

## MONDAY, DECEMBER 8, 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.

### **FINAL PLAT: RICHSADDLE**

Present at the December 8, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Johna Morrison, Jim Boyes, Jane Eby of Eby and Associates, Assistant Avery, and Clerk Eggum.

Morrison reviewed the final plat for Richsaddle Subdivision which is an application by James and Cheree Boyes for approval of a subdivision which will create four residential lots on Highway 2. Preliminary plat approval was granted on January 6, 2003 subject to 13 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 approve Final Plat for Richsaddle Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

### **COS REVIEW: TORTOMASI**

Present at the December 8, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Peter Steele, Cindy Tortomasi, Mike Tortomasi, Assistant Avery, and Clerk Eggum.

Steele advised that under the statute 76-3-207 a person can make divisions of land and give to family members, a family transfer, unless the method of disposition is adopted for evading subdivisions. In this case, we have determined that it is an evasion. In April, 2003, Mr. Tortomasi applied for a subdivision. On May 29<sup>th</sup>, the preliminary plat was approved by the commissioners with conditions. According to Sanderson, one of the conditions was a 60' right-of-way. However, there is only a 40' foot available right-of-way in one place. Mr. Tortomasi would not be able to meet that condition. Also Mr. Tortomasi requested a permit to put some fill in one of the lots down by the Flathead River and that was denied under the floodplain regulations. Clerk and Recorder Robinson sent the letter that the family transfer should be denied because of this prior history. This history shows that Mr. Tortomasi's intent was to have a subdivision. When it became apparent the subdivision would not be approved, he then asked for approval of the certificate of survey for a family transfer. It is clear from that history that his intent was to have a subdivision. The county has Resolution 509 which is the criteria that the county uses to determine if there is an evasion of the platting act. The state statute says you can do a family transfer unless the purpose is for evading subdivision. In the County's 509(2) criteria for review of exemptions, it says that prior history of the tract in question needs to be considered by the Commissioners.

Sanderson advised that Tortomasi has a history with the county. Out west of town they have done a number of family transfers on other ownerships that they have. He is deferring to the County Attorney's Office for recommendation.

Michael Tortomasi advised that he is the owner of the property in question along with his wife Cynthia. He noted that he has not failed to get approval for the subdivision. The property is still in the process of being subdivided but he is experiencing some problems relative to an easement needed. The original intent was to divide the property and keep some of it for himself and to deed some of it to his family members and whatever financial gain might be achieved. Tortomasi noted that he has been looking at property in the valley since 1990 and has owned property in the valley since 1992. His wife is not willing to move here as they have children and grandchildren in California. Tortomasi was hoping to provide his children with property to build homes on in the hopes it would encourage them to move to Montana and then his wife would be willing to live in Montana full time. If Tortomasi can resolve the easement issue, there will be five lots in the subdivision. He added that the floodplain denial was of a bigger concern. He was hoping to rearrange the fill in the land so he could have a site to the west of a draw in the property. Since the permit was denied those lots are not going to be as saleable, usable as they would be so he has combined all of the property west of the draw with the lot to the east of the draw to make the one property that he would like to keep for himself. Then he would like to give the other two lots adjacent to the east to his mom and one to Cindy's dad. Tortomasi noted that the family transfer option for the division of land was always available to him. He chose to go through subdivision review only because he thought it was the right way to go about it. He wanted to do what the county staff had proposed to make that all happen but has since run into a couple of difficulties. Since he was not doing it to do the subdivision, he would like to transfer the property as the option that was always available to him. Tortomasi felt it was unfair that he is being denied the ability to do the family transfer but if he sold the property to someone else, since they did not have the history, they could do a family transfer. He reiterated that he is trying to make this property available for his family members. I have given property to each one of my daughters and to my son. If my children are here that means my wife won't have a reason to say no. My life should be a little bit easier. That is the purpose of this attempt. It is just an easier way for me to deal with buying property giving it to my mother and to her father so that if they have anything we can take care of them. I do plan on building a house here. I don't feel that there is any reason that this should be denied because we went through a process that I felt was an attempt to do it the right way. Since we are having problems with this, this option has always been available. We just want to maintain that option for us.

Sanderson confirmed that Mr. Tortomasi has owned property in the Flathead for a long time but he just recently closed on this tract of land in the last sixty to ninety days. Sanderson requested that if the Commissioners were inclined to approve this request, that they place a limit on the division of the remainder because the remainder that Mr. Tortomasi is going to retain was previously platted as three lots and if the family transfer were approved it is conceivable under the Flathead County Subdivision Regulations that a less than 60' right-of-way could be approved for further subdivision. If you say no further subdivision of that tract, with this exception, that concern goes away.

Commissioner Gipe agreed that once it has been filed as a subdivision, they can't approve it as a family transfer.

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

### **DOCUMENT FOR SIGNATURE: COVENANTS, CONDITIONS AND RESTRICTIONS WAIVER PAGE/SANDY FLATS**

Present at the December 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Waiver of Requirement of Approval for Amendment of Covenants, Conditions and Restrictions for Sandy Flats Subdivision recorded February 14, 1995 which provides in part this Declaration may be amended from time to time by recording an instrument signed by the owners of at least 75% of the lots of Sandy Flats and the Board of Commissioners of Flathead County agreeing to such amendment. This document would amend the requirement that the Commissioners approve the amendment

Commissioner Hall made a **motion** to approve the Waiver of Requirement of Approval for Amendment of Covenants, Conditions and Restrictions for Sandy Flats Subdivision. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WOLFORD DEVELOPMENT MONTANA LLC ZONE CHANGE/STILLWATER AND EVERGREEN AND VICINITY ZONING DISTRICT**

Present at the December 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to continue until tomorrow. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF BUDGET AMENDMENT**

Present at the December 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to approve Resolution No. 1670. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

BUDGET AUTHORITY RESOLUTION  
RESOLUTION NO. 1670

WHEREAS, the Board of Commissioners anticipated funds for Fiscal Year 2004;

WHEREAS, Flathead County has received grant monies for which no provision was made in the Fiscal 2004 budget; and

WHEREAS, Counties may appropriate federal or state money received during the fiscal year by formal resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby appropriates the additional funds and directs the County Clerk and Recorder to make the following revisions to the budget for fiscal year 2004:

SEE ATTACHED GENERAL JOURNAL VOUCHERS

BE IT FURTHER RESOLVED that the above appropriation shall become effective on the date of this resolution.

DATED this 8<sup>th</sup> day of December, 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 and Recorder

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

**Exhibit A**

**COUNTY OF FLATHEAD**

**GENERAL  
JOURNAL  
VOUCHER  
BUDGET  
AMENDMENT  
RESOLUTION # 1670**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER NO.: 0312-01

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
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Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2926-0221-331116	ODP Homeland Security Grant		\$162,343.00	
2926-172000	Revenue control			\$162,343.00
2926-0221-420600-212	Small item equipment			\$26,200.00
2926-0221-420600-380	Training			\$59,000.00
2926-0221-420600-398	Contracted services			\$40,143.00
2926-0221-420600-900	Capital Outlay			\$37,000.00
2926-242000	Expenditure control		\$162,343.00	
To book the ODP Homeland Security Grant, first award letters dated June 10, 2003 and attached.				
2927-0221-331117	War Supplemental Grant		\$488,645.00	
2927-172000	Revenue control			\$488,645.00
2927-0221-420600-212	Small item equipment			\$141,209.00
2927-0221-420600-398	Contracted services			\$80,043.00
2927-0221-420600-900	Capital Outlay			\$267,393.00
2927-242000	Expenditure control		\$488,645.00	
To book the DHS/odp War Supplemental Preparedness Grant. See attached.				

