

**MONDAY, NOVEMBER 22, 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.

Tom Dalton, James R. Finley, Kerry J. Finley, Carl Rauthe, Darlene Jump-Rauthe, Carolyn Robinson, George Everett.

**Seeing members of the public present, Commissioner Hall opened the public comment period for matters within the Commissions' Jurisdiction.**

Kerry Finley - I'm here on behalf of the Evergreen Business and Property Owners Association all of us are here. I'm speaking on behalf of them and the rest of our membership so we won't be taking up a lot of your time. Evergreen Business and Property Owners would like to thank you Commissioners for appropriating county land to the Evergreen Sewer and Water District for a new sewage treatment plant. We would also like to thank you for approving Red Farris's request to create an independent sewer district for his Kelsey Subdivision on Reserve Drive. When we came here last spring asking you to support the new decentralized onsite systems, Joe Russell promoted and was hopeful of the idea that Kalispell would become a pure utility, providing service for the whole area without the annexation hook as a better alternative. Now he and the City of Kalispell are in a big hurry to run a sewer line to Reserve Drive and to expand the monopoly in exchange for waivers of the right to protest annexation. At recent City of Kalispell workshops sessions, city planner Tom Jentz gave an impassioned speech stressing that sewer is power and that Kalispell could get around any county zoning rules by using developer agreements. Mayor Kennedy stated that they did intend to annex the Kelsey subdivision. Last week the Health Board passed changes to the septic system rules requiring pressurized distribution systems. A contractor testified that this will increase the cost of a new system now to \$4600. Your decision to appropriate this land and to approve the formation of independent sewer districts will allow the people in the Flathead Valley, developers and individual lot owners alike to have options and for that we thank you. We also were hoping to thank Howard Gipe personally for his many years of service as a commissioner representing the Evergreen area and wish him good luck.

**No one else rising to speak, Commissioner Hall closed the public comment period.**

**MONTHLY MEETING W/JOE RUSSELL, HEALTH DEPARTMENT**

Present at the November 22, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, Health Director Joe Russell, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to distribution of emergency services funds; sewage treatment for the Evergreen area; flu vaccine that's available.

**PUBLIC HEARING: ROCKY KNOB, YODEL DOG PEAK, TRIPLETT ROAD & CYGNET TRAIL ROAD NAMING**

Present at the November 22, 2004 9:30 A.M. duly advertised public hearing were Commissioners Watne and Hall, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall opened the public hearing to anyone wishing to speak in favor of the naming of Rocky Knob, Yodel Dog Peak, Triplett Road and Cygnet Trail.

No one rising to speak, Commissioner Hall asked for anyone wishing to speak in opposition to the naming of Rocky Knob, Yodel Dog Peak, Triplett Road and Cygnet Trail.

No one rising to speak, Commissioner Hall closed the public hearing.

Commissioner Watne made a **motion** to adopt Resolution No. 1762 Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1762**

**WHEREAS**, Flathead County has proposed to name a private road generally running southerly off an unnamed branch road that runs westerly and northerly off Farm To Market Road and is located in the Southeast ¼ of the Northwest ¼ and in the Northeast ¼ of the Southwest ¼, Section 12, Township 30 North Range 23 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 22, 2004, concerning the proposal, after publication and mailing of notice thereof on November 2, 2004, and November 9, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **ROCKY KNOB ROAD**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running southerly off an unnamed branch road that runs westerly and northerly off Farm To Market Road and is located in the Southeast ¼ of the Northwest ¼ and in the Northeast ¼ of the Southwest ¼, Section 12, Township 30 North Range 23 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **ROCKY KNOB ROAD**.

**BE IT FURTHER RESOLVED** that the naming of **ROCKY KNOB ROAD** shall be effective on November 22, 2004.

Dated this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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 Watne made a **motion** to adopt Resolution No. 1763 Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1763**

**WHEREAS**, Flathead County has proposed to name a private road generally running easterly off a branch road running northerly off Kienas Road and located in the Northeast  $\frac{1}{4}$  of Section 7 and in the Northwest  $\frac{1}{4}$  of Section 8, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 22, 2004, concerning the proposal, after publication and mailing of notice thereof on November 9, 2004, and November 16, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Yodel Dog Peak**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running easterly off a branch road running northerly off Kienas Road and located in the Northeast  $\frac{1}{4}$  of Section 7 and in the Northwest  $\frac{1}{4}$  of Section 8, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Yodel Dog Peak**.

