

MONDAY, JULY 12, 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/JAY SCOTT, FAIRGROUNDS

Present at the July 12, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Fair Director Jay Scott, and Clerk Eisenzimer.

General discussion was held relative to fair preparations; budget issues pertaining to hiring in preparation for the Fair and irrigating the grounds; request to hire people to prepare Fairgrounds for the Fair. Commissioners granted approval of hiring and ordering supplies for the Fair.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: FY04-05 BUDGET

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe announced that the authorization to publish the Notice of Public Hearing will be continued until a later date.

CONSIDERATION OF BIGFORK FESTIVAL OF THE ARTS

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe presented an application requesting to close Electric Avenue, Grand Avenue, Bridge Street Extension and River Street from 8:00 a.m. - 6:00 p.m. allowing for vendors and emergency access.

Commissioner Watne made a **motion** to approve the closing of Bigfork Streets for the Festival of the Arts on August 7 & 8. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENT: SMITH VALLEY FIRE DISTRICT

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Tab Young to the Smith Valley Fire District Board. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: SOLID WASTE BOARD'S REQUEST FOR LANDFILL FEE INCREASE

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Solid Waste District Superintendent Dave Prunty, Deputy County Attorney Jonathan Smith, Lee Patterson, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution No. 1728 Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried by quorum.

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(CONTINUED)

RESOLUTION NO. 1728

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District has requested approval from the Board of Commissioners of Flathead County, Montana, to increase the assessment fees charged by the Flathead County Solid Waste Management District, from Sixty-Five and 00/100 dollars (\$65.00) per year per residential unit to Seventy Four and 75/100 Dollars (\$74.75) per year per residential unit, and to increase service charges for the disposal of solid waste not covered by assessment fees from Twenty-Five and no/100 (\$25.00) per ton to Twenty-Eight and 75/100 (\$28.75) per ton;

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District has requested that the increase in the assessment fees take effect August 1, 2004, and that the increase in the service charges for the disposal of solid waste not covered by the assessment fees take effect on December 1, 2004; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, deems that request appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Flathead County, Montana, hereby adopts this resolution of its intention to approve an increase in the assessment fees charged by the Flathead County Solid Waste Management District, from Sixty-Five and 00/100 dollars (\$65.00) per year per residential unit to Seventy Four and 75/100 Dollars (\$74.75) per year per residential unit, effective August 10, 2004, and an increase in the service charges for the disposal of solid waste not covered by assessment fees from Twenty-Five and no/100 (\$25.00) per ton to Twenty-Eight and 75/100 (\$28.75) per ton, effective December 1, 2004.

BE IT FURTHER RESOLVED that notice of the passage of this resolution shall be posted and published in conformance with the requirements set forth in Section 7-13-208(1) and (2), M.C.A.

DATED this 12th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:

Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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

**NOTICE OF INTENT TO APPROVE INCREASE OF
SOLID WASTE DISTRICT CHARGES**

The Board of Commissioners of Flathead County, Montana, hereby gives Notice pursuant to Sections 7-13-231, 7-13-232 and 7-13-208, M.C.A., that it passed a resolution of intent to approve an increase in the assessment fees charged by the Flathead County Solid Waste Management District, from Sixty-Five and 00/100 dollars (\$65.00) per year per residential unit to Seventy Four and 75/100 Dollars (\$74.75) per year per residential unit, effective August 10, 2004, and to increase the service charges for the disposal of solid waste not covered by assessment fees from Twenty-Five and no/100 (\$25.00) per ton to Twenty-Eight and 75/100 (\$28.75) per ton, effective December 1, 2004.

The Board of Commissioners will receive written protests against the increases for a period of twenty-one (21) days beginning on the date of the first publication of this notice, from any owner of property within the District. The District boundaries are the boundaries of Flathead County. The protests must be in writing and be delivered to the Flathead County Clerk and Recorder, Flathead County Courthouse, 800 South Main, Kalispell, Montana 59901.

If owners of more than fifty percent (50%) of the family residential units in the District file written protests to the fee change, a public hearing to consider the change will be held.