Explanation:

Prepared by: Deb Deist  
Approved by:  
Commissioners by  
Resolution

#### **AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING 2004**

Present at the December 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

#### **CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 7-5-2401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) 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 provision of Legal Advertising. 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 bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing January 1, 2004, and terminating December 31, 2004. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the County Clerk and Recorder, 800 South Main Street, Kalispell, Montana 59901, at or before **5:00** o'clock p.m. on **December 22, 2003**. Bids will be opened and read at **9:00** o'clock a.m. on **December 23, 2003**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

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

DATED this 8<sup>th</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk  
Robert W. Watne, Chairman  
By: /s/ Vickie M. Eggum  
Vickie M. Eggum, Deputy

By: /s/Robert W. Watne

Publish on December 11, 2003, and December 18, 2003.

**AUTHORIZATION TO PUBLISH CALL FOR BIDS: CAB AND CHASSIS DIESEL PLOW TRUCKS (2)/ROAD DEPARTMENT**

Present at the December 8, 2003 9:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

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

**CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on **TWO (2) NEW CAB & CHASSIS DIESEL PLOW TRUCKS**, minimum 56,000 GVWR. Specifications may be obtained from the Flathead County Road Department, 1249 Willow Glen Drive, Kalispell, MT 59901.

Delivery/shipping will be F.O.B. to the Flathead County Shop at 1249 Willow Glen Drive, Kalispell, Montana, 59901, within one hundred fifty (150) days of the signing of a contract for purchase.

Each bidder must deposit with his bid, a bid 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 unit. 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 to be signed is 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 **County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901**, on or before **5:00 P.M. on December 30, 2003**. Bids will be opened and read at **9:30 A.M. on January 5, 2004** 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 8<sup>th</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

PLEASE PUBLISH IN YOUR ISSUES OF: December 11, and December 18, 2003.

**FINAL PLAT: B & B MILLER ESTATES II**

Present at the December 8, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Mark Crowley, Ardis Larsen of Larsen Engineering and Surveying, Inc., Assistant Avery, and Clerk Eggum.

Crowley reviewed the final plat for B & B Miller Estates II Subdivision which is an application by Brett and Brenda Miller for approval of two residential lots on approximately 29.3 acres within the Southeast Rural Whitefish Zoning District to be served by on-site well and on-site septic systems. The property is located approximately two miles east of Whitefish. Preliminary plat was approved on April 2, 2003 subject to eight 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 B & B Miller Estates II Subdivision. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**FINAL PLAT: STAATS SUBDIVISION**

Present at the December 8, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Mark Crowley, Ardis Larsen of Larsen Engineering and Surveying, Inc., and Clerk Eggum.

Crowley reviewed the final plat for Staats Subdivision which is an application by Bill Staats for approval of a two-lot residential subdivision on Highway 40 and Conn Road. The subject property is 12.24 acres in size and is unzoned.

Preliminary plat was waived on June 10, 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-03-39 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

**FINAL PLAT: ASPEN KNOLL SUBDIVISION, PHASE II**

Present at the December 8, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Lindsay Morgan, Richard J. Swan of Thomas, Dean and Hoskins Inc., Assistant Avery, and Clerk Eggum.

Morgan reviewed the final plat for Aspen Knoll Phase 2 Subdivision which is an application by Aspen Knoll, LLC for approval of a four lot subdivision. The property is located in the West Side area of Two Mile Drive approximately one mile west of Kalispell. Preliminary plat approval for this subdivision was granted on March 12, 2002 subject to 12 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 approve Final Plat for Aspen Knoll – Phase 2 Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: STOLTE TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the December 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Mark Crowley, Assistant Avery, and Clerk Eggum.

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

**RESOLUTION NO. 955FQ**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 15th day of October, 2003, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 and in AG-20 zones;

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

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

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FP dated October 15, 2003) to change the zoning regulations amending Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 and in AG-20 zones; and

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 20 and October 27, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Sections 3.05.020 and 3.06.020 by adding Kennels as a permitted use in AG-40 and in AG-20 zones; as set forth on Exhibit A hereto.

DATED this 8<sup>th</sup> day of December, 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

**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.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PERMITTED SIGNS/FLATHEAD COUNTY ZONING REGULATIONS**

Present at the December 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Mark Crowley, Assistant Avery, and Clerk Eggum.

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

**RESOLUTION NO. 955FS**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 15th day of October, 2003, concerning a proposal to change the text of the Flathead County Zoning Regulations 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**, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

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

**WHEREAS**, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 FR dated October 15, 2003) to change the zoning regulations amending and 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 passage of that Resolution was published once a week for two weeks, on October 20 and October 27, 2003, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Sections 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.

DATED this 8<sup>th</sup> day of December, 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

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 ~~sings~~ **signs**
2. Ground signs
3. Off-site signs

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WINDWALKER EQUESTRIAN ESTATES ZONE CHANGE/WEST SIDE ZONING DISTRICT**

Present at the December 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Mark Crowley, Assistant Avery, and Clerk Eggum.

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

**RESOLUTION NO. 678AG**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 15th day of October, 2003, concerning a proposal 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**, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing and reviewed the recommendation of the Flathead County Planning Board regarding the proposed change;

**WHEREAS**, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 678 AF) on October 15, 2003, to adopt an amendment to the West Side Zoning District by changing the zoning designation in a portion of the Westside Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 20 and October 27, 2003, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within 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 amends the West Side Zoning District to change the zoning designation for the area described on Exhibit A, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8<sup>th</sup> day of December, 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

**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.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WINTER SPORTS, ET AL., ZONE CHANGE/BIG MOUNTAIN WEST ZONING DISTRICT**

Present at the December 8, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Mark Crowley, Assistant Avery, and Clerk Eggum.

Commissioner Hall made a **motion** to adopt Resolution No. 1654A. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1654A

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 20th day of October, 2003, concerning a proposal to create the zoning district to be known as the Big Mountain West Zoning District that area to be zoned BR-4 (Resort Business);

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed creation of the Big Mountain West Zoning District;

**WHEREAS**, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 1654, dated October 20, 2003) to create the zoning district to be known as the Big Mountain West Zoning District that area to be zoned BR-4 (Resort Business);

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 23 and October 30, 2003, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby creates the zoning district to be known as the Big Mountain West Zoning District that the zoning designation for the area described on Exhibit "A" to be zoned BR-4 (Resort Business) as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8<sup>th</sup> day of December, 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  
BIG MOUNTAIN WEST  
UNZONED TO BR-4  
SEPTEMBER 16, 2003**

The property is described as Tracts 1, 5, and 6 of Certificate of Survey 15439; Tracts 1 and 2 of Certificate of Survey 15520; Tract 1 of Certificate of Survey 15516; Government Lot 2 and the Southwest ¼ of the NE1/4 of Section 3, Township 31 North, Range 22 West; Tract 1 in the SE1/4 of the NE1/4 and the S1/2 of the S1/2 of Government Lot 1 and Tract 2 in the SW1/4 of the NW1/4 and the S1/2 of the S1/2 of the Government Lot 2 of Section 2, Township 31 North, Range 22 West; and Tract 1 of Certificate of Survey 14892 P.M., Flathead County, Montana.

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

Present at the December 8, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Road Superintendent Charlie Johnson, Bill Doyle, Paul D. Wachholz, Assistant Avery, and Clerk Eggum.

Johnson advised that a law recently took effect which was passed by the 2003 legislature allowing the use of compression brakes anywhere within the state. Johnson confirmed that the Commissioners were aware that signs that had been put up will be coming down. Counties and municipalities can't pass laws to restrict the use of compression brakes.

Johnson also noted that the legislature set speed limits on gravel roads so you can't have anything less than 35 MPH. He added that Jimmy and Jonathan were trying to sort through the new requirements.

Johnson advised that a gentleman on **Lupfer Road** wants speed limit signs put up among other things. There are approximately 13 or 14 residents and it is a dead end road. The people speeding on that road have to be the residents. It is not a through road to anywhere. We have a speed limit sign where you come off the road that says 35. Typically they post every three miles in the rural areas. The gentleman does not feel that is sufficient. We are preparing another speed limit sign and awaiting a response from the County Attorney's Office as to what the new requirements are. The railroad crossing that was paved up there was not done far enough to suit him. The gentleman has concerns with the narrow road and the curves and he thinks it should be the number one priority road in the county. Johnson advised the man they were working through the problems as fast as they could. Johnson noted that the gentleman was unhappy with the paving on Garland and what was done on Jellison and has demanded the costs. Johnson has supplied him with the costs and he is really unhappy.

