

## MONDAY, OCTOBER 13, 2003

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

### COUNTY OFFICES CLOSED – COLUMBUS DAY

#### 2:00 P.M. Commissioner Hall to attend a Meeting with Mayor Andy Feury

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 14, 2003.

\*\*\*\*\*

## TUESDAY, OCTOBER 14, 2003

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

#### 7:00 A.M. Weed and Parks Board Meeting at Weed and Parks Office

### FINAL PLAT: ASHLEY CREEK RANCHETTES

Present at the October 14, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the final plat for Ashley Creek Ranchettes Subdivision which is an application by Michael Rogers for final plat approval of a four lot minor subdivision along Big Horn Drive and Smith Lake Road, approximately eight miles west of Kalispell. The subject property is 31.81 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on April 9, 2003 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to adopt Staff Report FWP-03-28 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat for Ashley Creek Ranchettes Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

### FINAL PLAT: ASPEN COURT ACRES

Present at the October 14, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, and Clerk Eggum.

Morgan reviewed the final plat for Aspen Court Acres Subdivision which is an application by Marc Milisavljevich for final plat approval of a three lot subdivision. The property is located approximately eight miles northeast of Kalispell on Aspen Lane. The proposed subdivision contains 8.29 acres. Preliminary plat approval was granted on December 18, 2002 subject to 13 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve Final Plat for Aspen Court Acres Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

### MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION

Present at the October 14, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Laurie Rebeck, Juvenile Detention, and Clerk Eggum.

**This meeting did not take place.**

### PUBLIC HEARING: ROAD NAMES/LONE JUNIPER LANE, KIENAS PINE ROAD, KIENAS LANE

Present at the October 14, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioner Gipe, Lesli Schreiner, and Clerk Eggum.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the road namings for Juniper Lane, Kienas Pine Road or Kienas Lane. Seeing no one in the audience, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Resolution No. 1650, 1651 and 1652. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### RESOLUTION NO. 1650

WHEREAS, Flathead County has proposed to name a private road generally passing northwesterly through Government Lot 1 in Section 7, Township 28 North, Range 22 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 14, 2003, concerning the proposal, after publication and mailing of notice thereof on October 2, 2003 and October 9, 2003; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally passing northwesterly through Government Lot 1 of Section 7, Township 28 North, Range 22 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Kienas Lane.

BE IT FURTHER RESOLVED that the naming of Kienas Lane shall be effective on October 14, 2003.

Dated this 14<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By \_\_\_\_\_  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By /s/ Vickie M. Eggum  
Deputy

RESOLUTION NO. 1651

WHEREAS, Flathead County has proposed to name a private road generally passing northerly and easterly through Government Lot 1, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 7, Township 28 North, Range 22 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 14, 2003, concerning the proposal, after publication and mailing of notice thereof on October 2, 2003 and October 9, 2003; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Kienas Pine Road.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally passing northerly and easterly through Government Lot 1, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 7, Township 28 North, Range 22 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Kienas Pine Road.

BE IT FURTHER RESOLVED that the naming of Kienas Pine Road shall be effective on October 14, 2003.

Dated this 14<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By \_\_\_\_\_  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By /s/ Vickie M. Eggum  
Deputy

RESOLUTION NO. 1652

WHEREAS, Flathead County has proposed to name a private road generally passing north and south in the Northeast Quarter of the Northwest Quarter of Section 12, Township 30 North, Range 21 West, M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on October 14, 2003, concerning the proposal, after publication and mailing of notice thereof on October 2, 2003 and October 9, 2003; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally passing north and south in the Northeast Quarter of the Northwest Quarter of Section 12, Township 30 North, Range 21 West, M.P.M., Flathead County, Montana, should be, and it hereby is, named Lone Juniper Lane.

BE IT FURTHER RESOLVED that the naming of Lone Juniper Lane shall be effective on October 14, 2003.

Dated this 14<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

By \_\_\_\_\_  
Gary D. Hall, Member

ATTEST:  
Paula Robinson, Clerk

By /s/ Vickie M. Eggum  
Deputy

### **SECOND READING OF ANIMAL CONTROL ORDINANCE AMENDMENT**

Present at the October 14, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne performed the second reading of the Amended Ordinance No. 3, Animal Control and detailed the proposed amendments.