DATED this 12th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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(CONTINUED)**

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

Publish on July 15th and July 22nd, 2004.

CONSIDERATION OF POSITION OF VACANCY/ DISPATCHER FOR SHERIFF'S OFFICE

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe presented a request from the sheriff's office to replace a parttime dispatcher.

Commissioner Hall made a motion to approve the request to replace part time dispatcher for the sheriff's office. Commissioner Watne seconded the motion. Aye – Watne, Hall and Gipe. Motion carried unanimously.

PUBLIC HEARING: SOMERS FIRE DISTRICT ANNEXATION/CRAMER CREEK AREA

Present at the July 12, 2004 9:30 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of the proposed annexation

No one rising to speak, Chairman Gipe asked for anyone wishing to speak in opposition to the proposed annexation

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

Commissioner Watne made a **motion** to adopt Resolution No. 1729 Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 1729

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition signed by the owners of 50% or more of the area proposed to be annexed, requesting annexation of territory into the Somers Fire District;

WHEREAS, the Board of Trustees of the Somers Fire District approved the proposed annexation;

WHEREAS, the Board of Commissioners, pursuant to the provisions of Section 7-33-2125(1)(b), M.C.A., published notice of a public hearing to be held to allow the public an opportunity to be heard regarding the proposed annexation, and to consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation would be received; and

WHEREAS, the Board of Commissioners conducted said public hearing and did not receive a protest petition signed by a majority of the landowners of the area proposed for annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, Montana, that the property described on Exhibit "A" hereto, is hereby annexed into the Somers Fire District.

Dated this 12th day of July, 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 _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
LEGAL DESCRIPTION
OF FIRE DISTRICT ANNEX**

The annex starts with the existing Somers Fire District Boundary at Section 33, Township 27, Range 21, Parcel 1CAA (present owner Ric Carter) which is contiguous with Parcel 1CAC (present owners Keith & barber Koslosky) which is contiguous with Parcel 1CAD (present owners Keith & Barbara Koslosky) which is contiguous with Parcel 1CAE (present owners David & Annalysa Lovos) which is contiguous with Parcel 1CBC

(present owners Aaron & Connie Lasco) which is contiguous with Parcel 1CBA (present owners Gary & Karen Danberg) which is contiguous with Parcel 1CDB (present owners Claude & Cheryl Hoffmeyer) which is contiguous with Parcel 1C (present owner Karen Hintze) which is contiguous with Parcel 1CH (present owner Karen Hintze) which northwest corner is contiguous with the northeast corner of Section 32, Township 27, Range 21, Parcel 4 and Parcel 4C (Present owners Willard (Bill) & Maria (Patti) Oftedal) which is contiguous with Parcels 4B, 4A, 1 & 1B (present owners O.T. Green) where the annexation ends.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: STRICKLAND & SYMMES ZONE CHANGE/WEST SIDE ZONING DISTRICT

Present at the July 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 678 AK. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 678 AK

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 20th day of May, 2004, concerning a proposal to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing and reviewed the recommendation of the Flathead County Planning Board regarding the proposed change;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 678 AJ) on May 20, 2004, to adopt an amendment to the West Side Zoning District by changing the zoning designation in a portion of the Westside Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on May 25 and June 1, 2004, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the Westside Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby amends the West Side Zoning District to change the zoning designation for the area described on Exhibit A, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 12th day of July, 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: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
STRICKLAND AND SYMMES
AMENDMENT TO THE WEST SIDE ZONING DISTRICT**

The property proposed for rezoning is located on the east side of Farm to Market Road just North of the intersection with Three Mile Drive. The property may be described as Assessors Tract 2B of Section 2, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MINIMUM LOT WIDTH TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the July 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 955GE. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 955GE

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 20th day of May, 2004, concerning a proposal to change the text of the Flathead County Zoning Regulations which would amend Sections 3.12.040.2, 3.13.040.2 and Section

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3.15.040.2 in the R-4, (Two Family Residential) R-5, (Two Family Residential) and RA-1 ((Residential Apartment) classifications, to allow for sub lot minimum width to be 25 feet rather than the 50 foot minimum lot width, in order to allow for building of townhouses in the urban density zoning classifications;

