking you to proceed to allow some reasonable, logical development to continue in the area as Bigfork undergoes a revision to their own Land Use plan.

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

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

Commissioner Hall made a **motion** to adopt Resolution No. 956BB Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 956BB

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 4th day of October 2004, concerning a proposal by James R. Pierce, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential).

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 14 and September 21, 2004;

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential) that area being described on Exhibit "A" hereto.

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

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

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

DATED this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
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

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION BIGFORK AREA ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 956BB) on October 4, 2004, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential).

The boundaries of the area proposed to be amended from SAG-5 and SAG-10 to R-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and, in the SAG-5 portion, to provide areas of estate-type residential development, to a residential area intended to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the SAG-5, SAG-10 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

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

Publish on October 7, and October 14, 2004.

EXHIBIT A ZONE CHANGE FROM SAG-10 AND SAG-5 TO R-2

The property is located in the Holt Zoning District, just north of Bigfork, and is situated between Ice Box Canyon and Streeter's Corner on the east side of Highway 35. The subject property may be described as Tract 6 in Section 24, Township 27 North, Range 20 West, P.P.M., Flathead County, Montana.

PRELIMINARY PLAT: SPRING PRAIRIE ESTATES

Present at the October 4, 2004 10:30 A.M. Meeting were Commissioners Watne and Hall, Planner BJ Grieve, Debbie Shoemaker of Marquardt & Marquardt Surveying, Assistant Webb and Clerk Eisenzimer.

Grieve reviewed the preliminary plat filed by Kory McGavin and Marquardt & Marquardt Surveying Inc. for approval of Spring Prairie Estates, a minor subdivision that will create two single family residential lots. The subdivision is located north of Spring Prairie Road, west of US Highway 93 and is situated approximately five miles southwest of Whitefish. The subdivision is proposed on 39.31 acres and will be served by individual water and sewage systems. Condition 12 is to be amended by deletion of the sixth bullet which reads that This plat has not been reviewed or approved for individual sewer or water facilities or for building site replacement. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-37 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Preliminary Plat for Spring Prairie Estates as amended subject to 15 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CROSSROADS CHRISTIAN FELLOWSHIP ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the October 4, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Crossroads Christian Fellowship to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business).

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

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

The regulations defining the R-1 and B-3 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the 18th of October, 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 change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

Publish on October 7, and October 14, 2004.

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

LEGAL DESCRIPTION

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

CONSIDERATION OF ADOPTION OF RESOLUTION: AUTHORIZE TREASURER TO CHARGE CONVENIENCE FEE OF CREDIT CARD TRANSACTIONS

Present at the October 4, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1127A. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1127 A

WHEREAS, the Flathead County Treasurer determined that the Treasurer's Office should accept credit card payments for taxes and fees collected by that office;

WHEREAS, the Board of County Commissioners of Flathead County, Montana, concurred with that determination and adopted Resolution No. 1127 to provide for acceptance of credit cards in payment of taxes and fees;

WHEREAS, the fees charged by credit card companies are taken out of the taxes and fees due, costing the County a substantial amount each year; and

WHEREAS, Section 7-6-617, M.C.A., was enacted by the Legislature in 2003 to allow Counties to require payment of a convenience fee of up to 3% of the amount of the payment for use of credit cards.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Flathead County, Montana, that the Flathead County Treasurer may begin charging a convenience fee of up to 3% of the amount of the payment for use of credit cards in paying taxes and other fees.

Dated this 4th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04075110080 AMENDMENT #2

Present at the October 4, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the Contract for Health Department. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING REQUEST: TEMP HIRE TO ASSIST RECORDS MANAGEMENT SPECIALIST

Present at the October 4, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the request for temporary assistant to records management specialist. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF POSITION OPENING REQUEST: OAI/PLAT ROOM

Present at the October 4, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

MEETING W/MIKE SIDERIUS RE: COUNTRYWAY DRIVE

Present at the October 4, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Roads Superintendent Charlie Johnson, Mike Siderius, Assistant Webb, and Clerk Eisenzimer.

Mr. Siderius requested to meet with the Board of Commissioners in consultation regarding the development of a city subdivision being approved with the traffic being directed onto their substandard county road. Mr. Siderius was advised to get together with the Homeowners Association to consider options regarding this road.

MEETING W/GLEN CAMERON/MDOT RE: SPEED STUDY

Present at the October 4, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Roads Superintendent Charlie Johnson, Glen Cameron, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to Speed limits on Three Mile Drive and Whitefish Stage Road. The report on Whitefish Stage Road recommendation is to keep the speed limit at 45 mph with 35 mph during school hours. Commissioners will need to approve an amendment to the Speed Limit Ordinance in order to proceed with setting recommended speed limits.

Three Mile Drive recommendation is that 30 is changed to 35 and then go past school to Garland Drive and change to 45 with option of invoking school speed limit or returning 40 mph speed limit sign closer to Northern Lights.

MEETING W/CHARLIE JOHNSON/ROAD DEPT. RE: MARTIN CAMP ROW

Present at the October 4, 2004 11:30 A.M. Meeting were Commissioners Hall and Watne, Roads Superintendent Charlie Johnson, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to working on GPS coordinates and county may have to purchase .25 acre for right of way. Commissioner Hall requested a letter of recommendation to deliver to Kalispell City Council regarding the proposed subdivision on Countryway Drive.

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

TUESDAY, OCTOBER 5, 2004

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

Commissioner Watne asked for public comment within the Commissions' jurisdiction

Bob Keenan – Three things that I came to talk to you about. First of all, I came here to just as a personal reference for Roger Somerville, applying for the County Administrators job and I've known Roger for 10 years. Roger's fabulous, he was a great legislator, when he wasn't in the Legislature he did great work in being somebody at home keeping us abreast of what was going on in Flathead County and all of that so just a short sweet endorsement that Roger Somerville would be a great candidate for the job that you ultimately are going to pick.