Commissioner Gipe made a **motion** to approve the amendments to Ordinance No. 3, as presented. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

### **AMENDED ORDINANCE NO. 3 ANIMAL CONTROL**

#### **SECTION 1 DEFINITIONS**

- A. **Abandonment"** means failure to redeem an impounded animal within 72 hours of incarceration, leaving an animal in any place where it may suffer injury, hunger or exposure or become a public charge or changing residence and failing to move an animal within 24 hours.
- B. **Animal"** means all vertebrates except human beings.
- C. **Animal Control Center"** means the Flathead County Animal Control Center located on 225 Cemetery Road, Kalispell, Montana.
- D. **Bite"** means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.
- E. **Collar"** means a band, chain harness, or other suitable device worn on a dog to which a tag may be affixed. This instrument shall be substantial enough to endure the animal's activity without being lost or without inflicting pain to the animal.
- F. **Dog"** means any canine animal, of either sex (whether or not spayed or neutered) or any dingo, wolf, coyote, or cross that is being kept as a dog.
- G. **Kennel"** means any establishment where five (5) or more dogs over the age of four (4) months are kept.
- H. **License"** means a tag obtained from the Animal Control Center or participating veterinarian's office, which must be secured to a collar on the animal. Licenses shall not be transferable between animals. The term "tag" means "license".
- I. **License year"** means one (1) year from the date the license was issued.
- J. **Owner"** means every person who owns, harbors, or keeps a dog.
- K. **Rabies Vaccination"** means an inoculation administered by a veterinarian with any rabies vaccine, the use of which is licensed by the United States Department of Agriculture.
- L. **Running at Large"** means any dog which is off the premises of the owner and is not under the immediate and continued control of its owner or an authorized agent of the owner either by leash or voice and/or signal control; or by complete confinement within or restraint upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, are to be excluded from this definition.

M. **Stray**" means any dog which does not have a current valid license, I.D. tag, or rabies tag attached to it, or a micro chip implant, and which is found off the property of the owner.

N. **Veterinarian**" means a doctor of veterinary medicine holding a valid license to practice his or her profession.

O. **Vicious Dog**" means any dog which bites or attempts to bite any human being without provocation and not in defense of person or property, or which harasses, chases, bites, or attempts to bite any other animal. Any dog, while running at large, which bites or attacks any person or animal shall be deemed to be a vicious dog.

P. **Animal Control Officer**" means the Flathead County Animal Control Officer or any Flathead County Law Enforcement Officer.

Section 2  
**ENFORCEMENT/ANIMAL CONTROL OFFICER**

The Animal Control Officer is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

The Animal Control Officer is authorized and empowered to apprehend and impound any dog found in violation of this Ordinance. It shall be unlawful and punishable under the penalty provisions of Section 12 of this Ordinance for any person to knowingly or intentionally interfere with any animal control officer in the lawful discharge of their duties as herein prescribed.

The Sheriff of Flathead County is authorized to enforce the provisions of this Ordinance.

Section 3  
**DOG LICENSING**

A. **License.** It shall be unlawful for any person to keep, harbor, or maintain any dog over four (4) months of age in Flathead County, unless such dog is duly licensed or deemed exempt as herein provided. Licenses shall be issued by the Flathead County Animal Control Center, or obtained at a participating veterinarian's office.

Before a dog license is issued, the owner of such dog must present a certificate from a veterinarian stating that such dog has received a rabies vaccination. The certificate must show that the rabies vaccination is current. Licenses shall not be issued to any person under eighteen (18) years of age unless a parent or guardian signs the application as co-owner.

If during the license period the dog is sold, or title to said dog is otherwise transferred to a new owner, such new owner may apply to the Flathead County Animal Control Center for a transfer of such dog's tag and license. The fee for such transfer shall be one dollar (\$1.00). Upon such receipt of such fee, a tag shall be issued.

No refund shall be made on any dog license.

B. **Tags.** The Animal Control Center shall issue to the owner a tag imprinted with the license number. Such tag shall be worn on a collar. It shall be lawful to remove the collar only when the dog is under the immediate control of its owner or authorized agent.

In the event any tag is lost or destroyed, a duplicate may be obtained from the Flathead County Animal Control Center upon submission of such proof as may be required and upon payment of the sum of one dollar (\$1.00).

It shall be unlawful for any owner or any other person to use a tag on any dog other than the one for which it was issued.

C. **Exemptions.**

1. Any dog whose owner is a non-resident of Flathead County and who is temporarily within said County for thirty (30) days or less.
2. Any dog brought into Flathead County for the sole purpose of participating in a dog show or dog contest.
3. Dogs used as eyes for the blind or ears for the deaf.
4. Any government-owned police service dog, including search and rescue dogs is exempt from this Ordinance.

D. **License Fees.**

1. License fees shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Control Center and the Commissioners' Office.

E. **Failure to License a Dog.** Failure to license a dog in violation of this Ordinance shall constitute a misdemeanor. Any person violating any of the provisions of this section of this Ordinance, shall, upon conviction of the first offense be fined not more than thirty five dollars (\$35.00), and upon conviction of a second offense relating to the same dog be assessed a fine of not more than one hundred dollars (\$100.00). Conviction of three or more offenses shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

1. A citation or complaint issued for a third or subsequent offense shall require a mandatory appearance of the Owner before the Justice of the Peace.