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

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

WHEREAS, based upon that recommendation and the testimony of the public, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 955 GD dated May 20, 2004) to change the zoning regulations amending Sections 3.12.040.2, 3.13.040.2 and Section 3.15.040.2 in the R-4, (Two Family Residential) R-5, (Two Family Residential) and RA-1 ((Residential Apartment) classifications, to allow for sub lot minimum width to be 25 feet rather than the 50 foot minimum lot width, in order to allow for building of townhouses in the urban density zoning classifications;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on May 25 and June 1, 2004, and the Board of Commissioners did not receive written protests to the change from forty percent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Flathead County Zoning Regulations Sections 3.12.040.2, 3.13.040.2 and Section 3.15.040.2 in the R-4, (Two Family Residential) R-5, (Two Family Residential) and RA-1 ((Residential Apartment) classifications, to allow for sub lot minimum width to be 25 feet rather than the 50 foot minimum lot width, in order to allow for building of townhouses in the urban density zoning classifications, as set forth on Exhibit A hereto.

DATED this 12th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**FLATHEAD COUNTY ZONING REGULATIONS
TEXT AMENDMENT/ MINIMUM LOT LENGTH TO WIDTH
STANDARDS IN SAG DISTRICTS
#FZTA-03-22**

EXHIBIT 'A'

The following amendments to Section 3.07.040(2) and Section 3.08.040(2) of the County Zoning Regulations are proposed as follows: (Additions are in **bold, italic and underlined** whereas deletions are ~~struck through~~)

Section 3.07.040 – Bulk and Dimensional requirements (SAG-10)

2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is greater than ~~330~~ **300** feet.

Section 3.08.040 – Bulk and Dimensional Requirements (SAG-5)

2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is greater than ~~330~~ **300** feet.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: HEDSTROM, ET AL, ZONE CHANGE/HIGHWAY 93 NORTH ZONING DISTRICT

Present at the July 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

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

RESOLUTION NO. 837 AZ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 20th day of May, 2004, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

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 AY, dated May 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 AG-40 (Agricultural) to SAG-5 (Suburban Agricultural); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on May 25 and June 1, 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 AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), that property being described on Exhibit A.

DATED this 12th day of July, 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: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
RICHARD HEDSTROM, KRAIG TRIPPEL, WILLIAM SPURZEM, CHARLES MITCHELL
AND WILLIAM KOENIG
ZONE CHANGE FROM AG-40 TO SAG-5**

The property proposed for rezoning is located north of Church Drive, south of McDermott Road and all along Prairie View Road. US Highway 93 North is approximately ½ of a mile to the east of the subject properties. The properties can further be described as Sections 11 and 12, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GARDNER ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the July 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 797CS. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 797 CS

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 19th day of May, 2004, to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) and R-5 (Two Family Residential) to B-2 (General Business);

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

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WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity 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. 797 CR, dated May 19, 2004) to change the zoning designation from R-2 (One Family Limited Residential) and R-5 (Two Family Residential) to B-2 (General Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on May 23 and May 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 amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-2 (One Family Limited Residential) and R-5 (Two Family Residential) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 12th day of July, 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

ATTEST:
Paula Robinson, Clerk

By: _____
Gary D. Hall, Member

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
TODD GARDNER
ZONE CHANGE FROM R-2 AND R-5 TO B-2**

The property proposed for rezoning is located on Montclair Drive, directly north of Kari Dodge. The property can further be described as Assessor's Tracts 12, 1, 2, and 3, Block 2 of Section 8, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

CONTINUATION OF PRELIMINARY PLAT: WEST HILL SUBDIVISION

Present at the July 12, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning & Zoning Director Forrest Sanderson, Planner BJ Grieve, Dennis Green, John Parsons, and Clerk Eisenzimer.

Grieve reviewed the continuation of preliminary plat from June 22, 2004 for West Hill Subdivision filed by Budget Finance, John Parsons, and Jim Burton. West Hill Subdivision creates a minor subdivision that will create three (3) single-family residential lots. The subdivision is located off US Highway 2 West. Staff recommends approval of the Preliminary Plat.

