

MONDAY, JANUARY 24, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, Seeing no one to speak, Commissioner Hall closed the public comment period.

MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT.

Present at the January 24, 2005 9:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Health Dept Manager Joe Russell, Assistant Webb, and Clerk Moser

General discussion was held relative to most current Health Board meeting, open burning restrictions its effects on air pollution control and the need for fire departments' ability to issue citations, community health center plans, future highway plans, legislative issues including mosquito control legislation, tattoo and body piercing legislation and the hope that it can be adopted locally, flu shot availability and board membership requirements.

PUBLIC HEARING: GRANITE HOLDINGS LLC & ZINKE ZONE CHANGE/HIGHWAY 93 N ZONING DIST.

Present at the January 24, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Webb, Roger Fricke, PC Musgrove, Ara Jorgenson, Pat Zinke, Mayre Flowers, Planning and Zoning Director Johna Morrison, and Clerk Moser.

Johna Morrison reviewed the proposed project.

Chairman Hall opened the public hearing to anyone wishing to speak in favor of the proposed Zone Change

Roger Fricke – Thank you Ms. Morrison for your explanation. In late 2004 the Flathead County master plan was amended to reflect the suburban residential and highway commercial designation on the piece of property. 148 acres of this request is currently approved for a mixed use PUD. Approximatley 39 acres of B2 along the Highway frontage, and about 108 acres of suburban agricultural with 2.5 acres lot sizes. Since the original mixed use PUD was approved Pat Zinke and I have added an additional 67 acres to the project. The additional acreage and the zone change will allow us flexibility of design, to design a well planned neighborhood with manageable lot sizes, a more creative layout, have useful open space, and have easily accessible building site for small business. The sites in a growth area centrally located between Kalispell and Whitefish, and it has good access to Highway 93. Department of Transporation says they are going to let the Highway 93 job in January 2006. I have also signed papers agreeing to let the DOT have more right of way, and they are planning on putting an interchange at Church Drive on the underpass, an interchange. I have already agreed to let them have that. I think that is going to really help the traffic situation when they rebuild that road to the new standards. I think that that stretch of Highway 93 will be the best road in Flathead County when they are done. If I receive this zone change, or if we receive this zone change we will be submitting the plan to the Planning Board for there review. I think it will be a really nice planned development when it is through.

PC Musgrove – I know you are familiar with Roger Fricke developments in the past, and he has done way in addition to what he was required on them. I think that is his style. I think more importantly we are looking at, as he said, a growth area that as we more and more five and ten acre pieces lopped off, we than find it very hard to really do planning, that has anything to do with any kind of actual community, or you know neighborhoods that can be planned. It is hard to go back and re-plan something that is just in big blocks. I would encourage you to approve.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition of the proposed Zone Change

Mayre Flowers – Representing Citizens for a Better Flathead. I want to comment, and I made this comment earlier, I think the planning board has put in place a process where is hearings such as this they invite comment neither pro or against, but simply comment on a development. I think that it says an atmosphere, and a tone for a hearing such as this that allows people to comment on, not necessarily for or against, but on complex issues within a project, and allows consensus hearing. I would encourage this board to also consider that kind of policy in these hearings before you. At the board meeting there were two letters in support and six in opposition, but when I look at the file at the planning office, there were some fifty plus written comments submitted on that proposal. I am curious whether those ever made it to you as a commission. For that reason I would ask that these letters be reviewed by you as part of this zone change hearing. I think that the issues that were raised by the public get at the issue of particularly the commercial development. This proposal is inconsistent with the original master plan for this area. I think that there is legitimate concern that the scope of development being proposed here should not be simply a zone change. At the very least I think you have the authority to request that this come back to you as a planned unit development. That would begin to answer some of the more technical questions that have been raised already this morning about the highway frontage, the access, the type of development that would go in here. I think that if you look at developments like the Section 36 with Lowes that has come in with a very detailed neighborhood plan. Across the street a PUD for the Home Depot site. The public deserves to really know, in much more detail, what is being proposed here at this location. I would encourage you to go back and look at the public comment that was submitted to you earlier, and to consider requiring more detail on what is being proposed to you today.

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

Commissioner Watne made a **motion** to adopt staff report FZC-04-27 as Findings of Fact and authorize that Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried by quorum.

Commissioner Watne made a **motion** to adopt resolution 837 BC. Chairman Hall **seconded** the motion. **Aye** – Hall, and Watne. Nay - Brenneman Motion carried by quorum.

RESOLUTION NO. 837 BC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of January, 2005, concerning a proposal by, Pat Zinke and Granite Holdings to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 10 and January 17, 2005;

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, 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 in a portion of the Highway 93 North Zoning District from SAG-5 and SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and 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 Highway 93 North Zoning District to be amended, the general character of the proposed designation for the area to be amended, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication of thereof, the Board will receive written protests to the change to the Highway 93 North Zoning District, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests will be received from persons owning real property within the Highway 93 North Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

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

DATED this 24th day January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By: _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

EXHIBIT A
GRANITE HOLDINGS & PAT ZINKE
ZONE CHANGE FROM SAG-5, SAG-10 AND AG-40 TO R-2 & B-2

Location and Legal Description of Property:

The property proposed for the map amendment is located directly across Highway 93 to the east of The Majestic Valley Arena and contains approximately 215 acres. The property's legal description is Tracts 5, 4H, 4K, 2F, and Lot 2, Subdivision #128 of Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Commissioner Watne made a **motion** to publish Notice of Passage of Resolution and Intent and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall, and Watne. Obstain – Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
HIGHWAY 93 NORTH ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 837BC) on January 24, 2005, to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 and SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and B-2 (General Business).

The boundaries of the area proposed to be amended from SAG-5, SAG-10, and AG-40 to R-2 and B-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those i) intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, and those ii) 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 to provide areas of estate-type residential development, to regulations providing for i) 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 serving the general needs of the tourist and traveler and ii) providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines.

The regulations defining the SAG-5, SAG-10, AG-40, R-2 and B-2 are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the change proposed for a portion of the Highway 93 North Zoning District from persons owning real property within that District whose names appear on the last completed assessment roll of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

DATED this 24th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

By: /s/Gary D. Hall
Gary D. Hall, Chairman

By: /s/Kimberly Moser

Deputy

Publish on February 3 and February 10, 2005.

**EXHIBIT A
GRANITE HOLDINGS & PAT ZINKE
ZONE CHANGE FROM SAG-5, SAG-10 AND AG-40 TO R-2 & B-2**

Location and Legal Description of Property:

The property proposed for the map amendment is located directly across Highway 93 to the east of The Majestic Valley Arena and contains approximately 215 acres. The property's legal description is Tracts 5, 4H, 4K, 2F, and Lot 2, Subdivision #128 of Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

CONTINUATION OF PRELIMINARY PLAT: SAVE ME TEN ACRES

Present at the January 24, 2005 9:45 A.M. Meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Webb, Planning and Zoning Director Johna Morrison, Richard Davies, Planner Johna Morrison, and Clerk Moser.

