

**MONDAY, JANUARY 5, 2004**

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.

**8:00 WEED & PARKS BOARD MEETING @ WEED & PARKS OFFICE**

**REORGANIZATION OF BOARD OF COMMISSIONERS**

Present at the January 5, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to appoint Commissioner Gipe to act as Chairman for the ensuing year. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**APPOINT COMMISSIONERS TO VARIOUS BOARDS**

Present at the January 5, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Decision was tabled for further discussion.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: RANCH CO. WATER & SEWER DISTRICT**

Present at the January 5, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

**RESOLUTION NO. 1672**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, after publication of legal notice thereof, conducted a public hearing on July 1, 2003, regarding the proposed creation of the Ranch County Water and/or Sewer District;

**WHEREAS**, following the public hearing, an election was conducted at which more than 40 per cent of all registered voters residing within the proposed district voted and a majority of the votes were in favor of organizing such county district; and

**WHEREAS**, the following persons were elected to the Board of Directors of the District at said election: Jack N. Mitchell, Mahlon Randall and Craig Stoddard; and

**WHEREAS**, the following three persons tied for the other two positions to be filled: Thomas L. Crosser, Kathleen D. Melendez and Louis A. Melendez.

**NOW, THEREFORE IT IS HEREBY RESOLVED** that the Ranch County Water and/or Sewer District is hereby created.

**BE IT FURTHER RESOLVED** that Jack N. Mitchell, Mahlon Randall and Craig Stoddard shall be initial members of Board of Directors.

**BE IT FURTHER RESOLVED** that at the organizational meeting of the Board of Directors, Jack N. Mitchell, Mahlon Randall and Craig Stoddard shall choose two more directors from the three who tied, *i.e.*, Thomas L. Crosser, Kathleen D. Melendez and Louis A. Melendez.

**MONDAY, JANUARY 5, 2004  
(CONTINUED)**

**BE IT FURTHER RESOLVED** that three of said directors shall serve for a term of 2 years and two shall serve for a term of 4 years; also at their first meeting, the directors shall determine by lot which of them shall serve the terms of less than 4 years.

**BE IT FURTHER RESOLVED** that the next regular election for the Ranch County Water and/or Sewer District shall be held in November of 2005.

Dated this 5<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

Commissioner Watne made a **motion** to adopt Resolution 1672 Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF PRINTING BIDS: TREASURER'S OFFICE**

Present at the January 5, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to accept bid from Eagle Flight Business Forms for \$236.89 for Department of Motor Vehicles. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**OPEN BIDS: 2 CAB AND CHASSIS DIESEL PLOW TRUCKS/ROAD DEPARTMENT**

Present at the January 5, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to take bids under advisement and let the Road Department decide, Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BROWN LIVING TRUST ZONE CHANGE/THE POND ZONING DISTRICT**

Present at the January 5, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by The Alanson Brown III Living Trust to rescind the Ponds Zoning District.

The boundaries of the Ponds Zoning District are described on the attached Exhibit A.

The proposal is to rescind the zoning of the property. The SAG-5 (Suburban Agricultural) Zoning would be removed and no zoning regulations would apply.

The public hearing will be held on the 20th 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 members of the public an opportunity to be heard regarding the proposed rescission of the Ponds Zoning District.

DATED this 5th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on January 9 and January 16, 2004.

MONDAY, JANUARY 5, 2004  
(CONTINUED)

Exhibit A  
ALANSON BROWN III LIVING TRUST #FZC-03-45  
ZONE CHANGE FROM SAG-5 TO UNZONED  
Ponds Zoning District  
December 10, 2003

The property is south of Kalispell near the Kalispell Industrial Center along Highway 93 South and contains approximately 80 acres. The property is further described as the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) and the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana, and Lot 1 of Campfire Memories, a platted subdivision in Section 10, Township 27 North, Range 21 West, P.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: NEITZLING ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT**

Present at the January 5, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Robert and Maureen Neitzling to change the zoning designation in a portion of the Highway 93 North 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 the **20<sup>th</sup> day of January, 2004, at 11:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the Highway 93 North Zoning District.

DATED this 5th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on January 9 and January 16, 2004.

Exhibit A  
ROBERT AND MAUREEN NEITZLING #FZC-03-44  
ZONE CHANGE FROM SAG-10 TO SAG-5  
Highway 93 North Zoning District  
December 10, 2003

The property is located at 1621 Rose Crossing north of Kalispell and contains approximately 10 acres. The property is further described as the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE1/4SW1/4SW1/4) in Section 20, Township 29 North, Range 20 West, P. M., Flathead County, Montana.

**PUBLIC HEARING: CLISSOLD ZONE CHANGE/BIGFORK ZONING DISTRICT**

Present at the Duly Advertised January 5, 2004 10:00 A.M. Public Hearing were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson and Clerk Eisenzimer.