Discussion continued regarding access issues and the creation of a flag lot. Due to the request being substantially different from the original application, Planner Grieve requested that the request for preliminary plat be resubmitted.

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

CONSIDERATION OF PRINTING BIDS: COUNTY ATTORNEY'S OFFICE & PLANNING & ZONING

Present at the July 12, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner made a **motion** to approve on behalf of the County Attorney's Office, the bid submitted by Eagle Flight Business Forms for 10,000 #10 envelopes with a window and 10,000 #10 envelopes without a window in the amount of \$228.30 and \$206.85 respectively. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

Commissioner made a **motion** to approve on behalf of the Planning & Zoning Department, the bid submitted by Kalispell Copy Center for 2 sets of business cards in the amount of \$24.99. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-5-21-005-0

Present at the July 12, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Chairman Gipe presented a Contract between Federal Assistance Organization, guaranteeing insurance coverage from MACo for Public Health and Safety.

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Commissioner Watne made a **motion** to approve the Contract for Department of Public Health and Human Services and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: BCC GRANT AWARD/FAMILY VIOLENCE PREVENTION COUNCIL

Present at the July 12, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Chairman Gipe presented Board of Crime Control grant for \$36,000 for Family Violence Education.

Commissioner Watne made a **motion** to approve the Grant Award. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-145-0600 AMENDMENT/AOA

Present at the July 12, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve Amended Contract for Department of Public Health and Human Services and Agency on Aging. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

6:00 p.m. Board of County Commissioners attended a Community photograph at FVCC

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 13, 2004.

TUESDAY, JULY 13, 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 Whitefish Stakeholders meeting at Mountain West Bank

MEETNG W/LARRY VANRINSUM, FLATHEAD CONSERVATION DISTRICT

Present at the July 13, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, Pete Woll, Julie Hawn, Larry Van Rinsum, and Clerk Eisenzimer.

Discussion was held relative to plans for moving VoAg hog barn and stabilizing the riverbank in the vicinity of Weed, Parks & Maintenance.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION CENTER

THIS MEETING DID NOT TAKE PLACE.

PUBLIC HEARING: LEWIS FAMILY TRUST ZONE CHANGE/ECHO LAKE ZONING DISTRICT

Present at the July 13, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioner Watne, Planner Johna Morrison, Tom Lewis, and Clerk Eisenzimer.

Morrison reviewed the requested zone change application that was submitted by the Lewis Family trust to change the zoning from AG-40 to SAG-5.

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

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

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

Commissioner Watne made a **motion** to adopt Resolution No. 881B. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 881B

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the - 13th day of July, 2004, concerning a proposal by Lewis Family Trust to change the zoning designation in a portion of the Echo Lake Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on July 1 and July 8, 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 recommendations of the Flathead County Planning Board regarding the proposed change in the Echo Lake 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

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designation in a portion of the Echo Lake Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Echo Lake Zoning District to be amended, the general character of the proposed designation for the area to be amended, 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 Echo Lake 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 Echo Lake 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 protest the proposed change in said district, then the change will not be adopted.

DATED this 13th day July, 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: _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By/s/ Monica R. Eisenzimer
Deputy

**EXHIBIT A
LEWIS FAMILY TRUST
REQUEST FOR ZONE CHANGE FROM AG-40 TO SAG-5**

The property proposed for rezoning is located on the east side of Highway 35 approximately 2 miles down McCaffery Road. The property can be described as Assessor's Tracts 1BA and 1C in the West ½ of the Southwest ¼ of Section 7, Township 27 North, Range 20 West P.M.M., Flathead County.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
ECHO LAKE 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. 881B) on July 13, 2004, to change the zoning designation in a portion of the Echo Lake Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-40 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from those intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. The AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-40 and SAG-5 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 Echo Lake 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 13 day of July, 2004.