**BE IT FURTHER RESOLVED** that the naming of **Yodel Dog Peak** shall be effective on November 22, 2004.

Dated this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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 Watne made a **motion** to adopt Resolution No. 1764 Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1764**

**WHEREAS**, Flathead County has proposed to name a private road generally running northerly off a branch road which runs northwesterly-northeasterly, off Kienas Road and located in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  Section 18 and in the East Half of Section 7, all in Township 28 North, Range 22 West, P.M.M., Flathead County, Montana

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 22, 2004, concerning the proposal, after publication and mailing of notice thereof on November 9, 2004, and November 16, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Triplett Road**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running northerly off a branch road which runs northwesterly-northeasterly, off Kienas Road and located in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  Section 18 and in the East Half of Section 7, all in Township 28 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Triplett Road**.

**BE IT FURTHER RESOLVED** that the naming of **Triplett Road** shall be effective on November 22, 2004.

Dated this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
Howard W. Gipe, Chairman

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

By /s/ Gary D. Hall

ATTEST:  
Paula Robinson, Clerk

Gary D. Hall, Member

By /s/ Monica R. Eisenzimer  
Deputy

Commissioner Watne made a **motion** to adopt Resolution No. 1765 Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 1765**

**WHEREAS**, Flathead County has proposed to name a private road generally running westerly off Swan Hill Drive and located in the Southwest ¼ of Section 19, and in the Northwest ¼ of Section 30, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on November 22, 2004, concerning the proposal, after publication and mailing of notice thereof on November 9, 2004, and November 16, 2004; and

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Cygnnet Trail**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Swan Hill Drive and located in the Southwest ¼ of Section 19, and in the Northwest ¼ of Section 30, all in Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Cygnnet Trail**.

**BE IT FURTHER RESOLVED** that the naming of **Cygnnet Trail** shall be effective on November 22, 2004.

Dated this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TALLY DRIVE ROAD NAMING**

Present at the November 22, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, 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 and Hall. 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 **TALLY DRIVE**.

**Road generally running southwesterly off Tally Lake Road and located in the South ½ of the Southwest ¼ Section 13, Township 30 North, Range 23 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **9<sup>th</sup> day of December, 2004, at 9:00 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 **TALLY DRIVE**.

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

Dated this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/ Gary D. Hall, P.T.  
Howard W. Gipe, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer  
Deputy

Publish on November 25<sup>th</sup> & December 2<sup>nd</sup>, 2004.

**DOCUMENT FOR SIGNATURE: SECTION 5311 CONTRACT/EAGLE TRANSIT**

Present at the November 22, 2004 9:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall presented an Eagle Transit Bus Contract with MDOT.

Commissioner Watne made a **motion** to approve Eagle Transit Bus Contract. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**PUBLIC HEARING: FRAME ZONE CHANGE/LOWER SIDE ZONING DISTRICT**

Present at the November 22, 2004 10:00 A.M. duly advertised public hearing were Commissioners Watne and Hall, Planner BJ Grieve, Brooks Baer, Sylvia Frame, Hugh Frame, Mike Fraser of Thomas, Dean and Hoskins, Assistant Webb, and Clerk Eisenzimer.

Grieve presented the zone change request by Sylvia Frame to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One Family Limited Residential).

Commissioner Hall opened the public hearing to anyone wishing to speak in favor of the requested zone change.

Mike Fraser – Thomas Dean and Hoskins, speaking as the consultant providing the professional services. I think the staff report's very appropriate in that it highlights the fact that this is an R-2 area, actually matching the zoning in the Panoramic Heights and Sunrise Terrace. Also I think it's a unique opportunity to develop an industrial site, gravel pit into a residential area and it really could set a good precedent for a number of the other quarries in the area so I speak on behalf of this project.

Hugh Frame – I wish to speak on behalf of the applicant, Sylvia Frame. I ask that you pass the question of zoning to allow R-2 zoning on the subject property located at 2085 Highway 35 East. The surrounding property is R-2 northeast and south and R-5 to the west. The property is presently zoned SAG-5 and has a current permit to mine gravel. We feel that the R-2 would be a more appropriate use than mining gravel and it would enhance the surrounding area better than the gravel mining.

