

MONDAY, MAY 24, 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.

MONTHLY MEETING W/JOE RUSSELL, HEALTH DEPARTMENT

Present at the May 24, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, Health Director Joe Russell, and Clerk Moser.

General discussion was held relative to Insurance Rate Increase, House Bill 409, CHC Funding, and West Nile Virus.

PUBLIC HEARING: STOLTZE TAX INCENTIVE REQUEST

Present at the May 24, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Hall, Jeff Clausen, Ronald Buentemeier and Clerk Moser.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the Tax Incentive Request.

No one else rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the Tax Incentive Request.

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

Commissioner Hall made a **motion** to approve the tax incentive request for Stoltze Land & Lumber. Commissioner Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

RESOLUTION NO. 1715

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 475 on April 8, 1983, and Resolution No. 475A on February 21, 1984, allowing tax benefits to remodeling, reconstruction or expansion of existing structures in Flathead County;

WHEREAS, F.H. Stoltze Land & Lumber Company of Columbia Falls, Montana, has applied for the tax benefits with regard to the remodeling and expansion of its Sawmill at 600 Half Moon Road, Section 2 Township, 30 North, Range 21 West, P.M.M., at Columbia Falls, Montana;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 24th day of May, 2004, concerning the request for tax benefits filed by F.H. Stoltze Land & Lumber Company; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of F.H. Stoltze Land & Lumber Company and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the remodeling and expansion of the building on 600 Half Moon Road, at Columbia Falls, Montana, shall be granted the tax benefits set forth in Resolution Nos. 475 and 475A and Section 15-24-1402, M.C.A.

DATED this 24 day of May, 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/Kimberly Moser
Deputy

DOCUMENT FOR SIGNATURE: COUNTY IDENTIFICATION FORM/CDC

Present at the May 24, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Hall, and Clerk Moser.

Commissioner Hall made a **motion** to approve the documents for signature for Flathead Valley Chemical Dependency Clinic funding. Commissioner Gipe **seconded** the motion. **Aye**-Hall and Gipe. Motion carried by quorum.

COMMENTS ON MCELROY & WILKIN WELL USE

Present at the May 24, 2004 9:40 A.M. Meeting were Chairman Gipe, Commissioners Hall, County Road Superintendent Charlie Johnson, Chuck Mercord and Clerk Moser.

Discussion was held relative to McElroy and Wilkins possible well use and the affects on the aquifer.

CONSIDERATION OF PRINTING BIDS: JUSTICE COURT

Present at the May 24, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall, and Clerk Moser.

Commissioner Hall made a **motion** to approve on behalf of the Justice Department, the bid submitted by Big Sky Business Forum for printing in the amount of \$127.95 Commissioner Gipe **seconded** the motion. **Aye** -Hall and Gipe. Motion carried by quorum.

COMMENTS ON EFFECTIVE DATE OF POLICY MANUAL

Present at the May 24, 2004 Meeting were Chairman Gipe, Commissioner Hall, Human Resource Director Raeann Campbell, and Clerk Moser.

Discussion was held relative to the Policy Manual effective date being July 01, 2004.

10:00 a.m. The Board of Commissioners viewed roads with Charlie Johnson/Road Department

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 25, 2004.

TUESDAY, MAY 25, 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.

9:00 a.m. Commissioner Hall attended Jobs Now Board meeting at Kalispell Chamber of Commerce

FINAL PLAT: BROWN'S CLIFF

Present at the May 25, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Peggy Goodrich, Hellen Brien of Brien Surveying, Dave Brant, and Clerk Moser.

Goodrich reviewed the application submitted by Dave Brant with technical assistance by Brien Surveying for final plat approval of Brown's Cliffs Subdivision, a two lot with a remainder minor subdivision five miles west of Kila on U.S. Highway 2 of Flathead County. Preliminary plat approval was waived on March 18, 2003, subject to seven conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-14 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 final plat for Brown's Cliffs subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: SPRING PRAIRIE RANCH

Present at the May 25, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Peggy Goodrich, Dawn Marquardt of Marquardt & Marquardt Surveying, Rudy Koestner, and Clerk Moser.