Goodrich reviewed the application submitted by Richard A. & Carol J. Davies for Preliminary Plat approval of Save-Me-Ten-Acres, a two lot major subdivision on approximately 20.5 acres. The subdivision is proposed on 20.5 acres and will be served by individual on-site wells and septic systems. The lots will be accessed from Hellman Lane, a county road located at the bend of Columbia Falls Stage Road. The property is unzoned. Preliminary plat was continued from a previous date and the staff report was amended to include condition 7D, which reads, all Lot owners of lots within this subdivision shall be deemed to have waived their right to the protest of the creation of a Rural Special Improvement District (RSID) for the improvement to County Roads, unless it cannot be demonstrated that the RSID Has a direct benefit to the subdivision. This restriction shall appear on the face of the final plat and as a deed restriction on the property. Condition 9 was added, which concerns bike/pedestrian trail easement.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-37 as Findings of Fact. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to continue the Preliminary Plat for Save-Me-Ten-Acres. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

PUBLIC HEARING: MATTER & BELL ZONE CHANGE/BIGFORK ZONING DIST

Present at the January 24, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Webb, Margrit Matter, Planner Kirsten Holland, Jon Ludvikson, and Clerk Moser.

Planner Kirsten Holland reviewed proposed Zone Change.

Chairman Hall opened the public hearing to anyone wishing to speak in favor the proposed Zone Change.

Margrit Matter – I would just like to point out that I was not aware that the cabins could not be stored there. They belong to Jack Hannah. He had a problem getting into the property, and he asked me if he could leave them there until they had a pad. I said yes he could go ahead and do that. It was brought to my attention that

they could not be parked there, and so we removed them. We had no intentions whatsoever. We had no intentions to sell them until people bombarded me about how cute they were, and that they would like to see those in Montana. I investigated the possibility of doing that. I really think that having them would not be a deterrent of how the town would look. As you probably know, I do things quite tastefully in Bigfork. I would never put anything there that would take away from my business's. I very much am concerned about how Bigfork looks. I spend a lot of money making it look even better. You can rest assured that as long as I have that property is my possession I will never allow anything in there that is not really tasteful.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition of the proposed Zone Change.

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

Commissioner Brenneman made a **motion** to adopt Staff Report #FZC-04-28 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt resolution 956BH. Commissioner Hall **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 956 BH

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 24th day of January 2005, concerning a proposal by Margrit Matter and Michelle and Jim Bell to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 10 and January 17, 2005;

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 B-3 (Community Business) 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 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 24th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Joseph D Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

EXHIBIT A
MARGRIT MATTER, MICHELLE AND JIM BELL
ZONE CHANGE FROM B-3 TO B-2

Location and Legal Description of Property:

The properties are in the Bigfork Zoning District and have frontage on Montana Highway 35, just south of Ice Box Canyon. The properties contain a total of 4.36 acres and may be described as Assessor's Tracts 3AAAA, 3AAAE, and 3AAAF, all in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Commissioner Watne made a **motion** to publish notice of passage of Resolution and Intent and authorize the chairman to sign. Chairman Hall **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

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. 956BH) on January 24, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business):

The boundaries of the area proposed to be amended from B-3 to B-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area, as a business center and not a strip development, to providing a business district 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 B-3 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, 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 24th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk
By/s/Kimberly Moser
Deputy

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

Publish on February 3 and February 10, 2005.

EXHIBIT A
MARGRIT MATTER, MICHELLE AND JIM BELL
ZONE CHANGE FROM B-3 TO B-2

Location and Legal Description of Property:

The properties are in the Bigfork Zoning District and have frontage on Montana Highway 35, just south of Ice Box Canyon. The properties contain a total of 4.36 acres and may be described as Assessor's Tracts 3AAAA, 3AAAE, and 3AAAF, all in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF RELEASE OF COLLATERAL: OSPREY NEST

Present at the January 24, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Jon Ludvikson, and Clerk Moser

Commissioner Watne made a **motion** to release collateral and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF ADOPTION OF RESOLUTION: CREATION OF LONG TERM PLANNING TASK FORCE

Present at the January 24, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Deputy County Attorney Jonathan Smith, Jon Ludvikson, Mayre Flowers, and Clerk Moser

Chairman Hall read proposed Resolution 1784.

Commissioner Brenneman made a **motion** to adopt Resolution 1784. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1784

WHEREAS, although the Flathead Valley has experienced rapid growth and development in the past decade, long-range planning for the adequate and necessary public infrastructure and private development to support that growth has not kept pace with the growth;

WHEREAS, the rapid growth and development in the past decade have taxed the resources of Flathead County government to provide adequate services to protect and enhance the public health, safety, and welfare, including but not limited to transportation infrastructure, law enforcement services, fire and emergency services, clean and safe drinking water, sewage treatment facilities, weed control, parks and other public facilities;

WHEREAS, the Board of Commissioners of Flathead County has determined that a Long-Range Planning Task Force should be established to meet and study long-term planning issues, solicit input from the community, and utilize available resources to develop a long-range vision document that will help define what Flathead County will look like in 2010 and 2025; and

WHEREAS, it is important that the membership of the Long- Range Planning Task Force include representatives of each incorporated city, a member of the Flathead County Planning Board, citizens, and the heads of County departments that are effected by the costs of providing services as a result of development.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that a Long-Range Planning Task Force is established to meet and study long term planning issues, solicit input from the community, and utilize available resources to develop long-range vision document that will help define what Flathead County will look like in 2010 and 2025 for presentation to the Board.

IT IS FURTHER RESOLVED, that membership of the Long-Range Planning Task Force is comprised of the following members:

- 1) One (1) representative of each incorporated city in Flathead County,
- 2) One (1) member of the Flathead County Planning Board,
- 3) The heads of the following County departments – Flathead City-County Health Department, Sheriff, Planning, Roads, Superintendent of Schools, Weed/Parks, and the County Administrator.
- 4) One (1) member of the Evergreen Business District Association,

- 5) Four (4) at-large and two (2) alternative citizen members appointed by the Board of Commissioners.
- 6) One (1) member of the Board of Commissioners
- 7) The County Attorney's Office shall serve as the legal advisor to the Task Force.

IT IS FURTHER RESOLVED, that notice of all meetings of the Long-Range Planning Task Force will be placed on the Board of Commissioners' Agenda.

Dated this 24th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By /s/Joseph D Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

DOCUMENT FOR SIGNATURE: SERVICE AGREEMENT/SPECIAL FRIENDS ADVOCACY & EAGLE TRANSIT

Present at the January 24, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the service agreement. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

PUBLIC HEARING: WHITEFISH JURISDICTIONAL AREA INTERLOCAL AGREEMENT.

Present at the January 24, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Webb, Joe Fagen, Don Spivey, Jon Ludvikson, Dwayne Becker, Marlene Becker, Debbie Biolo, John Phelps, Jim Peck, Penney Peck, Ronald Buentemeier, Eric Mulcahy, Cris Coughlin, Gary Marks, Tom Muri, Clerk and Recorder Paula Robinson, Sheila Bowen, Kerry Finley, and Clerk Moser.