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

**MONDAY, JANUARY 5, 2004  
(CONTINUED)**

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

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

Commissioner Watne made a **motion** to adopt Resolution No. 956AV Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 956AV**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 5h day of January 2004, concerning a proposal 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);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 15 and December 22, 2003;

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

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

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

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

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

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

DATED this 5<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

**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

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
BIGFORK AREA ZONING DISTRICT**

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

**MONDAY, JANUARY 5, 2004  
(CONTINUED)**

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.

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

DATED this 5<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on January 9 and January 16, 2004.

**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

**PUBLIC HEARING: SWALLOW ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT**

Present at the January 5, 2004 10:15 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Clifford Swallow, Dawn Marquardt of Marquardt and Marquardt Surveying and Clerk Eisenzimer.

Planning Director Forrest Sanderson presented zone change request

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

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

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

Commissioner Watne made a **motion** to adopt Resolution No. 797CP Commissioner Hall **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 797CP**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 5th day of January, 2004, 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);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 15 and December 22, 2003;

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

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning;

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

**MONDAY, JANUARY 5, 2004  
(CONTINUED)**

**BE IT FURTHER RESOLVED** that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed

designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

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

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

DATED this 5<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

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

The property is located at 625 E. 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.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION**

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797CP) on January 5, 2004 to change the zoning designation on property 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, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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

DATED this 5<sup>th</sup> day of January, 2004.

MONDAY, JANUARY 5, 2004  
(CONTINUED)

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on January 9 and January 16, 2004.

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

The property is located at 625 E. 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.

**MEETING W/INSURANCE COMMITTEE RE: UPDATE**

Present at the January 5, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Human Resources Director Raeann Campbell, Deputy County Attorney Jonathan Smith, Elizabeth Sherwood, Jan Leddy, Wendy Marquardt, Susanne O'Connor, Jim Mohn and Clerk Eisenzimer.

Discussion was held relative to Jim Mohn presenting update on trust fund balance; request for voluntary supplemental insurance coverage for employees by AFLAC.

Agreement was made to take addition of supplemental insurance by AFLAC under review.

**BOARD APPOINTMENTS: BOARD OF ADJUSTMENT & COLUMBIA FALLS CITY-COUNTY PLANNING BOARD MEMBER AT LARGE**

Present at the January 5, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the appointment of Scott Hollinger, Gina Klempel and David Van Dort to the Board of Adjustment. Commissioner Watne **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the appointment of Karl Anderson to the Columbia Falls City-County Planning Board as member at large. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

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

Present at the January 5, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Discussion was held relative to sanding complaints; issues with stop signs in subdivisions; consideration of documentation for Homeowners Associations on existing subdivisions; issues with private homeowners on plowing restrictions; road abandonment #412; dispute as to the maintenance of Robbin Lane;

Chairman Gipe began with Winchester has been complaining because you're doing too much. Road Superintendent Charlie Johnson answered with oh, we were in the subdivision too early. Chairman Gipe suggested the Road Department not enter the subdivision. Industrial Center complaint that their roads are not plowed. Commissioner Hall asked what can be done to resolve issues with roads that are not maintained by Flathead County Road Department. Road Superintendent Johnson commented that the issue is becoming bigger and will need to be addressed. Usually what happens, when they get a new tenant (such as Industrial Park) and we go through this process, there are certain things as taxes go up in the county, people think they should have increased services you know and we're going to reach a point at some point in time where I think all this is going to come back and you're going to have a massive group of people come in and say hey, how about ours and ours? Commissioner Watne responded with that's exactly right. It's no different than the County taking that little dirt road over. That's just what you're going to get bombed with. Johnson continued with, you know, I guess what I'm trying to say is that someday we're going to get a real liberal Board of Commissioners in this county and they're going to say, Why not? He proceeded with, these people do pay taxes and we try to explain to them on the other side of the coin, yes, but we're also plowing other roads. You know, Stihl Lane is a prime example, Stihl Lane is a county road that we over the years have never maintained and then when they put that whitefish Hills Subdivision in Phase I you know, we made them come back and do a maintenance agreement, well there was already people that lived on Stihl Road that never had a maintenance agreement and they just kind of willy nilly plowed it and they was all happy. Well, part of the deal was that the Board made them join the Whitefish Hills Subdivision Homeowner's Association and boy those people were really torqued for awhile in there. But, I mean there are these roads out there. Well, and this thing down there, it's been here as long as I've been here. Commissioner Hall questioned Johnson if he told the newspaper to please ask people to go to the local post office and ask to have a community mail box installed. Johnson responded that they talked about cluster boxes, also this gentleman told the newspaper guy outside the door that the snow didn't knock down the mailbox. Mailboxes, you know I understand people's frustration with this. Since we're on this thing about subdivisions and things like that, we're having a tremendous problem with stop signs on these private subdivisions. Some of them have stop signs, some of them don't. The ones that don't we're getting requests to put up stop signs. They're private subdivisions, it's not our problem. The other problem we got is and one of them is. We do write a letter if we can find out who to contact. The process to find out who these subdivisions are, you know when we do the initial subdivision plat, we know who

