
MONDAY, MARCH 8, 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.

9:00 a.m. Personnel interview w/Jay Krauss

10:30 a.m. Personnel interview w/John Peterson

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 9, 2004.

TUESDAY, MARCH 9, 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.

MEETING W/MUSEUM BOARDS RE: RESOLUTION NO. 1678

Present at the March 9, 2004 8:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Delores Swanberg, Cliff Collins, Linda Engh-Grady, Mark Norley, Bev Fisher, Betty Norem, Teri Houman, Keith Robinson, Ed Gilliland, Bernie Olson, Nick Oberling, Megan Morris, Richard Riley, Clerk and Recorder Paula Robinson, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Ed Gilliland presented plans for growth of museum and requested that Flathead County budget for museum needs. Paula Robinson assured Museum Board that her Department will assist with budgeting process for the upcoming fiscal year.

Jill Evans speaking on behalf of Stumptown Historical Society requested that Resolution 1678 be rescinded.

Bernie Olsen spoke next on behalf of Central School Museum Board to keep mill levy request on the June ballot.

Mark Norley continued with requesting that Resolution 1678 be rescinded in order to pursue a more passable resolution which divides funds amongst all museums and cultural centers.

No action was taken.

CHARLIE JOHNSON/ROAD DEPT. RE: LOAD LIMITS

Present at the March 9, 2004 8:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Road Superintendent Charlie Johnson, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1696 setting load weight limits on County Roads. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION CENTER

Present at the March 9, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Laurie Rebeck, Juvenile Detention, and Clerk Eisenzimer.

General discussion was held relative to request to approve installation of fire alarm systems.

AUTHORIZATION TO PUBLISH CALL FOR BIDS CHEMICALS/WEED/PARKS/MAINTENANCE DEPT

Present at the March 9, 2004 8:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

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

CALL FOR BIDS

The Flathead County Weed/Parks/Recreation & Building Maintenance Board (heretofore known as the Flathead County Weed Department) will receive bids for the purchase of chemicals to be delivered FOB at the Flathead County Weed Department office, 1257 Willow Glen, Kalispell MT 59901.

The chemicals to be purchased include Tordon 22K, Curtail, Hi-Dep and Transline. The instructions to bidders, specifications and amounts for the chemicals, and the forms of the bid sheet and contract to be signed, may be obtained from either the Flathead County Weed Department, 1257 Willow Glen, Kalispell MT 59901 or the Flathead County Clerk and Recorder, 800 South Main, Kalispell MT 59901

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase of chemicals. 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.

No bidder may withdraw a bid after the actual date of the opening thereof.

Sealed bids are to be marked "Weed Control Bid" and must be in the office of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on **March 29, 2004**. Bids will be opened and read at **10:00, o'clock a.m.**, on **March 30, 2004**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

The Flathead County Weed Department reserves the right to reject any and all quotes and to accept the quotes deemed to be in the best interest of the County.

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 Flathead County Clerk and Recorder.

**TUESDAY, MARCH 9, 2004
(CONTINUED)**

Dated this 9th day of March, 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 March 13th and March 20th, 2004.

FINAL PLAT: HOBO JUNCTION

Present at the March 9, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, and Clerk Eisenzimer.

Morrison reviewed the final plat for Hobo Junction Subdivision which is an application from Richard Boon for approval of a two lot residential subdivision at the intersection of School Addition Road and Highway 93 in Somers. The subject property is 1.82 acres in size and is located in an unzoned portion of the County. Preliminary plat was waived on August 21, 2003 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-04-07 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 Hobo Junction. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

COS REVIEW: NESSLY

Present at the March 9, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Sanderson presented Certificate of Survey for William and Ramona Nessly Family Transfer.

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

PRELIMINARY PLAT: LOST FARM SUBDIVISION

Present at the March 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Jane Eby of Eby and Associates, and Clerk Eisenzimer.