**TUESDAY, OCTOBER 13, 2003  
(CONTINUED)**

F. **"City Dog Licenses-effect of"**: Any current dog license tag issued annually by an incorporated city or town within Flathead County, Montana, pursuant to an Ordinance which substantially complies with this Ordinance and which provides for the wearing of the license tag upon the collar of the dog and the keeping of a record which established the identity of the person who owns, keeps or harbors the dog constitutes compliance with the licensing provision of the Ordinance.

Section 4  
**DOGS RUNNING AT LARGE**

A. It shall be unlawful for any owner of a dog to allow it to Run at Large within Flathead County.

The above shall not prevent the owner or another person from having a dog on a public street, alley, or any public place within Flathead County if the dog is then and there controlled by such person by a chain or leash of not more than six (6) feet in length tied to the dog and held by such person. All dogs licensed or unlicensed running at large shall be impounded.

B. **Dogs in Heat.** Every person having under his control any female dog in heat (i.e., in the oestral period) shall confine such a dog in a house, garage or other enclosed area. The female shall be confined in such a manner that said female cannot come into contact with a male dog except for planned breeding. Such a female dog not so confined is a public nuisance, and the owner or other person in control of such a dog is guilty of a misdemeanor. The Animal Control Officer or any Deputy may immediately abate such nuisance by impounding such dog.

C. Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

Nothing in this section shall be interpreted so as to restrict or prohibit the activities of dogs while being used as sled dogs, while hunting under control of their owner or while herding livestock.

Section 5  
**IMPOUNDMENT**

A. The following are subject to impoundment:

1. Any dog being kept or maintained contrary to the provisions of this Ordinance.
2. Any dog running at large contrary to the provisions of this Ordinance.
3. Any dog which is required to be licensed by this Ordinance and is not licensed. A dog not wearing a current Flathead County tag shall be presumed to be unlicensed for the purposes of this Ordinance unless said dog falls under the provisions of Section 3, Parts C and F of this Ordinance.
4. Any sick or injured dog whose owner cannot be located.
5. Any abandoned dog.
6. Any dog held for quarantine.
7. Any stray dog.
8. Any vicious dog found in violation of Section 7 of this Ordinance.

B. **Pursuit of Dog:** The Animal Control Officer, or any Deputy Sheriff of this County, is hereby empowered and authorized to enter upon private property, including the premises of the dog's owner, in order to apprehend any dog which is running at large, in order to apprehend said dog. This Section does not, however, authorize the Officer or Deputy Sheriff to enter any private residence.

C. If such impounded dog has a license, the Flathead County Animal Control Center shall notify the owner of said dog, within one (1) business day, by telephone or personal notice, that the dog has been impounded and where it may be redeemed.

If, after 72 hours, an unlicensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.

If, after 96 hours, any impounded licensed dog is not claimed by its owner and the appropriate fees paid, the dog may be sold to a private individual upon payment of the necessary fees and compliance with the licensing regulations or it may be destroyed by the Flathead County Animal Control Center.

D. **Impoundment Fees and Board.** An initial impoundment fee shall be charged for each dog and a board fee shall be charged for each day a dog is in the custody of the Animal Control Center or the Animal Control Officer. The refusal or failure of the owner of a dog to pay the impoundment fee and board fee after notification shall be deemed an abandonment of the dog by the owner. All veterinary bills or professional service bills incurred during the impoundment shall be paid by the owner in addition to the impoundment fee and board. These fees apply to each animal impounded.

Section 6

## **RABIES CONTROL**

It shall be the duty of every person or owner keeping, harboring, or maintaining any dog (except a coyote or purebred wolf) over four (4) months of age to provide effective rabies vaccination for such dog. This provision shall not apply to:

A. Licensed veterinarians.

B. Grooming parlors.

Any person shall have the authority to order the owner of any dog showing symptoms of rabies or any dog which has bitten any person so as to cause an abrasion of the skin or any dog that has been bitten by or exposed to any animal suspected to have been infected with rabies to deliver such dog to the Flathead County Animal Control Center for quarantine for a period not to exceed fifteen (15) days. Such dog at the option of the owner may be quarantined under the supervision of a licensed veterinarian except as specified below:

1. In the case of an unvaccinated dog which is known to have been bitten by a laboratory-confirmed rabid animal, said bitten dog must be immediately destroyed.

2. In the case of a vaccinated dog which is known to have been bitten by a laboratory-confirmed rabid animal, said dog shall be revaccinated within 24 hours and quarantined for a period of thirty (30) days following revaccination. Said dog shall be destroyed if the owner does not comply with the provisions of this section.