**MONDAY, JANUARY 5, 2004  
(CONTINUED)**

the developer is but after that then we have to go over here and research and find out who the Homeowner's Subdivision is and these subdivisions that don't have any Homeowner's Association we don't know where to turn and then we get into these subdivisions that do have Homeowner's Associations and somebody steals the stop sign out of the subdivision or it's knocked down or whatever. It takes us sometimes a week or ten days if we can, who's in charge of the stop sign. A good case in point, is where you turn off on Blacktail, where they built that new hardware store in there, and there's supposed to be a stop sign there, well that one constantly disappears. I don't know what happens to it. We've ended up putting it up a couple times because we can't find out who should be responsible. Chairman Gipe interjected, that stop sign should be replaced by Montana Highway Department. Johnson continued, well, it was part of that plat that was done for that Hardware store in there. It was all done at the same time that those condos were built back there. Johnson just wants to let the Commissioners know that the Road Department tells people it's not our responsibility and we'll pursue trying to get the other ones put up that get knocked down, but it's time consuming and it's not really on our priority list. The average stop sign now is between \$45 and \$60 depending on whether we go the great big one or the medium sized one. We're going to have to come up with a system so we don't have to research who the Homeowner's Association is, we can get it through the plat room but you know we have to go through and research back to where it is. I can talk to the County Attorney about doing a blanket. Commissioner Hall asked if we would do that please and said, let's find out if it's an answer to this issue. Johnson continued with that he had a little bit of a problem with Mrs. Streeter up there in Columbia Heights over the weekend. She called me at home; I tried to explain to her the county policy that we do not plow driveways. She told me that we need to plow hers because it's a business. There again you know, it's hard and I understand the lady. After I explained the policy to her the second time around that we don't do driveways, she wanted to know why we couldn't do something else with the snow. Well, I can't take all the snow from one side of the road and plow it to the people on the other side. Everybody gets their half of the snow. Then she thought we should come up there that night and haul that snow off. I told her that wasn't going to happen either. It does affect her entrance to the hotel, but it affects everybody's entrances to their driveways, hotels or whatever. Given the amount of driveways we got, which I'd hate to even try to estimate, I don't know how we could clean them all. She got pretty obnoxious and I told her that she needs to talk to the Commissioners about this. I just wanted to let you know that she was less than happy with me. Johnson then addressed Road Abandonment #412, it's down in Bigfork on Mr. Slack. Dennis and I went down there and looked at that, and I don't know that we want to abandon that portion. Superintendent Johnson explained location as, it's up on top of the hill above Bigfork, up there. There's like four or five houses on this road and it kind of goes back and it dead ends. It's right up above the Bigfork Inn, up in there. He's wanting that ten feet over there, we don't have a problem with him using it to park on stuff like that but I don't think that we want to give that up because I think if we give it up we're going to probably wish we hadn't because if I recall, it's fifty foot wide and he wants ten foot of it. I just as soon not give that up if that's alright with you guys.

Charlie Johnson then addressed Robbin Road, for years and years this road's been in question. Over the years the county has always taken the position that it's not a county road, based on the research that we've done at the plat room. There's no record of it being a county road. I've been dealing with this thing the last couple of years. The owner down at the end down there, went to the county Clerk & Recorder's office, he couldn't find anything on it. His mom passed away and in some papers, he found a couple documents. He says these two documents pertain to the creation of Robbin Lane and although the originals of these two documents were not found in the Robbin Lane file, Mr. Robbin informed me that he made copies of the documents in 1981 and he was going to do a research on the issue. Basically, he found copies of everything that was necessary to make this county road, they evidently went back over the Clerk and Recorder's office and researched it in, I guess the Commissioners Journal or whatever and I guess it was created as a county road, and I'm not going to dispute that. I told him when I was dealing with this here last year, and it's taken us about a year to get to this point that even if it was a county road, we probably wasn't going to do anything with it, but he had the right to come and talk to you guys about it. Commissioner Watne informed the Board that we do have a lot of county roads that we don't maintain through the county. Chairman Gipe agreed that it's probably a county road, but it doesn't mean that we're going to do anything different. For years this Robbin Road, right out on the corner had a private road sign, then when I got involved with I guess, Mr. Robbin here, I mentioned to him that it had a private road sign on it and that went away. Chairman Gipe suggested that Commissioners view some roads for familiarity. Commissioner Hall suggested that we remind people when they are questioning maintenance that we have several hundred miles of county road that we do not maintain; just to let them know that they're not the only one. Johnson continued, also there's a lot of stuff out here like Howard says that hasn't been built. Almost on every section line, but a lot of section lines, there's declared county right of ways that has never been built in this county. As time marches on we're going to find more and more of those. As developers buy these pieces of property which brings me back to Stihl Lane, that was a prime example of a county road that only went back in there about three quarters of a mile and then they added roughly another mile down a section line kind of a declared road that didn't even exist. Commissioner Watne said there's some of these that are out there with no rhyme or reason. Chairman Gipe added, wasn't it West Valley, that one that goes out towards Cougar's, going north, it's just a couple of, like an old wagon trail practically and it's still that way. The thing that happens there and what's happened in places in Gallatin county and things is that somebody went out on top of them hills and put a big subdivision in and so now it became a county road, all a county road isn't that much better than a wagon path. Charlie Johnson added, that's what we ask be done on some of these roads that they go ahead and bring the county road up to the County's standard and out there on Clark that's what's going to happen, and at that point in time we've got to choose whether we're going to maintain it or not. If it works for our road system for us to just go ahead and blow on through there, I recommend that we maintain them. Chairman Gipe added, there's going to be at that point where there's a little more traffic and again what happens there and I don't have to tell you guys this but the thing is you've got two or three residents out there and a guy puts in a twenty lot subdivision out there and you say well fix the road, there's two or three guys that have been driving on that road ever since time began and you're not going to charge them their share of that? I don't know how you settle this. Charlie Johnson agreed, there's only one way to do it and we haven't got the rational nexus in place for that. Commissioner Hall said well I think for as much road as you do, the few complaints we get speaks highly of the quality of work that your crew is doing and we've only had a couple compared to as many miles of road that we do.