**TUESDAY, JULY 13, 2004
(CONTINUED)**

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

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

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

**EXHIBIT A
LEWIS FAMILY TRUST
REQUEST FOR ZONE CHANGE FROM AG-40 TO SAG-5**

The property proposed for rezoning is located on the east side of Highway 35 approximately 2 miles down McCaffery Road. The property can be described as Assessor's Tracts 1BA and 1C in the West ½ of the Southwest ¼ of Section 7, Township 27 North, Range 20 West P.M.M., Flathead County.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD NAMING/TALLENT LANE

Present at the July 13, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne 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 and Gipe. Motion carried by quorum.

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 **TALLENT LANE**.

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

The public hearing will be held on the **3rd day of August, 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 **TALLENT LANE**.

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

Dated this 13nd day of July, 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 July 16th & July 23rd , 2004.

BUDGET AMENDMENT

Present at the July 13, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioner Watne, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Budget Amendment Resolution 1730 for the Health Department. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

**TUESDAY, JULY 13, 2004
(CONTINUED)**

**COUNTY OF FLATHEAD
GENERAL
JOURNAL
VOUCHER
BUDGET
AMENDMENT
RESOLUTION #1730**

DATE ISSUED:
DATE OF RECORD:

VOUCHER NO.: **0406-122**

Account Number	Description	"B" Entry Line	Debit General Ledger	Credit General Ledger
MCA 7-6-4006	ACCOUNTING COPY			
2970-0191-440176-110	Bdgt Amendment-Consortium 2		\$346.00	
2970-0191-440176-143	for 4/1/04 thru 3/31/05 - As Per		\$40.00	
2970-0191-440176-144	Attached Contract		\$15.00	
2970-0191-440176-145	"		\$20.00	
2970-0191-440176-311	"		\$89.00	
2970-0191-440176-345	"		\$90.00	
2970-0191-440176-351	"			\$4,000.00
2970-0191-440176-378	"		\$150.00	
2970-0191-331132	"		\$3,250.00	
2974-0191-440176-110	Bdgt Amendment-Consortium 3		\$2,107.00	
2974-0191-440176-141	for 4/1/04 thru 3/31/05 - As Per		\$5.00	
2974-0191-440176-142	Attached Contract		\$18.00	
2974-0191-440176-143	"		\$224.00	
2974-0191-440176-144	"		\$131.00	
2974-0191-440176-145	"		\$143.00	
2974-0191-440176-147	"		\$30.00	
2974-0191-331132	"			\$2,500.00
2974-0191-365000	"			\$158.00
2975-0191-440175-110	Bdgt Amendment-HIV Prevention			\$8,729.00
2975-0191-440175-141	for 1/1/04 thru 12/31/04 - As Per			\$19.00
2975-0191-440175-142	Attached Contract			\$63.00
2975-0191-440175-143	"			\$1,389.00
2975-0191-440175-144	"			\$460.00
2975-0191-440175-145	"			\$504.00
2975-0191-440175-147	"			\$107.00
2975-0191-440175-222	"		\$1,996.00	
2975-0191-440175-311	"		\$50.00	
2975-0191-440175-345	"		\$100.00	
2975-0191-440175-380	"			\$1,275.00
2975-0191-440175-398	"		\$38,792.00	
2975-0191-331145	"			\$28,392.00
	Total		\$47,596.00	\$47,596.00

Explanation:

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

BUDGET REVIEW W/SUSAN NICOSIA

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 14, 2004.

WEDNESDAY, JULY 14, 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.

EXIT AUDIT INTERVIEW W/DENNING, DOWNEY & ASSOCIATES

Present at the July 14, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Bob Denning, Clerk & Recorder Paula Robinson, County Treasurer Patty Arnold, Karen Okamoto, Susan Nicosia, Debbie Deist, Sassi Forden, Coleen Baars, Wes Hulla, City County Health Director Joe Russell, Alice Dall, Computer Services Director Norm Calvert, Library Director Kim Crowley, and Clerk Eisenzimer.

Bob Denning gave comments regarding the audit for the past year:

This is the exit conference for the year ending June 30, 2003. I'd like to start out by thanking all of the staff. I do this because I think audits are fun. I've been auditing for 17 years, it's all I did from college. You do have some people in

**WEDNESDAY, JULY 14, 2004
(CONTINUED)**

this county that share that same opinion and when we come in and make recommendations they actually grab hold of them and that's always a nice position to be in. It's not that way everywhere you go in Montana. A lot of people don't take their jobs quite so seriously, so we'd like to thank your staff, especially your accounting staff. For the most part everybody just dropped what they were working on, helped us out and got us through things. We appreciate their time.