Goodrich reviewed the application submitted by IC Inc C/O Rudy Koestner and Marquardt & Marquardt Surveying for preliminary plat approval of Spring Prairie Ranch subdivision, a minor cluster subdivision that will create three residential lots with a remainder. The subdivision is located off of Spring Prairie Road, approximately five miles southwest of Whitefish. General discussion was held. Staff recommends approval.

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

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-21 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 of Spring Prairie Ranch with 16 conditions. Commissioner Hall **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

GIS MEETING W/TOM REYNOLDS & PAULA ROBINSON

Present at the May 25, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Clerk and Recorder Paula Robinson, Lenni Sand, and Clerk Moser.

General discussion was held relative to 911 mapping software, Imagery contract, photo matching, new website access, readdressing, new GIS intern, summer help projects, and Demersville maintenance.

MONTHLY MEETING W/CHERYL WEATHERELL, 4-H OFFICE

This meeting was not held.

PUBLIC HEARING:OLSEN, ET AL, ZONE CHANGE/EVERGREEN & VICINITY ZONING DIST

Present at the May 25, 2004 10:15 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planner Johnna Morrison, Christy Olsen, and Clerk Moser.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the Zone Change.

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

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

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

RESOLUTION NO. 797CT

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25th day of May, 2004, to consider a request by Christy Olsen, Bonnie Jones and Jerry and Elva Knudson to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 14 and May 21, 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 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 R-2 (One Family Limited Residential) to R-5 (Two Family Residential), 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 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 25th day of May, 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/Kimberly Moser
Deputy

EXHIBIT A CHRISTY OLSEN ZONE CHANGE FROM R-2 TO R-5

The property is located in the Evergreen and Vicinity Zoning District on East Evergreen Drive, approximately one-half (1/2) mile east of the intersection of East Evergreen Drive and Highway 2. The subject properties may be described as Assessor's Tract 6EA and Lots 3A, 3 Ex A, and 4 of Block 2 Bernard's Park Subdivision in Section 3, Township 28 North, Rand 21 West, P.M.M, all in Flathead County, Montana

Commissioner Hall made a **motion** to approve the Notice of Passage of Resolution of Intent. Commissioner Watne **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. 797CT) on May 25, 2004 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential).

The boundaries of the area proposed to be changed from R-2 to R-5 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 large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing residential district with minimum lot areas, wherein development will require all public utilities and all community facilities, and in which two-family dwellings are permitted. Minimum lot size would decrease from 20,000 square feet in the R-2 zone to 5,400 square feet in the R-5 zone.

The regulations defining the R-2 and R-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 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By:/s/Kimberly Moser
Deputy

Publish on May 28 and June 4, 2004.

**EXHIBIT A
CHRISTY OLSEN
ZONE CHANGE FROM R-2 TO R-5**

The property is located in the Evergreen and Vicinity Zoning District on East Evergreen Drive, approximately one-half (1/2) mile east of the intersection of East Evergreen Drive and Highway 2. The subject properties may be described as Assessor's Tract 6EA and Lots 3A, 3 Ex A, and 4 of Block 2 Bernard's Park Subdivision in Section 3, Township 28 North, Rand 21 West, P.M.M, all in Flathead County, Montana

PUBLIC HEARING: BRECKENRIDGE & MATHIASON ZONE CHANGE/WEST SIDE ZONING DIST.

Present at the May 25, 2004 10:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Planner Johnna Morrison, Peggy Mathiason, Rick Breckenridge, and Clerk Moser.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the Zone Change.

