
MONDAY, MARCH 15, 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.

MONTHLY MEETING W/JIM ATKINSON, AOA

Present at the March 15, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Agency on Aging Director Jim Atkinson, and Clerk Eisenzimer.

**MONDAY, MARCH 15, 2004
(CONTINUED)**

Discussion was held relative to Request for Proposal; antique auction fundraiser June 26th; lease agreement for storage; requirements for vehicle for Senior Services; plans for expanding Agency on Aging out to Gateway West Mall property.

TAKE ACTION ON ELLEN'S FOREST ESTATES

Present at the March 15, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer

Chairman Gipe reviewed a letter informing the Board of Commissioners that the Applicant of Ellen's Forest Estates had passed and therefore the plat was being pulled from review.

DOCUMENT FOR SIGNATURE: ENGINEER CONTRACT/FAIRGROUNDS LIVESTOCK PAVILION

Present at the March 15, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer

Engineering Contract for Thomas Dean & Hoskins for work on Fairgrounds Livestock Pavilion was signed as approved on November 25, 2003.

CONSIDERATION OF REQUEST FOR POSITION OPENING: GENERAL PARKS & REC WORKERS (3)

Present at the March 15, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer

Commissioner Hall made a **motion** to approve request for position opening in Weed and Parks. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF HRO TRANSMITTAL FORM: ELECTION SERVICES MANAGER

Present at the March 15, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, Human Resources Director Raeann Campbell, Clerk and Recorder Paula Robinson, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve Election Services Manager elevation. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: ASHLEY CREEK MEADOWS

Present at the March 15, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Tom Sands of Sands Surveying, Nathan Garber, Bob Guditis, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Ashley Creek Meadows filed by Nathan Garber and Sands Surveying. Ashley Creek Meadows creates a five lot multi-residential subdivision on 6.831 acres. The property is located in Batavia area off Cobbler Village Road. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-08 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Ashley Creek Meadows subject to 9 conditions. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: GLACIER HILLS

Present at the March 15, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Bob Spoklie, Tom Sands of Sands Surveying, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Glacier Hills Subdivision filed by Robert Spoklie & Tom Hoover and Sands Surveying. Glacier Hills Subdivision creates a five lot residential subdivision on 27.48 acres and will be served by individual water and sewage systems. The property is located in the Martin City area off 5th Street. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-10 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Glacier Hills Subdivision subject to 8 conditions. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: KOENIG SUBDIVISION

Present at the March 15, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Bill Koenig, Jeff Larsen of Larsen Engineering and Surveying, and Clerk Eisenzimer.

Morrison reviewed the preliminary plat for Koenig Subdivision filed by Bill Koenig and Larsen Engineering and Surveying. Koenig Subdivision will create a five lot residential subdivision on 5.38 acres. The property is located on Highway 93 North area off Tronstad Road. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-09 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

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(CONTINUED)**

Commissioner Hall made a **motion** to approve the Preliminary Plat for Koenig Subdivision subject to 9 conditions. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

FINAL PLAT: HARMONY COURT

Present at the March 15, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Johna Morrison, Marc Liechti from Schwartz Engineering, and Clerk Eisenzimer.

Morrison reviewed the final plat for Harmony Court which is an application from Schwarz Architecture and Engineering for approval of a thirty four (34) lot residential subdivision off Harmony Road and Solberg Drive in Section 34, Township 29 North, Range 21 West. Preliminary plat was approved on January 9, 2003 subject to 16 conditions. All conditions have been met or otherwise addressed by the applicant. Staff recommends approval of the final plat.

Commissioner Hall made a **motion** to approve **Subdivision Improvement Agreement** for **\$75,990.00** for the completion of improvements. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve Final Plat for Harmony Court. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF MACo JPIA SURVEY

Present at the March 15, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall and Chairman Gipe agreed to approve MACo JPIA Survey as presented.

MEETING W/CHARLIE JOHNSON, ROAD DEPT.

Present at the March 15, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Road Superintendent Charlie Johnson, and Clerk Eisenzimer.

Discussion was held relative to request from railroad to maintain railroad crossings across county roads; Lupfer Road; adjustment to load limits; maintenance of county roads and repairing several portions of outlying roads; Riverside Bridge.

Commissioner Hall made a **motion** to approve Resolution 1697 adjusting load limits for county roads. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: ASHLEY LAKE ROAD RELOCATION PROJECT

Present at the March 15, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer

Commissioner Hall made a **motion** to approve agreement for Ashley Lake Road Relocation Project between Flathead County Road Department and Schlegel and Sons Contractors. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

PUBLIC NOTICE

The Board of Commissioners of Flathead County did this 15th day of MARCH, 2004, approve payroll and claims for payment in the amount of \$2,577,196.64 for the period beginning February 1, 2004 and ending on February 28, 2004.