Jonathan Smith reviewed agreement.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Debbie Biolo – We have a business on Highway 93, it is Midway Motors. I am in favor because, for one thing we have been kind of in limbo with this for almost five years now. We have not been able to participate in the

county process of the master plan revision, because we have been told, hang on, it is changing, hold on. We have been sitting and going to meetings and trying to stay abreast to what has been going on for almost five years. We happen to be in an area where we are in the county, we are almost in the four mile area of the four and a half. Our business is in the county, but we have found that we were in an area where the jurisdictions overlap. We have found out that we actually have one jurisdiction designation with Whitefish, with the master plan, but we have another with the county. We have found that we were in a very confused and very difficult situation. As we tried to get to the bottom of the process, we found out that, we were told that we were in an area of overlapping jurisdiction. It was called shared jurisdiction. We were in an area that there would be a shared decision making process for our business and our land, and our property. What we found out was that because we were in a planning jurisdiction of Whitefish that we would start there and if that planning board did not like the sound of whatever it was that we were proposing, than we were done. There was actually no shared process where we would move on. Where as if you are in one entity or another, and not having to go and jump hoops on two entities, we were going to asked to jump them in Whitefish, and again in the county. What we found out is if Whitefish were to say no to anything that we might lay out we were done. We than did not have the opportunity to go to the county at all. If you are in the county, you start with your planning board, you lay it all out. Than you get to go on to your county commissioners and you get to lay it all out again. If you are in Whitefish, you start with your planning board, and than you have a chance to lay it all out again with your city council. What we found out was that, in our shared jurisdictional area, where we had jurisdictions of both, we did not have that opportunity. We found out that we really had no shared decision making in that area. We found that we were in kind of a peculiar situation. We have a three acre commercial piece of property, that later was blanketed with a twenty acre ag on a master plan. To tell you the truth we have not gotten to the bottom of it yet. Of what our possibilities were. Right now we do not have a proposal. We don't have a plan. We are just at a point where we are trying to turn a page and look at retirement, and putting all of the pieces together, and that land, asset, and that business, and that highway frontage, is all part of that for us. We invested our lives here. We invested our retirement and everything in land on Highway 93, that is commercial, where we run a business. We found out that by being blanketed with a twenty acre ag on a planning jurisdiction we found we are really restricted and really limited in what we may be able to do with that, as turning a page and looking at retirement. We are really in a pickle. We would like to see it resolved, before it goes another two weeks. We have been riding this along for almost five years. We would like to see our business be in one jurisdiction, and not the confusion, and the cumbersome situation we are in with overlapping. We would like to have one entity to deal with, and jump the hoops with one body of authority. We would like that to be county. We are way outside of Whitefish. We will never receive water. We will never receive any services. We don't have any services now, but yet our hands are tied on a master plan that says twenty acre ag, when in reality we are commercial, we are three acres. We have been historically commercial for many years, and that is why we ended up grandfathered. The grandfather in itself pretty much explains the situation. We were there already what are they going to do with us. They want twenty acres ag. They want a scenic corridor, but they don't have one, because people already do business there. We feel like our hands are tied. All we want is a fair shake, like we see everybody else in the county having. A quarter of a mile down the road, people are breaking up real ag and putting there commercial things in. We've got real commercial and we are tied up with a twenty acre ag.

Cris Coughlin – I am on the city council in Whitefish. I am here today speaking for myself. I am going to throw a few council comments in there as well. I am very much in favor of passing this document. I know I have heard and read a lot of comments about the 2003 December public hearing that the commissioners and the city council of Whitefish had. They stated that people were against the idea, at the time. I totally disagree. My feeling at that meeting was that people were confused about the document at that time. I think that they did not understand. They felt that they were being annexed into the city. They thought that there taxes were going to go up. Whitefish city council, therefore decided to have several more public hearings on that matter. I think that at our final public hearing there was overwhelming support for the document. I admire the people that have worked long and hard on this, the Johns, and the commissioners, Gary Hall especially, trying to put this document together, and trying to come up with a compromise. I do think that it is a very good document, however I would really encourage to reconsider those Highway corridors. I know that the council was told in the past that the two miles was kind of a deal breaker for Howard. Howard is no longer here so I would like

you all to please look at that one more time for yourselves. I encourage you to pass the document and relook at the two mile issue.

Don Spivey – I am in favor of the interlocal agreement. You all have heard more words from me on paper than you probably wanted, but nonetheless if I were to write the document I would right it differently, but I did not write the document, and I was not an active part of the negotiation. I support the work that was done. I support the end result. I would like to clarify, if I might, a procedural question that our first speaker may have presented. If you go to the Whitefish City/County Planning board, which is jointly staffed by city and county residents, and they recommend against your proposal, depending on what kind of a proposal it is, the decision goes to the county. If it is a proposal to amend the master plan, then it goes to both the city and the county for resolution, even if in fact the Whitefish planning board says that they do not like it. I think that there is a mechanism in place today, not under the new agreement, the new agreement changes the rules a bit. Even today there is an opportunity for most people that are outside the city limits to have their particular request aired before the county commissioners for a final legislative decision, that is kind of the way the process works. I endorse it. I hope you pass it. Overtime as changes occur in the county, and they definitely will, it probably will need to be amended, but you provided for that capability in the document and I think that is fine. On a subject that is not a part of this hearing, but just a moment ago. I am very much in favor of a long range planning function, I am not quite sure what it needs to do, but a long range planning function is really needed in the valley.

Gary Marks – I am the City Manager for Whitefish. I am here today to express the sense of my city council, that approved this proposal, and was actively involved with the county in negotiating the terms of the agreement. There are several good reasons that the council decided to move forward with the proposal. One, the lady who first addressed you put her finger on the whole idea of simplifying the process for our customers and our land owners. Right now it can be kind of a confusing process for folks. This will clarify jurisdictional issues. On one side of the boundary is city jurisdiction, on the other side is county. It is quite direct in that matter. I think you are all aware, and I think you saw the story in the interlake yesterday on the pace of development in this entire county. Whitefish certainly is not immune to that. We are seeing very rapid development. A lot of that development tends to occur right on the edge of the existing city limits. I think this new arrangement, this new agreement between the city and the county will help the city be able to take more of an active, assertive role in making sure that good common sense planning steps are taken in those areas where the city is growing into. I think that is a real important aspect of this agreement. I belabor the point. We have all been through this several times. I just wanted to rise to express my support and the support of the city council for this proposal.

Tom Muri – I serve on the city council. I would like to echo the comments of the previous speakers, in particular Gary Marks. I would like to express a note of gratitude to Commissioner Hall, who was really the main driving force behind this. Commissioner Hall met with the Whitefish city council on various occasions. He hammered out I think an excellent document. I am very happy that it was resurrected after it was voted down. I also brought the article on the planning. One of the things that I do see here is tremendous growth. In this article it showed that you folks, last year, had a hundred and eighteen subdivisions requests final plats, and ninety six preliminary plats, as you compare them. Is this is ratified some of that work load will be shifted to whitefish. We anticipate that. In fact we are gearing up to increase our planning staff. I think that is going to be a cost savings for the county and it is going to be a cost expense for us. It is going to help both entities. For the county residents that anticipate coming out here, I want to stress to you that even though you may not vote for us on the city council, you all know where I live and you all more than willing to bend my ear on issues like that. I will give you the same due consideration on issues affecting you as I would for any constituent that actually has the right to vote for me.

Sheila Bowen – I am the president of the Whitefish chamber of commerce. I am here to speak on behalf of the board, the chamber board, in support of our Whitefish city council and our county, in hoping that you will pass this proposal.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

Joe Fagen – I am included in this proposal somewhere. This is my third time. I am still against, because I don't feel like I will have a voice. When I found your article buried in the paper yesterday, the first time I heard about this, I just got done reading about some political things in Iraq, where they are going to do a vote so that the people can have a voice in their government. I feel like this proposal is doing just the opposite for me, regardless of whether I can state my opinion or not. I have stated my opinion several times and that is the way I feel.

Marlene Becker – My husband Dwayne and I have lived east of Whitefish for all of our lives. We are just right up against Dillon Road, which is the boundary. We were involved in the effort to get that area zoned into twenty acre minimum. This was not always pleasant. Neighbors did not agree with each other. Even members of the same family did not agree. Everyone was able to say their opinion, and have a voice in it, and a vote. We have had a home in Whitefish for over twenty years. We rent the home. We pay taxes, but we never have a say. They are going to push more and more things on us, and hopefully we will have a say. I was encouraged to hear Mr. Muri say that he would listen to us. Our concern is that we might not be heard, and they might just push more things on us.