**6:00 p. m. Gary is to attend Fire Area Management Plan Team meeting at Kalispell Center Mall, West Coast Hotel**

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

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**TUESDAY, JANUARY 6, 2004**

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



**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

**MONTHLY MEETING W/DONNA MADDUX, SUPT OF SCHOOLS**

Present at the January 6, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Discussion was held relative to fingerprinting of everyone working in public schools; attempt to create a countywide insurance pool for county school employees; standardization of home-school students and discrepancies in Montana law regarding home-schooling.

**MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES**

Present at the January 6, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Computer Services Director Norm Calvert, and Clerk Eisenzimer.

General discussion was held relative to installation of spam blocking software; receipt of grant to make sheriff files be nivers compliant for FBI use and conversion of files to JADE format.

**PUBLIC HEARING: ROAD NAMING/GRIZZLY BEAR GULCH, VON VIEW, MOUNTAIN GOAT TRAIL**

Present at the January 6, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Karen Yerian, and Clerk Eisenzimer.

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

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

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

Commissioner Hall made a **motion** to adopt Resolution No.1673 Commissioner Watne **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously

**RESOLUTION NO. 1673**

**WHEREAS**, Flathead County has proposed to name a private road generally running southerly off the extension of Hoffman Draw and located in the west half of the west half of Government Lot 6, Section 6, Township 27 North Range 22 West. P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 6, 2004, concerning the proposal, after publication and mailing of notice thereof on December 20, 2003 and December 27, 2003;

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Grizzly Bear Gulch.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running southerly off the extension of Hoffman Draw and located in the west half of the west half of Government Lot 6, Section 6, Township 27 North Range 22 West. P.M.M., Flathead County, Montana, should be, and it hereby is, named Grizzly Bear Gulch.

**BE IT FURTHER RESOLVED** that the naming of Grizzly Bear Gulch shall be effective on January 6, 2004.

Dated this 6<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

Commissioner Watne made a **motion** to adopt Resolution No.1674. Commissioner Hall **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1674**

**WHEREAS**, Flathead County has proposed to name a private road generally running northeasterly off Von Der Heide Lane and located in Government Lot 2 in Section 31, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 6, 2004, concerning the proposal, after publication and mailing of notice thereof on December 20, 2003 and December 27, 2003; and

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northeasterly off Von Der Heide Lane and located in Government Lot 2 in Section 31, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana should be, and it hereby is, named Von View.

**BE IT FURTHER RESOLVED** that the naming of Von View shall be effective on January 6, 2004.

Dated this 6<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

Commissioner Watne made a **motion** to adopt Resolution No.1675. Commissioner Hall **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 1675**

**WHEREAS**, Flathead County has proposed to name a private road generally running northeasterly and southeasterly off Star Meadows Road and located in the NE1/4NE1/4 Section 7, the SE1/4SE1/4 Section 6 and in the NW1/4NW1/4 Section 8, all in Township 30 North, Range 24 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on January 6, 2004, concerning the proposal, after publication and mailing of notice thereof on December 20, 2003 and December 27, 2003; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named Mountain Goat Trail.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northeasterly and southeasterly off Star Meadows Road and located in the NE1/4NE1/4 Section 7, the SE1/4SE1/4 Section 6 and in the NW1/4NW1/4 Section 8, all in Township 30 North, Range 24 West, P.M.M., Flathead County, Montana should be, and it hereby is, named Mountain Goat Trail.

**BE IT FURTHER RESOLVED** that the naming of Mountain Goat Trail shall be effective on January 6, 2004.

Dated this 6<sup>th</sup> day of January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

**CONSIDERATION OF REQUEST: 911MSAG POSITION/GIS**

Present at the January 6, 2004 9:45 A. M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Request from GIS to make the temporary position into a permanent position for 911 MSAG.

Commissioner Watne made a **motion** to approve request for permanent position of 911 MSAG position Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES**

Present at the January 6, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Human Resource Director Raeann Campbell, and Clerk Eisenzimer.