Beck reviewed the preliminary plat for Lost Farm Subdivision filed by Richard Richardson and Eby and Associates. Lost Farms Subdivision creates a five lot residential subdivision on 26.2 acres. The property is located approximately 500 feet directly northwest of the intersection of Lost Creek Road and Farm to Market Road, west of Kalispell. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-12 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Lost Farm Subdivision subject to 9 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: TAYLOR

Present at the March 9, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed Don Taylor on Whitefish Lake to construct a 3-foot x 3-foot x 2-foot concrete foundation for the placement of a statue. Remove existing concrete boat ramp. Place rip-rap retaining wall along shoreline where boat ramp was previously situated. Area immediately behind retaining wall will be filled with clean gravel in order to create a level surface. Flat stone will be placed on top of gravel fill for a patio. Remove existing concrete retaining wall and re-grade shoreline previously supported by wall. Three dead trees will be removed. Create a retaining wall using large stones. Stones will be placed in a "stair-step" manner going up the shoreline away from the lake. Flatten portions of existing shoreline to create level pads for stones to be placed. Stones will measure approximately three feet in height each. Remove existing corrugated steel retaining wall, fill artificial harbor, and re-grade/reconstruct shoreline located landward of harbor. Relocate existing boat dock approximately 50 feet to the west. Maximum allowable impervious cover on this lot is 22.624 square feet. General discussion was held. Board recommends approval of permit as presented with five requests having been denied by Whitefish Lakeshore Protection Committee including concrete statue pad, rip/rap filled patio, concrete retaining wall removal and regarding of shoreline, large stone step retaining wall and filling of artificial harbor/steel retaining wall removal and regarding of shoreline.

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLV-04-01 with 6 remaining conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**TUESDAY, MARCH 9, 2004
(CONTINUED)**

BOARD APPOINTMENT: SOLID WASTE DIST.

Present at the March 9, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the appointment of Nathan Sandee to the Solid Waste District Board. Commissioner Watne **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

TAX REFUND REQUEST: DYON

Present at the March 9, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve tax refund request to James Dyon. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

MEETING W/JAMES KEYS

Present at the March 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, James Keys, Solid Waste Director Dave Prunty, and Clerk Eisenzimer.

Discussion was held relative to request to salvage wood from Flathead County Landfill, Mr. Keys was informed that liability issues do not allow for individuals to salvage from landfill.

DOCUMENT FOR SIGNATURE: SOMER'S BEACH LEASE AGREEMENT

Present at the March 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to accept lease agreement between Flathead County Weeds and Parks and Montana Department of Transportation and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: WEED/PARKS/MAINTENANCE

Present at the March 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve 2000 Business cards on behalf of the Weed/Parks and Maintenance Department, the bid submitted by Wright Impressions in the amount of \$87.90. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve on behalf of the Weed/Parks and Maintenance Department, the bid submitted by The Towne Printer for 5000 envelopes in the amount of \$127.50. Commissioner Watne **seconded** the motion. Aye - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF REQUEST TO TRAVEL: C. WEATHERELL/4-H OFFICE

Present at the March 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve request for Cheryl Weatherell to travel to Choteau. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

12:00 p.m. Commissioner Hall is to attend Columbia Falls Chamber meeting at 235 Nucleus Ave., Columbia Falls

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

WEDNESDAY, MARCH 10, 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.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the March 10, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Computer Services Director Norm Calvert, and Clerk Eisenzimer.

General discussion was held relative to opening of new position and extending opening to allow for incorporation of new programming; budget transfer allowing for contracted services; requesting to have all computer users switch to Microsoft Word as computer services would like to stop supporting Word Perfect; update on fire service area levy; condition of Potoczny Field.

