
MONDAY, AUGUST 9, 2004

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

Chairman Gipe opened the meeting asking for anyone with public comment step to the microphone and state their name and continue with any comment under the Commissioner's jurisdiction.

**MONDAY, AUGUST 9, 2004
(CONTINUED)**

Woody Nedom began, I would like to ask that an item on the agenda be taken off the agenda. It's not appropriate that it be on the agenda and that is 9:15 item C. that is the authorization to publish notice of resolution of intent and notice of passage of Harbor Springs, Flathead County Master Plan. The reasons for that are these. First of all there's as you know there's wide spread community opposition to this. But the change would violate the Bigfork Area Land Use process. Certainly your Notice of Intent to pass is inappropriate. This matter received a recommendation of denial from the County Planning Board and given the recent evidence of conflict of interest of Mr. Calloway, I would think that his vote on the advisory board, Bigfork Advisory Board should be thrown out which leaves no plurality for this item on any board leading up this hearing before the Commissioners. Also the Bigfork Community Advocates have started a moratorium on all changes to the Bigfork Area Land Use plan which is as you know the existing valid zoning document for that area until they have a chance to reexamine the plan and get public input on the reshaping of the plan per Montana State Law so I think it's inappropriate that matter be on the agenda for intent of notice of passage in light of that. We submit that it's appropriate to take this matter off calendar and not proceed until such time as the Bigfork Area Land Use plan has been reviewed by the public in that zoning district and a recommendation has been made to this body or changes to that plan.

Carole James continued I would also echo Woody's sentiments. Bigfork did step up to the plate in 1993 when they developed their Bigfork Land use plan and in when that was submitted to the Commissioners the committee that drew up the plan reserved the right to readdress the plan itself when needed. Now is the time that it's needed and we have been able to pull together most of that original group to readdress this. We as a community will continue to our work by completing a growth policy plan and thereby relieving the county board and the Bigfork Advisory board of the burden of having to do that. Until such time as that growth policy has been approved and adopted by the Bigfork Community and the County, we have only one document to go to when looking at these proposals that are coming into our village. That is the Bigfork Land use plan of '93. That document is the one that should be guiding any decisions at this time until the growth policy is made, developed and approved. There's many things within that land use plan that direct us on this particular proposal. One being our plan does not stifle growth. It encourages it. It accommodates a compatible growth, it deters incompatible growth. In the goals, the community strives for an orderly and controlled growth with social and economic balance that will accommodate increased population through development that is compatible with the environment. Under residential goals, it calls for low density and visible open spaces which this proposal does not. Under findings, the population feels strongly in favor that future growth should be controlled through zoning and on this particular proposal of Harbor Springs, it allows the development under SAG-5 and SAG-10 which would be far more compatible with the unique character of Bigfork. When it suddenly gets switched into an urban Residential 4, we lose that uniqueness that is Bigfork and it compacts the people. Finally I'd say I would hope that you would consider these goals when it reflects the sentiment of our community, which are the major land owners in Bigfork when considering amending our Master plan on an ad hoc basis. The basis that being currently used every time every developer comes into town and wants to develop something it's on this ad hoc basis. Emerging economy of Flathead Valley and Bigfork specifically depends upon our ability to maintain the unique character of our area. Change is inevitable but it does not have to come at the expense of the citizens and the community's values. We can either be victims of change or we can plan for it and shape it and emerge stronger from it and that's what we are asking. With your guidance, and your understanding, the choice will then be ours.

Tom Brown added that I just wanted to comment, I guess I won't take a long time giving the sentiments that you've already heard. I guess what we're trying to ask for is just some input on how our community gets developed. Of course being in the real estate business I've got a direct impact on my future, my family's future and what happens down there. I just can't emphasize enough that there are appropriate places for high density and there are inappropriate places for high density and I know you guys have to make those final decisions but I would just like to ask that you do listen to the people that live down there. We all know that that part of Bigfork, that area between Crestview and Eagle Bend is going to be developed. Even though the current zoning is suburban agricultural, I think everybody in the room would admit that it's obvious that that's going to get developed. I mean it's got city services, everything there is, it's appropriate to develop it. Our concern is that it's done with an appropriate density and the project that's going in there now is just too much density. So, in addition to the process which addresses the amendment to the master plan, which we all feel is something which should be taken at a certain pace. We also I just want to go to the next phase and please for putting off the density thing.

Denise Lang continued with obviously I'm just going to echo everything that they've said. I concur with everything and I just want to add that the staff report that was compiled by the planning and zoning office refers to the Bigfork Land Use plan as a guiding document and they refer to it and they say it was amended by Flathead County so that would lead one to believe that it is the guiding document and as the guiding document, it allows for only suburban and agricultural development in Bigfork and Mr. Barrington is asking for R-4 which would make that urban and therefore the density would be far too great for that area or quite frankly any area in Bigfork so thanks for the opportunity to speak.

Lee Wight finished with I echo the sentiments that have been expressed here regarding this development. I guess one of the things that really concerns me this morning is that we were lead to believe through the newspaper that there would be no public input here this morning. There are over 150 to 200 people that would have been in this office this morning had that not been a misunderstanding I presume in the paper. So I just feel like that you ought to be aware that there are a great number of people in the village of Bigfork who are opposed to this development and we regret the fact that they're not here in order to express their views on this.

Chairman Gipe proceeded to inform those in attendance that we take public comment everyday of anything that's within the Board's jurisdiction and reminded everyone that public comment is only allowed throughout the meeting for public hearings.

MONTHLY MEETING W/JAY SCOTT, FAIRGROUNDS

THIS MEETING WAS CANCELLED

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SANDERS, ET AL, ZONE CHANGE/LOWER SIDE ZONING DISTRICT

Present at the August 9, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Tim Connor, Dale Lauman, Lee Wight, Woody Nedom, Denise Lang, Angi Wood, John Lang, Tom Brown, Carole James, Michael Fraser, Clarice Ryan, Reto Barrington, and Clerk Eisenzimer.

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

MONDAY, AUGUST 9, 2004
(CONTINUED)

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Robert and Marjorie Sanders, Rolland and Laurel Andrews, and Mark Salansky to change the zoning designation in a portion of the Lower Side Zoning District from AG-20 and AG-80 (Agricultural) to SAG-10 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-20 and AG-80 to SAG-10 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and intended to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to a district intended to protect and preserve agricultural land for the performance of smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized. The AG-20 and AG-80 classification have a minimum lot size of 20 and 80 acres respectively; a change to SAG-10 would result in a minimum lot size of 10 acres.