Second of all, an issue I think you've probably heard about and I know Howard has heard about it and I wish I could talk to Howard about it, maybe I'll call him, I just thought this was a better thing to do as face to face, but Bigfork Land Use Advisory Board, I have watched that Neighborhood plan and the issue for the last 8 or 9 months and we had the Millcreek Harbor Project on Holt Drive, I own some property across the road from them, but I've watched that group and I'm here to tell you as well. So I went to the meeting last Thursday, and I've been disturbed about the fact and you all know this is the truth about political process, that a lot of people that we have a true democracy and they think for instance like me, that they can stand before you and tell you how to vote or do whatever they want. Mean while in Bigfork according to the census we're unincorporated obviously we have about 1400-1500 people that live in this 90 square mile neighborhood plan area. Well, we have and you've heard from some of these people and I refer to them as the "Good Taste Committee." They decide what's best for Bigfork and they bring it forth and they go before the Land Use Advisory Board and tell them what to do and if they don't do it they're flabbergasted, they're insulting, it's nasty, it's ugly etc. I have a different way of doing things and I think you do as well, so I put my name in to be on the darn Board. Well, last Thursday I was at-large member, I'll have to be approved by you but my name is in the hopper and if you tell me no, that'll be okay with me but that's the way that I do business is I will sit on the board and I'll make the decisions. I feel like we have a representative Republic, not a true democracy, we can't have some small 10, 12, 15 people show up and demand that you do something and expect it to be done. They're living on a different planet, different form of government, so I have put my name in for that. I know there's been a call from some prominent people in Bigfork that there has been a loss of confidence in the Bigfork Land Use Advisory Board. That might be true with a very vocal, you know how the vocal minorities work, and that might be the case. There's a meeting today at noon for a Steering Committee that anointed themselves as the Steering Committee to go out and survey the property owners in this area to find out what their land use plans are. According to regulations, I can't remember terminology whether it's the Master plan or whatever it is and the County, I don't think it is necessarily but the Planning & Zoning effort has to be reworked every five years or reviewed and looked at. So, at any rate, we're going through that process, but this committee anointed themselves without the authority of the Bigfork Land Use Advisory so I'm working with Johna, Forrest, and BJ and I'm looking in to see if even if the Bigfork Land Use Advisory Board

has the authority from you to have subcommittees, to have a steering committee go out and work. I think they have to do the work themselves, but that's a guess and I'm going to do the research on that. But at any rate, despite what you hear, that there's total dysfunction, that the board has lost the confidence of the community, I'm here to tell you that I don't necessarily see it that way. There are some inconsistencies that need to be solved if you choose to accept their recommendation for me to sit on that board. I'm going to do what I can to do my homework and to try to solve the situation. I think it can be done, at one end of Chapman Hill we have development, at the other end of Chapman Hill we have no growth. We've got some inconsistencies and we've got some hypocrisy going on so at any rate, what I tried to do is today I talked to the Department of Revenue. I don't know, by 2-6-109 M.C.A. no state agency is allowed to generate a mailing list. Now this steering Committee which now has the blessing, temporarily at least of the Board, to survey all the property owners in that area, they don't know how to generate a mailing list. They don't know how to make it legitimate. Now, no state agency can provide a mailing list, I don't know if there's a way that the County can do it. I don't know how it was done 12-13 years ago, they might have to sit and the nightmare that they have is to sit in the offices over here and go through the tax bills and find out if that is and you know that the way that those are filed, that would be a very difficult job but at any rate, I'm trying to solve that out, if there's an answer to that question, I'd like to know what it is, I'm going to report at noon.

The third thing that I came to is a heads up. I think you've probably heard from Reed Darrow, I think it's called the South Kalispell Business Center down where Coca-cola is and there's some high tech businesses that have 100 or more employees, things like that, they have been in touch with you from what I understand about their road maintenance and things like that. Semi's getting stuck in the snow and things like that. So, they finally approached Bernie Olson and myself and so just a heads up, I suggested to them that they have their annual meeting on the 13th or 12th of October, to organize themselves, to look up the numbers on their tax bills, to state their case and respectfully come before you at this time or to schedule sometime to come before you and make their case to you. Bernie and I will be here with them and all of that so we're going through that process but I told them to be nice, be respectful because you have priorities that you have to list and weigh when it comes to roads and everybody wants their road taken care of and all of that and so that's why I don't want that job because I don't want to know when the snowplow knocked over the mailboxes.

Commissioner Hall – Bob, quickly on the last issue you talked about. We've had them in here before, we've had the phone calls, the threats, I mean its, Charlie has been here and visited with them and the Commissioners and the Road Department at this time it is impossible to take on any more roads for maintenance. It's just, we can't keep up with what we have, the budget's been cut in the Road Department to where he's barely going to have, it's just a difficult situation he's in. What we recommended to this group out there last time they were in was that they form a Neighborhood group. I mean like a Homeowner's Association up there. It wouldn't be that much money per month to keep that road maintained and I know they've been getting letters, getting phone calls it's not going to go away. But when they come before us, that's what the Commission will tell them is that we can not take on the maintenance of roads. We have, in fact I got a request yesterday, I can't remember from another group that wants us to take on their road. Charlie's been warning us, he said this is coming, we've approved a lot of subdivisions, a lot of big areas in the valley and we've requested that they maintain them but they're going to start putting more pressure on the Commission to maintain those roads. Unless, I don't know, I know what Charlie's answer is, we've been through this with this group before.

Bob Keenan- are they county roads? They're not asking to be designated a county road, I think they already are a county road through there, but I wonder if there isn't a process core for that matter. I've forgotten my fourth thing was going into the next legislative session. If you want to talk, let me know I'll come back in and we can talk about MACo issues or anything like that. I'd be more than happy to tell you what I see if you throw an issue at me, I'll be more than happy to have that conversation but maybe there's something that needs to be changed for roads in that situation that are just not going to get maintained but they are officially county roads. I live on one of them, I don't know why it is, Mayport Harbor Homeowner's Association, the county truck comes through and plows us and things like that and yet when I have a plow that I've borrowed and the snow is significant, I run it up and down my road. There's no question that we could do that. We're on the list, so it's okay I guess.

Commissioner Hall – what were you saying Bob as far as what that road is.

Commissioner Watne – I think it's a county road, but it's an unmaintained county road.

Bob Keenan- I thought I would present your side of that issue to them.

Commissioner Hall – Thank you and it's important for you to talk to Howard. His institution, knowledge and history on that particular project and maybe even if you get time to visit with Charlie, go down and get Charlie's feeling too so that you know both sides.

Bob Keenan- I think when I talked to Reed Darrow about it I asked him to, he was calculating roughly how much road what the line item for roads were on their bills collectively and I think it was \$230 and I thought well, that isn't going to cover it. So I think that's a problem.

Commissioner Watne – That don't fuel the truck anymore.

Commissioner Hall – The cost of fuel and stuff, we're concerned about it. We're concerned about our next heavy winter, how we're going to get through it. Then there were a couple other things that you talked about too.

Bob Keenan – The planning and Zoning thing, I'm going to keep on that. The very people who objected to Eagle Bend are back again with the Eagle Bend residents, saying no more. Then we have other people that are buying up property and they're very carefully trying to control the planning process because they've got some development that they're eyeing in the future. Like I said, they haven't volunteered to sit in the hot seat with the vote.

MONTHLY MEETING W/DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

Present at the October 5, 2004 9:00 A.M. Meeting were Commissioners Watne and Gipe, Superintendent of Schools Donna Maddux, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to recommendations of appointment in case Ms. Maddux is elected; compliments to the Fair Board for organization and customer service during the Fair; discussion of consolidation of schools.

MEETING W/JAY SCOTT, FAIRGROUNDS

Present at the October 5, 2004 9:15 A.M. Meeting were Commissioners Watne and Hall, Fair Director Jay Scott, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to progress on the new building; agreement was made to allow Mr. Scott to change the contract order for the bathrooms for the new building; Expo building is being rented relatively constant.