General discussion was held relative to insurance claim payouts; regular safety committee meetings; exit interviews; types of injuries that workers are claiming; occupational safety will be adding drug and alcohol training for supervisors and department heads, consideration of making training mandatory will be directed to County Attorney.

**CONSIDERATION OF PRINTING BID: RSVP**

Present at the January 6, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve bid for Disaster Preparedness Posters on behalf of the RSVP Department, the bid submitted by for Towne Printer in the amount of \$45. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**PUBLIC HEARING: RINKE PUD**

Present at the January 6, 2004 10:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Jeff Larsen of Larsen Engineering and Surveying and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Rinke Planned Unit Development and Rinke Subdivision proposed by Robert Rinke. The Rinke PUD and Rinke Subdivision creates a 15 lot single family residential subdivision. The property is located on the on South Cedar Drive near the intersection of MT Highway 35 and US Highway 2 in Evergreen. The proposed subdivision contains 16.08 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Hall questioned Mr. Rinke as to removal of old structures that are presently on property. Mr. Rinke confirmed that old structures will be removed with development of subdivision.

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

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the zone change and establishment of PUD.

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

Commissioner Hall made a **motion** to adopt Resolution No.654BE. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously

**RESOLUTION NO. 654BE**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 6th day of January, 2004, to consider a proposal to approve a Planned Unit Development (PUD) in the Willow Glen Zoning District on property zoned R-1 (Suburban Residential), allowing 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;

**WHEREAS**, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing; and

**WHEREAS**, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby approves the proposed Planned Unit Development (PUD) in the Willow Glen Zoning District on property zoned R-1, allowing 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.

**BE IT FURTHER RESOLVED** that the property to be overlaid 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, and that the conditions set forth on Exhibit A shall apply to the PUD.

**BE IT FURTHER RESOLVED** that the applicant shall submit a final plan in accordance with this approval.

**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

DATED this 6<sup>th</sup> day of January, 2004

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

**EXHIBIT A  
RINKE PUD & PRELIMINARY PLAT  
FPUD 03-04 & FPP-03-04A  
RECOMMENDED CONDITIONS OF APPROVAL  
NOVEMBER 12, 2003**

1. The subdivision shall be in accordance with the development application and preliminary plat with regard to the number of lots and roadways, except as otherwise modified by the conditions herein.
2. Phasing shall be allowed as proposed with the necessary improvements being installed as required to allow the subdivision to function effectively, which will include streets, utilities, and drainage improvements. All development shall also be in compliance with the phasing plans submitted for preliminary approval.
3. That the roadways within the subdivision shall be constructed in accordance with the adopted County Road Design Standards for internal roads and include pavement and drainage systems. A letter from an engineer licensed in the State of Montana verifying that the improvements have been installed according to the required specifications shall be submitted at the time of final plat approval for each phase. All roads shall be paved.
4. That the developer shall apply for, comply with, and complete a Flood Plain development permit and it's process if needed, prior to filing the final plat for the project.
5. That a note shall be placed on the final plat stating that the roads within the subdivision are privately owned and maintained and open to public use. A Homeowners Association shall be established for the repair and maintenance of the private roadways. All property owners within the subdivision shall bear a pro-rata share of the costs.
6. The developer shall satisfy any conditions the fire department may have such as placement and number of fire hydrants. The developer shall supply a letter from the fire chief approving the placement.
7. That an approach permit be obtained for the proposed access onto South Cedar Drive from the Flathead County Road Department and any conditions or improvements associated with the permits be completed prior to final plat submittal.
8. The roads within the subdivision shall be named and signed in accordance with the policies of the Flathead County Road Department and the Uniform Traffic Control Devices Manual.
9. The developer shall install central mailbox location(s) approved by the U.S. Postal Service.
10. That the Certificate of Subdivision Approval be obtained from the Department of Environmental Quality approving the water, sewage, and drainage facilities for the subdivision.
11. Verification shall be provided stating that all areas disturbed during development of the subdivision have been re-vegetated in accordance with the plan approved by the Flathead County Weed and Parks Department prior to final plat submittal.
12. That Planned Unit Development and preliminary plat approval shall be valid for a period of three years from the date of approval, which will be extended for another three years after the filing of the final plat for each phase.
13. Any/all Permitted or Conditional Uses shall be in accordance with the Willow Glen, R-1, Zoning District Regulations.
14. The open space requirement of the subdivision shall be 12.47 acres to ensure no development or fill will occur in the 100-year floodplain.
15. The parkland requirement shall be .25 acre.
16. The setbacks and height restrictions for structures shall be as set forth by the R-1, Willow Glen Zoning District except that the side setbacks shall be 5 feet, and front and rear setbacks shall be 10 feet. All setbacks are from property lines.
17. The Design Standards of the subdivision shall be in substantial compliance with the information submitted for preliminary approval for the subdivision.