It shall be unlawful and punishable by imprisonment in the Flathead County Jail not to exceed six months or by a fine not to exceed five hundred dollars (\$500.00) or both, for any person to refuse or fail to quarantine any dog as required by this Ordinance or to remove any dog quarantined under Section 6 of this Ordinance from the place of quarantine without written permission from the Flathead County Animal Warden or Flathead County Animal Control.

After the quarantine period, if the Flathead County Animal Control determines that the dog is free of rabies, the owner may reclaim the dog upon payment of the boarding and impoundment fees and any licensing fees.

If any dog under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and direction of the Flathead County Animal Control and/or licensed veterinarian.

### **Section 7 VICIOUS DOG**

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Flathead County.

If any vicious dog is running at large or any dog appears to be mad or dangerous to the public, and it appears to the Animal Control Officer that it is necessary to kill such a dog in order to protect the public from the dog, the Animal Control Officer is hereby authorized to kill the dog.

If any dog, including but not limited to vicious dogs, bites a person living in Flathead County, such dog bite shall immediately be reported to the Flathead County Animal Control Center or the Flathead County Sheriff's Office. Any Animal Control Officer may issue a written order requiring the owner of such dog to surrender the dog to the Flathead County Animal Control Center or, at the owner's expense, to a licensed veterinarian. Such order may be served by the Animal Control Officer on the owner. If the owner cannot be found at his place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence. It is unlawful for any person to refuse or neglect to surrender any dog, within twenty-four (24) hours after the service of such order, and any Animal Control Officer shall seize and impound such dog at either the Flathead County Animal Control Center or a licensed veterinarian's office, at the owner's expense. In the event the owner is unknown or the dog is running at large, the Officer shall seize and impound the dog without notice. If the vicious dog is running at large and the officer is unable to seize and impound such dog, the dog may be killed by any law enforcement or animal control officer of this County without notice. All dogs impounded under this Section shall be quarantined for the period and under the same conditions as stated in Section 6.

Any owner who keeps, harbors or maintains a vicious dog in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00). It is the legislative purpose to impose absolute liability, as described in Section 45-2-104 M.C.A., for the conduct described in this Section. In addition, the Justice of the Peace or District Judge may order that the vicious dog be destroyed.

### **Section 8 BARKING OR HOWLING DOGS**

It is unlawful for any person to own, keep, harbor or maintain any dog, which unreasonably annoys or disturbs any person by undue barking or howling.

### **Section 9 KENNELS**

Owner's or operator's of a kennel shall complete a "Kennel Application Form" at the time of application for a kennel license. The form shall be provided by the Director.

The Director or the Director's agents shall have the authority to enter upon the premises in which a kennel is located, for the purpose of inspection for compliance with all state and county laws. The inspection of kennel facilities will be performed during regular business hours but on an unscheduled basis.

Section 10  
**DIRECTOR**

The County Commissioners shall appoint a Director for the Animal Shelter. The Director shall administer the shelter on a daily basis and shall be responsible for budget, personnel and formation of policy. The Director shall report directly to the Board of County Commissioners and shall serve at their pleasure and under their direction.

Section 11  
**ANIMAL CONTROL CENTER FEES AND CHARGES**

All fees charged by the Flathead County Animal Control Center shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Control Center, Treasurer's Office and the Commissioners' Office.

Section 12  
**VIOLATION**

Unless otherwise stated herein, any person violating any part of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the County jail, or both, unless otherwise specified in this Ordinance.

All fines collected under this Ordinance shall be paid into the County Treasury and shall be used to pay fees, salaries, costs or expenses for the enforcement of this Ordinance.

Section 13  
**SEVERABILITY**

If any provisions of this Ordinance is held to be invalid, such invalidity shall not effect other provisions which can be given effect without the invalid provisions. To this end provisions of this Ordinance are to be severable.

DATED this 14<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

ORDINANCE ADOPTED 8/19/87  
Ordinance Amended: January 24, 1989  
Ordinance Amended: June 20, 1990  
Ordinance Amended: November 10, 1997  
Ordinance Amended: October 14, 2003

**SCHEDULE OF FEES**

License Fees.		
	Spayed or Neutered	\$ 5.00
	Unaltered	10.00
	Transfer Fee	1.00
	Duplicate Tag Fee	1.00
	Annual Kennel Registration Fee	50.00
Impoundment Fee	Licensed	Unlicensed
First Offense	\$ 10.00	\$ 20.00
Non-Neutered	\$ 20.00	\$ 30.00
Repeat Offense*	Double (\$20 or \$40)	Double (\$40.00 or \$60.00)
	*During same calendar year	
	<u>After-hours (5pm to 7am) impound - double the impound fee.</u>	
Daily Boarding Fee		\$10.00 per day
Adoption Fees		
	Spayed or Altered Dogs	\$ 20.00