CONSIDERATION OF LAKESHORE PERMIT: COIT FAMILY TRUST

Present at the March 10, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed Coit Family Trust on Flathead Lake to remove and replace existing dock. New dock will be a crib dock measuring five feet in width by 60 feet in total length. Dock w/ill consist of three breakwater portion, each measuring five feet in width by 24 feet in length and install a boat shelter. General discussion was held Board recommends approval of permit as presented.

**WEDNESDAY, MARCH 10, 2004
(CONTINUED)**

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-14 with 19 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF MACO JPIA SURVEY

Present at the March 10, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall and Clerk Eisenzimer.

Agreement was made to continue this decision until a later date.

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

Present at the March 10, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize County Attorney's office to accept service for Armstrong v. County. Chairman Gipe **seconded** the motion. **Aye -** Hall and Gipe. Motion carried by quorum.

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

Present at the March 10, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Chairman Gipe **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 that it will hold a public hearing to consider a proposal to name a road as **RAVEN LANE**.

Road generally running easterly off Montana Highway 206 and located in the Northeast ¼ of the Southeast ¼ in Section 21, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **30th day of March, 2004, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **RAVEN LANE**.

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

Dated this 10th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

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

Publish on March 16th and March 23rd, 2004.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: NEITZLING ZONE CHANGE/HIGHWAY 93 N. ZONING DISTRICT

Present at the March 10, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 837AX Chairman Gipe **seconded** the motion. **Aye -** Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 837 AX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 20th day of January, 2004, concerning a proposal 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);

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

**WEDNESDAY, MARCH 10, 2004
(CONTINUED)**

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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. 837 AW, dated January 20th, 2004) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North 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 January 23 and January 30, 2004, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

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 Highway 93 North Zoning District 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), that property being described on Exhibit A.

DATED this 10th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
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
ROBERT AND MAUREEN NEITZLING #FZC-03-44
ZONE CHANGE FROM SAG-10 TO SAG-5
Highway 93 North Zoning District
March 10, 2004**

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.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: BROWN ZONE CHANGE/ THE PONDS ZONING DISTRICT

Present at the March 10, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 911C. Chairman Gipe **seconded** the motion. Aye - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 911 C

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 20th day of January, 2004, concerning the rescission of the Ponds Zoning District after which the property will be unzoned;

WHEREAS, the Board of Commissioners heard public comment on the proposed rescission of that zoning district at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed rescission of the Ponds 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. 911 B, dated January 20, 2004) to rescind the Ponds Zoning District; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on January 23 and January 30, 2004, 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 rescinds the Ponds Zoning District.

**WEDNESDAY, MARCH 10, 2004
(CONTINUED)**

DATED this 10th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Robert W. Watne, Member

ATTEST:
Paula Robinson, Clerk

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

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

CONSIDERATION OF REQUEST TO DECLARE SURPLUS PROPERTY: COMPUTER SERVICES

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

Commissioner Hall made a **motion** to approve declaration of computer equipment as surplus equipment Chairman Gipe **seconded** the motion. Aye - Hall and Gipe. Motion carried by quorum.

MEETING W/SHIRLEY ANDERSON RE: HELENA FLATS LAND USE

Present at the March 10, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Shirley Anderson, John Korpi, and Clerk Eisenzimer.

Discussion was held relative to Flathead County Zoning Regulations regarding Helena Flats Land Use and street easements and clarification as to who can speak at plat approval decisions presented to Board of County Commissioners. Sanderson clarified meeting regulations pointing out that state law requires that only one public hearing be held and said public hearings are held in Planning and Zoning Board meetings; instructions on developing Neighborhood Plan.

11:00 a.m. 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 March 11, 2004.

THURSDAY, MARCH 11, 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.

**Commissioner Hall is to attend Montana Forest Conference at Fairmont Hot Springs Resort
2:00 p.m. AOA Board Meeting at Kalispell Senior Center
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 March 12, 2004.

FRIDAY, MARCH 12, 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.

Commissioner Hall is to attend Montana Forest Conference at Fairmont Hot Springs Resort

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 15, 2004.