The regulations defining the AG-20 and AG-80 and SAG-10 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **23rd day of August, 2004, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Lower Side Zoning District.

DATED this 9th day of August, 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
Deputy

Publish on August 12 and August 19, 2004.

EXHIBIT A
ROBERT AND MARJORIE SANDERS, ROLLAND AND LAUREL ANDREWS,
MARK SALANSKY
ZONE CHANGE FROM AG-20 AND AG-80 TO SAG-10

The properties are located along Lower Valley Road, approximately 2-3 miles southeast of the intersection of US Highway 93 North and Lower Valley Road. The subject properties may be legally described as Lot 1 of the Amended Plat of Lots 1 and 2 of Cloverleaf Estates, and Assessor's Tract 1 in Government Lot 4 in Section 35, and Assessor's Tracts 7C and 5 in Section 34, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GUNDERSON & LEIB ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the August 9, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Tim Connor, Dale Lauman, Lee Wight, Woody Nedom, Denise Lang, Angi Wood, John Lang, Tom Brown, Carole James, Michael Fraser, Clarice Ryan, Reto Barrington, and Clerk Eisenzimer.

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, Gipe and Hall. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Douglas G. Leib and Karen L. Gunderson to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Residential) to I-1 (Light Industrial).

The boundaries of the area proposed to be changed from R-1 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development to an industrial district to provide for light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing,

processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities.

The regulations defining the R-1 and I-1 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. 9327013500.

The public hearing will be held on the **23rd day of August 2004, at 10:15 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 9th day of August, 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
Deputy

Publish on August 12 and August 19, 2004.

**EXHIBIT A
KAREN GUNDERSON & DOUGLAS LEIB
ZONE CHANGE FROM R-1 TO I-1**

The property is located in the Evergreen and Vicinity Zoning District on Whitefish Stage, approximately two miles south of the intersection of Whitefish Stage and Reserve Drive. The subject properties may be described as Assessor's Tracts 11BA and 10A in Government Lot 12 in Section 5, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: HARBOR SPRINGS,LLC
AMENDMENT/FLATHEAD COUNTY MASTER PLAN**

Present at the August 9, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Tim Connor, Dale Lauman, Lee Wight, Woody Nedom, Denise Lang, Angi Wood, John Lang, Tom Brown, Carole James, Michael Fraser, Clarice Ryan, Reto Barrington, and Clerk Eisenzimer.

Forrest Sanderson pointed out the public protest period and also defined the density change with this change to the Flathead County Master Plan.

Commissioner Hall made a **motion** to deny Resolution 789F. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: GOOSE MEADOWS, RESUBDIVISION OF LOTS 4 & 5

Present at the August 9, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Peggy Goodrich, Michael Haines, Rick Breckenridge of Montana Mapping Associates, Dale Lauman, and Clerk Eisenzimer.

Goodrich reviewed the preliminary plat for Resubdivision of Lots 4 & 5 of Goose Meadows filed by Kathryn Edwards and Montana Mapping Associates to create eight residential lots. The subdivision is proposed on 47.64 acres and will be served by individual water and sewage systems. The subdivision is located east of Farm Road, north of Montana Highway 82 and is situated approximately 1 ½ miles northeast of Somers. Discussion continued as to the original plat having wording on the face of the plat restricting further development, Goodrich advised the Board that the only other property owner has no objections to that restriction being lifted and asked that the Board consider same. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-21 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Resubdivision of Lots 4 & 5 of Goose Meadows subject to 12 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

PRELIMINARY PLAT: EVERGREEN RAIL INDUSTRIAL CENTER, AMENDED PLAT OF LOT 1

Present at the August 9, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner Peggy Goodrich, Jim Burton of Jackola Engineering, Dale Lauman, and Clerk Eisenzimer.

Goodrich reviewed the preliminary plat for Amended Plat of Lot 1, Evergreen Rail Industrial Center filed by Catgriz, LLC and Jackola Engineering to create two industrial lots. The proposed subdivision is approximately 38,472 square feet in size and is located on Cooperative Way; it will be served by Evergreen Municipal Water and Sewer. Staff recommends approval of the Preliminary Plat.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-19 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Amended Plat of Lot 1, Evergreen Rail Industrial Center subject to 9 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**MONDAY, AUGUST 9, 2004
(CONTINUED)**

PRELIMINARY PLAT: GLACIER RANCH SUBDIVISION

Present at the August 9, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Emy Amy, John Schwarz of Schwarz Engineering, Ken Madden, Dale Lauman, and Clerk Eisenzimer.

Sanderson reviewed the preliminary plat for Glacier Ranch Subdivision filed by Shiloh Development, a major subdivision that will create 173 lots, (162 residential, and 11 commercial lots). The subdivision is proposed on 169.7 acres and will be served by public water and multiple user sewer systems. The property is located approximately ¼ mile South of Costco on Highway 2. Staff recommends approval of the Preliminary Plat.

Condition 16 is amended adding the word Easement so it reads "A 15 foot wide walk/bike path easement shall be located along Trumble Creek Road and Highway 2.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-18 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Glacier Ranch Subdivision as amended subject to 16 conditions. Chairman Gipe **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CITY OF KALISPELL INTERLOCAL AGREEMENT/SEWER SERVICE TO COTTONWOOD ESTATES

Present at the August 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, Lois Drobish, Don Decker, Denise Cofer, Ben Barkley, Kerry Finley, Shelly Nelson, Jean Johnson, Erica Wirtala and Tom Sands from Sand Surveying, Dale Lauman, and Clerk Eisenzimer.

Commissioner Hall commented that document is not complete and there are too many issues still to be completed and requested that the document be continued.

Commissioner Hall made a **motion** to continue signing of document until a later date. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF POSITION VACANCY/ WEED, PARKS & MAINTENANCE

Present at the August 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Commissioner Hall made a motion to approve the replacement of a custodian for Weed Parks & Maintenance. Commissioner Watne seconded the motion. Aye- Watne, Hall and Gipe. Motion carried unanimously.

BOARD APPOINTMENT: EVERGREEN VOLUNTEER FIRE DEPT.