FINAL PLAT: STAFFORD ESTATES

Present at the October 5, 2004 9:30 A.M. Meeting were Commissioners Watne and Hall, Planner Kirsten Holland, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the Staff Report regarding the application filed by Jerry Stafford for Stafford Estates Subdivision which creates a one lot minor subdivision with a remainder. The site is located along West Reserve Drive, approximately four miles west of Kalispell. The subject property is approximately five acres in size and lies in the West Valley Zoning District. Preliminary Plat was approval was waived on July 14, 2004 subject to 7 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-27 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Stafford Estates Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

FINAL PLAT: BLACKHAWK ACRES

Present at the October 5, 2004 9:45 A.M. Meeting were Commissioners Watne and Hall, Planner Johna Morrison, Dawn Marquardt of Marquardt & Marquardt Surveying, Assistant Webb and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Marquardt Surveying for Blackhawk Acres Subdivision which creates four single-family residential lots off Helena Flats Road in Section 22, Township 29 North, Range 21 West. The property is not zoned. Preliminary Plat was approved on July 7, 2003 subject to 16 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Blackhawk Acres Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES

Present at the October 5, 2004 10:00 A.M. Meeting were Commissioners Watne and Hall, Human Resource Director Raeann Campbell, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to claims that were paid out of the trust fund; risk management safety pilot program concerns and explanation that program is a state inspection program to identify projects that are areas of concern for the County but more information is forthcoming on the program.

TAX REFUND: MARTIN

Present at the October 5, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the tax refund for \$1236.53 upon recommendation from the Department of Revenue. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #0407301024 AMENDMENT #2

Present at the October 5, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the DPHHS Contract #0407301024 being a Contract for Health and Human Services. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SIA/THE GLADES AT BIG MOUNTAIN

Present at the October 5, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement for The Glades at Big Mountain in the amount of \$123, 966.93 to complete road work in the Subdivision, and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: GRANITE HOLDINGS & ZINKE AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the October 5, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Tom Sands, Caren and Roger Fricke, Pat Zinke, Ava Jorgenson, Assistant Webb, and Clerk Eisenzimer.

Morrison presented the Text Amendment to the Flathead County Master plan submitted by Granite Holdings and Pat and Ray Zinke in the Highway 93 North Zoning District.

Commissioner Hall made a **motion** to adopt Resolution No. 789J. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

WHEREAS, Granite Holdings and Ray and Pat Zinke have requested a revision to the Flathead County Master Plan by changing the designation of land located in the Highway 93 North Zoning District from agricultural to suburban residential and commercial designations, to allow for new residential housing opportunities to meet the market demand;

WHEREAS, the Flathead County Planning Board recommended approval of the proposed change to the Board of Commissioners; and

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

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of land located in the Highway 93 North Zoning District from agricultural to suburban residential and commercial designations, to allow for new residential housing opportunities to meet the market demand. The properties proposed for amendment are located directly east of the Majestic Valley Arena and going north to Schrade Road, and can be described as Assessor Tracts 5, 2F, 4K, 4H and Lot 2, Subdivision #128, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, containing 215 acres.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to November 4, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 5th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION FLATHEAD COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789J) on October 5, 2004, to consider a revision to the Flathead County Master Plan in the Highway 93 North Zoning District as proposed by Granite Holdings and Ray and Pat Zinke.

The proposed amendment would change the designation of land located in the Highway 93 North Zoning District, from agricultural to suburban residential and commercial designations, to allow for new residential housing opportunities to meet the market demand. The properties proposed for amendment are located directly east of the Majestic Valley Arena and going north to Schrade Road, and can be described as Assessor Tracts 5, 2F, 4K, 4H and Lot 2, Subdivision #128, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, containing 215 acres. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to November 4, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 5th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

Publish on October 8 and October 15, 2004.

PUBLIC HEARING: EISINGER ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the October 2004 A.M. duly advertised public hearing were Commissioners Watne and Hall, Planner BJ Grieve, Ken Kalvig, Greg Eisinger, Paul Wachholz, Assistant Webb, and Clerk Eisenzimer.

Grieve presented the Staff Report request by Corwin-Eisinger Motors Inc. Zone Change in the Evergreen & Vicinity Zoning District. The requested zone change would go from R-1 (Suburban Residential) to B-2 (General Business). The property is located at 2545 Highway 93 North, Kalispell, Montana.

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

Ken Kalvig – I'm the attorney for the applicant. BJ has gone through the process up to date. We did file an application for a plan amendment and that got accomplished yesterday so we now have commercial planning on this property. We've also been processing the zone change application and went through public hearing at the Planning Board level. My recollection was there were 4 or 5 people who spoke in favor of the proposal. At that time, one person to my recollection spoke against the proposal at that time. I certainly think that the changes that have gone on in the area, where the Home Depot/Target development is, Lowe's and Costco going in kitty corner from this. The proposed Glacier Mall project that is in litigation right now but we think eventually is going to come out of that and be developed. You really do have a new commercial center out there and I think that what we're doing with this zone change is we are taking a corner that's probably got about thirty to forty acres in total between the intersection of Highway 93 and West Reserve and the Stillwater River and changing that from a single family residential area into a commercial area. I think that you can see with the changes that have happened in that area with the other large developments that it really no longer is going to be a single family residential area. So we certainly think it's consistent with what's going on out there. The application that we filed does go through the twelve statutory criteria. The planning board did adopt the Staff Report as Findings of Fact and I'm sure that you gentlemen have had an opportunity to review the record on this at this point. The only other thing that I want to say is that as the area grows, we're getting more people and we are becoming a larger trade area and we need to have areas where businesses can adequately and appropriately grow as well. This is a very good example of a dealership location inside the City of Kalispell that has growth limitations. The business needs to grow and it does not have the opportunity to do that in its present site and it's just really one example of a lot of different businesses around the community that face the same types of issues and I don't think that in the past we've anticipated the growth that we're going to have and I don't think we've adequately planned for commercial areas and so I think that with this zone change and perhaps with other zone changes that are going to happen in the area, I think we are creating flexibility and freedom for businesses to grow and expand as they need to do that. I see that Mr. Wachholz is here this morning and he's been working with the applicant as well and he might even be able to offer some comments as to the difficulty that he has encountered on behalf of this client and other clients in finding suitable commercial areas for businesses to move into so that they can be adequately sized and can grow, with that, if you have any questions, I'll be happy to address them. Thank you very much for your consideration.