Unaltered Dogs (Spay deposit of \$20.00 included)	\$ 45.00
Spayed or Altered Cats	\$ 10.00
Unaltered Cats (Spay deposit of \$10.00 included)	\$ 25.00
Euthanasia Fee	\$ 10.00
Fines:	
Dogs Running at Large:	
First Offense	\$ 35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*
*Personal Appearance before Justice of the Peace	
No License:	
First Offense	\$ 35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*
*Personal Appearance before Justice of the Peace	
No Rabies Vaccination	\$ 20.00
Dogs in Heat	\$ 35.00

FEES ADOPTED: December 14, 1989  
EFFECTIVE DATE OF FEES: January 14, 1990

**AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: CUMMINGS V. COUNTY**

Present at the October 14, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to authorize the County Attorney's Office to accept service in the *Cummings v. County* matter. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: QUIT CLAIM DEED/BARNES LANE**

Present at the October 14, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Lesli Schreiner, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve the Quitclaim Deed from Flathead County to Tim McGunagle and Glenda McGunagle for the North 16.50 feet of Lot 1 and North 16.50 feet of Lot 2, Kenny-Conn Subdivision and a Quitclaim Deed from Flathead County to Bonnie M. Kenny for the 16.50 feet of Lot 3, Kenny-Conn Subdivision and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**BOARD APPOINTMENTS: WEST VALLEY FIRE DISTRICT**

Present at the October 14, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to appoint Myron Boulden and Craig Tutvedt to the West Valley Fire District to serve until the next election in May, 2004. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MEETING W/CHARLIE JOHNSON, ROAD DEPARTMENT**

Present at the October 14, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road Superintendent Charlie Johnson, Duane Bitney, and Clerk Eggum.

Johnson distributed a list of projects the Commissioners have named: Truman Creek, Lakeview Park Estates, Haskill Basin, Hoffman Draw, Managhan Lane, Danielson, Broeder Loop. Johnson noted that they are still trying to resolve the right-of-way issues on Hoffman Draw right now. Chairman Watne confirmed that they had agreed to fix the curve on Truman Creek.

Bitney described the intersection of Whitefish Stage and West Evergreen Drive. He noted that it appears as if traffic on Whitefish Stage is traveling at a speed of 45 to 50 MPH. He suggested that a three way stop might be a good idea to slow the traffic down for the school and the church and would let traffic entering from Evergreen Drive do so in a safe manner. Johnson noted that Whitefish Stage was a state secondary. The City of Kalispell has annexed both sides of the road and they agreed to take the road once the overlay was completed which was done this summer. The City still has not taken any action to follow through on that agreement. Commissioner Hall confirmed that a letter was sent to the City regarding assumption of the road. Commissioner Gipe advised that it was not up to the Commissioners to install the signs. It was something that would have to go through the MDOT. He noted that they would do a safety and speed study before they would install the signs. Commissioner Gipe agreed to support the installation of the signs but recommended that Bitney contact Larry Brazda of the MDOT.

Johnson noted that the need for paving is getting greater each year consequently it is taking up more of his time. He intends to continue to pave until the snow falls. He was hopeful that he would be able to get a little gravel hauled to the problem roads. Johnson noted that in the spring and fall when they typically do maintenance they have been paving in an effort to keep up with the demand.



Chairman Watne inquired as to the use of trucks during paving. Johnson responded that he tries to adjust for whatever is needed. He tries to do each job in the most cost effective way possible.

Johnson advised that Garland had been completed last week. The cost was \$110,000.00 for one-half mile of road. The railroad crossing on Lupfer is also done. He noted they paved up the hill across the railroad crossing, down and around the other side. In addition they did a little bit over on Martin Camp just past the bridge a short distance while they were there.

Johnson advised that they started on Managhan again today. If it rains, he will pull staff off Managhan and go blade roads. He emphasized the need to blade roads when the opportunity arises. He realizes the commitments that have been made but paving must be done noting that some of the county roads have only been bladed once.

Johnson advised that they have received a lot of complaints and a request for stop signs at West Valley and Three Mile as you come down that hill. Currently there are yield signs on West Valley and Three Mile has the right-of-way. Johnson stated that he is opposed to the stop signs. Chairman Watne agreed that it would be pretty hard to stop coming off of that hill. Johnson intends to install the biggest yield signs that they have available. They can go to 48 inch and in addition put some advance warning signs up to try and correct the problems that way.

Johnson advised that he has the same issue in Happy Valley on Timber Lane and all of those roads that come out. The yield signs on those roads don't seem to be working. This is in a subdivision so stop signs are probably more warranted. Johnson intends to change those yield signs to stop signs. In addition there is brush cutting that needs to be completed. He advised that three years ago when they did brush cutting in that area caused the Commissioners to receive many complaints. He noted that the brush is growing out onto the road and around the road signs. Chairman Watne expressed concern for people not obeying stop signs any more then they obey yield signs. Johnson advised that he intends to talk to Flathead Electric too about using some of the round up for safety money and install a light. He noted that the safety studies that have been done do not indicate that there is a problem in that area so they are not eligible for state money in spite of the fact that the residents state that there are a lot of accidents occurring.