Present at the August 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of to the Evergreen Volunteer Fire Department Board. Commissioner **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: STATEMENT OF WORK FY2005

Present at the August 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Chairman Gipe reviewed a worksheet provided by the Office of Emergency Services as to the proposals and completions of work for FY2005.

Commissioner Hall made a **motion** to approve the Statement of Work for Fiscal year 2005. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: HEALTH PROMOTION CONTRACT/WHITEFISH GOLDEN AGERS

Present at the August 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the Health Promotion Contract for Whitefish Golden Agers and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF POSTION OPENING: SPOTTER/LABORER-SOLID WASTE DISTRICT

Present at the August 9, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Solid Waste Director David Prunty, Human Resource Director Raeann Campbell, Dale Lauman, and Clerk Eisenzimer.

Chairman Gipe reviewed a request to replace Spotter/Laborer for the Solid Waste District.

Commissioner Watne made a **motion** to approve the replacement of the Spotter/Laborer for the Solid Waste District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**MONDAY, AUGUST 9, 2004
(CONTINUED)**

CONSIDERATION OF HRO TRANSMITTAL FORM: SPOTTER/LABORER-SOLID WASTE DISTRICT

Present at the August 9, 2004 10:45 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Chairman Gipe reviewed the request to alter the job description for the Spotter/Laborer for the Solid Waste District.

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

RECONSIDERATION OF ON-CALL PAY

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

Commissioner Watne reviewed a letter from Susan Nicosia advising that employees being called out could be paid less for answering a callout and therefore, since the policy of being paid the flat fee and the call out pay is already budgeted then the employee shall receive same.

Commissioner Watne made a **motion** to approve reconsideration of paying on-call pay and called out pay to employees. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

TAX REFUND REQUEST: CONNOLLY

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

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

DOCUMENT FOR SIGNATURE: FORM OF CLIENT AGREEMENT/EXPRESS SCRIPTS

Present at the August 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Chairman Gipe reviewed a memo on consideration for Client Agreement and Express Scripts.

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

CONSIDERATION OF POSITION OPENINGS: OA2 & I-R TECHNICIAN/AOA

Present at the August 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, and Clerk Eisenzimer.

Chairman Gipe reviewed a request from Jim Atkinson of Agency on Aging asking for filling of OAI position and halftime I-R technician.

Commissioner Watne made a **motion** to approve the requested positions for Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: LANDFILL FEES

Present at the August 9, 2004 11:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Dale Lauman, Solid Waste Director Dave Prunty, Human Resources Director Raeann Campbell, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1728A. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1728 A

WHEREAS, the Board of Directors of the Flathead County Solid Waste Management District requested approval, from the Board of Commissioners of Flathead County, Montana, of 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 1, 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;

WHEREAS, the Board of Commissioners passed a Resolution of Intention (Resolution No. 1728) on the 12th day of July, 2004, stating its intention to raise those fees and published a Notice of Passage of that Resolution of Intention on July 15 and 22, 2004; and

WHEREAS, the Board of Commissioners has not received protests from more than fifty percent (50%) of the family residential units in the District, and deems the proposed increases in the assessment fees and service charges to be necessary and appropriate.

**MONDAY, AUGUST 9, 2004
(CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it hereby approves the 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.

BE IT FURTHER RESOLVED, by the Board of Commissioners of Flathead County, Montana, that it hereby approves the 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.

DATED this 9th day of August, 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

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

TUESDAY, AUGUST 10, 2004

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

Chairman Gipe asked for public comment within the Commission's jurisdiction, no one rising to speak, Chairman Gipe closed the public comment period.

PRELIMINARY PLAT: EAGLE ROCK

Present at the August 10, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner BJ Grieve, Tom Sands of Sands Surveying, Slade House, and Clerk Eisenzimer.

Grieve reviewed the preliminary plat for Eagle Rock Estates filed by H&H Development, LLC & House Investments, LLC and Sands Surveying to create sixteen residential lots. The proposed subdivision is sixteen acres in size and can be served by Bigfork Water and Sewer District. The proposed subdivision is located on Holt Drive. Staff recommends approval of the Preliminary Plat.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-22 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Eagle Rock Estates subject to 22 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: INDIVIDUAL DEFENDANTS/AVERY V. COUNTY

Present at the August 10, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1736. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1736

WHEREAS, Donald J. Avery has filed a lawsuit challenging the County's decision not to renew his contract and named Flathead County as a defendant, along with Howard W. Gipe, Gary D. Hall, Jonathon (sic) B. Smith and Elaine Nelson as individual defendants: Avery v. Flathead County, et al., No. DV-04-123(C), Eleventh Judicial District; and

WHEREAS, the Section 2-9-305, M.C.A., provides that where individuals are named as defendants in a civil action brought against a county based on actionable conduct by an employee, the employee is immune from individual liability for the conduct if the county acknowledges that the conduct arose out of the course and scope of the employee's official duties.

**TUESDAY, AUGUST 10, 2004
(CONTINUED)**

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, that it hereby determines that the conduct of Howard W. Gipe, Gary D. Hall, Jonathan B. Smith and Elaine Nelson, challenged by Donald J. Avery in the referenced civil action, arose out of the course and scope of those employees' official duties.

Dated this 10th day of August, 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

CONSIDERATION OF LAKESHORE PERMIT: SMITH

Present at the August 10, 2004 9:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Planner George Smith, and Clerk Eisenzimer.

Smith reviewed Lake and Lakeshore Construction Permit filed by Maureen Smith on Lake Blaine to install rip-rap on approximately 134 feet of lakeshore frontage. Proposed wall will be 3 feet high of stacked rock. Construct stairs from highwater mark landward towards cabin. Stairs will be 4 feet wide by 20 feet long. Staff recommends approval. General discussion was held.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLP-04-90 with 26 conditions and authorize Chairman to sign. Commissioner Hall **seconded** the motion. **Aye-** Watne, Hall and Gipe. Motion carried unanimously.

QUARTERLY JUVENILE DETENTION FACILITY TOUR

THIS MEETING DID NOT TAKE PLACE

MEETING W/BONNIE OLSEN & JED FISHER RE: HANDICAP ACCESSIBILITY

Present at the August 10, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Weed, Parks & Maintenance Superintendent Jed Fisher, Judge Stewart Stadler, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

No tape available

Discussion was held relative to handicap accessibility in the courtrooms of the Justice Center. Judge Stadler advised the Board that a ramp is available for witnesses to testify on the witness stand and electronic equipment is available for enhancing sound and enabling people to read testimony.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #417

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

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

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 417**

Notice is hereby given that the Board of Viewers have reported favorably to the Board of Flathead County Commissioners on the discontinuance of that certain public roadway in Flathead County, Montana, described as follows:

A Tract of Land locate in US Government Lot 2 of Section 26, Township 31 North, Range 22 West, Principal Median, Montana.