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

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

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

RESOLUTION NO. 678 AL

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 25th day of May, 2004, concerning a proposal by to change the zoning designation in a portion of the West Side Zoning District from R-1 (Suburban Agricultural) to B-2 (General Business)Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 14 and May 21, 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 Kalispell City-County Planning Board regarding the proposed change in the West Side 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 West Side Zoning District from R-1 (Suburban Agricultural) 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 West Side 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 West Side 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 West Side Zoning District for a period of thirty (30) days after first publication of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

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

DATED this 25th day of May, 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/Kimberly Moser
Deputy

EXHIBIT A
DARREN BRECKENRIDGE & PEGGY MATHIASON
REQUEST FOR ZONE CHANGE FROM R-1 TO B-2

The Property proposed for rezoning is located on Highway 2 West North of Flathead Beverage Co. The Property can be described as Assessor's Tract 6HA in Section 12, Township 28 North, Range 22 West, P.M.M., Flathead County.

Commissioner Hall made a **motion** to approve the Notice of Passage. Commissioner Watne **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. 678AL on May 25, 2004, to change the zoning designation in a portion of the West Side Zoning District from R-1 (Suburban Agricultural) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-1 to B-2 are set forth on Exhibit A hereto.

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide 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 R-1 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 West Side 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 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Kimberly Moser
Deputy

Publish on May 28 and June 4, 2004.

EXHIBIT A
DARREN BRECKENRIDGE & PEGGY MATHIASON

Explanation:

Prepared by: Gary L Como
 Approved by:
 Commissioners by
 Resolution

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING:COBBLER WAY & N WOOD TRAIL ROAD NAMES

Present at the May 26, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Moser.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **COBBLER WAY**.

Road generally running southerly off Cobbler Village and located in the Northwest ¼ of the Northwest ¼, Section 11, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana . This road was previously named Tristan Lane.

The public hearing will be held on the **10th day of June, 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 **COBBLER WAY**.

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

Dated this 26th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
 Flathead County, Montana

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

ATTEST:
 Paula Robinson, Clerk

By/s/ Kimberly Moser
 Deputy

Publish on May 30th, 2004 and June 6th, 2004.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **NORTHWOODS TRAIL**.

Road currently known as Timber Lane generally running southerly off Northwoods Drive and located in the Southeast ¼ Northeast ¼, Section 20, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **10th day of June, 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 **NORTHWOODS TRAIL**.

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

Dated this 26th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Deputy

Publish on May 30th, 2004 and June 6th, 2004.

DOCUMENT FOR SIGNATURE: TANSY RAGWORT PROJECT/WEED DEPT

Present at the May 26, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Moser.

Commissioner Hall made a **motion** to approve the documents for signature for Noxious Weed Trust Fund Project and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

PRESENTATION OF PETITION AND AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CREATION OF GREEN TREE MEADOW WATER & SEWER DISTRICT

Present at the May 26, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Moser.

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

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-13-2205, M.C.A., that it will hold a public hearing to consider the attached petition to create the Green Tree Meadows County Water and/or Sewer District. The petition contains 15 signatures.

The boundaries of the proposed Green Tree Meadows County Water and/or Sewer District are set forth on Exhibit "A" to the Petition.

The public hearing will be held on the 10th day of June, 2004, at 10:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed creation of the Green Tree Meadows County Water and/or Sewer District.

DATED this 26th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/ Kimberly Moser
Deputy

Publish on May 30 and June 6, 2004.

EXHIBIT A

GREEN TREE MEADOW, FLATHEAD COUNTY, MONTANA:

Those portions of the Southwest ¼ of the Northeast ¼ and the Northeast ¼ of the Southwest ¼, Section 28, Township 28 North, Range 21 West, Flathead County, Montana described as follows:

Commencing at the Southeast corner of the Northwest ¼ of the Southeast ¼, Section 28; thence along the East line of the Northwest ¼ of the Southeast ¼ North 0°03'43" West 478.89 feet to the Point of Beginning; thence continuing along the East line North 0°03'43" West 845.00 feet to the Southeast corner of the Southwest ¼ of the Northeast ¼; thence along the East line of the Southwest ¼ of the Northeast ¼ North 0°03'51" West 1236.20 feet to the Southerly line of the Lower Valley Road; thence along the Southerly line of the road South 89°55'35" West 744.64 feet; thence South 0°02'30" East 645.86 feet; thence Southerly 89°48'40" West 491.83 feet to the Easterly line of Demersville Road; thence along the Easterly line of the road South 0°04'51" East 587.74 feet and South 89°59'28" East 1.00 feet; and South 0°04'51" East 1021.12 feet; thence South 83°29'48" East 654.45 feet; thence North 2°35'31" East 265.32 feet; thence South 57°22'51" East 29.68 feet; thence South 79°47'46" East 101.61 feet; thence North 87°34'14" East 448.20 feet to the Point of Beginning, containing 55.071 acres of land, all as shown hereon.

GREEN TREE MEADOWS-UNIT NO 2, FLATHEAD COUNTY, MONTANA:

That portion of the Southwest ¼ of the Northwest ¼, Section 28, Township 28 North, Range 21 West, Portions of Blocks C, D, G, and H, Demersville, Flathead County, Montana described as follows:
Lots 1-12, Block C, Lots 1, 2, 11 and 12, Block D, Lots 1, 2 and the North 75 feet of Lots 11 and 12, Block G and Lots 1-6 and the North 75 feet of Lots 7-12, Block H of Demersville, Flathead County Montana together with vacated streets and alleys adjacent thereto containing 7.299 acres of land all as shown hereon.

DOCUMENT FOR SIGNATURE: LIBERTY DRILLING CONTRACT/AOA

Present at the May 26, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deanna Thielman, and Clerk Moser.

Commissioner Hall made a **motion** to approve the contract for signature for the bid from Liberty Drilling and authorize chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

MONTHLY MEETING W/DAVE PRUNTY

Present at the May 26, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Solid Waste Director Dave Prunty, and Clerk Moser.

General discussion was held relative to increase of landfill assessment, waste intake increase, acquisition of neighboring properties, contractor intake, unmanned sites, Creston site purchase, and a new Somers site.

MONTHLY MEETING W/KIM CROWLEY, LIBRARY

Present at the May 26, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Library Director Kim Crowley, and Clerk Moser.

General discussion was held relative to Library Board Commission opening, Librarian position, scholarships, seminar attendance, new library options, and the partner library program.

CONTINUATION OF CONSIDERATION OF LAKESHORE PERMIT: HALPIN AGENCIES/WLP-02-04B

Present at the May 26, 2004 10:15 A.M. Meeting were Chairman Gipe Commissioners Hall and Watne, Planner Tim Beck and Clerk Moser.

Beck reviewed Lake and Lakeshore Construction Permit filed by Halpin Agencies on Whitefish Lake to Revise 2nd permit application (WLP-02-04a) Reduce size of L-shaped dock and place in the center of Tract 2DF. Dock will measure 50 feet in total length with 24-foot breakwater wing. Some rocks may need to be moved to place dock. One shore station will be placed along dock rather than 2. Attach 2 EZ-Ports to dock, install a buoy, place a 3-foot by 8-foot, 4-inch ladder against shoreline. Create wheelchair accessible walkway, no wider than 4 feet. Portion lying in Lakeshore Protection Zone will be approximately 6 feet. A small Bobcat may be used, General discussion was held.

Commissioner Hall made a **motion** to deny Lakeshore Permit #WLP-02-04b. Commissioner Watne **seconded** the motion. **Aye-** Watne, Gipe and Hall. Motion carried unanimously.

CONTINUATION OF CONSIDERATION OF LAKESHORE PERMIT: HALPIN AGENCIES/WLP-04-02

Present at the May 26, 2004 10:15 A.M. Meeting were Chairman Gipe Commissioners Hall and Watne, Planner Tim Beck and Clerk Moser.

Beck reviewed Lake and Lakeshore Construction Permit filed by Halpin Agencies on Whitefish Lake to install an 8-foot by 30-foot I-shaped EZ-Dock with a 3-foot by 10-foot gangway. Shore station will be placed beside the dock. Install a waterline and create a wheelchair accessible walkway. General discussion was held.