Johnson advised that they have been mowing brush with the mowing machine. Ron Hurd is really unhappy with Johnson. Some brush in front of his house a couple of his trees growing apples were mowed. He thinks that they were deliberately cut to get rid of the birds that he watches. Basically they go through with the brush cutter and get all of the small stuff and then the crews go back through and get the bigger stuff as time allows. Part of what MACO wants him to do is get rid of cattle guards and take care of bridges and site distance. Hurd has demanded that the bigger trees be cut and they are working at that as fast as they can.

Johnson reviewed a subdivision proposed on Vonderheide and a request for several approach permits. He noted there is one subdivision being done now and another one will be done at a later date. There are a total of 10 approaches out onto Vonderheide. Commissioner Hall suggested that something be in the subdivision regulations that states for every quarter mile you are only allowed one approach. Johnson noted he tried to do that but was rejected. He noted that the request fits the criteria for the subdivision regulations. He noted he has been complaining about this for a long, long time. He suggested he advise the Planning and Zoning office that they can't do this. Commissioner Hall recalled a subdivision on Batavia and Kienas where they had an approach every couple hundred yards and now they are doing an extended subdivision up there. Johnson noted they did several small subdivisions. He hasn't see the major subdivision they are currently discussing. Johnson sought clarification as to where the Commissioners wanted to go with the approach issue. Chairman Watne noted that the approach issue changes discussed with the Planning Board were not well received. Commissioner Hall stated that this would really end up being a commissioner's decision. Chairman Watne agreed but added that if it fits in line with the subdivision regulations then there is little recourse. Commissioner Hall suggested they look at having an interior road with one approach every half of a mile or whatever. Chairman Watne countered that would only work if it were one development not if it were multiple property owners. Johnson noted that they have encouraged shared approaches whenever possible. The problem is there is such an outcry against shared approaches. Everyone wants their own individual approach. Johnson sought confirmation that the Commissioners would support his rejection of the approach permits. The Commissioners agreed.

Chairman Watne questioned whether the right-of-way issue on Vonderheide had been resolved. Johnson stated that everything he has read it is the county's by prescription and he has not had it surveyed. Johnson advised that the legal description is going over to Dennis for his review. But, irregardless whether that road is suppose to be or not, they can't go in there and change that road. The county has prescriptive use of that road under state statute. There is too much of the rest of the area that is built that is based on where that road lies. I can send this back over to the planning office and make them take it back to Dawn and see what you can come up with there. But I need your blessing to do it.

Commissioner Gipe advised that he had received a call from a woman in Helena wondering if the county had received their fuel tax funds. Johnson responded that he was unaware of any problems but would check to confirm that they had received them.

Johnson noted that in selecting Willow Glen for the secondary road system was a problem because part of it is on the urban system. The road takes off from the urban system at 1.2 miles down from Four Corners. Johnson has been advised if they include that urban system mile that it would probably be 2020 before anything is done. Commissioner Gipe noted that they have been arguing about Meridian Road for about 20 years. Commissioner Gipe suggested that the 1.2 mile should be dropped off and the safety money would probably get to that portion of the road quicker. The Commissioners agreed.

Commissioner Hall confirmed that no response was received after the meeting with BJ and Jackola took place.

Johnson noted that this weekend was probably the worst weekend he has ever spent in his life. They couldn't even get their trucks up over some of the hills chained up all the way around. Some of the areas they ran chains even on the steering axel. One chain wasn't enough. Friday night they were getting so many calls and it was raining so hard, they told the sheriff they would only respond to life and death situations. They got over to Boisverts Hill, the academy and some of those things but some of the real outlying areas towards Island Lake a little bit of Happy Valley back down in the back side of Happy Valley they didn't get into. It was all they could do to keep their heads above water. They couldn't get up Haskell Basin Road, Boone Road, Trout Beck Rise even with chains all the way around. They finally got into some of those places later on in the afternoon when it warmed up but it was ugly.

Johnson reviewed the Invitation to Bid for the Ashley Lake Road Relocation project. He noted they have several alternates such as paving. They increased the amount of grade to even out the quantities. They have increased the grade from 6% to 6 1/2 %. All the plans are done. One of the other alternatives is for guardrail bid out in unit prices. When the prices are back, the Commissioners can decide which way to go. Paving Basically what it boils down to you either have a gravel road or you can have a paved road. You can put guardrail on it or not put guardrail on it. You can decide how you want to go. Johnson's personal opinion is to have it paved. It is going to be a pretty expensive job as it is.

#### **CONSIDERATION OF REQUEST FOR POSITION: GIS ANALYST/CLERK AND RECORDER**

Present at the December 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed a letter from Clerk and Recorder Paula Robinson requesting that the organizational chart for the GIS Department be revised from 1 GIS analyst and two interns to two GIS analysts and 1 intern. The GIS positions

were previously rewritten and passed by the personnel committee and the Board of Commissioners. If approved she requested that Mindy Cochran be placed as a GIS Analyst position from the intern position and deleting the second intern position.

Commissioner Hall made a **motion** to approve the organizational chart of two GIS analyst positions and one intern position and moving Mindy Cochran from the intern position to the GIS Analyst position. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-1-05-007-0**

Present at the December 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Chairman Watne reviewed the Contract from the Montana Department of Public Health and Human Services Contract Number 04-07-1-05-007-0 Environmental Public Health Tracking Community Needs Assessment between Montana Department of Public Health and Human Services and Flathead City-County Health Department. The purpose of the contract is to fund a community environmental health needs assessment.

Commissioner Gipe made a **motion** to approve Contract #04-07-1-05-007-0 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: EAGLE TRANSIT**

Present at the December 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Assistant Avery, and Clerk Eggum.

Commissioner Gipe made a **motion** to award the bid to Insty Prints in the amount of \$24.95 for 500 business cards on behalf of Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to award the bid to Thomas Printing in the amount of \$620.00; \$601.00; \$601.00 respectively for 3,000 Kalispell Schedules; 2000 Columbia Falls Schedules and 2,000 Whitefish Schedules on behalf of Agency on Aging. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF STAFF INCREASE/GRANTS**

Present at the December 8, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, OES Director Alan Marble, Assistant Avery, and Clerk Eggum.

Marble reviewed the need to employ seven different people in seven different phases to work through the grant monies requirements. He noted this should be a negative cash flow to the county.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 9, 2003.

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**TUESDAY, DECEMBER 9, 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.

**MEETING W/NATHAN SANDEE RE: ENCROACHMENT ON FOOTHILL ROAD**

Present at the December 9, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, John Gangemi, Dan Bauder, Nathan Sande, Jim Watson, Road and Bridge Superintendent Charlie Johnson, and Clerk Eggum.

Sande advised that he was representing the Bigfork Community Nordic Center. He introduced others in attendance. They have obtained a state lands use permit to set up a Nordic center at the corner of Jewel Basin and Foothill Road. They have a trail system lined up but the existing permit does not allow for any tree removal. They were looking for looping options. Two of the looping options are basically right along the county road. There is a north and south section right along Foothill Road. They will be on the edge of state lands and in certain areas they will have to negotiate around the trees and will end up encroaching into the right-of-way three to five feet with the groom trail. They were there today asking for permission from the County to do so.

Chairman Watne confirmed that there would be no trail construction but simply groomed trails and open to the public. Bauder confirmed that they would operate under the insurance policy of the Bigfork Community Nordic Center under Glacier Nordic Club out of Whitefish. Chairman Watne confirmed they would be willing to include a hold harmless agreement to Flathead County where they would be on the right-of-way.