Notice is hereby given to the petitioners or landowners as disclosed by the last assessment roll of Flathead County, owning land abutting the roadway described above and being considered for abandonment.

**TUESDAY, AUGUST 10, 2004
(CONTINUED)**

The hearing on this petition for abandonment is set for **Tuesday, August 24, 2004 at 10:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 10th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

PAULA ROBINSON,
CLERK AND RECORDER

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

Publish on **August 13th and 20th, 2004**

CONSIDERATION OF ADOPTION OF RESOLUTION: FIRE ANNEXATION FEES

Present at the August 10, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 1737. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

RESOLUTION NO. 1737

WHEREAS, Section 7-33-2126, M.C.A., allows for transfer or property from one fire district to another upon a showing of more advantageous proximity and communications with the firefighting facilities of the other district;

WHEREAS, Section 7-33-2126 requires that the Board of Commissioners hold a hearing on the petition in accordance with the procedure outlined in Section 7-33-2122, M.C.A.;

WHEREAS, Section 7-33-2122 requires notice of the hearing be given by mailing a copy of the notice by first-class mail to each freeholder in each district at the address shown in the assessment roll and by causing a notice thereof to be posted, at least 10 days prior to the time appointed by them for the consideration of the petition, in at least three public places;

WHEREAS, the cost to Flathead County of mailing said notices in a recent transfer of property from one fire district to another exceeded \$3,000; and

WHEREAS, the Board of Commissioners has concluded that the transfer of property from one fire district to another does not benefit the general taxpayers of Flathead County but benefits only those whose property is transferred and, therefore, the taxpayers of Flathead County should not be burdened with the costs of notice of such proposed transfers of property.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that petitioners who seek to transfer property from one fire district to another shall be required to pay the costs of providing notice prior to the Board of Commissioners' consideration of such petitions at a public hearing, including an administration fee set by the Clerk and Recorder to offset the cost of employees' time spent on producing mailing lists, postage and all other associated costs.

Dated this 10th day of August, 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

**TUESDAY, AUGUST 10, 2004
(CONTINUED)**

DOCUMENT FOR SIGNATURE: LETTER OF REPRESENTATION/RSID #138

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 11, 2004.

WEDNESDAY, AUGUST 11, 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.

11:00 a.m. County Attorney meeting at County Attorney's office
4:00 p.m. Commissioner Hall attended Jobs Now Board Meeting

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 12, 2004.

THURSDAY, AUGUST 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.

Also in attendance: Florence Wight, Lee Wight, Shirley Anderson, Sharon Demeister, Woody Nedom, Carole James, Denise Lang, Michael Fraser, Irene Burgi, Brad Roberts, Chuck Burgi, Linda England, Vance Brash, Lindsay West

Chairman Gipe asked for public comment within the Commission's jurisdiction

Sharon DeMeister – I want to ask, do the County Commissioners have a written policy on public comment procedures for issues that come before the Commissioners?

Chairman Gipe – I think we may have something in the County Attorney's office. State law requires that we have public comment on anything that is a matter within our jurisdiction and I think we have this public comment at the starting of every day on anything that's within our jurisdiction and I think that we probably have some comment or something from the County Attorney's office.

Sharon DeMeister – can I get a copy of that from the County Attorney's office if that's where I would have to go?

Chairman Gipe – Well, check with Elaine, she may have something on it.

Sharon DeMeister – I am troubled by the continued statements reported in the press that the County Commissioners do not accept comments on issues on the Commissioner's agenda. But rather according to the press coverage direct, the public comments of land use issues for example should be made at the Planning board level only and are not acceptable when these items reach the County Commissioners for final approval. Is that correct?

Chairman Gipe – State that again please.

Sharon DeMeister – basically what it is is that comments are not accepted at the time that the issue comes before you.

Chairman Gipe – That's a state law. That doesn't have to do with us, that's a State law that says that we can not take public comment or that we can not use public comment in our decisions on subdivisions, that's a State law.

Sharon DeMeister – Okay, so I do have additional comments and you will not accept those?

Chairman Gipe – We'll accept comments on anything like I say before our day on any matters that are within our jurisdiction period. You can tell us anything today right at this time if you want to but like I say, for us to take those public comments on matters of anything within our jurisdiction but your comments on subdivisions, I just want you know that the State law says that a public comment can not be used as influencing our decisions.

Sharon DeMeister – Well, the comments that I have I want to be part of the record of your decision in regard.

Chairman Gipe – It won't be part of the record of decision, it'll be part of the comments in our daily log, but it won't be part of the subdivision record.

Sharon DeMeister – so these comments can only be made right now.

Chairman Gipe – That's right.

Sharon DeMeister – Okay, I will give you copies of these. *DeMeister then proceeded to hand the Commissioners this comment.*

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

From: North 93 Neighbors
7 E Oregon St.
Kalispell, MT

Subject: Flathead County master Plan Amendment for Corwin-Eisinger Motors, Inc.

Please accept the following comments for the record regarding the Corwin-Eisinger Motors Inc. Master Plan Amendment.

Our comments today are in addition to the comments we submitted at the planning board. At that hearing you were asked to consider and seek additional documents and comments with relevance to this decision. These documents have not been placed in the file at the planning office for public review prior to this hearing today. These documents include:

- Engineering plans/documents/comments by Morison and Marilee Engineering and the Montana Department of Environmental Quality related to the drainage of the 1300 acres of land and potential inappropriate fill impacting this, as well as the relationship of this land to the natural and historic drainage of land in this area.
- Design standard for the City of Kalispell entrance corridor standards.
- The Environmental Impact Statement Review for the West Side Bypass for the Kalispell area, and
- Comments from the Montana Department of Transportation and the Federal Highway Administration.

We would like to ask for assurances that these documents and additional agency comments have been obtained and reviewed for this hearing today and that your findings of facts and discussion reflect the significant new information in these documents.