Johnson distributed a letter from the City of Whitefish requesting transfer of a portion of 6<sup>th</sup> Avenue that isn't built. He noted he did not have any special concern for doing so but because of the lawsuit he wanted to run the request by the County Attorney's Office first.

Chairman Watne questioned how the City could do that if the courts overruled the annexation and required them to return property. Johnson speculated that it was because they were going to give it to the developer. He noted that a protest was filed over the way they annexed the property. He noted that both of these roads are pretty much unimproved. He added that he has not been on either one of the roads in a long time. He reiterated that he would like to get Dennis' opinion. There was a legal challenge to all the other annexation that they did mainly coming from around Second Street in that area. Johnson advised that he and Dennis will look at the property Thursday after they are done looking at Blackmer.

Johnson provided the Commissioners with a copy of a statement from Evergreen Disposal, Inc. He advised that in the years past Evergreen Disposal has picked up the County Road Department's garbage. They claim that there was an agreement crafted in the 70s when the county formed the district that the Road Department would never have the County Landfill pick up their garbage. The agreement was made in part to protect taxpaying entities from loosing revenue to non-taxpaying government entities. The County Landfill can pick up the Road Department's garbage at no cost. They have made that switch and Terry Kelly is a little upset with him. Chairman Watne agreed that the county should be hauling their own garbage.

#### **MEETING W/RON OLSON/MDOT RE: MERIDIAN ROAD ROW**

Present at the October 14, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Gipe, Ron Olson, and Clerk Eggum.

Olson presented the Commissioners with an agreement relative to the purchase of fair property for highway right-of-way.

Commissioner Gipe made a **motion** to approve the Right-of-Way Agreement with the Department of Transportation and authorize the Chairman to sign. Chairman Watne **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

#### **12:00 P.M. Commissioner Hall to speak at Columbia Falls Chamber**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 15, 2003.

\*\*\*\*\*

### **WEDNESDAY, OCTOBER 15, 2003**

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

#### **CONSIDERATION OF LAKESHORE PERMIT: AVERILL**

Present at the October 15, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by Dan Averill on Flathead Lake to install a C-shaped piling dock, 26 feet in length from the shoreline with two breakwater wings measuring 34 feet long. General discussion was held.

Commissioner Gipe made a **motion** to approve Lakeshore Permit #FLV-03-09 and authorize the Chairman to sign subject to 18 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **CONSIDERATION OF LAKESHORE PERMIT: NORTH BLAINE ESTATES HOMEOWNERS ASSOCIATION**

Present at the October 15, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Tim Beck, Assistant Avery, and Clerk Eggum.

Beck reviewed Lake and Lakeshore Construction Permit filed by North Blaine Estates Homeowners Association, Inc. on Lake Blaine to extend an existing boat ramp using 12-foot wide pre-cast concrete slabs. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-03-88 and authorize the Chairman to sign subject to 22 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**9:15 A.M. RSVP Meeting at Windward Place**

**PUBLIC HEARING: PERMITTED SIGNS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the October 15, 2003 9:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Planner Lindsay Morgan, and Clerk Eggum.

Morgan advised that this was a text amendment to the Flathead County Zoning Regulations to correct a typographical error to Section 5.11.040(4)(D) and 5.11.040(5)(D)

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment. No one rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the text amendment. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Staff Report FZTA-03-18 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

**RESOLUTION NO. 955FR**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 15th day of October, 2003, to consider changes to the text of the Flathead County Zoning Regulations proposed by Flathead County which would amend Sections 5.11.040(4)(D) and 5.11.040(5)(D) to correct a typographical error in those sections, to refer to Section 5.11.020(11) rather than Section 5.10.020(11) in order that those sections will read as follows: "One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):"...

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on October 4 and October 11, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Sections 5.11.040(4)(D) and 5.11.040(5)(D) to correct a typographical error in those sections, to refer to Section 5.11.020(11) rather than Section 5.10.020(11) in order that those sections will read as follows: "One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):", as set forth on Exhibit A hereto;

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations 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 adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 15th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

Flathead County Zoning Regulations  
Text Amendment/To Correct Typographical  
Errors in the Signage Section

**Exhibit "A"**

As usual, additions to the text are **bold, italicized and underlined** whereas deletions from the text are ~~struck through~~.