This was the first year that the county has had to apply with these new accounting standards. The new reporting standards and they're called GASBY 34, (Governmental Accounting Standards Board) to give you an idea, the old standards had basically three financial statements, a balance sheet, an income statement and cash flows. The new financial statements go to roughly 13 pages of financial statements. The idea is any user you can even think of that wants to look at that audit report, we've got a financial statement for them. Kind of the problem with that is I think you can bury people with too much information. You can say here's a set of financial statements on the cash basis, the way you do your budget. Here's another set on the modified accrual basis, the way we've always been doing them. For you business owners, here's another set based on full accrual the way businesses operate. It looks like you have three sets of books out there so you have to slap in reconciliations between the three. Now you've got all this information and let's just say we haven't had a big request for additional information in past years and so I don't know if this additional information is really going to help anybody out there. I don't know who that user is but if he or she would call me up then I would gladly give them any information that they want.

Anyway you should know that this conversion was quite stressful for everybody involved, it wasn't as simple as pushing a button on your computer system and printing out financial statements. On top of that the county had to prepare we call it "management discussion analysis", it's a letter basically that's written to the public that describes all these financial statements and summarizes the data. The interesting part with that is now we provide all this data and now for the people who can't read numbers, we've got to put it in verbal, written format. So, your staff did that also and they did a fine job on it. We converted 12 entities this year and 3 or 4 chose not even to do the management discussion analysis. They said we're just going to do what we did, but your staff did. So, through all those conversions, part of the new standards require that we give different opinions before we gave one opinion on the county as whole. The county's financial statements are fairly stable in this big picture. Now we give opinions on different "opinion units", it's called. There are different modules in the county. Regardless of whether we give it in the whole or in pieces, you receive our highest unqualified opinion. So regardless of what we talk about from here on, keep in mind that the county does receive an unqualified high opinion.

Still left to go on GASBY 34, you remember you had 4 years; you're down to 3 years left to convert your financial statements for your infrastructure. Your infrastructure is your roads, bridges, sidewalks, curbs, gutters, street signs, dams, seawalls, what you have to do is record those on your books and depreciate them. You have three years left to do that. Different methods, I know some counties have talked about hiring somebody to do that, I've seen other counties do it in house. The in house approach seems to work out pretty good. Because this has never been recorded on the county's books before, we do have a booklet to give some guidance on how to do that and I know your county has a few of them. Obviously if you have any questions you can call us and we'll help. The first year that you implement, we understand that life isn't going to be perfect, you might not have every street or every value absolutely correct, and we do our best to give as much flexibility on that first year as possible.

So moving on into some of the comments, the first comment and I'm reading out of the audit report. By the way, this thing is 65 pages long this year and so I know everybody here's read it anyway. I'll quickly go through these comments. First one is negative cash balances. Theory goes like this; if a fund has a negative balance we view it as bounced checks. Bounced checks, if those checks actually cleared the treasurer's office, that means somebody else covered them. So for the big amounts, we'd like to actually see a loan between funds. If the weed fund (I just made that one up) was in the hole \$50,000, and the general fund covered those checks, we'd like the financial statements to reflect that. If the weed fund doesn't plan on paying that money back for over 12 months, over a year, then we'd like to have it be seen formally in a resolution on how they're going to pay that money back and make payments with interest, a real loan arrangement. Often times these pop up with small grant funds, WIC, WIC has to spend the money first and then they get reimbursed a month later. I'm not really too worked up about that if the amounts are small like that, some of the funds have large negative cash balances.

Second comment is on PILT, I audited 18 counties last year and I think 14 of them had this same comment. The State changed the date that they send out PILT payments to you. You got two payments; one payment was for the next year, not the year it was reported on the finance statement.