Jim Peck – Like some other people I have spoken several times, it seems like to a deaf ear. I am really concerned about the vote. Joe you know how important the vote was. Another issue, I do think I need to address Joe mostly, Gary has made up his mind, Bob I think has also, is let's work together with a campaign. Whitefish does not appear to be working with anybody. I think we have a good strong council, but I can go over to his house, but is he going to be reelected. What about the next fellow, is he going to let me come over to his house and talk to him? You have to think that way two years down the road. One time I spoke before, I mentioned that I think that everyone one that is on the Whitefish city council it is more of an agenda, where as the county commissioners it is a job. We people that live in the county generally like somebody that is working for us. The vote is the biggest most important issue here. At one time even the Whitefish planning board, probably last summer, I don't have my dates, said that they thought it should be left as it is. They were visited either by the city manager, or whoever and were convinced a week or two weeks later to consider this thing. It just keeps coming out that we should leave it the way that it is, pretty much by everybody but the Whitefish city council. When we were back in December you thought we were misinformed, no we were not. We knew we were not going to get building permits or taxed. We did not like the direction. I think Joe it is important for you to get the minutes of that meeting, because we had a tremendous turnout, mostly because it was the four and a half miles. My numbers could be wrong but say forty people signed up to talk, thirty-nine were against, one was for, in that meeting. It is really worth your reading it, to see that we were not confused or disoriented in any way. I just think that without the vote, as fast as they are moving, you people have already voted it down, we are already here. They are aggressively, just like they talked at their last council meeting, they had a mile and a half up the corridor, let's try to get two. I think it is very aggressive. I would like to see more time go by. Leave it the way it is. It is working. Let's not mess with it, until we can get the state legislature to give us a vote. I am very comfortable leaving it the way it is. I am very much against this.

Mayre Flowers – Citizens for a better Flathead. I would repeat that I think it is unfortunate that you ask for comment for and against. I am here actually to speak on some items within the agreement. I think that there is a lot of work that has gone into this. I think that the hardest part of this issue, the two mile area, is one that I would support. I do feel that it has been hammered out with a lot of consideration for where the most rapid growth is taking place in Whitefish. I would however ask that you look again at the second level of the two mile area. On these maps the purple here represent the state land neighborhood plan. This again is a cooperative plan that has been worked on by both the city and county. It is coming now before, and I am not quite clear on how this is going to work, but I understand the city/county planning board and before you for adoption as a neighborhood plan. I think this agreement should reflect that that remain a joint planning area for this jurisdiction. That is what is contemplated, and what was the history of that document. I think this interlocal agreement is not in recognition of that right now. I think you should consider that. I think that what I heard from the public at those hearings is that, in a planning jurisdiction, as was clarified by a speaker earlier, a growth policy, or master plan change does come to both bodies. Both the city and the county have to agree on a major designation of a change. Until the county, will probably not have a growth policy in place, at least for

another year, legally by October 2006 you need to have that completed. I think that it is really important for you to consider the implications of the fact that you are going through that proves. You are starting to sit down county wide to look at long range planning, that within that two mile area it may be appropriate to go ahead and leave the joint planning, which would be just for the master plan decisions in a joint decision making framework. In looking at the resolution before you today, and the attachment, there was some strikeout in the definition of how the lakeshore protection individual would be appointed, and I wanted to know what the history of that was. Was that something that is prior to the council consideration of this or after.

Jonathan Smith – I believe that was prior to the council consideration, and it should have been removed from that. I did not notice the strikeout so I did not remove it. It should have been struck out.

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

Commissioner Brenneman made a **motion** to adopt Resolution 1783A. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. **Nay** – Watne. Motion carried by quorum.

RESOLUTION NO. 1783 A

WHEREAS, beginning in approximately 1967, Flathead County (the County) and the City of Whitefish (the City) have cooperated in creating and administering the Whitefish City-County Planning Board and that Planning Board's jurisdictional area, as permitted by Montana law;

WHEREAS, the jurisdictional area of the Whitefish City-County Planning Board extends approximately four and one-half (4-1/2) miles from the boundaries of the City, as shown on Exhibit "A" attached hereto and incorporated herein by reference;

WHEREAS, the County and the City have spend several months negotiating a reduction in the boundaries of the jurisdictional area of the Whitefish City-County Planning Board;

WHEREAS, the City has approved an Interlocal Agreement by which the boundaries of the jurisdictional area of the Whitefish City-County Planning Board County would be reduced to approximately 2 miles beyond the boundaries of the City of Whitefish, the jurisdiction of the City of Whitefish within the reduced boundaries would be enlarged, the jurisdiction of the County would be enlarged in the portion of the current jurisdictional area that would be outside the reduced boundaries, and the Whitefish City County Master Plan and the Flathead County Master Plan would be updated to reflect the new boundaries at a later date;

WHEREAS the Board of Commissioners passed a resolution of intention and scheduled a public hearing to receive public comment on the proposed Interlocal Agreement, and held the scheduled public hearing on the 24th day of January, 2005; and

WHEREAS, the Board of Commissioners has considered all information provided to it concerning the proposed Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby approves the Interlocal Agreement with the City of Whitefish to change the boundaries of the jurisdictional area of the Whitefish City-County Planning Board by reducing them to approximately 2 miles beyond the boundaries of the City of Whitefish, and the jurisdiction of the City of Whitefish within the new boundaries.

BE IT FURTHER RESOLVED that the form of Interlocal Agreement approved by the Board is attached hereto and the Chairman and Clerk of the Board are hereby authorized to execute the agreement.

DATED this 24th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

By /s/Joseph D Brenneman
Joseph D. Brenneman, Member

By /s/Kimberly Moser
Deputy

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 25, 2005.

.....

TUESDAY, JANUARY 25, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, Seeing no one to speak, Commissioner Hall closed the public comment period.

GIS MEETING W/ TOM REYNOLDS AND PAULA ROBINSON

This meeting was postponed until a future date.

PUBLIC HEARING: MIDDLE PIERCE LAND & DOVE LAND ROAD NAMING

Present at the January 25, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne, Assistant Webb, Susan Gorbett, Nathan Bemis, Maurice Eddie, and Clerk Moser

Chairman Hall opened the public hearing to anyone wishing to speak in favor of Middle Pierce Lane

Susan Gorbett – I have two pieces of property, both of which are affected by the renaming of Middle Pierce Lane. I just want to ask who signed, can I just get a record of who signed? I own a five acre parcel at 120 Pierce Lane and also the adjoining six acre parcel at 194 Pierce Lane, which will now become, I don't know what number, of Middle Pierce Lane, because it is accessed off of the Lower Middle Pierce. I just want to

make a comment. I am in favor of the change of the name for the reasons that there are so many access roads that are coming off. We need to be able to find the properties. A lot of people come up into my yard and want to know where 300, 400, 200 is. It is difficult down there, as is there is in many place in the county. I realize the necessity for acting on the resolution that the county passed last year. Just to make a correction on this, this road, Middle Pierce Lane, does not angle straight to Pierce Road. It comes at an angle. That is a gully down there. I see that the change of Upper Pierce Lane was effected a couple of weeks ago. I am here just to give my support to it, because I think there is a need for some of these roads to be changed names. We are growing. We can not deny that we are, and we need to move forward and address some of these issues. Who knows what is going to happen with the 300's and the 400's where the Lutheran Camp is.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition the proposed name changes

Seeing no one, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve Resolution 1787. Commissioner Hall **seconded** the motion. **Aye** – Hall, and Watne. Motion carried by quorum.