5.11.040 Permitted Signs in Zoning Districts

4. Permitted signs in B-1, B-2, BR-2, B-3, BR-4, B-5, B-6, and B-7 districts shall be as follows:

D. One or a combination of the following three signs provide the singular or combined square footage does not exceed the allowed footage found in Section ~~5.10.020(11)~~ **5.11.020(11)**:

1. Free-standing signs
2. Ground signs
3. Off-site signs

5. Permitted signs in I-1, I-2, and I-1H districts shall be as follows:

D. One or a combination of the following three signs provide the singular or combined square footage does not exceed the allowed footage found in Section ~~5.10.020(11)~~ **5.11.020(11)**:

1. Free-standing ~~signs~~ **signs**
2. Ground signs
3. Off-site signs

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955FR) on October 15, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Sections 5.11.040(4)(D) and 5.11.040(5)(D) to correct a typographical error in those sections, to refer to Section 5.11.020(11) rather than Section 5.10.020(11) in order that those sections will read as follows: "One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):".

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed changes to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 15th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on October 20 and October 27, 2003.

**PUBLIC HEARING: WINDWALKER EQUESTRIAN ESTATES ZONE CHANGE/WEST SIDE ZONING DISTRICT**

Present at the October 15, 2003 9:45 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Frank Strickland, Tom Symmes, Planner Lindsay Morgan, Assistant Avery, and Clerk Eggum.

Morgan advised that this was a zone change request by Windwalker Equestrian Estates, LLC from SAG-10 Suburban Agricultural use which provides for a 10-acre minimum lot size to SAG-5 Suburban Agricultural use which provides for a five-

acre minimum lot size. The property is located southwest of the junction of Four Mile Drive and Stillwater Road northwest of Kalispell. The property contains approximately 80 acres.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the zone change request.

Strickland advised that he lives just to the east of the proposed property. The intent on this zone change is to develop a horse community where there would be a maximum of two horses per five acres. It will have a trail system through the property. The surrounding property is pretty much horse property. This will act as a buffer from the city type lots and the agriculture that is to the north and to the west. We feel it is a good match and I think it will develop into a good close to town horse community. He noted that it indicates the property is now agricultural. It is currently unirrigated land and produces hay that is cut and bailed for horses and cows. It will probably continue in the same vein except it will be used for the horses to graze on instead of getting bailed.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the zone change request. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Gipe made a **motion** to adopt Staff Report FCZ-03-33. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Gipe made a **motion** to adopt Resolution No. 678AF. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 678AF**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 15th day of October, 2003, concerning a proposal by Windwalker Equestrian Estates to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on October 4 and October 11, 2003;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Kalispell City-County Planning Board regarding the proposed change in the Westside Zoning District.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Westside Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit A hereto.

**BE IT FURTHER RESOLVED** that notice of the passage of this resolution, stating the boundaries of the portion of the Westside 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 Westside 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 Westside 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 Westside Zoning District protest the proposed change in said district, then the change will not be adopted.

DATED this 15<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

**EXHIBIT A**  
**WINDWALKER EQUESTRIAN ESTATES/ZONE CHANGE**  
**WEST SIDE ZONING DISTRICT**

**SAG-10 TO SAG-5  
SEPTEMBER 4, 2003**

The property proposed for rezoning is located southwest of the junction of Four Mile Drive and Stillwater Road, just west of Kalispell. The property is described as Tract 1 of Certificate of Survey No. 12112 in Section 2, Township 28 North, Range 22 West, P.M., Flathead County, Montana.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 678AF on October 15, 2003, to change the zoning designation in a portion of the Westside Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

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

The regulations defining the SAG-10 and SAG-5 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 Westside 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 15<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on October 20 and October 27, 2003.

**EXHIBIT A  
WINDWALKER EQUESTRIAN ESTATES/ZONE CHANGE  
WEST SIDE ZONING DISTRICT  
SAG-10 TO SAG-5  
SEPTEMBER 4, 2003**

The property proposed for rezoning is located southwest of the junction of Four Mile Drive and Stillwater Road, just west of Kalispell. The property is described as Tract 1 of Certificate of Survey No. 12112 in Section 2, Township 28 North, Range 22 West, P.M., Flathead County, Montana.

**PUBLIC HEARING: STOLTE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the October 15, 2003 10:00 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Traci Stolte, and Clerk Eggum.

Sanderson advised that this was a text amendment proposed by Traci and Caleb Stolte to add kennels as a permitted use in AG-40 and AG-20 zoning districts.

Chairman Watne opened the public hearing to anyone wishing to speak in favor of the text amendment.

Stolte advised that she was one of the two people requesting this change and she is in favor of the change.

No one else rising to speak, Chairman Watne asked for anyone wishing to speak in opposition to the text amendment. No one rising to speak, Chairman Watne closed the public hearing.