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

Dated this 15th day of March, 2004.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish March 18, 2004.

PUBLIC NOTICE

The Board of County Commissioners' proceedings for Flathead County for the period of February 1, 2004, and February 28, 2004, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

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

**MONDAY, MARCH 15, 2004
(CONTINUED)**

Dated this 15th day of March, 2004.

BOARD OF COMMISSIONERS
Flathead County, Montana

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

By: /s/Paula Robinson
Paula Robinson, Clerk

Publish March 18, 2004.

2:00 p.m. Commissioner Hall is to meet with Gary Marks, et al, regarding Riverside Bridge

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2004.

TUESDAY, MARCH 16, 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.

7:00 a.m. Commissioner Hall is to attend Economic Development meeting at Backroom/Nite Owl

PRELIMINARY PLAT: HUNT SUBDIVISION

Present at the March 16, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Tom Sands of Sands Surveying, and Clerk Eisenzimer.

Sanderson reviewed the preliminary plat for Hunt Subdivision filed by Jon and Sara Hunt and Sands Surveying. Hunt Subdivision creates a four lot residential subdivision on 11.32 acres. The property is located northwest of Whitefish along Bear Paw Drive off of Haugen Heights Road. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-11 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Hunt Subdivision subject to 9 conditions. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

PRELIMINARY PLAT: LSL SUBDIVISION

Present at the March 16, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck, Planning and Zoning Director Forrest Sanderson, Tom Sands of Sands Surveying, and Clerk Eisenzimer.

Sanderson reviewed the preliminary plat for LSL Subdivision filed by Mark and Laurie Winchell and Sands Surveying. LSL Subdivision creates a four lot residential subdivision on 6.831 acres. The property is located immediately northwest of the intersection of Montana Highway 40 and Dillon Road, and is situated approximately three miles west of Columbia Falls. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-13 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for LSL Subdivision subject to 16 conditions. Chairman Gipe **seconded** the motion. **Aye** – Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: ELECTION

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner and Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve 25000 Pink ID cards on behalf of the Flathead County Election Department, the bid submitted by Insty Prints in the amount of \$623.00. Commissioner Hall **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve on behalf of the Flathead County Election Department, the bid submitted by Wright Impressions for 15000 white, 5000 Ivory, 5000 Goldenrod, 4000 ballots, 4000 instructions, 10,000 blue, 10,000 pink, 5000 lavender, 5000 green, 50,000 white in the amount of \$644.00, \$262.70, \$262.70, \$97.32, \$547.04, \$262.70, \$175.31, \$1,192.52 respectively. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to approve 1100 ballots on behalf of the Flathead County Election Department, the bid submitted by Trippetts Quality Printing in the amount of \$81.00. Commissioner Hall **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

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(CONTINUED)**

CONSIDERATION OF LAKESHORE PERMIT: BITNEY

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck, Planner Traci Tull and Clerk Eisenzimer.

Tull reviewed Lake and Lakeshore Construction Permit filed Bye Bitney on Flathead Lake to replace an existing nonconforming L-shaped dock. New dock will measure eight feet in width by sixty feet in length with a thirty-foot breakwater wing. General discussion was held. Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-04 with 24 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: COUNTY PARKS

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Flathead County Parks on Flathead Lake to place additional fill gravel in Somers Park public beach area. Placement of fill will expand existing beach area along approximately 740 lineal feet of shoreline frontage. Fill will consist of 1/4inch plus to 3/4inch minus, washed rock. General discussion was held. Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLV-04-05 with 20 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: BECK & ANDERSON

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Annie Beck and Ed Anderson on Flathead Lake to place rip-rap along approximately 100 feet of shoreline to prevent further erosion. Place fill, consisting of crushed rock, behind rip-rap for beach area. General discussion was held. Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-20 with 31 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: AVERILL

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Dan Averill on Flathead Lake to remove excess gravel from existing artificial breakwater structure. General discussion was held. Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-21 with 18 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF LAKESHORE PERMIT: WITT

Present at the March 16, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planner Tim Beck and Clerk Eisenzimer.

Beck reviewed Lake and Lakeshore Construction Permit filed by Lance Witt on Flathead Lake to remove accumulated sediment from lagoon. Remove and replace approximately 350 feet of existing retaining wall surrounding the lagoon. General discussion was held. Board recommends approval of permit as presented.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-22 with 30 conditions and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

MONTHLY MEETING W/JIM DUPONT, SHERIFF

THIS MEETING WAS NOT HELD

MEETING W/DALLAS ERICKSON & HARRIS HIMES RE: TEN COMMANDMENTS MONUMENT & NATIONAL MOTTO

Present at the March 16, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Georgia Branscome, Clarice Ryan, Jeanne O'Neil, Jerry O'Neil, William Leineweber, Denise Cofer, Daniel Jones, Ardis Larsen, Susan Witte, Wren Moen, Raenelle and Krystle Port, J.D. Coleman, Craig Witte, Cheri Pross, Kiah Hochstetler, Kris Golden, Steve Tignor, Irvin Moen, Jim Huff, M. Bergstedt, Steve Crawford, Verdell Jackson, Dallas Erickson, Harris Himes, and Clerk Eisenzimer.