RESOLUTION NO. 1787

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Pierce Lane and located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and in Government Lots 3 & 4, Section 1, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2005 concerning the proposal, after publication and mailing of notice thereof on January 10, 2005 and January 17, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Pierce Lane and located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and in Government Lots 3 & 4, Section 1, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Middle Pierce Lane**.

BE IT FURTHER RESOLVED that the naming of **Middle Pierce Lane** shall be effective on January 25, 2005.

Dated this 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By _____
Joseph D. Brenneman, Member

By /s/Kimberly Moser
Kimberly Moser Deputy

Chairman Hall opened the public hearing to anyone wishing to speak in favor of the proposed name change of Dove Lane

Maurice Eddie – I am in favor of the name, since I have named it. I have to properties adjoining it. The reason I did it is because of the fact that we felt like it was an emergency thing for the church that is behind, and that they need to have an established number incase of 911 calls, or any emergencies or this type of thing.

Nathan Bemis – I am pastor Nathan Bemis. I like the name of the road. I am very encouraged with it, and I hope that it continues. I am excited about it.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

Seeing no one, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve Resolution 1786. Commissioner Hall **seconded** the motion. **Aye** – Hall, and Watne. Motion carried by quorum.

RESOLUTION NO. 1786

WHEREAS, Flathead County has proposed to name a private road generally running Road generally running westerly off U.S. Highway 2 (LaSalle Rd) and located in the East ½ of the Southwest 1/4 , Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 25, 2005 concerning the proposal, after publication and mailing of notice thereof on January 10, 2005 and January 17, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off U.S. Highway 2 (LaSalle Rd) and located in the East ½ of the Southwest 1/4 , Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Dove Lane**.

BE IT FURTHER RESOLVED that the naming of **Dove Lane** shall be effective on January 25, 2005.

Dated this 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By _____
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

MONTHLY MEETING W/ JUSTIN MORRIS, EXTENSION SERVICE

Present at the January 25, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne, Assistant Webb, Extension Agent Justin Morris, Extension Agent Karole Summerfield, and Clerk Moser

General Discussion was held relative to new extension agent Karole Summerfield, class enrollment of the Flathead County Master Gardener Program, and where its fund are going, Annual plan of work, Office Assistant III Position posting, Classes attended by Justin Morris, 4H Progress and activities and the possibilities of travel options for members, 4H camp review, and future commissioner meeting plans for the extension office.

CHARLIE JOHNSON: ROAD DEPARTMENT:

Present at the January 25, 2005 10:20 A.M. Meeting were Chairman Hall, Commissioners Watne, Assistant Webb, Justin Morris, and Clerk Moser

General Discussion was held relative to the upcoming Legislation bills effecting the road department.

Commissioner Brenneman was seated.

PUBLIC HEARING: NORTH STAR PROPERTIES ZONE CHANGE/EVERGREEN & VICINITY ZONING DIST

Present at the January 25, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Mark Waatti, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Morrison reviewed

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Seeing no one, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve staff report FZC-04-31. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve Resolution 797DG. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 797DG

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25th day of January, 2005, to consider a request by Northstar Properties, LLC, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on January 10 and January 17, 2005;

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-2 (One Family Limited Residential) to R-5 (Two Family 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 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 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

**EXHIBIT A
NORTHSTAR PROPERTIES LLC
ZONE CHANGE R-2 TO R-5**

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District near the intersection of Harmony Road and Solberg Drive. The subject property may be described as portions of Lots 22 and 23 of Hoiland-Day Acres, a subdivision in Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 312 Solberg Drive.

DOCUMENT FOR SIGNATURE: CONSTRUCTION AGREEMENT/GREAT NORTHERN TRAIL

Present at the January 25, 2005 10:45 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

General Discussions was held relative to Planner Peggy Goodrichs' review of the agreement.

Commissioner Brenneman made a **motion** to approve the Construction agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

BOARD APPOINTMENT: EGAN SLOUGH PLANNING & ZONING COMMITTEE

Present at the January 25, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to appoint Adele Krantz. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint Charlie Jaquette. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF REQUEST FOR POSITION OPENINGS: DEPUTY & 911 DISPATCHER/SHERIFFS OFFICE

Present at the January 25, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to approve position openings. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: SUNRISE TERRACE V. COUNTY

Present at the January 25, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to authorize acceptance of service. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

COS REVIEW: MCCAULEY

Present at the January 25, 2005 11:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Planner Peggy Goodrich, Deputy County Attorney Peter Steele, Mike Tortomasi, Tom Sands of Sand Surveying, Dawn Marquardt of Marquardt Surveying, and Clerk Moser.

Discussion was held relative to Peggy Goodrich presented the Immediate Family Transfer for Teresa L McCauley, and explained why according to the Clerk and Recorder the proposed division poses a pattern of development and therefore may be an evasion of the Subdivision and Platting Act, Peter Steele explained what the Subdivision and Platting act intends, and Tom Sands explained why the applicant is not evading the subdivision act

Commissioner Watne made a **motion** to approve the Immediate Family Transfer for McCauley. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall, and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: RIVERSIDE HEIGHTS

Present at the January 25, 2005 11:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Planner Kirsten Holland, Dawn Marquardt of Marquardt Surveying, Debbie Shoemaker of Marquardt Surveying, Mike Tortomasi, and Clerk Moser.

Holland reviewed the preliminary plat request submitted by Michael & Cynthia Tortomasi for riverside Heights a minor subdivision that will create three single-family residential lots. The subdivision is located off of Rabe Road, southeast of Blankenship Road west of US Hwy 2.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-52 as Findings of Fact as amended. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the variance to Riverside Heights. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the Preliminary plat for Riverside Heights subject to 15 conditions with amended condition 7. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: ELK TRAIL ESTATES

Present at the January 25, 2005 11:45 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Planner Kirsten Holland, Thomas Miller, Judy Miller, and Clerk Moser

Holland reviewed the preliminary plat request submitted by Thomas and Judy Miller for Elk Trail Estates, a minor subdivision that will create five single-family residential lots. The subdivision is located off of Cayuse Land, north of Lake Blain Road, approximately 2 miles east of MT Hwy 35.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-51 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary plat for Elk Trail Estates as is subject to 10 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

12:00 - Commissioners Brenneman to attend Flathead Valley Chemical Dependency Board of Directors meeting at Meridian Office.

5:00 - Commissioners Watne to attend Refuse Board meeting at solid Waste District Office.

5:30 - Commissioner Hall to attend Flathead Building Association “Raise the Roof” at LC Staffing Service.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 26, 2005.

WEDNESDAY, JANUARY 26TH, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, Seeing no one to speak, Commissioner Hall closed the public comment period.

MONTHLY MEETING W/ BOBBIE KELLY, RSVP

This meeting was not held.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: GRAVEL CRUSHING, TIRES, LIQUID ASPHALT, EMULSIFIED ASPHALT, PROPANE, GAS & DIESEL.

Present at the January 26, 2005 9:15 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to publish call for bids for gravel crushing, tires, liquid asphalt, emulsified asphalt, propane and gas and diesel and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** –Hall and Brenneman. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that sealed bids for the purchase of gravel will be received by the County Board of Commissioners of Flathead County, Montana.