The Commissioners agreed that would be acceptable.

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

**CONSIDERATION OF BUDGET AMENDMENT REQUEST: WEED, PARKS AND MAINTENANCE DEPARTMENT**

Present at the December 9, 2003 9:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Weed, Parks and Maintenance Director Jed Fisher, and Clerk Eggum.

Chairman Watne reviewed a letter from Fisher requesting approval to spend FEMA monies this fiscal year received for structure protection duty on the fires this summer. The amount would be \$69,899.66.

Commissioner Hall made a **motion** to approve the budget amendment request. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #204030**

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

Chairman Watne reviewed an Agreement between Flathead City-County Health Department and the Montana Department of Environmental Quality for the purpose of providing public information and outreach regarding radon testing, mitigation and radon resistant new construction practices to county residents and building industry.

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

**CONTINUATION OF AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WOLFORD DEVELOPMENT MONTANA LLC ZONE CHANGE/STILLWATER AND EVERGREEN AND VICINITY ZONING DISTRICTS**

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

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

**NOTICE OF PUBLIC HEARING**

**Stillwater Zoning District  
Evergreen and Vicinity Zoning District**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Wolford Development, LLC, to change the zoning designation on property located in the Stillwater and Evergreen and Vicinity Zoning Districts from R-1 (Suburban Residential), RA-1 (Residential Apartment), SAG-10 (Suburban Agricultural) and B-6 (Resort Business) to SAG-5 (Suburban Agricultural) and B-2 (General Business).

The boundaries of the area proposed to be changed from R-1, RA-1, SAG-10 and B-6 to SAG-5 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 providing for from a mixture of agricultural, high-density residential, residential and resort commercial to open space/agricultural, mixed-use residential and commercial and general commercial land use designations, to allow for the development of a large-scale retail, commercial, office and residential development.

The regulations defining the R-1, RA-1, SAG-10, B-6, SAG-5 and B-2 zoning classifications 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. 9327013500. Further information is available at the Flathead County Planning and Zoning Office, 1035 First Avenue West, Kalispell, Montana.

The public hearing will be held on the **23<sup>rd</sup> day of December 2003, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed changes in the regulations for portions of the Stillwater and Evergreen and Vicinity Zoning Districts.

DATED this 9<sup>th</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on December 12 and December 19, 2003.

**EXHIBIT A  
Wolford Development Montana, LLC, #FZC-03-41  
Stillwater and Evergreen and Vicinity Zoning Districts  
RA-1, SAG-10, R-1 & B-6 to SAG-5 & B-2  
November 13, 2003**

The property is further described as:

That portion of the South 1/2 of Section 19, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, more particularly described as follows:

Beginning at the southeast corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the south boundary of said aliquot part, North 89°41'25" West 1328.06 feet to the southwest corner of said aliquot part; thence along the west line of said aliquot part, North 00°33'31" West 1320.50 feet to the northwest corner thereof, thence along the north line of said aliquot part, South 89°46'02" East 1327.80 feet; thence North 00°34'07" West 5.45 feet; thence South 89°53'06" East 1377.15 feet; thence South 00°12'54" West 3420 feet; thence South 89°52'49" East 1242.80 feet to the westerly right-of-way line of Whitefish Stage Road, a 60 foot wide Declared County Road; thence along the westerly right-of-way line of said Whitefish Stage Road, South 00°37'31" East 1303.08 feet to the south line of said Section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the south line of said Section 19, North 89°40'28" West 2620.91 feet to the Point of Beginning, containing 119.448 acres of land.

A tract of land in Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, described as follows: Commencing at the northwest corner of Government Lot 1 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence South 89°41'25" East along the North boundary of said Government Lot 1, a distance of 69.82 feet to a point which point lies on the east boundary line of U. S. Highway 93 (Highway Project F5-3(32)115) and also being the true POINT OF BEGINNING; thence seven courses along the east boundary of said Highway R/W: South 00°11'44" West 100.60 feet South 13°56'35" East 61.89 feet, South 00°11'01" West 940.05 feet, South 14°13'23" West 61.85 feet, South 00°11'13" West 819.87 feet, South 13°36'03" East 41.31 feet, and South 00°11'13" West 28.38 feet; thence leaving said highway right-of-way, South 88°23'14" East 310.13 feet; thence South 00°09'06" West 593.14 feet to the south line of Government Lot 2 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the south line of said Government Lot 2, South 89°42'28" East 933.90 feet to the northwest corner of the Northeast Quarter of the Southwest Quarter of the above said Section 30; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 1098.90 feet; thence North 00°15'40" West 2005.38 feet; thence South 89°41'13" East 1443.51 feet; thence North 00°14'42" West 2167.64 feet to the north line of the Northeast Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 218.76 feet to the northeast corner of the Northwest Quarter of the Northeast Quarter of the above said Section 30; thence along said north line of said aliquot part, North 89°40'28" West 1325.46 feet to the northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 30; thence along the north line of said aliquot part, North 89°41'25" West 1328.06 feet to the northeast corner of Government Lot 1 of said Section 30; thence along the north line of said Government Lot 1, North 89°41'25" West 1237.84 feet to the Point of Beginning, containing 273.371 acres of land.

A tract of land, situated, lying, and being in Government Lot 4, the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4), the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4), and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana; thence along the north line of said aliquot part, South 89°41'36" East 180.01 feet; thence South 00°23'28" East 1375.20 feet; thence South 45°03'35" East 213.36 feet; thence South 89°43'42" East 998.90 feet to a point on the east line of the Southeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the east line of said aliquot part, South 00°15'40" East 399.72 feet; thence North 89°44'43" West 1383.36 feet to the approximate thread of the Stillwater River; thence along said thread of said Stillwater River, the following ten (10) courses: North 51°43'38" West 36.49 feet; North 75°13'30" West 65.45 feet, South 50°42'04" West 291.30 feet; South 75°30'07" West 128.45 feet; North 55°32'34" West 100.35 feet; North 01°07'27" East 92.74 feet; North 48°20'43" East 191.54 feet; North 14°48'53" East 122.29 feet; North 12°11'01" West 142.46 feet; and North 22°22'01" West 265.55 feet, more or less, to the north boundary of Government Lot 4 of the above-said Section 30; thence along said north boundary of said Government Lot 4, South 89°43'03" East a distance of 530.65 feet to the southwest corner of the Northeast Quarter of the Southwest Quarter of the above-said Section 30; thence along the west line of said aliquot part, North 00°23'78" West a distance of 1325.29 feet to the point of beginning, containing 25.991 acres of land.

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

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

General discussion was held relative to ongoing issue with the alarm system; maintenance versus department responsibility; budget concerns by state requiring housing of juveniles; children that statutes don't cover.

#### **FINAL PLAT: MARION PINES**

Present at the December 9, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Rick Walker, and Clerk Eggum.

Sanderson reviewed the final plat for Marion Pines Subdivision which is an application by ASG, Inc. for approval of a 17 lot subdivision located on the south side of Highway 2 West, approximately 20 miles west of Kalispell in Marion, Montana. Preliminary plat was granted on April 1, 2003 subject to 14 conditions of approval. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Gipe made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$19,525.00 for the completion of street work. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

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

**PRELIMINARY PLAT: ASPEN MEADOW ESTATES, RESUBDIVISION OF LOT 10**

Present at the December 9, 2003 10:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Ardis Larsen of Larsen Engineering and Surveying, and Clerk Eggum.

Morrison reviewed the preliminary plat for a resubdivision of Lot 10 Aspen Meadow Estate Subdivision filed by James and Connie Kirby. The application is for the Re-subdivision of Lot 10 Aspen Meadow Estate, a major subdivision that will create two (one additional) residential lots. The proposed subdivision is approximately sixteen (16) acres in size and is proposed to have individual water and sewer systems. The property is located at 15 Carly Lane near Bigfork.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-30 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Gipe made a **motion** to approve the Preliminary Plat for Resubdivision of Lot 10 Aspen Meadow Estate Subdivision subject to 12 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PRELIMINARY PLAT: CHOKECHERRY GROVE SUBDIVISION**

Present at the December 9, 2003 10:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Mario Dipasquale, and Clerk Eggum.