Yesterday's paper gave notice of a scoping meeting scheduled for August 24th here by the Department of Transportation regarding the Kalispell Bypass including the design of the intersection and access for the property which is the subject of this application. Additionally, consideration is being given by the Montana Transportation Commission to adding eight additional access points to this bypass. This pending action could significantly change the traffic counts for this intersection and design considerations. The planned scoping meeting will lead to the release of an updated environmental impact statement that should be considered before making the master plan amendment before you today. Failure to do so may result in tax payers facing increased cost for right of way acquisition as well as drainage and engineering costs to deal with presently unanticipated design needs.

Given the long range nature of the policies and goals established by the Flathead County Master Plan, it is appropriate and important, we feel, to take the time to gather the necessary information to make the most informed decision about a change to the master plan. Failure to do so could otherwise result in a change made for the benefit of a single land owner over the long term interest, safety, environmental and costs impacts to the public at large.

In closing, we also want to point to comments made at the planning board hearing by a local realtor who has apparently been working for a number of years with a number of car dealerships in the area to address their multiple interests in future expansion needs. Our concerns were reinforced by this testimony, that the application before you today for the benefit of a single property owner is premature given the ability and greater appropriateness of the a more comprehensive review of commercial needs and opportunities within the appropriate context of the revision of the Flathead County Master Plan.

Finally, should you decide to move forward with a favorable decision on this matter today, we would request that you condition any approval on the need for this site to undergo subdivision review so that the traffic, safety, drainage and other environmental concerns will receive what we feel is necessary review. We would point out that the application for this amendment stated that no subdivision review would be required.

Carole James – On Monday you heard arguments about opposing an amendment to the Master Plan in Bigfork, and the county Commissioners went ahead and denied the proposal very wisely. Today we have a similar proposal coming before you and it is the Pierce proposal to amend the Bigfork Land Use and Master Plan I believe at 9:45. It's the same situation, it's a little different but it is still the same situation of amending the Master plan. We are opposed to it in Bigfork for the same reasons that I expressed on Monday which are that in 1993 the community got together and developed its own master plan. That was done with a majority of the land owners with the approval of the majority of the land owners. That has been our bible up until now for doing any land changes. When the plan was submitted to the county and the Commissioners for adoption the community had reserved the rights at that time to readdress the plan when it was needed when that growth policy time came. We have gotten it together today, the original steering committee from that is meeting, and they are working on a growth policy plan that will address these exact issues of amending and re-looking at each plot of land and see if it needs to be done. Hopefully that plan will be done within they are estimating between six months is what they're hoping for. At the maximum of one year we will have a growth policy in place. Doug Averill is the chairman of that steering committee and we have most of the original group reconvened for it. So I guess what we are doing at this point is respectfully requesting that any amendments to the Bigfork Land Use plan or to the Master Plan be tabled or denied until the Bigfork community has a chance to readdress it properly as they did back in 1993 as they did with the preceding document. Until a growth policy is in place, all we have is the original Master plan to go by, so I respectfully request that when this comes before you at 9:45 that you do the same thing that you wisely did on Monday which would be to deny it or in the least table it until the community has a chance to reflect upon it.

Denise Lang - I'm pretty much echoing Carole James's sentiment. In a letter that I wrote to the Daily Inter Lake that was published only a few days ago, in it I stated that Bigfork had a vision in the years preceding 1993 when it finalized the Community Developed Master Plan. The vision embraced the unique natural surroundings with a desired community goal of preserving, protecting and enhancing the Bigfork area. After four years of community guidance by a majority of the residents, we believed that we have determined our own destiny. The population felt strongly that the future growth of Bigfork should be

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

controlled by zoning that would protect the residents' property rights while also providing the tools which would guide future developments. The master plan states that the input from government agencies should be weighted heavier than the input from the residents of the neighborhood. Our plan was recognized and adopted by Flathead County Commissioners in 1994 as a part of the Flathead County Master Plan in its entirety so I would ask also that you table this until the Bigfork Master plan has been readdressed. I think everybody realizes the Mr. Pierce is a respected member of our community but it just seems inappropriate at this time for the same reasons that we had on Monday. Also, I want to thank you for respectfully hearing our opinions as you have today and as you did on Monday. Unlike how we were addressed in Bigfork, as obstructionists and that we ought to live in Russia, so thank you again for your respect.

Brad Roberts – What I'm addressing is the petition that I regrettably signed for the Dunwoody Acres over on Columbia Falls. Having further time to think about what a subdivision is bringing in, I am on the fence as to whether I should say no or say yes. I see the pros and cons to both of them but regrettably I already signed a petition so what I would like to ask is that if I can publicly strike my name from the petition because I do not feel that I can 100% back this petition up and the consequences just aren't worth it to me.

Woody Nedom – I would also like to address the issue at 9:45 B on the agenda, Consideration of Resolution of Intent and Notice of Passage, Pierce Text Amendment, Flathead County Master Plan. As before, we are asking that no amendments to the Bigfork Area Land Use Plan be allowed pending the revision of the plan. This would give the steering committee and the citizens of the zoning district a chance to look at the plan and revise it. The Bigfork Area Land Use plan is really remarkably relevant to the issues that we face today. It was carefully crafted over a period of three years, there was a large steering committee, there were subcommittees, there were many public meetings, there was written communication with all the land owners in the district on at least two occasions. If one reads the document, he would be impressed that the people anticipated this growth. They provided for reasonable development and they sought to preserve the small town character and the rural character of the area which is so important to the Bigfork economy. While it can be improved with revision and it will be, it's a remarkable document but its purpose is really defeated by piecemeal amendments such as we have before you now. We ask you to follow the provisions of the plan and deny this request. Actually, the editorial in yesterday's paper spoke to the kernel of the issue, it praised the tremendous public participation in the planning process and lauded the reformation of the Bigfork Land Use Steering Committee to revise the plan. The unspoken subtext of the editorial was that you as County Commissioners did the prudent and wise thing in denying the Harbor Springs Amendment and we request that this be done today. This will give the public process a chance to work and we ask that you deny this item on the agenda.

Lee Wight – I just want to say that I support what's been said by Carole and Denise and Mr. Nedom in asking you to deny this request until the Bigfork Master Plan is amended later this year or early next year. Also, I wish to express my gratitude for your listening to our comments on Monday and for that decision. It's appreciated to have not only obviously when it's in your favor you feel a lot better but it's appreciated to have words spoken and listened to.