Commissioner Hall made a **motion** to deny Lakeshore Permit #WLP-04-02. Commissioner Watne **seconded** the motion. **Aye-** Watne, Gipe and Hall. Motion carried unanimously.

PUBLIC HEARING: MINI STORAGE BUILDING TEXT AMENDMENT/FLATHEAD CO. ZONING REGULATIONS

Present at the May 26, 2004 10:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, Pam Evert, Planner Peggy Goodrich and Clerk Moser.

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

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

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

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

RESOLUTION NO. 955GF

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26th day of May, 2004, to consider a change to the text of the Flathead County Zoning Regulations proposed by Flathead County which would amend Section 4.13.040 to change the height limitation for mini-storage facilities from one story (18 feet at the peak) to two stories (35 feet at the peak);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on May 14 and May 21, 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(4), M.C.A., hereby adopts this resolution of intention to amend Section 4.13.040 of the Flathead County Zoning Regulations to change the height limitation for mini-storage facilities from one story (18 feet at the peak) to two stories (35 feet at the peak), as set forth on Exhibit A hereto;

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the adoption of the proposed change, shall be published once a week for two weeks.

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

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

DATED this 26th day of May, 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/ Kimberly Moser
Deputy

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intent (Resolution No. 955 GF) on May 26, 2004, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend Section 4.13.040 of the Flathead County Zoning Regulations to change the height limitation for mini-storage facilities from one story (18 feet at the peak) to two stories (35 feet at the peak).

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 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 26th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/ Kimberly Moser

Deputy

Publish on May 30 and June 6, 2004.

FINAL PLAT: BEAR COUNTY ESTATES

Present at the May 26, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dawn Marquardt of Marquardt & Marquardt Surveying, Debbie Shoemaker of Marquardt & Marquardt Surveying, Planner Johna Morrison, and Clerk Moser.

Morrison reviewed the application submitted by Maureen Baer with technical assistance by Marquardt Surveying for final plat approval of Bear County Estates, a five lot minor subdivision on Von der heide Lane in the Smith Valley. Preliminary plat approval was waived on December 2, 2004, subject to six conditions. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FWP-04-17 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 final plat for Bear County Estates. Commissioner Hall **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

10:45 a.m. Commissioner Watne attended a meeting with Dan Jones

11:00 a.m. Commissioners attended a meeting with the County Attorney at the County Attorney's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 27, 2004.

THURSDAY, MAY 27, 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.

CONSIDERATION OF LAKESHORE PERMIT: RUMPEL

Present at the May 27, 2004 9:00 A.M. Meeting were Chairman Gipe Commissioners Hall and Watne, Planner Tim Beck and Clerk Moser.

Beck reviewed Lake and Lakeshore Construction Permit filed by Cory Izett on Whitefish Lake to install new dock L-shaped wooden dock rather than expand existing dock. Staff recommends approval. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-03-12a with 13 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: LODGE AT CARVER BAY

Present at the May 27, 2004 9:00 A.M. Meeting were Chairman Gipe Commissioners Hall and Watne, Planner Tim Beck and Clerk Moser.

Beck reviewed Lake and Lakeshore Construction Permit filed by Cory Izett on Whitefish Lake to Install a new E-shaped EZ-Dock, a trampoline, two shore stations with canopies, a rail system and a buoy. Staff recommends approval. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLP-03-23a with 35 conditions and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: BENDHEIM

Present at the May 27, 2004 9:00 A.M. Meeting were Chairman Gipe Commissioners Hall and Watne, Planner Tim Beck and Clerk Moser.

Beck reviewed Lake and Lakeshore Construction Permit filed by Cory Izett on Whitefish Lake to Reconfigure an existing I-shaped dock into a U-shaped dock, measuring 56 feet in length with a 29-foot breakwater wing. Staff recommends approval. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #WLP-04-14 with 13 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

MEETING WITH JIM ATKINSON

Present at the May 27, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Jim Atkinson, and Clerk Moser.