Fixed asset disposals, we had a few issues with fixed assets. The county sold Courthouse East but the asset was still on the books. You bought land that had houses included, you sold the houses but we didn't get rid of the houses on the books and this year with GASBY 34 we had related depreciation and accumulated depreciation. Related with that, the Health Department building had a loan of \$550,000 that wasn't on the books.

Justice Court Trust account. This is a repeat comment from the prior year and we've actually done some follow up with the State and some other counties and what happened here is your Justice Court isn't making disbursements to victims unless the amount paid in by defendants is over \$20. I personally don't feel that it follows the Court System; the victim should be paid regardless. So I've spoken with Judge Ortleby about that and he would expect some follow up action.

The next one is transferring money between funds. We take a pretty simple view on it, you can transfer from an unrestricted source to a restricted fund, i.e. the General Fund to the Sheriff's fund. Once it's in a restricted fund, it can't be moved back to an unrestricted fund. You had a significant number of transfers that we didn't think were appropriate.

The Sheriff's Department Inmate Account is the next comment. This is also a repeat finding. When an inmate goes into jail, the money in their pocket goes into a bank account so at any point in time you should be able to balance the list of inmates with the money in the bank account. Last year we were told that it was because of new software and that it was going to be corrected and the situation is still the same.

The Clerk of District Court, this comment is going to arise more often as a result of Enron, what Arthur Anderson was accused for during Enron was not telling the public all the little things going on. So they came out with new audit rules that said the auditors are required to say every potential fraud risk indicator. This is a repeat comment. The Court Deputy has access to all the money and can go into the computer system to change this. She has a master password

**WEDNESDAY, JULY 14, 2004
(CONTINUED)**

and we think that based on the number of people that are in the Clerk of District Court, you have enough people to do a checks and balance. There's nine people up there so two or three can do a checks and balance. Again, we'd like those duties for the Deputy of District Court to be separated.

The County Attorney Trust Account. This is a good comment; we've been talking about this one for a couple of years. Remember a couple years ago the trust account for the County Attorney's office was turned over to the Clerk of District Court. Then the State took over the Clerk of District Court's portion. SO prior to October 1, 2001, we had these old cases where people were paying restitution and that restitution was being paid out to the defendants. We were having a hard time balancing, the money that was being paid in and that money needed to be paid out. If you remember last year we were off several hundred thousand dollars, this year on June 30th, we were closer. I just talked to Karen and she has it down to a couple thousand dollars, so if I were to give a big high five to someone on the County for doing an excellent job at getting some balancing done, it would be Karen. She really did an exceptional job. So basically that comment is dead and gone.

Our last comment is a Federal comment. It has to do with monitoring sub recipients. You received a CBG Grant and you passed that money through to another entity to manage the money. Basically what happens is just because we pass that money onto someone else doesn't stop us from having some responsibility. The Fed's gave us some money, we are responsible for making sure that it's being taken care of responsibly. So, that grant program, we didn't adequately monitor the process. We're not saying that Human Resources did a bad job with the grant; we're just saying that the county needed to make sure that Human Resources did their job. I'm convinced that this isn't going to be the case in the future. Again, this is a really common finding.

That's all the comments we have and again we want to give special thanks to your staff. Your reports get more complex so you've got all these different pieces that need to be pulled together.

11:00 a.m. County Attorney Meeting at County Attorney's Office
3:00 p.m. Commissioner Hall attended DNRC Estate Management on State Trust Lands Meeting at Hampton Inn

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

THURSDAY, JULY 15, 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/RICHARD STOCKDALE, ANIMAL CONTROL

Present at the July 15, 2004 8:30 A.M. Meeting were Commissioners Watne and Hall, Animal Control Director Richard Stockdale, and Clerk Moser.

General discussion was held relative to budget for May, June and the end of the year, bat problem in Columbia Falls, Glacier Horse Ranch Rabbits, and Office Assistant hiring.

CONSIDERATION OF LAKESHORE PERMIT: THOMPSON

Present at the July 15, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, Planner George Smith, and Clerk Moser.