Commissioner Hall made a **motion** to adopt Staff Report FZTA-03-17 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

**RESOLUTION NO. 955FP**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 15th day of October, 2003, to consider changes to the text of the Flathead County Zoning Regulations proposed by Traci and Caleb Stolte which would amend Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 in and AG-20 zones;

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on October 4 and October 11, 2003;

**WHEREAS**, the Board of Commissioners heard public comment on the proposed amendments to the Flathead County Zoning Regulations at that hearing; and

**WHEREAS**, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendments.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 and AG-20 zones, as set forth on Exhibit A hereto;

**BE IT FURTHER RESOLVED**, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations 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 adoption of the proposed change, shall be published once a week for two weeks.

**BE IT FURTHER RESOLVED**, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 15th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

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

**FLATHEAD COUNTY ZONING REGULATIONS  
Add Kennels as a permitted use in  
AG-40 and AG-20 Zoning Districts**

**EXHIBIT 'A'**

Section 3.05.020 Permitted Uses (AG-40)

12. **Kennels.**

Section 3.06.020 Permitted Uses (AG-20)

12. **Kennels.**

NOTE: If approved, this change will require codification changes to the permitted use sections of the AG-40 and AG-20 districts.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955FP) on October 15, 2003, to adopt proposed amendments to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 in and AG-20 zones.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana.

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed changes to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 15th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

Publish on October 20 and October 27, 2003.

**COS REVIEW: RILEY**

Present at the October 15, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Marcia Riley, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Sanderson reviewed the chain of title. Sanderson recommended denial as it appears to be a pattern of development.

Marquardt advised that they have owned this property for quite a long time and have not taken any splits. They live on the property and they plan to continue living on the property. Commissioner Hall confirmed that they will develop Tract 1.

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

**COS REVIEW: DeCROIX**

Present at the October 15, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, John E. DeCroix, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Assistant Avery, and Clerk Eggum.

Sanderson reviewed the chain of title. Sanderson recommended denial as it appears to be attempting to create a tract even though the use is consistent with the law.

Marquardt advised that Debbie could not do a family transfer to her brother but she could do one to her parents. Her parents are currently building a house on Parcel A. John, the brother of Debbie lives in the house on Parcel B and Debbie is planning on building a house on Parcel C. It was always the intent that John would live in the house on Parcel B.

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

**CONSIDERATION OF EXTENSION REQUEST: LASATER SUBDIVISION**

Present at the October 15, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Robert A. Brown, RLS requesting a 60-day extension to get a Consent to Plat form back from a mortgage company in California.

Commissioner Hall made a **motion** to approve a 60-day extension for Lasater Subdivision to December 19, 2003. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**11:00 A.M. - County Attorney Meeting @ County Attorney's Office.**

**Commissioner Gipe is to attend the DUI Task Force Meeting at The Summit**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 16, 2003.

\*\*\*\*\*

**THURSDAY, OCTOBER 16, 2003**

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

**MONTHLY MEETING W/RICHARD STOCKDALE, ANIMAL CONTROL**

Present at the October 16, 2003 8:30 A.M. Meeting were Commissioner Gipe, Animal Control Director Richard Stockdale, Assistant Avery, and Clerk Eggum.

General discussion was held relative to statistics; second reading of amendments; humane society; adoption; incident in Hungry Horse.

**MONTHLY MEETING W/JED FISHER, WEED, PARKS AND MAINTENANCE DEPARTMENT**

Present at the October 16, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, Assistant Avery, and Clerk Eggum.

General discussion was held relative to boys and girls club in Columbia Falls/gymnasium; electrician to replace recent resignation; Rails to Trails; park at Foy's Lake; extension for comp time.

**CONSIDERATION OF AGREEMENT FOR APPRAISAL SERVICES GREAT NORTHERN TRAIL**

Present at the October 16, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Agreement for Appraisal Services which requires an appraisal to be completed for one of the three or four easements that are necessary to construct the project.

Commissioner Hall made a **motion** to approve the Agreement for Appraisal Services for Great Northern Trail and authorize the Chairman to sign. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MONTHLY MEETING W/ALAN MARBLE, OES**

Present at the October 16, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, OES Director Alan Marble, Assistant Avery, and Clerk Eggum.

General discussion was held relative to names for PDM plan; vacation; National Response Plan; infrastructure security programs; grants; expanding office personnel; threat assessment; domestic terrorism; grant writer; Spruce Park issue.

**10:30 A.M. On-Site Viewing of Blackmer Lane w/Dennis Hester and Charlie Johnson**

**1:30 P.M. Commissioner Hall is to View Road Abandonment #413 (alley in Hungry Horse) w/Jim Burton**

**2:00 P.M. Chairman Watne is to attend a Health Board Meeting at Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 17, 2003.

\*\*\*\*\*

**FRIDAY, OCTOBER 17, 2003**

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

**No meetings scheduled**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 20, 2003.

\*\*\*\*\*