No one else rising to speak, Commissioner Hall asked for anyone wishing to speak in opposition to the requested zone change.

No one rising to speak, Commissioner Hall closed the public hearing.

Commissioner Watne made a **motion** to adopt Resolution No. 957AR. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 957AR**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 22<sup>nd</sup> day of November, 2004, to consider a request by Sylvia P. Frame to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One Family Limited Residential);

**WHEREAS**, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on November 9 and November 16, 2004;

**WHEREAS**, the Board of Commissioners received 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 Lower Side Zoning District.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning for a portion of the area in the Lower Side Zoning District from SAG-5 to R-2, 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 Lower Side Zoning District to be changed, the general character of the proposed change in regulations for the area, 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 Lower Side Zoning District, shall be published once a week for two weeks.

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

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

DATED this 22<sup>nd</sup> day November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: \_\_\_\_\_  
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

**EXHIBIT A**

**LOWER SIDE ZONING DISTRICT  
FRAME REQUEST**

**LOCATION AND LEGAL DESCRIPTION OF PROPERTY:**

The property is located in the Lower side zoning district adjacent to the intersection of the Flathead River and Montana Highway 35. The subject properties may be described as Tracts 2BC and 2B in Section 2, Township 28 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 2085 MT Hwy 35 and 30 Panoramic Drive.

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

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
LOWER SIDE 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. 957AR) on November 22, 2004, to change the zoning designation in a portion of the Lower Side Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be amended from SAG-5 to R-2 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 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, and to provide areas of estate-type residential development, to a residential district intended to provide for large tract development in suburban areas, beyond sanitary sewer and/or water lines. The SAG-5 classification has a minimum lot size of 5 acres; a change to R-2 would result in a minimum lot size of 20,000 square feet.

The regulations defining the SAG-5 and R-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 22<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By /s/ Gary D. Hall, P.T.  
Howard W. Gipe, Chairman

By: /s/ Monica R. Eisenzimer  
Deputy

Publish on November 25 and December 2, 2004.

**EXHIBIT A**

**LOWER SIDE ZONING DISTRICT  
FRAME REQUEST**

**LOCATION AND LEGAL DESCRIPTION OF PROPERTY:**

The property is located in the Lower side zoning district adjacent to the intersection of the Flathead River and Montana Highway 35. The subject properties may be described as Tracts 2BC and 2B in Section 2, Township 28 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 2085 MT Hwy 35 and 30 Panoramic Drive.

**PRELIMINARY PLAT: EAGLE'S CREST VISTAS, AMENDED PLAT OF LOT 1A OF AMENDED PLAT OF LOTS 1 & 2**

Present at the November 22, 2004 10:15 A.M. Meeting were Commissioner s Hall and Watne, Planner Peggy Goodrich, Dawn Marquardt and Debbie Shoemaker from Marquardt & Marquardt Surveying, Mel Allen, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed Staff Report #FPP-04-34, the Preliminary Plat application filed by Dan & Kristi Fischer regarding a request for approval of the Amended Plat of Lot 1A of the Amended Plat of Lots 1 & 2 of Eagle's Crest Vistas, a major subdivision creating two residential lots. The subdivision is proposed on 12.56 acres and will be served by individual water systems and septic systems. The subdivision is located off US Highway 93 across from Peaceful Bay. The property is in an unzoned portion of Flathead County. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-34 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Amended Plat of Lot 1A of the Amended Plat of Lots 1 & 2 of Eagle's Crest Vistas subject to 12 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**PRELIMINARY PLAT: EAGLE'S CREST RIDGE, AMENDED PLAT OF LOTS 7 & 10**

Present at the November 22, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Planner Peggy Goodrich, Mel Allen, Dawn Marquardt and Debbie Shoemaker of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed Staff Report #FPP-04-33, the Preliminary Plat application filed by Tom Fischmann, William Sasser, and Melvin & Elizabeth Allen for approval of the Amended Plat of Lots 7 & 10 of Eagle's Crest Ridge a major subdivision creating four residential lots. The subdivision is proposed on 20.63 acres and will be served by individual water systems and septic systems. The subdivision is located off US Highway 93 across from Peaceful Bay. The property is in an unzoned portion of Flathead County. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-33 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat for Amended Plat of Lots 7 & 10 of Eagle's Crest Ridge subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**MEETING W/LISA WURSTER/THOMAS, DEAN & HOSKINS RE: EAST VALLEY ESTATES**

Present at the November 22, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Mike Fraser of Thomas, Dean and Hoskins, Planning and Zoning Director Forrest Sanderson, Assistant Webb, and Clerk Eisenzimer.