Morrison reviewed the preliminary plat for Chokecherry Grove Subdivision filed by David Ostrom and Everett J. Collier. Chokecherry Grove Subdivision creates a four lot single-family residential subdivision on approximately 4.99 acres. The property is located in the Kalispell area one-fourth mile east of Woodland Park off Conrad Drive. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-03-36 as Findings of Fact. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Chokecherry Grove Subdivision subject to 10 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**FINAL PLAT: BRIXBERG SUBDIVISION**

Present at the December 9, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioners Hall and Gipe, Planner Mark Crowley, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, and Clerk Eggum.

Crowley reviewed the final plat for Brixberg Subdivision which is an application by Arthur Brix and Evelyn Lowery for approval of a minor subdivision on North Fork Road, north of Red Meadow Creek Road. The subject property is 110.69 acres in size and is in the North Fork Zoning District. Preliminary plat was waived on June 26, 2003 subject to six 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-03-38 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

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

**PRELIMINARY PLAT: HIGHLANDER FLATS**

Present at the December 9, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planning and Zoning Director Forrest Sanderson, Dawn Marquardt and Debbie Shoemaker of Marquardt and Marquardt Surveying, Linda J. Stevens, Shirley Anderson, Don Nelson, Michelle Siderius, LeAnn Siderius, John E. Osweiler, Joan Korpi, Laretta Olson, Ronda Gagnon, Linda Christenen, Frank Woods, Marc Hinrichs, Chuck Hargrave, Robert Anderson, Helen Gray, Karen Morehouse, Jan Stephens, Bobbie Krogstad, Linda Johnson, Sherry Iavicoli, Renee Howe, and Clerk Eggum.

Sanderson reviewed the preliminary plat for Highlander Flats Subdivision filed by John C. Slack. Highlander Flats, Amended Plat of Lots 1, 2, and 3 Helena Flats Ranchettes Subdivision, a 17 lot single-family subdivision on approximately 11.71 acres. The property is located at 1183, 1187 and 1191 Helena Flats Road northeast of Kalispell. The Planning Board voted 3-3 on the recommendation. Sanderson reviewed the Commissioners' options for the benefit of the people who were attending the meeting. Your statutory charge given the recent Ravalli District Court decision, you are not to have a public hearing. The public hearing and the record for this subdivision was created by the Planning Board and forwarded to you. You may approve the subdivision with conditions. Your statutory obligation is to discuss those mitigating conditions with the developer if you are so inclined to approve the subdivision. You may deny the subdivision. You have to supply the developer reasons why you are saying no. You may remand the project back to the Planning Board for additional review if the information that has come in post the generation of the record will influence your decision send it back and the Planning Board considers it and forwards a recommendation. You also may remand this back and force the Planning Board to give you a formal recommendation up or down.

Commissioner Gipe expressed concern. 17 lots on approximately 12 acres is inconsistent with the surrounding development or density. The proposal is inconsistent with the Flathead County master plan for the area. The creation of 17 lots will add 170 vehicles per day and the roads are inadequate. As we know there is certainly a lot more traffic out there. The Planning Board on a 3-3 vote failed to recommend the project to the Commissioners as Forrest said. I base my decision on the record generated at the public hearing at the Planning Board and none of the input supplied after the hearing has affected my decision and I trust that this is true of the rest of you. I feel that the density is too great. Those are the reasons for my decision.

Commissioner Hall confirmed that the information that came forth at the public hearing has helped me to make my decision.

Chairman Watne agreed wholeheartedly.

Commissioner Gipe made a **motion** to deny Preliminary Plat for Highlander Flats, Amended Plat of Lots 1, 2, and 3 Helena Flats Ranchettes Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Shirley Anderson requested that the following be made a part of the record:

**AUCTION OF BALD ROCK ROAD PROPERTY**

The duly advertised auction of Tract 3A in the NW1/4, SE1/4 of Section 18, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana (Parcel 1 on Certificate of Survey No. 8422) located at 490 Bald Rock Road and containing 1.138 acres was held December 9, 2003 at 2:00 p.m. at the Justice Center. Three people attended the sale. One bid was received in the amount of \$31,500.00. Les Keller was the successful bidder.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 10, 2003.

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**WEDNESDAY, DECEMBER 10, 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.

**DISCUSSION RE: PERSONNEL MATTER**

Present at the December 10, 2003 8:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Deputy County Attorney Jonathan Smith, Human Resource Officer Raeann Campbell, and Clerk Eggum.

This meeting was closed to protect the privacy of the employee. After discussion the meeting was reopened.

Commissioner Hall made a **motion** to approve the letter advising Don Avery that his contract would not be renewed. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. **Nay** – Watne. Motion carried by quorum.

**MEETING W/WINTER SPORTS, INC. RE: UPDATE**

Present at the December 10, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Jami Phillips, Dennis Green, Charlie Grenier, and Clerk Eggum.

Green gave a synopsis of the annual report and board members of Winter Sports and reviewed questions they often hear relative to Winter Sports and how it impacts the County.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: RINKE PUD**

Present at the December 10, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

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

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by Robert Rinke to approve a Planned Unit Development (PUD) in the Willow Glen Zoning District on property zoned R-1 (Suburban Residential).

The area proposed to be overlaid with a PUD is described as Assessor's Tracts 4X, 4XA, 4-6, 4-6BA and 4-6B in the SE1/4 of Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

The proposal would allow for the development of a fifteen lot residential subdivision on 16 acres with lots ranging from 5,531 to 7,521 square feet, .29 acre of park space and 12.47 acres of open space.

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

The public hearing will be held on the **6th day of January, 2004, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed PUD overlay in the Willow Glen Zoning District.

DATED this 10<sup>th</sup> day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on December 15 and December 22, 2003.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CLISSOLD ZONE CHANGE/BIGFORK ZONING DISTRICT**

Present at the December 10, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

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

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by John G. Clissold to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

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

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

The public hearing will be held on **January 5, 2004, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 10th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on December 15, and December 22, 2003.

**Exhibit A**  
**John G. Clissold #FZC-03-42**  
**SAG-10 to SAG-5**  
**Bigfork Zoning District**  
**November 12, 2003**

The property is described as Parcel A of Certificate of Survey No. 7352 in Section 26, Township 27 North, Range 19 West, P.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SWALLOW ZONE CHANGE/EVERGREEN ZONING DISTRICT**

Present at the December 10, 2003 10:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

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

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Cliff Swallow to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

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

The regulations defining the SAG-10 and SAG-5 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. 9327013500.

The public hearing will be held on the **5th day of January 2004, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 10th day of December, 2003.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

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

Publish on December 15 and December 22, 2003

**EXHIBIT A  
CLIFF SWALLOW #FZC-03-43  
ZONE CHANGE FROM SAG-10 TO SAG-5  
Evergreen Zoning District  
November 12, 2003**

The property is located at 625 East Reserve Drive in Evergreen, and contains approximately 88 acres. The property is further described as Tract 1 of Certificate of Survey No. 9747 and Tract 1 of Revised Certificate of Survey No. 8351 in Section 27, Township 29 North, Range 21 West, P.M., Flathead County, Montana.

**10:00 A.M. Commissioner Hall is to attend the TAC Meeting at the Earl Bennett Building**

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 11, 2003.

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**THURSDAY, DECEMBER 11, 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/FORREST SANDERSON, PLANNING AND ZONING OFFICE**

Present at the December 11, 2003 9:00 A.M. Meeting were Chairman Watne, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eggum.

General discussion was held relative to Swan River Trail; Farm to Market Trail; update on trails: predesign engineer report; House Joint Resolution 37 re: Subdivisions; subdivision organization; gas tax; Whitefish interlocal agreement; not filling position; statistics; fees/revenue; planning board meeting last night.