**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

**PRELIMINARY PLAT: RINKE SUBDIVISION**

Present at the January 6, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Jeff Larsen of Larsen Engineering and Surveying, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Rinke Planned Unit Development and Rinke Subdivision proposed by Robert Rinke. The Rinke PUD and the Rinke Subdivision create a 15 lot single family residential subdivision. The property is located on the on South Cedar Drive near the intersection of MT Highway 35 and US Highway 2 in Evergreen. The proposed subdivision contains 16.08 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPUD-03-04 with condition 13 amended to read that Class B manufactured homes may be allowed and addition of condition 18 to read that all structures presently on property are to be removed, 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 Rinke PUD subject to 18 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-04A as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Rinke Subdivision subject to 18 conditions as amended. Commissioner Gipe **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PRELIMINARY PLAT: A. H. L. ESTATES**

Present at the January 6, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Dawn Marquardt of Marquardt and Marquardt Surveying and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for A. H. L. Estates filed by Jaqueline Aemisegger, Holly Logan-McGiffney, Wendy Cicierski, John Logan and Nick Aemisegger. A. H. L. Estates creates an eighteen lot residential subdivision. The property is located on Creston Hatchery Road approximately 1/4 mile south of Creston Hatchery and Lake Blaine Road in Kalispell. The proposed subdivision contains approximately 40 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-03-42 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat for A.H. L. Estates subject to 15 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PRELIMINARY PLAT: SWAN JUNCTION, RESUBDIVISION OF LOT 1**

Present at the January 6, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Tony Welzenbach and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Swan Junction Lodges, a Re-subdivision of Lot 1, Swan Junction filed by Swan Junction, Inc. The Swan Junction Lodges, a Re-subdivision of Lot 1, Swan Junction creates a two lot commercial subdivision. The property is located near the intersection of Highway 35 and Highway 83 near Bigfork. The proposed subdivision contains 1.959 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-36 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 Swan Junction Lodges, a Re-subdivision of Lot 1, Swan Junction subject to 12 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PRELIMINARY PLAT: SWAN JUNCTION, RESUBDIVISION OF LOT 1B**

Present at the January 6, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Tony Welzenbach and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Lot 1B Swan Junction Lodges filed by Swan Junction, Inc. The Lot 1B Swan Junction Lodges subdivision creates a eight unit commercial subdivision. The property is located near the intersection of Highway 35 and Highway 83 near Bigfork. The proposed subdivision contains 1.455 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-43 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 Lot 1B Swan Junction Lodges subject to 15 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**TUESDAY, JANUARY 6, 2004  
(CONTINUED)**

**PRELIMINARY PLAT: CHERRY HILL YACHT CLUB**

Present at the January 6, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Dan Hogan, Dale Alexander, Shane Jackola and Thor Jackola of Jackola Engineering and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Cherry Hill Yacht Club filed by S&S Development. The Cherry Hill Yacht Club creates a thirty unit condominium. The property is located at 300 Pennant Lane north of Lakeside near Highway 93 South and Mission View Terrace Subdivision. The proposed condominium is on approximately 17.72 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FRP-03-01 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Cherry Hill Yacht Club subject to 16 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**PRELIMINARY PLAT: EVERGREEN RAIL INDUSTRIAL CENTER, RESUBDIVISION OF LOT 3**

Present at the January 6, 2004 11:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Ardis Larsen, Larsen Engineering and Surveying and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Evergreen Rail Industrial Center, Resubdivision of Lot 3 filed by Flathead Electric, Evergreen Rail Industrial Center. The Evergreen Rail Industrial Center, Resubdivision of Lot 3 creates a two lot industrial subdivision on approximately 2.01 acres. The property is located at 110 Cooperative Way in Evergreen. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-39 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 Evergreen Rail Industrial Center, Resubdivision of Lot 3 subject to 9 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**1:15 911 MEETING @ JUSTICE CENTER**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on Wednesday, January 7, 2004.

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**WEDNESDAY, JANUARY 7, 2004**

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.

**8:00 Commissioner Hall is to attend Fire Area Management Plan Team Meeting at the Kalispell Center Mall, West Coast Hotel till 5:00 p. m.**

**PRELIMINARY PLAT: ROTOR WING**

Present at the January 7, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, Marquardt & Marquardt Surveying and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Rotor Wing Subdivision filed by Larry and Arlene Johnson. The Rotor Wing Subdivision creates a two lot residential subdivision. The property is located in the Lower Valley Area approximately 8 road miles south of Kalispell. The proposed subdivision contains 10.6 acres. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-03-41 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne, Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Rotor Wing Subdivision subject to 8 conditions. Commissioner Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**FINAL PLAT: TURQUOISE SHORES**

Present at the January 7, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning Director Forrest Sanderson, Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Sanderson reviewed the final plat for Turquoise Shores Subdivision which is an application by the Johnson and Atberg Partnership for approval of a four lot minor subdivision approximately 12 miles west of Kalispell. The subject property is 47.01 acres in size. Preliminary plat was waived on July 16, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FFP-03-40 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat for Turquoise Shores Subdivision. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**WEDNESDAY, JANUARY 7, 2004  
(CONTINUED)**

**FINAL PLAT : NORTHERN LIGHTS MEADOWS**

Present at the January 7, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, Jean Johnson of Paul J. Stokes and Associates, and Clerk Eisenzimer.