The specifications are as follows:

Approximately 3,000 tons of 3/8 inch crushed washed gravel for chip sealing. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, section M-701.029 table 701-12 for grade 4A, 3/8 inch minus cover material. **NOTE: Budget restraints could cancel the purchase of any or all chipping materials, thus any or all bids, contracts or proposals would be voided.** Actual amounts to be purchased may be determined, based upon locations of projects, funds available, unit prices and estimated material quantities for projects, to be determined by the Flathead County Road Department. Crushed material to be weighed by scales on a belt conveyor. Gradation testing shall be conducted by the contractor in accordance with MT-202. Chips to be of sufficient moisture content to meet Flathead County satisfaction at time of loading to County trucks. Supplier shall have on hand laboratory analysis of chip materials verifying they meet MDOT specifications and test results shall be available upon request to Flathead County. Material is to be located within a twelve-mile radius of Kalispell. The County will pick up the material at the contractor's pit. Bid price is to include the material and the loading of said material into County trucks. A maximum waiting period for the trucks to be loaded will be five minutes. Contact the Flathead County Road Department if there are any questions.

Flathead County may award more than one bid depending upon locations of projects, funds available, bid prices, stock pile location, etc., to reduce haul time to various locations of the County. Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal security in the amount of one thousand dollars (\$1,000.00) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Contractor shall have bid materials on hand thirty (30) days prior to July 1, of this current year. The County will notify the bidder 24 hours prior to the anticipated delivery time. Materials are to be provided on an as needed basis when requested by the County. County may cancel acceptance of material at any time due to weather conditions, project complications, condition of material, etc. If at any time the County deems the material unacceptable, they reserve the right to purchase said material from the next lowest bidder.

All sealed bids, plainly marked as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before 5:00 on February 11th, 2005. Bids will be opened and read at 11:30 on February, 2005 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County. This contract will be in effect from the date the contract is signed thru January 31, 2005.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 26th day of January 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

Publish on:
January 31st and February 7th 2005.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Emulsified Asphalt - CRS 2 -- 500 tons

Bidding is to be by the ton F.O.B. to Flathead County and the specific site, which will be disclosed at the time the order is placed. Bid price is to also include appropriate placement of materials on County site by successful bidder. Distributor to be mounted with a Bear Cat computerized spray bar with a minimum 4,000 tank or equivalent. Supplier shall have oil sample test results on hand and available upon request of Flathead County. Bidder will be responsible for proper product, temperature, consistency, and application.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery. All orders to be delivered at 7:00 a.m. the next morning. Tanks to be equipped with factory mounted visual thermometers.

Bidder will be responsible to provide County with two (2) oil samples to be taken at the point of delivery, before application begins. Oil samples will be labeled and ready to be tested. Labels and attached documentation are to include date, type of material, temperature, and any other information needed for adequate testing.

Bid to be from February 1, 2005 through January 31, 2006, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder. Bid price is to include on site delivery within Flathead County and for materials to be placed on the road by the vendor.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be plainly marked "LIQUID ASPHALT BID" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 on February 11th, 2005. Bids will be opened and read at 11:30 on February 14th, 2005 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By:/s/Gary D Hall
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on:

January 31st, 2005 and February 7th, 2005.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

GASOLINE AND DIESEL

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (gasoline and diesel) that Flathead County will use in the next year, February 1st , 2005 through January 31st , 2005.

DIESEL - estimated usage - 325,000 gallons
REGULAR NO LEAD - estimated usage - 100,000 gallons

Bidder must be able to deliver materials to the following delivery points on a keep full basis.

Bid prices for all materials must be listed for each delivery point listed below, on the bid form.

Delivery/Shipping will be F.O.B. to the following destinations.

Delivery Points:

Martin City	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Columbia Falls	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Busch Pit	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Olney - Mielke	Red Dyed Low Sulfur Diesel
Kila - Widgren	Red Dyed Low Sulfur Diesel
Bigfork - Sullivan	Red Dyed Low Sulfur Diesel
Bigfork - Thoennes	Red Dyed Low Sulfur Diesel
County Shop, Road	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Mixing Plant	Red Dyed Low Sulfur Diesel Fuel
Main Courthouse	Regular No Lead Gasoline and Red Dyed Low Sulfur Diesel
Solid Waste, Dump	Regular No Lead Gasoline and Red Dyed Low Sulfur Diesel

Diesel fuel to be blended a minimum of 30% in winter months, approximately from November 1 through March 31, at the discretion of the Flathead County Road Department, depending upon winter weather.

Bidder to furnish net state prices. At the time a price fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on his "Base Price".

For fuel provided under the term contract, prices and meter readings or "stick" measurements must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of gasoline and/or diesel fuel being on the bid form.

Bidder to include the following taxes with their price breakdown per gallon per delivery point on the attached form:

Gasoline	include state tax	<u>no federal tax</u>
Diesel	include <u>no state tax</u>	<u>no federal tax</u>

Award of bid will be made only to a single vendor who can supply both gasoline and diesel fuel. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered under the terms of this contract shall meet or exceed Federal Fuel Commodity Specifications as referenced below:

Fuel Quality Requirements:

Gasoline - All gasoline provided shall meet or exceed

Federal Specifications, VV-G-1690B.

Diesel Fuel - All diesel fuels provided shall meet or exceed Federal Specifications, VV-F-800B with reference to grades DF-#1 and DF-#2.

NOTE - If quality of fuels is questioned, the County reserves the right to have fuels tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said gasoline and diesel fuels. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before 5:00 on February 11th, 2005. Bids will be opened and read at 11:30 on February 14th, 2005 in the Commissioners' Office at the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interests of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 25th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on:
January 31st, 2005 and February 7th, 2005.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Asphalt - PG64-22 & PG58-22 -- 2,000 tons
Asphalt - SS 1 Tack Oil -- 30 tons

The award of bid will be made to a single vendor who will supply both types of liquid asphalt. The award of bid will be made on the basis of an overall low bid determined by use of the County's estimated usage for each type of liquid asphalt and the bidders' price for each type of liquid asphalt. The estimated usage figures are to be used only for the purpose of determining an overall low bid; actual usage of each type of asphalt for 2005 asphalt season may vary from those estimates.

All pricing is to be by the ton F.O.B. to the Flathead County Asphalt Plant in Kalispell and/or to the Flathead County Shop in Kalispell.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery, at which time the contractor will be told the type of oil to deliver. All orders to be delivered at 7:00 a.m. the next morning. All trucks shall have pumps to unload in overhead tanks. Asphalt will be 290 degrees Fahrenheit at time of delivery. Emulsified asphalt will be 140 degrees Fahrenheit when delivered. Tanks to be equipped with factory mounted visual thermometers. Supplier shall have oil sample test results on hand and available upon request to Flathead County.

Bid to be from February 1, 2005 through January 31, 2006 or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract the bidder will, within ten (10) days, enter into a formal contract; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

All sealed bids must be plainly marked "LIQUID ASPHALT BID" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 on February 11th, 2005. Bids will be opened and read at 11:30 on February 14th, 2005 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 26th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on:

January 31st , 2005 and February 7th , 2005.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

Propane Fuel

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (propane) that Flathead County will use in the next year, February 1st, 2005 through January 31st, 2005.