Paul Wachholz – I've been in the real estate banking business and real estate business since 1967 here in the valley and real estate since 1981. I've been working with the Eisinger group for the last 2 or 2 ½ years and one of our difficulties and what we originally planned just to try to do a auto center with two or three other dealerships and locating them all in one location. Unfortunately after visiting with the Planners here in the city, all of the B2 zoning in that district and there's a lot of it, car dealerships are zoned out of that area. That's the new trick in zoning I guess is the zone's put in and then certain exclusions are included and none of the area north of town, the B2 zoning would automobile dealers be permitted. So basically what happened is the Toyota people ended up going south of Kalispell but Eisinger stuck with their plan to try to locate north. Since they couldn't locate in and around the current center and activity, they wanted to locate right across the street and that particular corner makes a very good high visibility location for a good commercial auto dealership and it was there they chose and they're in the process of going through the steps of course for zoning change to get that approved and I highly recommend that you review it with open eyes so that in turn this business can be continue to accommodate the automobile needs for the people that will be living in that area north of Kalispell. Do you have any questions?

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

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

Commissioner Hall commented to Mr. Wachholz, as I look at the map it's kind of unfortunate that this R-1 wasn't all included and this one all the way to the river. It just seems like it would have made sense to combine those but for whatever reason.

Mr. Wachholz answered, I might mention that basically they're kind of standing by and watching and hoping that they too at some point can change their zoning and I know that Mr. Kalvig doesn't like spot zoning in that particular case, the other people have been kind of just standing by, waiting. They weren't ready to make any more or choose a designation at this time. The other thing would be it would an advantage to the church. I talked to a couple church members there that at some point they might want to have a school there and or a school supply or biblical supply there for the school so that whole group of people could possibly join one another at some point. I think that will happen in commercial fashion.

Commissioner Hall made a **motion** to adopt Resolution No. 797DE. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 797DE

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 5th day of October, 2004, to consider a request by Corwin-Eisinger Motors, Inc. to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on September 17 and September 24, 2004;

WHEREAS, the Board of Commissioners did receive 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 Evergreen and Vicinity Zoning.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity 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 thereof, the Board will receive written protests to the change to the Evergreen and Vicinity 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 Evergreen and Vicinity 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 in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 5th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intention and authorize the Chairman to sign. Commissioner Watne **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 intention (Resolution No. 797DE) on October 5, 2004 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

The boundaries of the area proposed to be changed from R-1 to B-2 are set forth on Exhibit "A".

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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 Evergreen and Vicinity 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 5th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

Publish on October 8 and October 15, 2004.

**EXHIBIT A
CORWIN-EISINGER MOTORS
ZONE CHANGE FROM R-1 TO B-2**

The property proposed for the map amendment is located at the intersection of Reserve Drive and US Hwy 93 and contains approximately 10.1 acres. The property's legal description is Tract 41 of Section 30, Township 29 North, Range 21 West, P.M.M.

- 1:15 p.m. 911 Meeting at Justice Center**
- 4:00 p.m. Commissioner Hall attended Montanans for Multiple Use Meeting at Perkins**
- 6:00 p.m. Commissioner Hall attended Whitefish Stakeholders Meeting at Mountain West Bank**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 6, 2004.

WEDNESDAY, OCTOBER 6, 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.

BUDGET AMENDMENT: SOLID WASTE DISTRICT AND FIRE SEASON

Present at the October 6, 2004 9:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1750. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

COUNTY OF FLATHEAD

**GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION #**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
		1		
		2		
		3		
		4		
		5		
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		9		
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		31		

		32		
		33		
		34		
		35		
	Total		\$-	\$-

Explanation:

by: Gary L Como, Finance
 Approved by:
 Commissioners by
 Resolution

**COUNTY OF FLATHEAD
 GENERAL
 JOURNAL
 VOUCHER
 BUDGET
 AMENDMENT
 RESOLUTION # 1735**

DATE ISSUED:
 DATE OF RECORD:

VOUCHER NO.: 0406-180

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2982-0191-383000	Transfer-In	8	\$6,315.15	
2982-172000	Revenue Control	9		\$6,315.15
2983-0191-383000	Transfer-In	10	\$1,749.00	
2983-172000	Revenue Control	11		\$1,749.00
-----	Establish Budgeted Lines	-----		
		13		
2888-0191-331174	AIMS Contract	14	\$7,185.00	
2888-172000	Revenue Control	15		\$7,185.00
		16		
-----	Bdgt Adjust per AIMS agreement	-----		
		18		
2280-0726-331181	III-A	19	\$2,000.00	
2280-0726-331161	III-B	20		\$2,000.00
		21		
2983-0191-334100	State Special Funds	22	\$18,400.00	
2983-172000	Revenue Control	23		\$18,400.00
		24		
2987-0191-331172	Training Grant	25	\$1,880.00	
2987-172000	Revenue Control	26		\$1,880.00
2987-0191-450325-378	Travel	27		\$1,880.00
2987-242000	Expenditure Control	28	\$1,880.00	
		29		
-----	Budget Increase for available	-----		
-----	funds-per contract modifications	-----		
2991-0221-331118	PDM Grant		\$7,500.00	
2991-172000	Revenue Control			\$7,500.00
2991-0221-420600-110	Salaries			\$6,196.13
2991-0221-420600-141	Unemployment			\$15.49
2991-0221-420600-142	Work-Comp			\$375.16
2991-0221-420600-143	Health Ins			\$17.72
2991-0221-420600-144	FICA			\$384.23
2991-0221-420600-145	PERS			\$421.41
2991-0221-420600-147	Medi			\$89.86
2991-242000	Expenditure Control		\$7,500.00	
-----	Establish Budget for PDM Grant	-----		
		Total	\$46,345.00	\$46,345.00

Explanation:

by: Gary L Como, Finance
 Approved by:
 Commissioners by
 Resolution

**COUNTY OF FLATHEAD
 GENERAL
 JOURNAL
 VOUCHER
 BUDGET
 AMENDMENT
 RESOLUTION # 1733**

DATE ISSUED:
 DATE OF RECORD:

VOUCHER NO.: 0406-149

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2888-0191-331168	Bdgt Adjust-1st Contract Mods	1	\$584.00	
2888-0191-334131	" " "	2		\$4,924.00
2888-172000	" " "	3	\$4,340.00	
2888-0191-450323-110	" " "	4		\$11,506.00
2888-0191-450323-141	" " "	5		\$30.00
2888-0191-450323-142	" " "	6		\$95.00
2888-0191-450323-143	" " "	7		\$3,685.00
2888-0191-450323-144	" " "	8		\$713.00
2888-0191-450323-145	" " "	9		\$782.00
2888-0191-450323-147	" " "	10		\$167.00
2888-0191-450323-378	" " "	11		\$1,220.00
2888-242000	" " "	12	\$18,198.00	
	" " "	13		
2982-0191-331161	" " "	14	\$2,888.00	
2982-0191-331168	" " "	15	\$10,105.00	
2982-0191-334131	" " "	16		\$1,583.00
2982-0191-334140	" " "	17		\$10,687.00
2982-172000	" " "	18		\$723.00
2982-0191-450321-110	" " "	19	\$172.00	
2982-0191-450321-311	" " "	20		\$1,072.00
2982-0191-450321-352	" " "	21		\$5,470.00
2982-0191-450321-378	" " "	22		\$200.00
2982-0191-450321-398	" " "	23		\$41,717.00
2982-242000	" " "	24	\$48,287.00	
	" " "	25		
	Budget Amendment-1st Contract	26		
	Modifications for FY-05 Grants	27		
		28		
		29		
		30		
		31		
		32		
	Total		\$84,574.00	\$84,574.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1733**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: **0406-149**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2983-0191-331161	Bdgt Adjust-1st Contract Mods	1		\$10,000.00
2983-0191-331163	" " "	2		\$11,834.00
2983-0191-334131	" " "	3	\$11,184.00	
2983-172000	" " "	4	\$10,650.00	
2983-0191-450322-110	" " "	5		\$1,419.00
2983-0191-450322-141	" " "	6		\$4.00
2983-0191-450322-142	" " "	7		\$75.00
2983-0191-450322-143	" " "	8		\$170.00
2983-0191-450322-144	" " "	9		\$88.00
2983-0191-450322-145	" " "	10		\$92.00
2983-0191-450322-147	" " "	11		\$21.00
2983-0191-450322-210	" " "	12		\$1,671.00
2983-0191-450322-223	" " "	13	\$1,700.00	
2983-0191-450322-378	" " "	14		\$1,000.00
2983-0191-450322-900	" " "	15	\$2,301.00	
2983-0191-450322-398	" " "	16		\$5,000.00
2983-242000	" " "	17	\$5,539.00	
	" " "	18		
	" " "	19		
2990-0726-331161	Bdgt Adjust-1st Contract Mods	20	\$71.00	
2990-0726-334131	" " "	21	\$16,625.00	
2990-172000	" " "	22		\$16,696.00
	" " "	23		
	Budget Amendment-1st Contract	24		
	Modifications for FY-05 Grants	25		
		26		

		27		
		28		
		29		
		30		
		31		
		32		
	Total		\$48,070.00	\$48,070.00

Explanation:

by: Gary L Como
 Approved by:
 Commissioners by
 Resolution

COUNTY OF FLATHEAD

**GENERAL
 JOURNAL
 VOUCHER
 BUDGET
 AMENDMENT
 RESOLUTION #**

DATE ISSUED:
 DATE OF RECORD:

VOUCHER NO.:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
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		32		
		33		
		34		
		35		
	Total		\$-	\$-

Explanation:

by: Gary L Como, Finance
 Approved by:
 Commissioners by
 Resolution

COUNTY OF FLATHEAD

**GENERAL
 JOURNAL
 VOUCHER
 BUDGET
 AMENDMENT
 RESOLUTION #**

DATE ISSUED:
 DATE OF RECORD:

VOUCHER NO.:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
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**VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1735**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0406-180

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2982-0191-383000	Transfer-In	8	\$6,315.15	
2982-172000	Revenue Control	9		\$6,315.15
2983-0191-383000	Transfer-In	10	\$1,749.00	
2983-172000	Revenue Control	11		\$1,749.00
-----	Establish Budgeted Lines	-----		
		13		
2888-0191-331174	AIMS Contract	14	\$7,185.00	
2888-172000	Revenue Control	15		\$7,185.00
		16		
-----	Bdgt Adjust per AIMS agreement	-----		
		18		
2280-0726-331181	III-A	19	\$2,000.00	
2280-0726-331161	III-B	20		\$2,000.00
		21		
2983-0191-334100	State Special Funds	22	\$18,400.00	
2983-172000	Revenue Control	23		\$18,400.00
		24		
2987-0191-331172	Training Grant	25	\$1,880.00	
2987-172000	Revenue Control	26		\$1,880.00
2987-0191-450325-378	Travel	27		\$1,880.00
2987-242000	Expenditure Control	28	\$1,880.00	
		29		
-----	Budget Increase for available	-----		
-----	funds-per contract modifications	-----		
2991-0221-331118	PDM Grant		\$7,500.00	
2991-172000	Revenue Control			\$7,500.00
2991-0221-420600-110	Salaries			\$6,196.13
2991-0221-420600-141	Unemployment			\$15.49
2991-0221-420600-142	Work-Comp			\$375.16
2991-0221-420600-143	Health Ins			\$17.72
2991-0221-420600-144	FICA			\$384.23
2991-0221-420600-145	PERS			\$421.41
2991-0221-420600-147	Medi			\$89.86
2991-242000	Expenditure Control		\$7,500.00	
-----	Establish Budget for PDM Grant	-----		
		Total	\$46,345.00	\$46,345.00

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1733**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: 0406-149

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2888-0191-331168	Bdgt Adjust-1st Contract Mods	1	\$584.00	
2888-0191-334131	" " "	2		\$4,924.00
2888-172000	" " "	3	\$4,340.00	
2888-0191-450323-110	" " "	4		\$11,506.00
2888-0191-450323-141	" " "	5		\$30.00
2888-0191-450323-142	" " "	6		\$95.00
2888-0191-450323-143	" " "	7		\$3,685.00
2888-0191-450323-144	" " "	8		\$713.00
2888-0191-450323-145	" " "	9		\$782.00
2888-0191-450323-147	" " "	10		\$167.00
2888-0191-450323-378	" " "	11		\$1,220.00
2888-242000	" " "	12	\$18,198.00	
	" " "	13		
2982-0191-331161	" " "	14	\$2,888.00	
2982-0191-331168	" " "	15	\$10,105.00	

2982-0191-334131	"	"	"	16		\$1,583.00
2982-0191-334140	"	"	"	17		\$10,687.00
2982-172000	"	"	"	18		\$723.00
2982-0191-450321-110	"	"	"	19	\$172.00	
2982-0191-450321-311	"	"	"	20		\$1,072.00
2982-0191-450321-352	"	"	"	21		\$5,470.00
2982-0191-450321-378	"	"	"	22		\$200.00
2982-0191-450321-398	"	"	"	23		\$41,717.00
2982-242000	"	"	"	24	\$48,287.00	
				25		
	Budget Amendment-1st Contract			26		
	Modifications for FY-05 Grants			27		
				28		
				29		
				30		
				31		
				32		
	Total				\$84,574.00	\$84,574.00

Explanation:

by: Gary L Como, Finance
 Approved by:
 Commissioners by
 Resolution

COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION # 1733

DATE ISSUED:
 DATE OF RECORD:

VOUCHER NO.: **0406-149**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2983-0191-331161	Bdgt Adjust-1st Contract Mods	1		\$10,000.00
2983-0191-331163	" " "	2		\$11,834.00
2983-0191-334131	" " "	3	\$11,184.00	
2983-172000	" " "	4	\$10,650.00	
2983-0191-450322-110	" " "	5		\$1,419.00
2983-0191-450322-141	" " "	6		\$4.00
2983-0191-450322-142	" " "	7		\$75.00
2983-0191-450322-143	" " "	8		\$170.00
2983-0191-450322-144	" " "	9		\$88.00
2983-0191-450322-145	" " "	10		\$92.00
2983-0191-450322-147	" " "	11		\$21.00
2983-0191-450322-210	" " "	12		\$1,671.00
2983-0191-450322-223	" " "	13	\$1,700.00	
2983-0191-450322-378	" " "	14		\$1,000.00
2983-0191-450322-900	" " "	15	\$2,301.00	
2983-0191-450322-398	" " "	16		\$5,000.00
2983-242000	" " "	17	\$5,539.00	
		18		
		19		
2990-0726-331161	Bdgt Adjust-1st Contract Mods	20	\$71.00	
2990-0726-334131	" " "	21	\$16,625.00	
2990-172000	" " "	22		\$16,696.00
		23		
	Budget Amendment-1st Contract	24		
	Modifications for FY-05 Grants	25		
		26		
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		31		
		32		
	Total		\$48,070.00	\$48,070.00

Explanation:

by: Gary L Como
 Approved by:
 Commissioners by
 Resolution

COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER

**BUDGET
AMENDMENT
RESOLUTION #**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
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	Total		\$-	\$-

Explanation:

by: Gary L Como, Finance
Approved by:
Commissioners by
Resolution

COUNTY OF FLATHEAD

**GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION #**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
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	Total		\$-	\$-

Explanation:

by: Gary L Como, Finance
 Approved by:
 Commissioners by
 Resolution

**COUNTY OF
 FLATHEAD
 GENERAL
 JOURNAL
 VOUCHER**

BUDGET AMENDMENT

**FYE-
 2004**

RESOLUTION # 1751

Finalize in

DATE ISSUED:10/30/03
 DATE OF RECORD:
 0310 FY04

VOUCHER NO.: FY-2005
 for the file

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry	Debit General Ledger	Credit General Ledger
Account Number	Description	Line		
2260-0201-331082	Forest Service Fire Emergency	1	\$206,280.33	
2260-0201-331110	FEMA	2	\$977,754.19	
2260-0201-331111	DNRC/Disaster Aid/Fire	3	\$39,963.76	
2260-0201-334020	State Emergency/Disaster Prog	4	\$146,361.36	
2260-0201-335210	30% Reimb PerProp Tax	5	\$1,844.06	
2260-0201-365010	Pvt Gifts & Bequests/FEC	6	\$2,378.52	
2260-0201-371010	Investment Earnings	7	\$1.22	
2260-172000	Revenue Control	8		\$1,374,583.44
2260-0201-420601-141	Unemployment	9		\$787.42
2260-0201-420601-142	Industrial Accident	10		\$11,969.66
2260-0201-420601-212	Small Equipment	11		\$6,144.00
2260-0201-420601-312	Freight/Truck Charges	12		\$176.66
2260-0201-420601-320	Printing/Duplication	13		\$81.00
2260-0201-420601-398	Contracted Services	14	\$80,009.50	
2260-0201-420605-110	Salaries	15		\$218,354.34
2260-0201-420605-141	Unemployment	16		\$19.59
2260-0201-420605-142	Industrial Accident	17		\$342.07
2260-0201-420605-143	Health Insurance	18		\$4,299.20
2260-0201-420605-144	FICA	19		\$13,439.71
2260-0201-420605-145	PERS	20		\$2,256.04
2260-0201-420605-146	Sheriff's Retirement	21		\$3,145.58
2260-0201-420605-147	Medicare	22		\$3,153.75
2260-0201-420605-212	Small Equipment	23		\$14,515.03
2260-0201-420605-229	Other Operations Supplies	24		\$7,753.04
2260-0201-420605-231	Gas, Oil, Diesel	25		\$3,720.23
2260-0201-420605-312	Freight/Truck Charges	26		\$923.89
2260-0201-420605-320	Printing/Duplication	27		\$4,227.50
2260-0201-420605-345	Telephone	28		\$2,152.64
2260-0201-420605-363	Machine Repair/Maint	29		\$800.57
2260-0201-420605-378	Travel	30		\$236.52
2260-0201-420605-398	Contracted Services	31		\$208,265.94
2260-242000	Expense Control	32	\$426,754.88	
		33		
		34		
	Total		\$1,881,347.82	\$1,881,347.82
	To Establish Budget & Spending Authority for FY03-04 Fire Emergency			

by: Gary L Como,
 Finance
 Approved by:
 Commissioners by
 Resolution

COUNTY OF
FLATHEAD
GENERAL
JOURNAL
VOUCHER

BUDGET AMENDMENT

**FYE-
2004**

RESOLUTION # 1751

Finalize in

DATE ISSUED: 10/30/03
DATE OF RECORD:
0310 FY04

VOUCHER NO.: FY-2005
for the file

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2260-0201-420606-110	Salaries	1		\$204,975.51
2260-0201-420606-141	Unemployment	2		\$26.58
2260-0201-420606-142	Industrial Accident	3		\$449.31
2260-0201-420606-143	Health Insurance	4		\$4,703.44
2260-0201-420606-144	FICA	5		\$12,576.87
2260-0201-420606-145	PERS	6		\$2,236.43
2260-0201-420606-146	Sheriff's Retirement	7		\$5,289.78
2260-0201-420606-147	Medicare	8		\$2,941.34
2260-0201-420606-212	Small Equipment	9		\$17,082.58
2260-0201-420606-229	Other Operations Supplies	10		\$589.10
2260-0201-420606-231	Gas, Oil, Diesel	11		\$2,480.18
2260-0201-420606-312	Freight/Truck Charges	12		\$881.47
2260-0201-420606-320	Printing/Duplication	13		\$2,310.50
2260-0201-420606-345	Telephone	14		\$3,748.38
2260-0201-420606-363	Machine Repair/Maint	15		\$3,328.40
2260-0201-420606-378	Travel	16		\$33.12
2260-0201-420606-398	Contracted Services	17		\$122,154.33
2260-242000	Expense Control	18	\$385,807.32	
2260-0201-420607-110	Salaries	19		\$124,599.12
2260-0201-420607-143	Health Insurance	20		\$2,174.58
2260-0201-420607-144	FICA	21		\$7,584.80
2260-0201-420607-145	PERS	22		\$568.67
2260-0201-420607-146	Sheriff's Retirement	23		\$2,140.77
2260-0201-420607-147	Medicare	24		\$1,773.96
2260-0201-420607-212	Small Equipment	25		\$3,634.52
2260-0201-420607-229	Other Operations Supplies	26		\$2,119.34
2260-0201-420607-231	Gas, Oil, Diesel	27		\$753.65
2260-0201-420607-312	Freight/Truck Charges	28		\$36.30
2260-0201-420607-320	Printing/Duplication	29		\$1,431.00
2260-0201-420607-345	Telephone	30		\$1,805.57
2260-0201-420607-363	Machine Repair/Maint	31		\$112.50
2260-0201-420607-398	Contracted Services	32		\$90,773.91
2260-242000	Expense Control	33	\$239,508.69	
		34		
	Total		\$625,316.01	\$625,316.01
	To Establish Budget & Spending Authority for FY03-04 Fire Emergency			

by: Gary L Como,
Finance
Approved by:
Commissioners by
Resolution

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

Present at the October 6, 2004 9:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

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

Road generally running northeasterly off Montana Highway 83 (Swan Highway) and located in the NE ¼ Section 23, the SE ¼ Section 14, the W ½ and NE ¼ Section 13 and in the SE ¼ Section 12, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **21st day of October, 2004, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public

hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **SLETHAUG LANE**.