Sanderson reviewed the final plat for Northern Lights Meadows which is an application by Paul J. Stokes and Associates for approval of a five lot subdivision located off Trumble Creek Road in an unzoned portion of the county. The subject property is 24.145 acres in size. Preliminary plat was approved on December 18, 2002 subject to fourteen conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-03-64 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve Final Plat for Northern Lights Meadows. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**PRELIMINARY PLAT: EAGLES NEST CONDOS #2**

Present at the January 7, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Eagles Nest Condos #2 filed by Eagle Fuel, LLC. The proposed Lot 2 of the Eagle Nest Condominiums, Phase 1, of the Amended Plat of Lot 2A, North Country Subdivision, Unit No. 2, would create an eight unit commercial condominium on approximately 1.2 acres. The property is located at 3150 U.S. Highway 2 East, north of Kalispell.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-39 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat Lot 2 of the Eagles Nest Condominiums subject to 17 conditions. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**PRELIMINARY PLAT: EAGLES NEST INDUSTRIAL PARK**

Present at the January 7, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Sanderson reviewed the preliminary plat for Eagle Nest Industrial Park, the Amended Plat of Lot 2A, North Country Subdivision. Eagle Nest Industrial Park, the Amended Plat of Lot 2A, North Country Subdivision would create a three lot commercial subdivision on approximately 4.985 acres. The property is located at 3150 U.S. Highway 2 East, north of Kalispell. The project is in general compliance with the Flathead County Subdivision Regulations. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-03-40 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Eagle Nest Industrial Park, the Amended Plat of Lot 2A, North Country Subdivision subject to 18 conditions. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**MEETING W/DAN VINCENT & JIM WILLIAMS OF FISH, WILDLIFE & PARKS**

Present at the January 7, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dan Vincent, Jim Williams, and Clerk Eisenzimer.

Discussion was held relative to elk management and hunter crowding; deer management; antler-less harvest in wilderness areas; turkey hunt, proposal for over the counter permits in spring and fall; wolf damage and management by hunting and trapping; comments on subdivision creation in the Lower Valley area resulting in impact on wildlife management; immigration of bighorn sheep due to die off resulting from inclement weather.

**CONSIDERATION OF PRINTING BIDS: SUPT OF SCHOOLS**

Present at the January 7, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve printing contract on behalf of the Superintendent of Schools, the bid submitted by The Towne Printer for 1000 envelopes in the amount of \$45.00 and 1,200 mailing labels in the amount of \$76.80. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

**11:00 County Attorney meeting at County Attorney's office**

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

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**THURSDAY, JANUARY 8, 2004**

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.

**THURSDAY, JANUARY 8, 2004  
(CONTINUED)**

**MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE**

Present at the January 8, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

General discussion was held relative to mileage and IRS reporting for county vehicles; support for dissolution of personnel committee; displeasure with VEBA proposal; Genesa, pilot program Great Northern Environmental Stewardship, cooperative

agreement between GNESEA and Flathead County; three positions open, planner III, planner II and technician; plans for when planner II is hired to get a SEATEC person involved with getting trails completed; Helena Flats trail; River Road trail; amended site for Lakeside/Somers trail; not going to advance the Great Northern Trail, bids are double projected cost; River Road progress; plans for going to Helena with Howard to testify on house joint resolution 37; continuation to renew dues with Planning Coalition.

**CONSIDERATION OF LAKESHORE PERMIT: TAVERRITE**

Present at the January 8, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson and Clerk Eisenzimer.

Sanderson reviewed Lake and Lakeshore Construction Permit filed by Frank T. Taverrite on Flathead Lake to enlarge existing L-shaped piling dock and extend dock by 24 feet and add two additional 22 foot breakwater wings. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLP-03-104 and authorize the Chairman to sign subject to 25 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: BARRINGTON**

Present at the January 8, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Jane Eby of Eby and Associates and Clerk Eisenzimer.

Sanderson reviewed Lake and Lakeshore Construction Permit filed by Reto Barrington on McGregor Lake to create a private marina using modular floating dock pieces. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-03-10 and authorize the Chairman to sign subject to 34 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**COS REVIEW: SPECKMAN**

Present at the January 8, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dawn Marquardt of Marquardt & Marquardt Surveying and Clerk Eisenzimer.

Sanderson presented history of tract land Mr. Speckman is proposing to split for

Commissioner Watne made a **motion** to accept Certificate of Survey as presented. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: SIA/MCGREGOR LAKE HIGHLANDS**

Present at the January 8, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson and Clerk Eisenzimer.

Sanderson presented subdivision improvement agreement for McGregor Lake Highlands, LLC for completion of improvements cited in preliminary plat in the amount of \$237,000.00

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

**FINAL PLAT: HARDY SUBDIVISION**

Present at the January 8, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Larsen Engineering and Surveying, and Clerk Eisenzimer.