**MEETING W/FLATHEAD YOUTH COALITION RE: SPORTS COMPLEX**

Present at the December 11, 2003 9:30 A.M. Meeting were Chairman Watne, Commissioner Hall, Steve Henneford, Micah Hill, Michelle Ream, Traci Tull, Janet Rodriguez, Lisa Wurster, Patti McCubbins, Weed, Parks and Maintenance Director Jed Fisher, Alan Sempf, Marc Liechti, and Clerk Eggum.

Tull thanked the Commissioners for their time. Tull advised that she works with Montana All-Star Cheerleaders noting that that was just one of the groups in the coalition that is looking toward hopefully having a youth complex in this area.

Henneford advised that he and his wife run Flathead Gymnastics. I have been doing this for 14 years here and a lot of different things lead me to believe we might need to a complex for kids. We run a gymnastics meet ever year and trying to get a facility to host a gymnastics meet is always difficult. I have gone to the schools a year in advance and come to find out that I have lost my spot because of a school function of some sort. I am hosting the biggest meet in the Northwest next year in Whitefish and I am praying I still have my spot. Those kinds of things would really benefit if we had a facility to use. Also I get calls all the time from different organizations to use my space such as karate, boxing or wrestling. The high school pole vaulters use my facility, high school cheerleaders and the all star cheerleading group. There is a lot of need for facilities and my facility is not large enough. I don't have enough time in the day to accommodate everybody. If

we had more space, more kids could be involved. We run approximately 200 kids a week through our gym and if we could increase facility size we could probably increase the number of kids to allow more people to participate. If we had some sort of a complex, we might be able to keep the price down to where everyone could afford to do gymnastics and not just the people who have lots of money. I think it would be a great benefit if we could get something for everyone because there are lots of groups. I know people who want to play badminton, ping pong and other things like that and there is no space available for such activities. A lot of groups want to use my space but everyone wants to use it at the same time.

Tull interjected that the Commissioners were going to hear throughout this presentation how there is a huge lack of facility for use. We are trying to bring everybody on board and this coalition is just in the preliminary stages but we did contact a couple of the high schools and the junior highs who have been affected the most by the basketball season switch.

Hill advised that he was from the Kalispell Junior High. He presented the Commissioners with a calendar of their facilities use. In the first calendar was for this school year and it showed who is using the gym after the school is done. Hill noted that the calendar reflected only the junior high so it didn't include anything that goes on at any of the other schools. September isn't really a busy month because school is not in session yet. Hill stated that the community college, city parks, county, rotary and a number of other groups use their facility and they would like to use those facilities more if they were available. Hill continued. Last year our coaches were complaining because we only had an hour and half of practices so I switched it to two hour practice time and that has now since bumped those groups out even later. Our custodians are done at 11:00 and they have to have an hour to clean up the gym so they basically get it from 9:00 to 10:00 if they are lucky. The next handout is how I schedule our gym and our teams at the junior high. As you can see it is quite full. We have four practice spots at the junior high. We do one 6 to 8 in the morning. We do one from 3:30 to 5:30, one from 5:30 to 7:30 and one from 7:30 to 9:30. So we are talking about 8<sup>th</sup> and 9<sup>th</sup> graders practicing until 9:30 at night. We also use Edgerton gym from 4 to 6 and from 6 to 8 because we have so many teams. We are just packing them in as we can. This year we had seven volley ball teams not including our two 9<sup>th</sup> grade teams. That puts nine teams for a total of six practice slots. We are having to drop a curtain and have them practice on half a court essentially. With basketball this year, we have five 8<sup>th</sup> grade teams and right now we have four 9<sup>th</sup> grade teams so there is another nine teams using our gym facilities. We actually have enough kids where we could have had six or seven basketball teams but we wouldn't have been able to practice them. I know that Linderman faces the same struggles in that they have eight basketball teams going on right now. Their boys basketball season started October 29<sup>th</sup> and will end January 21<sup>st</sup> because their gym is being used by so many different groups and organizations that they aren't able to have their games and practices but there has to be some equality between the male and female seasons with concerns for Title IX and so it is a real conglomeration. Then we are also getting pressure from city, county, community college, wanting to use the facilities. In fact yesterday I rescheduled a basketball game for February 13<sup>th</sup> so that they could have the father daughter valentine dance at our school because Linderman was going to be unavailable to them and it has been going on for eight year. Important to the community and to the people who put that on so we are making changes in our schedules. In the end, I don't know what, if this pans out if what we would be looking at in terms of the facility. It is so initial right now. If there were a possibility where we could host tournaments or even practices or things like that in a facility that was available to us. The school has its own facility problems right now. One gym for 1100 kids at the junior high. Trying to fit eight PE classes in one gym. Those are the things that we battle with. I think this community needs something like this. They are begging to use our facility.

Wurster advised that she was here as an independent citizen. I am working with Traci on the sports complex but not because I am associated with any particular organization. Being the youngest of five kids I saw my parents shuttling around all of us to soccer, volleyball, basketball. We had softball in the annex at the high school at 5:30 in the morning. Then after school I had volleyball practice from 7 to 9. We used to have games in the old Edgerton Gym where you would be standing serving in the bleachers because the size of the facility was not large enough to accommodate a real volleyball floor. One of the things I was envisioning for this facility was that we might be able to host out-of-state meets instead of families driving all of the way to Billings and Butte and Missoula. We can actually bring people here and host some of these outside events and get some income for the valley. I would really like to see it happen and build at least a couple gyms. I know one of the things we desperately need is mostly indoor facilities. We have a lot of people who do outside events in the summer. Hiking, biking, come winter time unless you can afford to go to the Summit or else you can afford to go ski at Big Mountain what is there to do. We don't have a lot of things available to the lower and moderate income people and that is what we are trying to cater to. I hope you will consider this facility for us.

McCubbins advised that she was representing the Boys and Girls Club. I sit on the board of directors there. Boys and Girls Club is a non-profit organization and we serve over 600 kids annually and the big push with ours is that we have no facility. We have to pretty much, beg, borrow and steal whatever we can for space that goes to other people like others have said that take priority. The kids that we serve are at risk kids. We charge \$5.00 a year per kid and if they can't pay that we don't collect any money from those kids. We do not currently hold a place here in Kalispell because we are not able to find a place that we don't get booted out of. We get a place and then things change and we have to shift gears. As a board member, I have been with the boys and girls club from the onset and that is continually a problem with growing kids that we are serving.

Sempf advised that he was the Director of the Boys and Girls Club. Our program is set up so every kid can attend. We try to set up in an area where kids can walk to it. They don't have to have parents shuttle them to it so that every child can go to the program whether they have transportation, money or anything. All kids are equal. They are all treated the same at our program. Currently in Evergreen where our closest program to this one is we have had to for the first time this year turn kids away. We are serving around 65 kids a day at our Evergreen site and that is just first through fifth graders and we have had to turn many kids away because we don't have space for them. Our programs are very diversified. We have everything from technology to athletics to arts and crafts to prevention programs, education programs. We concentrate so that every kid has something to do so they can't say we don't like going there because they don't have what we like. It is split up every day 20 minutes on one program, 20 minutes on the next program. There is always something for them to do. If they don't care to do it then they can focus on something else. We make a place where they enjoy going and not to where the parents force them to go. Just like everyone here in this valley, everyone is looking for space. We have been on a mission for the last two years to try and find space, buildings. We have been on different committees from people wanting to build a building with a hockey rink in it to now we are looking at soccer fields, tennis courts and we just need to find something that we can see the light at the end of the tunnel and just gather all of our efforts and go forward with it and not let anything stop us. If we did have a facility, I think the impact in the valley would be remarkable. I think you would see it in the first year. 70% of our kids come from low income families. Many of them single family homes. We really focus on the kids who don't have opportunities but we don't limit it to just those kids. I hope we can move forward with something.