Smith reviewed Lake and Lakeshore Construction Permit filed by Ray Thompson on Flathead Lake to replace existing wood surface on existing deck and dock. Dock is 30 feet long by 8 feet wide with 2 breakwater wings measuring 30 feet long by 4 feet wide. Staff recommends approval. General discussion was held.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-04-77 with 20 conditions and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye-** Watne, and Hall. Motion carried by quorum.

CONSIDERATION OF RESOLUTION #7690 EXHIBIT A/WHITEFISH LAKESHORE REGULATIONS

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

Commissioner Hall made a **motion** to approve Exhibit A Commissioner Watne **seconded** the motion. **Aye -** Watne, and Hall. Motion carried by quorum.

RESOLUTION NO. 769 P

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 29th day of June, 2004, to hear proposed amendments to the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations;

WHEREAS, notice of that hearing was published pursuant to Section 7-1-2121, M.C.A., and Section 5.4, Whitefish and Lost Coon Lake and Lakeshore Protection Regulations, on June 17 and June 24, 2004;

WHEREAS, the Board of Commissioners did hear public comment on the proposed amendments at said hearing and reviewed the recommendation of the Whitefish City-County Planning Board regarding the proposed amendments; and

WHEREAS, the Board of Commissioners adopted Resolution No. 769 O incorporating the changes to be made but with an Exhibit A attached thereto that was not complete.

**THURSDAY, JULY 15, 2004
(CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 75-7-207, M.C.A., hereby adopts new sections numbered 5.2.B.3.c and 5.2.B.4.c (with renumbering of current sections accordingly) in the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations, to allow marinas to potentially extend an additional twenty (20) feet into lakes with the use of a gangway, and amends Section 6.1.A.5 of the Whitefish and Lost Coon Lake and Lakeshore Protection Regulations to allow the Whitefish City-County Planning Board the option to appoint a member of the Whitefish Lakeshore Protection Committee who is not a member of that Planning Board, as set forth on the corrected Exhibit A attached hereto.

Dated this 15th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
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 Clerk

EXHIBIT 'A'

Appointment of WLPC member by the Whitefish City –County Planning Board

Amend 6.1.A.5

The seventh member shall be appointed by the Whitefish City-County Planning Board. He/she shall serve for a 2-year term unless he/she requests removal or is removed by a Majority vote of the Planning Board. Alternatively, the Planning Board may advertise for, interview, and appoint a non-member of the Planning Board who is a resident of Whitefish or rural Flathead County and resides within the city/county planning jurisdiction of Whitefish.

Allowance of gangways on Private and/or Public Marinas

New 5.2.B.3.c and 5.2.B.4.c (renumber 5.2.B.3.d-x and 5.2.B.4.d-x)

If the marina meets all regulation criteria without requiring a variance, and is designed such that it will be permanently anchored and not moved further into the lake as the water level drops, then a 3-foot wide gangway up to 20 feet in length shall be allowed in addition to the maximum sixty (60) feet of dock length.

MONTHLY MEETING W/ALAN MARBLE, OES

This meeting was not held.

MEETING W/CONNIE JONES RE: HOFFMAN DRAW

Present at the July 15, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Connie Jones, Peter Hondius, and Clerk Moser.

Discussion was held relative to extending the paving on Hoffman Draw.

MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the July 15, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Human Resource Director Raeann Campbell, and Clerk Moser.

Discussion was held relative to tuition reimbursement form, Dress code policy, Independent health agencies talking to employees, and Employee grievances.

Commissioner Hall made a **motion** to approve the Tuition Reimbursement Form. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Hall. Motion carried by quorum.

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MEETING W/PAUL ABEL RE: ROAD DUST PROBLEMS IN LOWER VALLEY

Present at the July 15, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Paul Abel, Planning Director Forrest Sanderson, and Clerk Moser.

Discussion was held relative to the dust pollution on Farm Road and in Lower Valley.

**THURSDAY, JULY 15, 2004
(CONTINUED)**

2:00 p.m. Commissioner Watne attended Health Board Meeting at Earl Bennett Building

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

FRIDAY, JULY 16, 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.

5:00 p.m. Commissioner Hall attended Jobs Now Meeting at 1st Interstate Bank

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