Morrison reviewed the final plat for Hardy Subdivision which is an application by Robert and Janet Hardy for final plat approval of a five lot minor subdivision along Broeder Loop, approximately nine miles east of Kalispell. The subject property is 32.03 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 4, 2002 subject to six conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FWP-03-42 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

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

**FINAL PLAT: SUBDIVISION NO. 180, LOT 4**

Present at the January 8, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Larsen Engineering and Surveying, and Clerk Eisenzimer.



**THURSDAY, JANUARY 8, 2004  
(CONTINUED)**

Morrison reviewed the final plat for Amended plat of Lot 4, Subdivision #180 which is an application by Jeff Larsen and Richard Riley for final plat approval of a two lot minor subdivision along Marquardt Lane, approximately five miles west of Kalispell. The subject property is 10.19 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on August 2, 2002 subject to seven conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report FWP-03-43 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat for Amended plat of Lot 4, Subdivision #180. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

**FINAL PLAT: MUSTANG ACRES**

Present at the January 8, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Joe Kauffman of Kauffman Surveying, Planner Johna Morrison and Clerk Eisenzimer.

Morrison reviewed the final plat for Mustang Acres Subdivision which is an application by Roy and Joyce Curtis for final plat approval of a three lot minor subdivision along Bierney Creek and Deer Creek Roads just west of Lakeside. The subject property is 8.38 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on July 28, 2003 subject to six 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 adopt Staff Report FWP-03-44 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

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

**DOCUMENT FOR SIGNATURE GO RED FOR WOMEN'S HEART HEALTH**

Present at the January 8, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer,

Agreement was made to proclaim February as Go Red for Women Month, urging all community women to become more aware of their heart-health by unanimous signing of proclamation.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WGTS ZONE CHANGE/BIGFORK ZONING DISTRICT**

Present at the January 8, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 956AU as presented. Commissioner Gipe **seconded** the motion. **Aye** - Watne, and Gipe. Motion carried unanimously.

**RESOLUTION NO. 956 AU**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 18th day of November, 2003, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster);

**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 change in the Bigfork Area 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. 956 AT, dated November 18, 2003) to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster) and;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on November 22 and November 29, 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 Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto from R-1 (Suburban Residential) with a PUD overlay to RC-1 (Residential Cluster), 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 January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

THURSDAY, JANUARY 8, 2004  
(CONTINUED)

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

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

ATTEST:  
Paula Robinson, Clerk

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

**EXHIBIT A  
WGTS, LLC ZONE CHANGE  
BIGFORK ZONING DISTRICT  
R-1 PUB TO RC-1  
OCTOBER 8, 2003**

The property is described as Parcel A of Certificate of Survey No. 13994 in Section 26, Township 27 North, Range 20 West, P.M., Flathead County, Montana.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: SHARP ZONE CHANGE/WEST SIDE ZONING DISTRICT**

Present at the January 8, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 678AI as presented. Commissioner Gipe **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**RESOLUTION NO. 678 AI**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 25th day of November, 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 AH) on November 25, 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 November 29 and December 6, 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 January, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

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

**DOCUMENT FOR SIGNATURE: CERTIFYING OFFICIAL/RIVER ROAD PATH AND FARM TO MARKET PATH**

Present at the January 8, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

**THURSDAY, JANUARY 8, 2004  
(CONTINUED)**

Commissioner Watne made a **motion** to sign Environmental Certification of Official. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MEETING W/JOHN GILLESPIE/CORAM-WEST GLACIER FIRE SERVICES RE: FUNDING**

Present at the January 8, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Discussion was held relative to majority of responses being outside of district, requested service to Marias Pass; repair costs and service costs are being funded by taxpayers in district with no cost to out-of-district serviced property owners.

Agreement was made to consult with OES Director Alan Marble on reimbursement for funding.

**MEETING W/FORREST SANDERSON/PLANNING & ZONING OFFICE RE: WHITEFISH JURISDICTIONAL BOUNDARY**

Present at the January 8, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson and Clerk Eisenzimer.

Discussion was relative to Sanderson attending the Public Hearing of Whitefish Planning board and public concern over city jurisdiction over rural properties.

- 12:00 Commissioner Gipe is to travel to Helena**
- 2:00 Commissioner Hall is to attend AOA Board meeting at Kalispell Senior Center**
- 6:00 Commissioner Hall is to attend Fire Area Management Team Plan meeting at Kalispell Center Mall, West Coast Hotel**
- 6:00 Whitefish Advisory Committee meeting at North Valley Hospital**
- 7:30 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 Friday, January 9, 2004.

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**FRIDAY, JANUARY 9, 2004**

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

**Chairman Gipe is to attend Local Government Subcommittee meeting in Helena**

**12:30 Commissioner Hall is to attend Port Authority meeting at First Citizens Bank**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on Saturday, January 10, 2004.

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**SATURDAY, JANUARY 10, 2004**

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

**8:00 Commissioner Hall is to attend Fire Area Management Team Plan meeting at Kalispell Center Mall, West Coast Hotel till 5:00 p.m.**