Sanderson advised there is a needs assessment public hearing January 15<sup>th</sup> at 7:00 p.m. at the Kalispell Council Chambers. Especially Boys and Girls Clubs or if you can dovetail it in to where you are working together those CDGB funds and that hearing is specifically set up for the needs assessment to assign monies to program structures, for low moderate income people and children. There may be other program monies but I know the hearing is the 15<sup>th</sup> of January. You should be there at council chambers. You will have an opportunity to speak.

Tull advised that one of the things that we have started to do and one of the reasons that we are trying to put together this coalition is that all of us in this valley are finding ourselves with a big problem. Facility use is unbelievable. When I started Montana All Stars, there were two things I wanted: That it would be available to all the kids in the valley and that it was another outlet for extracurricular activities. The problem that we didn't foresee was the facility use. I come from Florida. You can use the fields outside all year long. We try to keep our price at \$35.00 a month for the girls, \$25.00 for the non-competitive programs. When we first started this we didn't have the problem with the basketball scheduling. So we were able to use a lot of the gyms at a fairly low price. Now, what is happening is our girls are going out of state and they are competing all over the nation. They did nationals last year and they couldn't believe there was a team from Montana. But all the teams that our girls were competing against were teams that the girls and participants pay anywhere from \$150.00 to \$350.00 a month to be in. This isn't just cheerleading. It goes down to select soccer. I have seen them in the skating rinks on Saturday mornings when our girls are done practicing at 8:30. This is just valley wide. Tull distributed information stating that there is an epidemic in the United States and I know I myself reflect it that obesity is rising especially in youth. This is coming off the American Obesity Association. Exhibit A says that in part one of the reasons is the reduction in school physical education programs and unavailable or unsafe community recreational facilities. They give you a lot of charts and they show you in 1971 when I was born the obesity rate was extremely low. Now it is up to 14.5% for girls and 16% for boys. No longer can you tell your kids to come home when it is night time or my mom used to say come home when the street lights come on. You can't do that. You have to have more control of your kids just because of the factors of our society. More extracurricular activities are what kids are turning to. The people that get plagued are the low income people. We try to keep our costs down as low as possible. This facility isn't just for cheerleading or select soccer or for one program. This can be used valley wide by everyone and it is not just the kids that can use it but the adults too. I know there are quite a few people who can't even afford to go to the Summit in this valley. If we had a facility of this type it would help out everybody. On Exhibit B we took some information from the bike path. The CDBG grant is going through and there is going to be a bike path going through Willow Glen Drive. We have circled the proposed site that we are looking for a facility of this size and it runs right by the Willow Glen bike path. This could tie in really nice with the bike path and can just promote health in this valley. Mark Dennehy Flathead High Schools Activities Director said I could speak on his behalf. He said scheduling over at the high school is a nightmare as well. You heard from Micha saying how they had to cut out a couple of the basketball teams. That is not just at Kalispell Junior High at Evergreen Middle School they are cutting out two or three basketball programs because they don't have facility use. We used to use Evergreen facilities. When they switched the basketball seasons, Sandy over at Evergreen said I am so sorry, your girls can practice but it would have to be after 8:00. We have girls that are 8 and 9 in our program on the competitive teams. There is no way they can practice after 8:00. That was one of our biggest facilities. But it wasn't just us that was hurting. It was every other organization that used those gyms. Steve is plagued by people that want to use his gym. All the gyms are cutting out programs. Skip Elite is no longer. All of these programs are getting cut out. What is happening is these kids are losing out and they are losing out all over the valley. This is why I am so passionate about getting this sports complex. Jed said he has spoken with everybody. You all know where he stands. There are a lot of organizations that we were unable to reach to have them come here today. One of the things we are going to try to do is bring unity because whether it is cheerleading, soccer, baseball, soft ball, it doesn't matter, all of us need to work together to offer these kids something. It would be better for them to be involved in anything. Even if it is chess. It doesn't matter if it is a boys and girls club, arts and crafts, if they had a safe place to go. It is just going to help this valley that much more. John Babcock, the principal of Cayuse Prairie School said I can also speak on his behalf. He says their gym since they are so far out they really don't have as much as a problem but he did say he would like to see an area where they can hold sports events, district tournaments, state tournaments, but there is not a facility in this area. Steve was pretty calm talking about his meet. There is going to be quite a few people. If they had a bigger facility they can grab a ton of people. Right now they are looking at a 1,000 people coming in just for that gymnastics meet. Lindsay Morgan and Brooke Bailey are state tennis champs. Lindsay has not picked up a racket since she has been up here. Because the prices are so exorbitant. If she wanted to play at the Summit she would not only have to pay the monthly fee but in addition she would have to pay an additional fee for court time. It is just her and her husband, she couldn't imagine if she had kids like Brooke. Brooke has four kids and none of her kids will ever see a court unless it is the summer time. The program is just too expensive and it cuts out a whole class of people. I hope you guys can see the importance of this complex and hope that we can get your support in this.

Liechti advised that he was with the Kalispell Babe Ruth organization. We have the same issues. We have tried to get indoor practice time because our baseball season starts the moment it stops snowing or raining in the spring and we can't have the kids getting prepared for the season at all. They basically come out cold. We have to practice outdoors. It would be nice to get some facility that we could practice batting in doors. The Summit won't allow any pitching or any batting practice indoors anymore. I know they would be interested in participating.

Fisher advised that with 6,000 users through our county parks and recreation program we have had to delete programs over the last few years. We are run out of Whitefish. We can't use any of their gyms anymore because there is such an overload of programs up there. I think there is a real fear in the Flathead about building a metra or something too large that is just a money pit. I think if we can somehow see our way to start small. Have the land to build in later, I think the money will come. I think there will be supporters from the private sector and grants available to where we can not only help our programming but all the groups that you have just heard from today.

Commissioner Hall noted that it was not possible to just purchase the gym from the Flathead Christian School. Fisher acknowledged that he has shared that information. Fisher noted that with the Boys and Girls Club involvement with other varieties of programming such as chess, computer lab and the like that there is opportunity to do something in a portion of that building. I think a pretty good deal and plenty of land to expand. I think it could be used for different programming. There is the one undeveloped soccer field and then working with the Vo-Ag I think things could be done on the other side of the road going down into the gymnasium as well. I do believe this can be self-sufficient. If we can get it up and running I think that the fees would definitely make this self-sufficient where you are not looking at having to supplement this with taxes each and every year. I think programming fees could make this self-sufficient. It does it for us and a lot of our outdoor programs. I know that is easier to do but I think it is quite easy to have reasonable fees, not Summit type fees and still make it self-sufficient.

Fisher advised that there are at least eight groups and the coalition and there could be 20. I think that we could all work together.

Fisher confirmed that Jay Scott of the Fair has been involved in these conversations especially with Traci and does support it. He noted that they didn't invite the media intentionally hopefully to get the Commissioners' endorsement prior to involving them. Fisher noted they hoped to be able to go to the media and say the commissioners acknowledge this problem and are working with us as well. Commissioner Hall stated the he is convinced that educating the community is the key. We endorse what you are trying to do. Fisher stated that this is just a start for what is truly needed but at least when you write grants and hopefully with your endorsement we have an in-kind contribution. We have something that we can say we have a facility. Here is the needs assessment for how much more facilities we need are another gym. We have the land available if we have that as an in-kind I think a lot of things can be done not only through private donations but possibly grants as well. In a planning meeting we talked about trying to tie into some of these tobacco funds what a better program then prevention, keep people active, keep kids active. Have courses within this type of facility. There is a lot of money available through the state right now to tie into that type of funding. Fisher questioned whether it was appropriate to begin talking about this with the media with the desire to move forward with something from Flathead Christian School. Chairman Watne responded to show a need yes. That the county is going to run right out there and build it, no. To show a need that we are looking for money. Commissioner Hall agreed stating that the county at this point with the budgetary constraints and the costs to deal with the infrastructure of the government in this valley with the growth we are experiencing does not have the funds available to make a monetary contribution. Commissioner Hall cautioned that we wouldn't want the public to get the perception that we are going to go out and spend \$3,000,000.00 on a facility. He suggested that getting the message out of the need is number 1. We are supportive of what you are doing and we will endorse it and do whatever we can to help you make it happen. Having a coalition is good. But the County cannot commit to that kind of money.