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

Dated this 6th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer
Deputy

Publish on October 10th & 17th, 2004.

BOARD APPOINTMENT: MARION FIRE DIST

Present at the October 6, 2004 9:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to appoint Carolyn Feldmann to the Marion Fire District. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint Bob Keenan as Member-at-Large to the Bigfork Land Use Advisory Committee. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

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

General discussion was held relative to printing of tax bills is complete and done local for the first time in twenty years; attendance at Criminal ; 911 backup computer has the capability to run all dispatch operations as delayed server in case of emergency.

FINAL PLAT: HARBOR VILLAGE AT EAGLE BEND, PHASE 4B

Present at the October 6, 2004 9:30 A.M. Meeting were Commissioners Watne and Hall, Planner Johna Morrison, Michael Frasier of Thomas, Dean & Hoskins, Tim Fox, Assistant Webb and Clerk Eisenzimer.

Morrison reviewed the Staff Report regarding the application filed by Thomas, Dean and Hoskins for Harbor Village at Eagle Bend, Phase 4B which creates sixteen A & B townhome lots. The subdivision is located in the Eagle Bend area of Bigfork in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The preliminary plat approval was granted on January 9, 2003 subject to 25 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a motion to approve the Subdivision Improvement Agreement in the amount on \$61,646.70. Commissioner Watne seconded the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Harbor Village at Eagle Bend, Phase 4B. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

FINAL PLAT: ASPEN MEADOW ESTATES, RESUBDIVISION OF LOT 10

Present at the October 6, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Ardis Larsen of Larsen Engineering and Surveying, Assistant Webb, and Clerk Eisenzimer

Morrison reviewed the Staff Report regarding the application filed by Larsen Engineering and Surveying for the Resubdivision of Lot 10, Aspen Meadow Estates, a subdivision creating one additional single family residential lot. The subdivision is located in Section 34, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. The preliminary plat approval for this subdivision was granted on December 9, 2003 subject to 12 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Resubdivision of Lot 10, Aspen Meadow Estates. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

FINAL PLAT: BONNIE ACRES

Present at the October 6, 2004 10:00 A.M. Meeting were Commissioners Watne and Hall, Planner BJ Grieve, Assistant Webb, and Clerk Eisenzimer

Morrison reviewed the Staff Report regarding the application filed by Bonnie Kenny and Montana Mapping & Associates for Bonnie Acres, a four lot minor subdivision on the south side of Conn Road near the Flathead River. The subje

property is 20.05 acres in size and is located in an unzoned portion of the County. Preliminary plat approval was waived on January 14, 2004 subject to 7 conditions. Morrison indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-29 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

Chairman Hall made a **motion** to approve Final Plat of Bonnie Acres Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

CONSIDERATION OF RELEASE OF COLLATERAL: MCGREGOR LAKE HIGHLANDS

Present at the October 6, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to release collateral for McGregor Lake Highlands as the project has been completed. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF CC&R WAIVER PAGE: WRENCH

Present at the October 6, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the CC&R waiver page for Richard Wrench. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: 13 SUBDIVISION

Present at the October 6, 2004 9:45 A.M. Meeting were Commissioners Watne and Hall, Planner Johna Morrison, Greg Lukasik, Assistant Webb, and Clerk Eisenzimer

Morrison reviewed the Staff Report regarding the application filed Morrison- Maierle Inc. for Mergenthaler Subdivision which will create 3 Industrial Lots off Cooperative Way of Evergreen in Section 33, Township 29 North, Range 21 West. The property is zoned I-1, Evergreen Zoning District. Morrison indicated that all 13 conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve Final Plat of Mergenthaler Subdivision. 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 October 7, 2004.

THURSDAY, OCTOBER 7, 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. AOA TAB at Lutheran Home Cottage

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

DOCUMENT FOR SIGNATURE: PEDIARIX/HEALTH PLAN AMENDMENT

Present at the October 7, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Human Resource Director Raeann Campbell, Assistant Webb, and Clerk Eisenzimer.

Ms. Campbell presented the Health Plan Amendment which allows for the coverage of vaccination with the Pediarix vaccine.

Commissioner Hall made a **motion** to approve the signing of the amendment as presented and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF KELSEY WATER & SEWER DIST.

Present at the October 7, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-13-2205, M.C.A., that it will hold a public hearing to consider the attached petition to create the Kelsey County Water and/or Sewer District. The petition contains 1 signature.

The boundaries of the proposed Kelsey County Water and/or Sewer District are set forth on Exhibit "A" to the Petition.

The public hearing will be held on the 25th day of October, 2004, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public

hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed creation of the Kelsey County Water and/or Sewer District.

DATED this 7th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By /s/ Monica R. Eisenzimer
Deputy

Publish on October 12th and October 19th, 2004.

**KELSEY WATER & SEWER DISTRICT
EXHIBIT 'A': METES & BOUNDS**

That portion of the West ½ of the southeast ¼ southeast, Section 28, Township 29 North, Range 21 West, Flathead County, Montana, P.M.M., Described as Follows;

Beginning at the southeast corner of the west ½ of the southeast ¼ of the southeast ¼; Thence along the east and north and west lines of the west ½ of the southeast ¼ southeast ¼ north 00° 03'47" East 1319.49 Feet, south 89°51'48" west 658.78 Feet and south 00°07'16"West 914.119 Feet; Thence North 88°56'05"East 102.26 Feet; Thence South 01°10'18" East 310.66 Feet to the South line of the West ½ of the Southeast ¼ of the Southeast ¼, also being the center line of East Reserve Drive, Thence along said line North 89°55'36" East 430.80 Feet to the point of beginning containing 17.91 acres of land.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: SMITH VALLEY FIRE DIST./PROPERTY DEED

Present at the October 7, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Deputy County Attorney Peter Steele, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution No. 1752. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

RESOLUTION NO. 1752

WHEREAS, Flathead County owns a tract of land, consisting of approximately one acre, which was conveyed to Flathead County for the use and benefit of the Smith Valley Fire District;

WHEREAS, the Smith Valley Fire District operates fire stations at two separate locations but does not utilize the above-described property;

WHEREAS, the Smith Valley Fire District desires to convey the above-described property to an interested purchaser;

WHEREAS, the Smith Valley Fire District has requested that the above-described property be transferred from the County to the Smith Valley Fire District to effectuate the conveyance; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, agrees that the property described below should be transferred to the Smith Valley Fire District because the property is not necessary for the conduct of the County business and because it was conveyed to Flathead County for the use and benefit of the Smith Valley Fire District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby passes this resolution of intention to transfer the following property to the Smith Valley Fire District of Flathead County by quit claim deed:

A tract of land situate, lying and being in Government Lot eight (8) & nine (9) of Section Five (5), Township Twenty-seven (27) North, Range Twenty-two (22) West., P.M.M., Flathead County, Montana and more particularly described as follows to wit:

Beginning at the NE Corner of Government Lot 9, Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana; thence North 89°45'27"E, and along the northerly boundary line of Government Lot 8, 56.43 feet to a iron pin on the westerly R/W of U.S. Highway No. 2; thence South 2°37'44"W, and along said Highway R/W, 100.00 feet to a iron pin; thence South 89°45'27"W, and being parallel with the northerly boundary line of Government Lot 9, 436.10 feet to a iron pin; thence North 2°37'44"E, and being parallel with the westerly R/W of U.S. Highway No. 2, 100.00 feet to a iron pin on the northerly boundary line of Government Lot 9; thence North 89°45'27"E, 379.67 feet to the place of beginning and containing 1.00 acres of land more or less.

All as shown on Certificate of Survey 1401, on record in the office of the County Clerk and Recorder, Flathead County, Montana.

BE IT FURTHER RESOLVED, that notice of the passage of this resolution of intention shall be published as required by Section 7-1-2121, M.C.A., and the public shall be invited to comment on the proposal to transfer the above-described real property to the Smith Valley Fire District of Flathead County.

DATED this 7th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Howard W. Gipe, Chairman

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

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

ATTEST:
Paula Robinson, Clerk

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

Commissioner Hall made a **motion** to authorize the publication of the Notice of Passage of Resolution of Intent and authorize the Chairman to sign. Commissioner **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 7-8-101, M.C.A., that it passed a resolution of intent (Resolution No. 1752) on the 7th day of October, 2004, to transfer the following property to the Smith Valley Fire District of Flathead County because it is not necessary for the conduct of County business and because it was conveyed to Flathead County for the use and benefit of the Smith Valley Fire District:

A tract of land situate, lying and being in Government Lot eight (8) & nine (9) of Section Five (5), Township Twenty-seven (27) North, Range Twenty-two (22) West., P.M.M., Flathead County, Montana and more particularly described as follows to wit:

Beginning at the NE Corner of Government Lot 9, Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana; thence North 89°45'27"E, and along the northerly boundary line of Government Lot 8, 56.43 feet to a iron pin on the westerly R/W of U.S. Highway No. 2; thence South 2°37'44"W, and along said Highway R/W, 100.00 feet to a iron pin; thence South 89°45'27"W, and being parallel with the northerly boundary line of Government Lot 9, 436.10 feet to a iron pin; thence North 2°37'44"E, and being parallel with the westerly R/W of U.S. Highway No. 2, 100.00 feet to a iron pin on the northerly boundary line of Government Lot 9; thence North 89°45'27"E, 379.67 feet to the place of beginning and containing 1.00 acres of land more or less.

All as shown on Certificate of Survey 1401, on record in the office of the County Clerk and Recorder, Flathead County, Montana.

Further information concerning the proposed transfer may be received from, and written comments may be sent to, the Board of Commissioners, Flathead County, Montana, 800 South Main, Kalispell, Montana 59901, telephone 758-5503. Oral comments will be received when the Board of Commissioners meets at 9:30 o'clock, a.m., on the 15th day of November, 2004, to consider the passage of a final resolution authorizing the property transfer.

DATED this 7th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

Publish on October 12th and October 19th, 2004.

DOCUMENT FOR SIGNATURE: COLUMBIA FALLS FIRE DIST. AGREEMENT/OES

Present at the October 7, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Assistant Webb presented the Agreement between the Columbia Falls Fire District and OES for housing the Flathead County emergency vehicle.

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

DOCUMENT FOR SIGNATURE: CONTRACT AMENDMENT/EAGLE TRANSIT

Present at the October 7, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Webb explained to the Board that this contract allows the Eagle Transit to receive more money and extends the contract for disbursement of services.

Commissioner Hall made a **motion** to approve the contract amendment increasing the amount and length of the contract. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: JELLISON ACRES

Present at the October 7, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Planner BJ Grieve, Ardis Larsen of Larsen Engineering and Surveying, Assistant Webb, and Clerk Eisenzimer.

Grieve reviewed the Staff Report regarding the application filed by John Jellison for Jellison Acres Subdivision which will create a one lot minor subdivision off of Jellison Road southwest of Columbia Falls. The subject property is 7.58 acres in size and is unzoned. Preliminary plat was waived on February 24, 2004, subject to seven conditions. Morrison indicated that all conditions had been met or otherwise addressed with amendment to Item 6 which should read that the condition of receiving a physical address pursuant to Resolution 1626 **has** been met. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-31 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Jellison Acres as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: SUBDIVISION NO. 234

Present at the October 7, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Planner BJ Grieve, Tom Sands from Sands Surveying, Assistant Webb, and Clerk Eisenzimer.

Grieve reviewed the Staff Report regarding the application filed by Earl Weaver, Jr. Revocable Living Trust, Gertrude H. Weaver Family Limited Partnership for Subdivision No. 234 which will create a five lot minor subdivision along Lauman Road, approximately 2.5 miles north of the intersection of Hwy 35 and 206. The property is described as Assessor's Tract 4B in Section 22, Township 29 North, Range 20 West, P.M.M., Flathead County, Montana. The property is unzoned. Preliminary Plat approval was granted on March 4, 2003 subject to 9 conditions. Grieve indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat of Subdivision No. 234. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

FINAL PLAT: WESTERN VILLAGE #2

Present at the October 7, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Planner Peggy Goodrich, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the Staff Report regarding the application filed by Lester and Martha Elletson for Western Village #2 Business Park, a five lot minor subdivision located southwest of Columbia Falls. The subject property is 15.03 acres in size and is located in an unzoned area. Preliminary plat approval was granted on February 24, 2004 subject to seventeen conditions. Goodrich indicated that all conditions had been met or otherwise addressed. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-38 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat of Western Village #2. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: CLERK & RECORDER

Present at the October 7, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve on behalf of the Clerk & Recorder, the bid submitted by Wright Impressions for 20,000 & 10,000 envelopes in the amount of \$535.13 combined cost. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: CERTIFICATE OF SUBSTANTIAL COMPLETION/EAGLE TRANSIT

Present at the October 7, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the certificate of substantial completion upon architect's recommendation. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT AMENDMENT #1 TO -05-07-5-01-015-0

Present at the October 7, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the contract for Health and Human Services. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

10:30 a.m. Commissioners Gipe and Watne attended on-site viewing at Vo-Ag Building

4:00 p.m. Commissioner Hall attended Whitefish Stakeholders Meeting at Mountain West Bank

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

FRIDAY, OCTOBER 8, 2004

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

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 11, 2004.