PROPANE - estimated usage - 200,000 gallons

Vendor to provide the 11,000 gallon minimum porta-pac/tank, the pump and motors, all piping and pressure regulating valves and gauges and related equipment to the liquid propane manifold which will meet the burner specifications on both volume and pressure down to a temperature of 32 degrees Fahrenheit, see attached diagram with specifications. If rental agreements are applicable, pertinent information maybe listed at the appropriate space provided. This should include the delivery and removal of the tank and equipment upon job completion and or the termination of said contract, including any man-hours required for set up or removal.

Bidder will provide the equipment necessary for the hookup between the porta-pac and the liquid propane manifold. Flathead County agrees to purchase any items needed for the hookup that are specific to our particular plant.

Once the porta-pac has been moved to the site Flathead County will bear the costs of any further relocating.

Bidder must be able to deliver materials to the Old Steel Bridge Pit, 1333 Holt Stage Road, Kalispell, MT. 59901, or to another predetermined location within Flathead County, on a keep full basis. Alternate delivery locations will be given to the vendor one-week prior to the effective date of change.

Delivery/Shipping will be F.O.B. to the specified plant location.

Bidder to furnish propane at net state prices (laid in price, rack price). At the time a net state prices (laid in price, rack price) fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on net state prices (laid in price, rack price) and the total cost per gallon delivered.

For fuel provided under the term contract, net state prices (laid in price, rack price), delivery prices, totals per gallon, invoice total and meter reading measurements before and after delivery must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of propane fuel on the bid form.

Bidder is to bid only the delivery cost per gallon over the net state prices (laid in price, rack price) on the attached bid form.

Award of bid will be made only to a single vendor who can supply propane fuel, porta-pac unit, and related items needed to hook up to the liquid propane manifold. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered shall meet or exceed Federal Fuel Commodity Specifications.

NOTE - If quality of fuel is questioned, the County reserves the right to have fuel tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the supply, purchase, and sale of said propane fuels. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank; or a bid bond executed by a surety corporation authorized to do business in Montana.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before 5:00 on February 11th, 2005. Bids will be opened and read at 11:30 on February 14th, 2005 in the Commissioners' Office at the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interests of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 26th, day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on:

January 31st, 2005 and February 7th, 2005.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

TIRES

Tires for Flathead County Road and Bridge Departments.

Bids for new tires, tubes, recaps, and recapping.

Bidder will deliver and pick up tires at the Flathead County Shop Compound, 1249 Willow Glen Drive, Kalispell, MT.

There may be one bid for new tires and tubes and one bid for recaps and recapping.

Bid to be "firm" throughout contract period of February 1, 2005 through January 31, 2006 or until the County Commissioners call for new bids.

Bidder to furnish Net State Prices.

Tire Sizes: New Tires

11R24.5 12 ply (minimum) Highway

11R24.5 12 ply (minimum) Summer Traction

1400R24 12 ply (minimum) Non Directional Grader Tires

20.5X25 L5 Loader Tires

23.5X25 L5 Loader Tires

225/60R16 Speed Rated All Season

225/60R16 Speed Rated Mud and Snow

235/85R16 10 ply All Season

235/85R16 10 ply Mud and Snow

Tire Sizes: Recap Tires

11R24.5 Gripper Caps (Using County Casings)

Any other specialty tires needed will be purchased at Net State Prices.

Bidder to attach a typed copy of the above tire sizes listing the brand, size, tread style, grade or quality, and prices for bid comparison and to be attached to the contract if awarded the bid. Bidder is requested to include a catalog of their bid products that would include photos of tires and treads.

Delivery: Pickup and/or delivery/shipping will be F.O.B. to the Flathead County Shop at 1249 Willow Glen Dr. Kalispell, MT 59901.

Each bidder must deposit with his bid, a bid security in the amount of one thousand dollars (\$1,000.000) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the period of February 1, 2005, through January 31, 2006. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

The successful bidder must be able to deliver materials within ten (10) days of their being ordered by the County.

Should continued problems arise with the materials being supplied by the bidder or if the bidder cannot supply the materials needed, Flathead County reserves the right to purchase the bid items from another supplier in order to maintain operations and safety standards.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, MT.

All sealed bids, plainly marked as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before 5:00 on February 11th. Bids will be opened and read at 11:30 on February 14th in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 26th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on:

January 31st and February 7th, 2005.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 70,000 tons of 3/4" inch minus crushed gravel at the Old Steel Bridge Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 392, Table 701-15, crushed top surfacing Type "B".

Specified asphalt minimum three piles: 1. Course, 2. Crushed Fines, 3. Natural Fines.

<u>Sieve Size</u>	<u>Job Mix Tolerance</u>	<u>Job Mix Grade Three Target Limits</u>
3/4"		100 %
1/2"	+(-) 7	86-90 %
3/8"	+(-) 7	75-79 %
No. 4	+(-) 7	53-57 %
No. 10	+(-) 6	34-40 %
No. 40	+(-) 5	16-18 %
No. 200	+(-) 1	5-7 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Natural fines shall be 100 % passing 3/4" sieve size.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed, any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main,

Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said materials. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Flathead County shall assess a penalty of \$100. per day for failure of the contractor to complete the contract in sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract without penalty.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or county.

All sealed bids, plainly marked as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before 5:00 on February 11th, 2005 Bids will be opened and read at 11:30 on February 14th, 2005 in the Commissioner's Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 26th day of January 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

PLEASE PUBLISH IN YOUR ISSUES OF:
January 31st, 2005 and February 7th, 2005.

CONSIDERATION OF POSITION OPENING: TEMPORARY SPOTTER/LABORER-SOLID WASTE DIST.

Present at the January 26, 2005 9:15 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, and Clerk Moser.

General discussion was held relative to the need for the temporary spotter/laborer position.

Commissioner Brenneman made a **motion** to. Commissioner Hall **seconded** the motion. **Aye** –Hall and Brenneman. Motion carried by quorum.

MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DIST.

Present at the January 26, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, and Clerk Moser.

General discussion was held relative to recent employee replacement due to retirement, monthly solid waste meeting including placement of new member, the choice to accept the low bid for a Kamatsu hydraulic excavator, receipt of bids for shop addition, the Columbia falls bin site improvements, West Glacier Landfill site on Belton stage encroachment and the needs to move 20 yards of refuse, custom container site purchase in Creston, inquiry to sell land to the county, and possible recycling options.

EGAN SLOUGH PLANNING & ZONING COMMITTEE ANNUAL MEETING

Present at the January 26, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Clerk and Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Amy Waller, and Clerk Moser.

Call to order by Myron Mast.

Roll Call

Paula Robinson made a motion to approve Decembers minutes. Gary Hall seconded. Aye – Paula Robinson, Adele Krantz, Myron Mast, Gary Hall, and Joe Brenneman. Motion carried unanimously.

Gary Hall made a **motion** to nominate Myron Mast for Chairman. Paula Robinson **seconded** the motion. Commissioner Brenneman moved to forgo ballot. **Aye** – Clerk and Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Commissioner Gary Hall, and Commissioner Joe Brenneman. Motion carried unanimously.

Commissioner Gary Hall made a **motion** to nominate Paula Robinson as vise Chairman. Adele Krantz **seconded** the motion. Commissioner Brenneman moved to forgo ballot. **Aye** – Clerk and Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Commissioner Gary Hall, and Commissioner Joe Brenneman. Motion carried unanimously.

Commissioner Gary Hall Made a **motion** to nominate Adele Krantz as secretary. Commissioner Joe Brenneman **seconded** the motion. Commissioner Brenneman moved to forgo ballot. **Aye** – Clerk and Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Commissioner Gary Hall, and Commissioner Joe Brenneman.