Michael Fraser – I'm speaking on behalf of Pierces, Ron Pierce and his son Jim, in regards to their requested plan amendment. In 1993 we're heard there was a 60% approval of the Bigfork Land Use Plan. I believe that's because it addressed individual concerns and just individuals' desires and goals for their property and therefore it garnered their support. Today you have Jim Pierce and the family asking for a plan change under the same context of the Bigfork Land Use plan to further their estate planning within their family. I'd like to remind the Commissioners that since 1993 there have been 31 changes occurred within the Bigfork Land Use Plan, 11 of which resulted from interpretations of the Land Use plan or actual amendments so this is a dynamic document and has been a dynamic document since its inception. The requested change is from AG to Suburban Residential which we feel is a small change and it's really keeping with the low density character of the area. The plan change is precipitated also from a need for additional area for development in that the areas that have been designated for residential development in Bigfork are developed. There's a growing demand, it's an attractive area and this will provide a low density residential housing opportunity sometime in the future to meet those growing needs. I'd like to reiterate that the Bigfork Land Use Committee met on this and they were unanimously in support of this change. The planning board has also voted strong support for this change. You have the record as well as the application which shows strong compliance with the statutory criteria so today I'd ask you to pass the resolution authorizing the public comment period.

Irene Burgi – This is in regards to the preliminary plat of Dunwoody Acres. We have a petition regarding the minor development that has been requested. The proposal is to have a minor subdivision of 4 acres which we are opposing. It's zoned for agricultural, was supposed to be 5 acre lots and they're now asking to have it divided into one. The people, five in the tract, all have two acre lots and we are requesting that any subdivision made should be 2 acres. We're concerned that even though this is a minor subdivision that's being requested, in time we feel that dividing it into an acre can set a precedent and then it can be divided further and since we are on septic tanks and wells, we would request that the lots remain at two acres.

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

MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE

THIS MEETING WAS CANCELLED

MEETING W/SHIRLEY ANDERSON RE: FEE SCHEDULE/HELENA FLATS NEIGHBORHOOD PLAN

Present at the August 12, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioner Watne and Hall, Planning and Zoning Director Forrest Sanderson, Shirley Anderson, and Clerk Eisenzimer.

General discussion was held relative to new proposed fee schedule which would limit the application fees based on the growth policy to \$5000 or the existing fee structure of \$1500 plus \$10 per acre up to \$5000 whichever is less. Mr. Sanderson commented that waiving the fees set a dangerous precedent and suggested reduction. Expenses for staffing and implementation will be an ongoing cost to the county. Current fees for the Neighborhood Plan would run \$50,800 and it was agreed to be excessive.

Ms. Anderson explained the costs they have put into this plan and continuation of the plan and request for exemption of fees.

Chairman Gipe advised Mrs. Anderson that they will take the issue under advisement and will issue a decision at a later time.

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

CONTINUATION OF PRELIMINARY PLAT: DUNWOODY ACRES

Present at the August 12, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planner BJ Grieve, Dawn Marquardt and Debbie Shoemaker of Marquardt & Marquardt Surveying, and Clerk Eisenzimer.

Grieve reviewed the application submitted by Vance Brash and Marquardt Surveying for preliminary plat approval of Dunwoody Acres to create four single – family residential lots. The subdivision is located about a half mile east of the intersection of US Highway 2 East and Hodgson Road, approximately three miles southwest of Columbia Falls. General discussion was held. Staff recommends approval.

Chairman Gipe questioned the planner as to covenants that had been placed on this property previously. Planner Grieve explained that the covenants previously placed on the land have expired and new covenants were never recorded.

Planner Grieve addressed the variance request as to the nonconforming depth and width of Lot 2 which is part of the Staff Report.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-04-27 as Findings of Fact. Chairman Gipe **seconded** the motion. **Aye** – Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a motion to approve the Preliminary Plat of Dunwoody Acres. Chairman Gipe **seconded** the motion. **Aye**-Watne and Gipe. Motion carried by quorum.

CONSIDERATION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: EISINGER TEXT AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the August 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, John Schwarz, Ken Kalvig, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 789F. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 789F

WHEREAS, Corwin-Eisinger Motors, Inc. has requested a revision to the Flathead County Master Plan, to change the designation of approximately 10.1 acres of highway frontage located at the Northeast section of the intersection of West Reserve Drive and U.S. Highway 93 from a suburban residential designation to a commercial designation to allow for commercial development of the area;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt that amendment to the Flathead County Master Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 10.1 acres of highway frontage located to the Northeast of the intersection of West Reserve Drive and U.S. Highway 93, from a suburban residential designation to a commercial designation to allow for commercial development of the area.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to September 17, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 12TH day of August, 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

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

THURSDAY, AUGUST 12, 2004
(CONTINUED)

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789F) on August 12, 2004, to consider a revision to the Flathead County Master Plan proposed by Corwin-Eisinger Motors, Inc.

The proposed revision involves changing the designation of approximately 10.1 acres of highway frontage located to the Northeast of the intersection of West Reserve Drive and U.S. Highway 93 known as Tract 4 I in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana from a suburban residential designation to a commercial designation. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to September 17, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 12th day of August, 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
Deputy

Publish on August 17 and August 24, 2004.

CONSIDERATION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: PIERCE AMENDMENT/FLATHEAD COUNTY MASTER PLAN

Present at the August 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution No. 789H. Chairman Gipe **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

RESOLUTION NO. 789H

WHEREAS, James R. Pierce has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan by changing the designation of land located in Bigfork, from Agricultural to Residential, to allow for new residential housing opportunities to meet the market demand;

WHEREAS, the Flathead County Planning Board recommended approval of the proposed change to the Board of Commissioners; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan and Bigfork Area Land Use Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by amending the Bigfork Area Land Use Plan to change the designation on property near Bigfork, described as Assessors Tract 5C in Section 24 and Assessors Tract 6 in Section 25, both in Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from Agricultural to Residential, to allow for new housing opportunities to meet the market demand.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to September 17, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan and the Bigfork Area Land Use Plan after that date.

DATED this 12th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

THURSDAY, AUGUST 12, 2004
(CONTINUED)

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

By _____
Gary D. Hall, Member

ATTEST:
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer
Deputy

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789H) on August 12, 2004, to consider a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan as proposed by James R. Pierce.