General discussion was held relative to offering support for maintaining Ten Commandments monument and creating evolution of law display along with request for placing National Motto in governmental offices.

**TUESDAY, MARCH 16, 2004
(CONTINUED)**

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: NORTH 93 NEIGHBORS V. COUNTY

Present at the March 16, 2004 11:00 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 North 93 Neighbors v. Flathead County. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: EASEMENT/ANDERSON

Present at the March 16, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve easement to Tony and Frances Anderson and a letter saying parties have permission to use 40' until use is rescinded and authorize Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR VACATION EXTENSION: J. FISHER, G. JEWETT

Present at the March 16, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to extend allotted time for taking vacation for Jed Fisher and Gordon Jewett. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

11:30 a.m. Commissioner Hall is to meet with Wally Massie

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2004.

WEDNESDAY, MARCH 17, 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.

9:15 a.m. RSVP meeting at RSVP Office

PUBLIC HEARING: OPEN CUT MINING ACT TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the March 17, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Sanderson presented Mining Act proposal explaining that this change brings Mining Act into compliance under Montana State Environmental Quality.

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

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the proposed text amendment.

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

Commissioner Hall made a **motion** to adopt Resolution No.955FX Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 955FX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17th day of March, 2004, to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County which would amend Sections 4.10.010 and 4.10.040 to recognize that the Montana Open Cut Mining Act, due to a statutory change, is now administered by the Montana Department of Environmental Quality rather than the Montana Department of Natural Resources;

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on March 4 and March 11, 2004;

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

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

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., hereby adopts this resolution of intention to amend Sections 4.10.010 and 4.10.040 of the Flathead County Zoning Regulations to recognize that the Montana Open Cut Mining Act, due to a statutory change, is now administered by the Montana Department of Environmental Quality rather than the Montana Department of Natural Resources, as set forth on Exhibit A hereto;

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication

**WEDNESDAY, MARCH 17, 2004
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thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

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

BE IT FURTHER RESOLVED, that if forty percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 17th 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 _____
Robert W. Watne, Member

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

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

**Flathead County Zoning Regulations
Text Amendment/ REQUEST FOR ZONING TEXT AMENDMENT
FLATHEAD COUNTY ZONING REGULATIONS
STAFF REPORT #FZTA-04-01**

EXHIBIT 'A'

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

Section 4.10.010

Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut Mining Act 82-4-401 et seq, M.C.A., as administered by the Montana Department of ~~Natural Resources~~ **Environmental Quality**, Helena, Montana, but shall be in addition to the requirements of said Act. Prior to the approval by the Board of a Conditional Use Permit, a reclamation contract shall be signed and approved by the owner or operator and the Montana Department of ~~Natural Resources~~ **Environmental Quality**.

Section 4.10.040

Plan for the development of the Site.

The plan to be submitted with the application for a Conditional use Permit shall include a plan for the development of the subject property which shall consist of two phases: the exploitation phase and the re-use phase.

When such a plan is also required by the Open Cut Mining Act, the submitted plan shall have been approved by the Department of ~~Natural Resources~~ **Environmental Quality**.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955FX) on March 17, 2004, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Sections 4.10.010 and 4.10.040 of the Flathead County Zoning Regulations to recognize that the Montana Open Cut Mining Act, due to a statutory change, is now administered by the Montana Department of Environmental Quality rather than the Montana Department of Natural Resources.

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

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names

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appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 17th 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 21ST and March 28TH, 2004.

PUBLIC HEARING: BURTON, GREGOIRE & MORRIS ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the March 17, 2004 10:15 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, Don Burton, and Clerk Eisenzimer.

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

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

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

Commissioner Hall made a **motion** to adopt Staff Report #FZC-03-46 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye-** Hall and Gipe. Motion carried by quorum.

Commissioner Hall made a **motion** to adopt Resolution No.956AX Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 956 AX

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the - 17th day of March 2004, concerning a proposal by Donald Burton, Bernard Gregoire, Dan Morris and Arnold Morris to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on March 4 and March 11, 2004;

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 B-3 (Community Business) to B-2 (General Business) that area being described on Exhibit "A" hereto.