Clark and Recorder Paula Robinson made a **motion** to adjourn the meeting. Commissioner Gary Hall **seconded** the motion. **Aye** – Clerk and Recorder Paula Robinson, Treasurer Adele Krantz, Myron Mast, Commissioner Gary Hall, and Commissioner Joe Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: CRAVEN

Present at the January 26, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Planner Traci Tull, and Clerk Moser.

Tull reviewed the Lake & Lakeshore Construction Permit submitted by Murray Craven on Whitefish Lake to amend existing variance permit FLV-04-02 to reflect design changes for proposed new dwelling and lakeshore structures. The original variance permit has 389 square feet of dwelling unit and 421.5 square feet of attached deck and steps in the Lakeshore Protection Zone. The current modification only has 146.8 square feet of deck and wooden steps in the Lakeshore protection zone. The applicant would like this permit to reflect the proposed changes to variance WLV-04-02.

Commissioner Brenneman made a **motion** to approve Lake and Lakeshore Permit #WLP-04-43a subject to 45 conditions and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum

11:00 – County attorney meeting at County Attorneys Office

4:00 – Commissioner Brenneman to attend GPAC Meeting at Kalispell Chamber of Commerce

4:00 – Commissioner Hall to attend Long term Planning Task Force meeting at the Commissioners meeting room.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 27, 2005.

.....

THURSDAY, JANUARY 27TH, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, Seeing no one to speak, Commissioner Hall closed the public comment period.

MEETING W/ JAN HARDESTY/RECORDS PRESERVATION RE: DEMERSVILLE CEMETERY

Present at the January 27, 2005 9:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Weed and Parks Director Jed Fisher, Record Preservation Manager Jan Hardesty, Clerk and Recorder Paula Robinson, and Clerk Moser.

General discussion was held relative to the need to set a moratorium on selling new plots due to the condition of the cemetery records and the uncertainty as to what plots are empty or available, until such time as the cemetery can be surveyed. Assistant Webb agreed to help look for help from grant. Jed Fisher agreed to look into a gate for the cemetery. It was agreed to look into what the hours should be posted as.

Commissioner Brenneman made a **motion** to establish a moratorium on the selling of new plot in the Demersville Cemetery. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BIG MOUNTAIN ROAD/MDOT

Present at the January 27, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Deb Boreson, Dennis Hester, and Clerk Moser.

General discussion was held relative to where the resolution refers to.

Commissioner Watne made a **motion** to approve resolution 1782A. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Resolution No. 1782 A

WHEREAS, Flathead County, Montana, owns certain real property (described below) on the Big Mountain Road in Flathead County which is no longer necessary for the conduct of the County business; and

WHEREAS, the Montana Department of Transportation has requested that the property be transferred by the County to the Montana Department of Transportation; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed a resolution of intention (Resolution No. 1782) on January 10th, 2005 to transfer the property to the Montana Department of Transportation under the terms noted above, published notice thereof, inviting the public to comment on the proposed transfer, and considered the public comment received concerning the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby determines that the following property shall be transferred to the Montana Department of Transportation:

PARCEL A: PORTION OF BIG MOUNTAIN ROAD TO BE VACATED WHEN NEW BIG MOUNTAIN ROAD IS COMPLETE

Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 2, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana, which is a found iron pin; Thence along the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ N89°24'56"W a distance of 431.66 feet to a found iron pin on the northwesterly R/W of a 100 foot road known as Big Mountain Road; Thence along said R/W N28°25'24"W a distance of 111.73 to the TRUE POINT OF BEGINNING of the tract of land herein described: Thence continuing N28°25'24"W a distance of 0.24 feet to a found iron pin and the P.C. of a 200.00 foot radius curve, concave Southeasterly, having a central angle of 130°55'24"; Thence along an arc length of 457.01 feet; Thence S77°30'00"E a distance of 47.69 feet to a point on the Northwesterly R/W of the proposed Big Mountain Road which is the P.C. of a 442.91 foot radius curve, concave Southeasterly (radial bearing S20°41'50"E); Thence Southwesterly along said curve through a central angle of 51°41'43" an arc length of 399.62 feet to the point of beginning and containing 0.620 Acres; Subject to and together with all appurtenant easements of record.

DATED this 27th of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

DOCUMENT FOR SIGNATURE: QUITCLAIM DEED/BIG MOUNTAIN ROAD

Present at the January 27, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Deb Boreson, Dennis Hester, and Clerk Moser.

Commissioner Watne made a **motion** to approve the Quit Claim Deed and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT

Present at the January 27, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

General discussion was held relative to the need for the budget amendment for the extension office.

Commissioner Brenneman made a **motion** to approve the Budget Amendent. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT RESOLUTION RESOLUTION NO. 1788

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

NOW, THEREFORE, BE IT RESOLVED, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

BE IT FURTHER RESOLVED, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 27th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Gary D. Hall
Gary D. Hall, Chairman

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

By: /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser, Deputy

BOARD APPOINTMENT: OLNEY FIRE DIST.

Present at the January 27, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to appoint Leann Libby to the Olney Fire Dist Board. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W / BIGFORK STEERING COMMITTEE RE: UPDATE

Present at the January 27, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Shelley Gonzales, Denise Lang, Doug Averill, Planner Traci Tull, and Clerk Moser.

General discussion was held relative to a review on what the steering committee is and there role in helping develop the Bigfork land use plan, the question was asked, by Commissioner Hall, as to the possibility of Bigfork incorporating into the municipality, the goals of the survey committee, the layout of the survey itself, and how the survey was created, Commissioner Brenneman made the suggestion to define the phrase downtown loop, the mailing list for the survey, the expense involved in the project, and Assistant Webb made the suggestion that they narrow down who in the household should fill out the survey.

10:30 – Commissioners to attend the Quarterly Jail Facility Tour.

FINAL PLAT: ELK RIDGE SUBDIVISION

Present at the January 27, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Planner BJ Grieve, Dawn Marquardt of Marquardt and Marquardt Surveying, Debbie Shoremaker of Marquardt and Marquardt Surveying, and Clerk Moser.

Grieve reviewed the application submitted by Marquardt and Marquardt Surbeyng and Michael & Patricia Janicki, for final plat approval of Elk Ridge subdivision, a subdivision that will create five residential lots. The property can be legally described as Tracts 3c and 3D in Section 7, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana. Preliminary plat approval was waived on February 12, 2004 subject to seven conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt staff report FWP-04-46 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve final plat approval of Elk Ridge Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: VISTA ESTATES, AMENDED PLAT OF LOT 2

Present at the January 27, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Dawn Marquardt of Marquardt and Marquardt Surveying, Debbie Shoremaker of Marquardt and Marquardt Surveying, and Clerk Moser.

Grieve reviewed the final plat application submitted by Marquardt and Marquardt surveying and Doug Skoczek, for final plat approval for the Amended Plat of Lot 2 Vista Estates, a two lot minor subdivision off of Columbia Falls Stage Road southeast of Columbia Falls. The subject property is 8.17 acres in size and is unzoned. Preliminary plat was waived on July 29th, 2004, subject to seven conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt staff report FWP-05-01 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve final plat approval of Amended Plat of Lot 2 Vista Estates with 7 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall, and Brenneman. Motion carried unanimously.

CONTINUATION OF GIS MEETING W/ TOM REYNOLDS AND PAULA ROBINSON

Present at the January 27, 2005 11:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

General discussion was held relative to

Commissioner made a **motion** to. Commissioner **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 31, 2005.