The proposed amendment would change the designation of land located in Bigfork, from Agricultural to Residential, to allow for new residential housing opportunities to meet the market demand. The properties proposed for amendment are Assessors Tract 5C in Section 24 and Assessors Tract 6 in Section 25, both in Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana, where they may be examined by the public.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to September 17, 2004. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 12th day of August, 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
Deputy

Publish on August 17 and August 24, 2004.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SAV, LLC ZONE CHANGE/EVERGREEN & VICINITY ZONING DISTRICT

Present at the August 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning and Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, 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 pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by SAV, LLC 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).

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, Kalispell, Montana, in Permanent File No. 9327013500.

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

The public hearing will be held on the **30th day of August 2004, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 12th day of August, 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
Deputy

Publish on August 17 and August 24, 2004.

**EXHIBIT A
SAV, LLC
ZONE CHANGE FROM R-2 TO R-5**

The property is located in the Evergreen and Vicinity Zoning District near the intersection of Harmony Road and Solberg Drive. The subject property may be described as Lot 2 of amended plat of portions of lots 22 and 23 of Hoiland-Day Acres, a subdivision in Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 400 Solberg Drive.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROADS TEXT AMENDMENT/FLATHEAD COUNTY SUBDIVISION REGULATIONS

Present at the August 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, 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

FLATHEAD COUNTY SUBDIVISION REGULATIONS

The Board of Commissioners of Flathead County, Montana, hereby gives notice, in accordance with section 7-1-2121, M.C.A., that the Board will hold a public hearing to consider proposed revisions to the Flathead County Subdivision Regulations, adopted pursuant to section 76-3-501, et seq., M.C.A.

The proposed revisions to be considered would amend the Flathead County Subdivision Regulations, as they pertain to roads, by amending portions of Section 3.9 of those Regulations as set forth on Exhibit A hereto.

Further information is available at the office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, telephone (406) 758-5526, or at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **30th day of August, 2004**, at 10:15 o'clock, a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, 800 South Main, Kalispell, Montana. At the hearing the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed revisions to the Flathead County Subdivision Regulations.

Dated this 12th day of August, 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
Deputy

Publish on August 17 and August 24, 2004.

THURSDAY, AUGUST 12, 2004
(CONTINUED)

EXHIBIT A
PROPOSED AMENDMENTS TO THE
FLATHEAD COUNTY SUBDIVISION REGULATIONS
AS RECOMMENDED BY THE FLATHEAD COUNTY PLANNING BOARD
July 21, 2004

Proposed Amendments: The draft Section 3.9 is attached to this report for your reference. What follows here is a description of the proposed change and discussion of the impact of said change.

Page 30, Section 3.9(1)(9): ~~Location of collector and arterial streets shall comply with the appropriate County or City-County Mast Plan as adopted by the Flathead County Commissioners or any other applicable street of highway plan adopted by the County Commissioners.~~ **Collector/arterial roads in Flathead County are as follows:**

**MAJOR
ROADS**

NAME	CLASSIFICATION
Airport Rd	Major Arterial
Angle Point Rd	Collector
Armory Rd	Collector
Ashley Lake Rd	Collector
Auction Rd	Collector
Bachelor Grade Rd	Collector
Batavia Ln	Major Arterial
Belton Stage	Collector
Bierney Creek Rd	Collector
Big Horn Dr	Collector
Big Mountain Rd	Major Arterial
Bigfork Stage	Collector
Birch Grove Rd	Major Arterial
Bitterroot Dr	Collector
Blacktail Rd	Collector
Blanchard Lake Rd	Collector
Blankenship Rd	Collector
Boon Rd	Collector
Browns Meadow Rd	Collector
Brunner Rd	Collector
Caroline Point	Collector
Cascade Ave	Collector
Cemetary Rd	Collector
Chapman Hill Rd	Collector
Church Dr	Collector
Columbia Falls Stage Rd	Collector
Commerce St	Collector
Conn Rd	Collector
Conrad Drive	Minor Arterial
Danielson Rd	Collector
Demersville Rd	Collector
E. Blanchard Lake Rd	Collector
E. Mountain Meadows	Collector
E. Reserve Dr	Major Arterial
Eastman Dr	Collector
Echo Lake Road	Collector
Electric Ave	Collector
Farm Rd	Collector
Farm to Market Rd	Major Arterial
Foothill Rd	Collector
Foys Bend Ln	Collector
Foys Canyon Rd	Major Arterial
Foys Lake Rd	Major Arterial
Gladys Glen	Collector
Halfmoon Rd	Collector
Hanging Rock Dr	Collector
Helena Flats Rd	Collector
Hodgson Rd	Collector
Hofman Draw	Collector
Holt Dr	Major Arterial
Hwy 2	Major Arterial
Hwy 206	Major Arterial
Hwy 209	Major Arterial
Hwy 28	Major Arterial
Hwy 35	Major Arterial
Hwy 40	Major Arterial
Hwy 82	Major Arterial
Hwy 83	Major Arterial
Hwy 93	Major Arterial
Jellison Ln	Collector

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

Jellison Rd	Collector
Kienas Road	Collector
Kila Rd	Collector
KM Ranch Rd	Collector
La Brant Rd	Collector
Lake Blaine Rd	Major Arterial
Lake Five Rd	Collector
Little Bitterroot	Collector
Lodgepole	Collector
Lower Valley Rd	Collector
Managhan Ln	Collector
Manning Road	Collector
Mccaffery Rd	Collector
Mcmanamy Draw	Collector
Mennonite Church Rd	Collector
Monegan Rd	Collector
Mountain Meadows	Collector
Murr Creek Rd	Collector
N. Ashley Lake Rd	Collector
N. Ferndale Dr	Collector
North Fork Rd	Major Arterial
Patrick Creek Rd	Collector
Pioneer Rd	Collector
Pleasant Valley Rd	Collector
Rhodes Draw Rd	Collector
River Rd	Collector
Rocky Cliff Dr	Collector
Rogers Lake Rd	Collector
Rose Crossing	Minor Arterial
Shady Lane	Collector
Smith Lake Rd	Collector
Snowline Ln	Collector
Somers Stage	Collector
South Fork Rd	Collector
Spring Praire Rd	Collector
Star Meadows Rd	Collector
Stelle Ln	Collector
Stillwater Rd	Collector
Swan Hill DR	Collector
Swan Horseshoe Rd	Collector
Swan River Rd	Collector
Sylvan Dr	Collector
Talbot Rd	Collector
Tally Lake Rd	Collector
Tamarack	Collector
Tetrault Rd	Collector
Thompson River Rd	Collector
Three Eagle Ln	Collector
Three Mile Dr	Major Arterial
Trout Ave	Collector
Truman Creek Rd	Collector
Trumble Creek Rd	Collector
Twin Bridges Rd	Collector
Two Mile Drive	Minor Arterial
Van Sant Rd	Collector
Voerman Rd	Collector
Vonerheide Ln	Collector
Walsh Rd	Collector
West Reserve Dr	Major Arterial
West Valley	Minor Arterial
West Valley Dr	Collector
Whalebone Dr	Minor Arterial
Whitefish Stage	Minor Arterial
Willow Glen Dr	Major Arterial
Wishart Rd	Collector
Yeoman Hall Rd	Collector

Discussion: With the detailed list of collector or arterial roads outlined in the Subdivision Regulations, confusion as to which roads are or are not will be eliminated.