Fisher advised that he would tell the group that the Commissioners and his board have already allocated 15% of the sale of any outside parklands to help with this type of facility. We do have a small fund available to put toward this. It is just that a lot more is needed. Fisher questioned whether the county would be interested in a bond if they could show a method of paying the county back. Commissioner Hall responded that a bond would have to be approved by the voters and noted the serious issue with the jail and the jail is a #1 priority with the Commissioners. He that the group would have a better chance through grants, corporation and sale of parklands. Keep your coalition going and try and find a grant writer within your coalition. We realize a need.

#### **PUBLIC HEARING: ROAD ABANDONMENT #414 (PORTION DEER CREEK)**

Present at the December 11, 2003 10:30 A.M. duly advertised public hearing were Chairman Watne, Commissioners Gipe and Hall, and Clerk Eggum.

Chairman Watne reviewed the viewers report recommending approval of the abandonment subject to two conditions.

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

Commissioner Gipe made a **motion** to approve Road Abandonment #414 as recommended by the Viewer's Report. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

Present at the December 11, 2003 10:45 A.M. Meeting were Chairman Watne, Commissioner Hall, and Clerk Eggum.

Commissioner Hall made a **motion** to award the bid to Wright Impressions for 2,000 Reproductive Health Appointment Cards and 500 business cards in the amount of \$60.00 and \$15.00 respectively on behalf of the Flathead City-County Health Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Grateful Graphics for 250 EMS decal stickers and 100 EMS decal stickers in the amount of \$125.00 and \$150.00 respectively on behalf of the Flathead City-County Health Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to award the bid to Kalispell Copy Center for 250 EMS decal stickers in the amount of \$244.05 on behalf of the Flathead City-County Health Department. Chairman Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: McWENNEGER MEADOWS SUBDIVISION**

Present at the December 11, 2003 11:00 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Lisa Wurster of Thomas, Dean and Hoskins, Charles Jaquette, Doug Manning, Jim Buechle, Dan L. Gorton, Ken Kloeckl, John J. Kloeckl, Vern Knoll, Mark Passmore, Thomas Siderius, Kenneth W. Smith, Mark Siderius, Steven A. Knoll, Amy Waller, Tricia Knoll, Scott Mast, and Clerk Eggum.

Morrison reviewed the preliminary plat for McWenninger Meadows Subdivision filed by James and Donna J. Buechle Living Trust. McWenninger Meadows Subdivision creates a 31 lot single-family and one single lot subdivision on approximately 55 acres. All lots in the subdivision are proposed to have a public water system and individual sewer systems. The property is located along Montford Road near Montana Highway 35 West of Kalispell.

Commissioner Gipe expressed concern for that many septic tanks in that area. He noted he has had that concern ever since he has been Commissioner. We have looked at that closely. Commissioner Gipe stated that it was just too dense and too many septic tanks in that area for his support. He noted if there were a sewer plant to tie into the project would be acceptable. But he could put that many septic tanks out in 55 acres.

Chairman Watne agreed that for this area this was too dense.

Commissioner Gipe made a **motion** to deny Preliminary Plat for McWenninger Meadows Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried unanimously.

Wurster advised that she was with Thomas, Dean and Hoskins who provided technical assistance for this proposal. I wanted to touch a little bit on the density. I don't think the density of this subdivision is any more or less than what has been approved out there previously. Quail Ridge Subdivision I believe was 55 lots on 55 acres. No parkland or minimum parkland if that. The minimum lot size we have here is one acre to 2.6. We are not developing the sit nearly to its full potential. The DEQ recommends that we have a minimum of 20,000 square feet for individual septic systems and we have two to three times that just as a minimum basis. As far as that goes, the public water system, we have had a well driller out there and he has indicated that as far as those shallow wells are concerned, the people that have problems only have problems because they have perforated less than five feet into the water bearing formation. So when they are pumping they are drawing down that aquifer and need to either deepen their well or else drill a new well. Bill Gardner indicated that there is more than 100 gallons a minutes. He feels we would be able to adequately obtain water for a public water systems. I would like to contest that the density is too great. I know that there are things that have been approved out there that have been a lot more dense then what we are asking for. We feel that this is a quality development. The developer is going through and putting in way more park land than what is requested at the 5% versus 12 acres. Paving the entire internal road and doing a public water system and most of those lots most people would do an individual water system. They would have just 31 wells out there. As far as the commercial status goes, that would be used for a fish processing plant for three months out of the year. The gentleman would have one delivery truck once a year delivering whatever parts and the rest of it would be employees he would have from the hours of 2:00 in the afternoon until 10:00 at night on a range of four to six employees three months out of the year. He would like to retain that commercial status. I would like you to consider the density and not deny the preliminary plat just on the basis that there has been other subdivisions out there approved.

Commissioner Gipe responded that he would not withdraw his motion. Chairman Watne advised that it has been denied.

#### **PRELIMINARY PLAT: MONTANA DREAMS, LOT 2**

Present at the December 11, 2003 11:15 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Erica Wirtala of Sands Surveying, Mark Tollefson, and Clerk Eggum.

Morrison reviewed the preliminary plat for Montana Dreams, Lot 2 Subdivision filed by Mark and Mary Tollefson. Montana Dreams, Lot 2 Subdivision creates a two lot single-family subdivision on approximately 7.48 acres. All lots are proposed to have individual water and sewer systems. The property is located along U. S. Highway 2 approximately two miles west of Marion. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FPP-03-33 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Montana Dreams, Lot 2 Subdivision subject to 14 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

#### **PRELIMINARY PLAT: TEN ARROWS RANCH**

Present at the December 11, 2003 11:30 A.M. Meeting were Chairman Watne, Commissioners Gipe and Hall, Planner Johna Morrison, Alana Myers, Bill Myers, Dawn Marquardt of Marquardt and Marquardt Surveying, and Clerk Eggum.

Morrison reviewed the preliminary plat for Ten Arrows Ranch Subdivision filed by William and Alana Myers. Ten Arrows Ranch Subdivision creates a five lot single-family residential subdivision on approximately 25 acres. The property is located in the Bigfork area just south of Echo Lake. Staff recommends approval of the Preliminary Plat.

Commissioner Gipe made a **motion** to adopt Staff Report #FSR-03-37 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Ten Arrows Ranch Subdivision subject to 10 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

The Chairman and the Clerk and Recorder authorize the publication of the following notices:

#### **PUBLIC NOTICE**

The Board of Commissioners of Flathead County did this 11<sup>th</sup> day of December, 2003, approve payroll and claims for payment in the amount of \$3,008,963.48 for the period beginning November 1, 2003 and ending on November 30, 2003.

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

Dated this 11<sup>th</sup> day of December, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish December 17, 2003.

#### **PUBLIC NOTICE**

The Board of County Commissioners' proceedings for Flathead County for the period of November 1, 2003, and November 30, 2003, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

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

Dated this 11<sup>th</sup> day of December, 2003.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish December 17, 2003.

**2:00 P.M. Commissioner Hall is to attend the AOA Board Meeting at Kalispell Senior Center**

**4:00 P.M. Commissioner Hall is to attend the Port Authority Meeting at First Citizen's Bank**

**7:00 P.M. Commissioner Hall is to attend the Whitefish Area Trust Land Plan Advisory Committee Meeting at Whitefish Credit Union Conference Room**

**7:30 P.M. Fair Board Meeting at Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 12, 2003.

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### **FRIDAY, DECEMBER 12, 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.

**9:00 A.M. Commissioner Hall is to attend the Flathead Leadership Meeting at Central School Museum (till 11)**

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

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