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

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

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

DATED this 17th day of March, 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

**WEDNESDAY, MARCH 17, 2004
(CONTINUED)**

ATTEST:
Paula Robinson, Clerk

By: _____
Robert W. Watne, Member

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

**Exhibit A
DONALD BURTON, BERNARD GREGOIRE, DAN MORRIS AND ARNOLD MORRIS
ZONE CHANGE FROM B-3 TO B-2/Bigfork Zoning District
STAFF REPORT #FZC-03-46**

The property is a portion of the Bigfork Zoning District and is bounded by Montana Highway 35 on the west and is just south of Ice Box Canyon. The property contains approximately 7.17 acres. The property may be described as Assessor's tracts 3AAA, 3AAAC, 3AAAD and Lot 1 of Subdivision #218, in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

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

**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. 956 AX) on March 17, 2004, to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business).

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

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for a business district for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area, as a business center and not a strip development, to providing a business district for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the B-3 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 17th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

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

Publish on March 21ST and March 28TH, 2004.

**Exhibit A
DONALD BURTON, BERNARD GREGOIRE, DAN MORRIS AND ARNOLD MORRIS
ZONE CHANGE FROM B-3 TO B-2/Bigfork Zoning District
STAFF REPORT #FZC-03-46**

The property is a portion of the Bigfork Zoning District and is bounded by Montana Highway 35 on the west and is just south of Ice Box Canyon. The property contains approximately 7.17 acres. The property may be described as Assessor's tracts 3AAA, 3AAAC, 3AAAD and Lot 1 of Subdivision #218, in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

Present at the March 17, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

General discussion was held relative to request for leave without pay for BJ Grieve; JPIA Pilot Program; staffing and requirements, would like to create a tenth position to spread out some of the responsibilities of office including GIS coordination;

**WEDNESDAY, MARCH 17, 2004
(CONTINUED)**

budget allows for opening position for upcoming fiscal year; Jetty Appraisal on donated lands for Helena Flats Trail; update on Farm to Market Trail; update on Somers Trail; Columbia Falls Planning Jurisdiction; floor plan for new building; Tim Beck traveling to take Flood Planning Certification test.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: WELL/AOA

Present at the March 17, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deanna Thulman, Agency on Aging Director Jim Atkinson, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Call for Bids for drilling the well for Agency on Aging and authorize the Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Gipe and Hall. Motion carried by quorum.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the drilling of a well near the Eagle Transit Bus Barn located at the corner of Willow Glen and FFA Drive.

The specifications for the project may be obtained from Jim Atkinson, Area IX Agency on Aging, 160 Kelly Road, Suite A, Kalispell, Montana, (406-758-5730).

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the completion of the project. 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.

A Performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

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

All sealed bids, plainly marked "Agency on Aging Well" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on March 31, 2004. Bids will be opened and read aloud at 10:00 o'clock a.m., on April 1, 2004, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

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.

Dated this 17th 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: March 21 and March 28, 2004.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: OFFICE ADDITION/AOA

Present at the March 17, 2004 11:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deanna Thulman, Agency on Aging Director Jim Atkinson, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Call for Bids for Office Addition for Agency on Aging and authorize the Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Gipe and Hall. Motion carried by quorum.

**WEDNESDAY, MARCH 17, 2004
(CONTINUED)**

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the construction of the Eagle Transit Building.

Bids shall be submitted on the forms provided with the contract documents. The specifications for the project may be obtained from Architects Design Group, PC, No. 1 Sunset Plaza, Kalispell, Montana (406-257-7125) upon deposit of \$50.00, refundable when returned in good condition within ten days after the bid opening.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the completion of the project. 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 for at least 30 days after the actual date of the opening thereof.

A Performance Bond and Labor and Materials Payment Bond each in the amount of One Hundred percent (100%) of the contract sum will be required of the successful bidder, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

The successful bidder must contract to pay Davis-Bacon wage rates. Certified payrolls will be required by the General Contractor and all Subcontractors. These certified payrolls will be required weekly along with a statement of compliance.

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

All sealed bids, plainly marked "Bid for Eagle Transit Building" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on March 31, 2004. Bids will be opened and read aloud at 10:00 o'clock a.m., on April 1, 2004, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

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.

Dated this 17th 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: March 21 and March 28, 2004.

11:15 a.m. County Attorney meeting at County Attorney's Office
12:00 p.m. Commissioner Gipe is to attend DUI Task Force meeting at The Summit
4:00 p.m. RAC meeting at Commissioners Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 18, 2004.

THURSDAY, MARCH 18, 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.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 19, 2004.

FRIDAY, MARCH 19, 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.

10:00 a.m. Commissioner Gipe is to attend Mental Health Council Meeting in Missoula
4:00 p.m. Natural Resource Committee Meeting at Commissioners Meeting Room

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 20, 2004.