General discussion was held relative to the funding for a tree cutting.

FINAL PLAT: EAGLE DEVELOPMENT, PHASE II

Present at the May 27, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Dawn Marquardt of Marquardt & Marquardt Surveying, and Clerk Moser.

Morrison reviewed the application submitted by MT Eagle Dev with technical assistance by Marquardt & Marquardt Surveying for final plat approval of Eagle Development, Phase 2 subdivision, which will create 26 residential and 1 commercial lot off Highway 93 south in Lakeside. Preliminary plat approval was granted on November 5, 2003, subject to 14 conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement for Eagle Development Phase 2 and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye**-Watne, Gipe, and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the final plat for Eagle Development, Phase 2. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

FINAL PLAT: FLATHEAD CROSSING #2

Present at the May 27, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Dawn Marquardt of Marquardt & Marquardt Surveying, and Clerk Moser.

Morrison reviewed the application submitted by West Wood Development with technical assistance by Marquardt & Marquardt Surveying for final plat approval of Flathead Crossing #2, which will create 3 commercial lots off Highway 82 North of Bigfork. Preliminary plat approval was granted February 04, 2004, subject to 15 conditions. Staff recommends approval.

Commissioner Hall made a **motion** to approve the Subdivision Improvement Agreement for West Wood Development and authorize the Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the final plat for Flathead Crossing #2. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: AMENDED PLAT OF SUBDIVISION NO 243

Present at the May 27, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Tim Beck, Jamie Reed of Sands Surveying, and Clerk Moser.

Beck reviewed the application submitted by O'Connell Farms and Sands Surveying for preliminary plat approval of Amended Plat of Subdivision 243, a minor subdivision that will create five residential lots. This subdivision is located off of Lower Valley Road, approximately eight miles southeast of Kalispell. General discussion was held. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-16 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 of Amended Plat of Subdivision No 243 with 18 conditions. Commissioner Hall **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

PRELIMINARY PLAT: COUNTRY WAY ESTATES

Present at the May 27, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planner Johna Morrison, Jamie Reed of Sands Surveying, Bob Guditis, Sharon Guditis, and Clerk Moser.

Morrison reviewed the application submitted by Robert and Sharon Guditis and Sands Surveying for preliminary plat approval of Country Way Estates Subdivision, a minor cluster subdivision that will create four residential lots. The subdivision is located off Country Way just south of Reserve Drive in the Evergreen area. General discussion was held. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-04-19 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 of Country Way Estates with 10 conditions. Commissioner Hall **seconded** the motion. **Aye**- Watne, Gipe and Hall. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: WHISTLIN' ACRES

Present at the May 27, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Moser.

Commissioner Hall made a **motion** to approve the Release of Collateral for Whistlin' Acres. Commissioner Watne **seconded** the motion. **Aye** – Watne, Gipe and Hall. Motion carried unanimously.

MEETING W/ KATHERINE DEES/IRS RE: VEHICLE EXEMPTION

Present at the May 27, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Johna Morrison, Coleen R Baars, Director of Animal Control Richard Stockdale, Fair Grounds Superintendent Jay Scott, Road Department Superintendent Charlie Johnson, Ted Gilbertson with the Road Department, Solid Waste Director David Prunty, Deputy County Attorney Jonathan Smith, Computer Services Director Norman Calvert, Human Resource Director Raeann Campbell, Clerk and Recorder Paula Robinson, Bill Bischoff, Rita Windom, Director of Weed's and Park Jed Fisher, and Clerk Moser.

General discussion was held relative to Vehicle Exemption criteria.

6:00 p.m. Commissioner Hall attended Whitefish Stakeholders meeting at Falls Room, North Valley Hospital

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 28, 2004.

FRIDAY, MAY 28, 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.

7:00 p.m. Commissioner Hall attended Forest Plan Revision meeting at the Fairgrounds

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 31, 2004.