Page 31, Table 1: The changes are to eliminate reference 3, to add driveway easements and driving surfaces and expand cul-de-sac right-of-way to a 60 foot radius.

Discussion: The driveway item is a new concept to Flathead County but it has numerous positive affects on development. These positives include reduction of the number of individual approaches, less road construction and less constructed surface area.

The proposed increase in cul-de-sac right-of-way to 60 foot radius feet is necessary to insure that there is sufficient area to accommodate snow storage and grading around the travel surface of a built cul-de-sac.

The proposed changes to Table 1 are a net positive.

Page 33, Table 3: There are three items occurring here. Maximum road length is expanded to one half a mile (2640 feet), all rights-of-way will be 60 feet and maximum length of road in high fire hazard area is doubled to 1,500 feet.

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

Discussion: The proposed standards are a net positive for the development community in Flathead County. All rights-of-way become standardized and road length without the need for variance in all cases is expanded.

Page 33, Section 3.9(K)(b) Paving includes means new asphalt or concrete, and asphalt surface treatments also known as armor coat or double or triple chip seal.

Discussion: This Section sets the baseline for expected improvements for primary access and internal subdivision roads. The economic benefits of alternative hard surfaces verses the engineering limitations are an item for discussion by the applicant, planning board and development community.

Pages 34 and 35, Sections 3.9(K)(2)(e) through 3.9(K)(3)(b) are proposed to be deleted and replaced by the following:

- e. e. All primary access roads shall be paved.
- 2. 2. Internal Subdivision Roads:
- a. a. All internal subdivision roads shall be paved.

- 2. 2. Exemptions:
- a. a. The first minor subdivision from a tract of record that creates one (1) lot is exempt to the paving requirements of these regulations.

The Planning Board, Commissioners and developers must remember that these regulations are applicable to all of Flathead County and as such, may appear in some circumstances to be onerous or excessive. In those instances, variances can be applied for and approved by the Board of County Commissioners to alleviate hardship imposed by these regulations.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ASPEN HOLLOW PUD

Present at the August 12, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, Deputy County Attorney Jonathan Smith, 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 pursuant to Section 3.31.020.4 of the Flathead County Zoning Regulations, that it will hold a public hearing to consider a request by M&R Development, LLC, to approve a Planned Unit Development (PUD) in the Evergreen Zoning District on property zoned R-2 (One Family Limited Residential).

The area proposed to be overlaid with a PUD is described as Lot A, in Block 2 of Shuman Anderson Subdivision, in the NW ¼ of Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana. The property is located at 100 Sleepy Hollow in Aspen Hollow Subdivision, Kalispell, Montana.

The proposal would allow for the development of thirteen (13) condominium units on 4.35 acres. The over all density of this proposal will be increased with the PUD overlay by 7 units, from 6 units that would be allowed in R-2 zoning to the thirteen allowed with the PUD overlay, and setbacks may be decreased from those allowed in R-2 zones.

The regulations defining the PUD and the Evergreen zoning classification are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the 30th day of August, 2004, at 9:30 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 PUD overlay in the Evergreen Zoning District.

DATED this 12th day of August, 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
Deputy

Publish on August 17 and August 24, 2004.

**THURSDAY, AUGUST 12, 2004
(CONTINUED)**

DOCUMENT FOR SIGNATURE: GRANT DEEDS/TAX DEED SALE

Present at the August 12, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Deputy County Attorney Jonathan Smith, Richard Goacher of Goacher & Associates, and Clerk Eisenzimer.

Smith presented the Board with a Quitclaim Deed conveying property to Kathryn Ann Lynn and Daniel A. Moore and a Grant Deed conveying property to the City of Columbia Falls for tax deed properties that had not been paid.

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

CONSIDERATION OF POSITION VACANCY/WEED, PARKS & MAINTENANCE

Present at the August 12, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Deputy County Attorney Jonathan Smith and Clerk Eisenzimer.

Chairman Gipe reviewed a request for Weed, Parks & Maintenance to open a position that will be vacated by August 23.

Commissioner Watne made a **motion** to approve the opening of said position. Chairman Gipe **seconded** the motion. **Aye**- Watne and Gipe. Motion carried by quorum.

BOARD APPOINTMENT: HEALTH INSURANCE COMMITTEE

Present at the August 12, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Deputy County Attorney Jonathan Smith and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the appointment of Wendy Marquardt to the Health Insurance Committee. Commissioner **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the appointment of Elisabeth Sherwood to the Health Insurance Committee. Commissioner **seconded** the motion. **Aye** - Watne and Gipe. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: REVISED FMNP MEMORANDUM OF AGREEMENT/HEALTH DEPT.

Present at the August 12, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioner Watne, Deputy County Attorney Jonathan Smith, and Clerk Eisenzimer.

Chairman Gipe reviewed a memorandum between the Nutrition Section of DPHHS and the Flathead County WIC program to provide the services of the USDA Farmers' Market Nutrition Program to the residents of Flathead County.

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

MEETING W/DALE GREENE RE: KISER COS REVIEW

Present at the August 12, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioner Watne, Planning & Zoning Director Forrest Sanderson, Marsha Greene, Dale Greene, Brenda Norris, Rodney Norris, and Clerk Eisenzimer.

Dale Greene submitted a petition that has been signed protesting the Immediate Family Transfer approved for Kiser which has subsequently been split into 6 lots.

Forrest Sanderson advised Mr. Greene that he will research this issue and then get back to him with his findings.

7:00 p.m. Fair Board meeting at Fair Office

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

FRIDAY, AUGUST 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.

No meetings scheduled

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