Discussion was held relative to Mike Fraser representing Lisa Wurster, regarding the East Valley Estates subdivision. Request is for the open space to become a remainder in order for developers to have the option to subdivide further in the future. Recommendation from Forrest Sanderson is for the subdivision application to go back to the Planning Board for advisement on changing open space to remainder.

Commissioner Watne made a **motion** to send the application back to the Planning Board for advisement. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: HOMELAND SECURITY STRATEGIC PLAN**

Present at the November 22, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to approve the Homeland Security Strategic Plan. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: PAVILION-CONCESSION CHANGE ORDER/FAIRGROUNDS**

Present at the November 22, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Assistant Webb advised the Board that the change order is required for the Fairgrounds building.

Commissioner Watne made a **motion** to approve the requested change order. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**CONSIDERATION OF VACATION REQUEST: A. MARBLE**

Present at the November 22, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall reviewed the request from Alan Marble for one month vacation.

Commissioner Watne made a **motion** to approve the requested vacation. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**MEETING W/CHARLIE JOHNSON, ROAD DEPT.**

Present at the November 22, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to Ashley Lake being complete although there are a couple of extras, the guardrail and the culvert, elevation of the super so we changed the grade with \$1800 change. Cabin Fever days permit; request for RFP on cost of services study; subdivision for Dennis Bee and paving that is required; problems with subdivisions and lining up new roads to configure simple bisecting intersections; Somers trail; Flathead Basin Commission; Paola Subdivision and encroachment on county road, determination is that the road is on private property and widening the curve is acceptable.

Commissioner Watne made a **motion** to approve the permit for Cabin Fever Days. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Request for Proposals on the cost of services study. Commissioner Hall **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**FINAL PLAT: FICKEN FARMS**

Present at the November 22, 2004 11:30 A.M. Meeting were Commissioners Watne and Hall, Planner Johna Morrison, Rick Breckenridge and Peggy Mathiason of Montana Mapping, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the application submitted from Montana Mapping Associates for final plat approval of Ficken Farms Subdivision which will create 13 residential lots off North Somers and Manning Road in Section 7, Township 27 North, Range 20 West. Preliminary plat was granted on September 8, 2004, subject to twelve conditions. Morrison advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve Final Plat of Ficken Farms Subdivision. Commissioner Hall **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

**FINAL PLAT: OUTBACK HEIGHTS**

Present at the November 22, 2004 11:45 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Tom Sands of Sands Surveying, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted for Outback Heights Subdivision, a four lot minor subdivision south of Columbia Heights on Jensen Road in Columbia Falls. The subject property is 10 acres in size and is located in an unzoned area. Preliminary plat approval was granted on August 2, 2004 subject to nine conditions. Morrison advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Watne made a **motion** to approve Final Plat of Outback Heights Subdivision. Commissioner Hall **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

**1:00 p.m. Commissioner Hall is to attend Natural Resource Committee meeting at Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 23, 2004.

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**TUESDAY, NOVEMBER 23, 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.

**CONTINUATION OF CONSIDERATION OF ADOPTION OF RESOLUTION: SMITH VALLEY FIRE DIST/PROPERTY TRANSFER**

Present at the November 23, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Deputy County Attorneys Jonathan Smith and Dennis Hester, Debbie Boreson, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 1752A. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Resolution No. 1752A

WHEREAS, Flathead County owns a tract of land, consisting of approximately one acre, which was conveyed to Flathead County for the use and benefit of the Smith Valley Fire District;

WHEREAS, the Smith Valley Fire District operates fire stations at two separate locations but does not utilize the above-described property;

WHEREAS, the Smith Valley Fire District desires to convey the above-described property to an interested purchaser;

WHEREAS, the Smith Valley Fire District has requested that the above-described property be transferred from the County to the Smith Valley Fire District to effectuate the conveyance;

WHEREAS, the Board of Commissioners of Flathead County, Montana, agrees that the above-described property should be transferred to the Smith Valley Fire District because the property is not necessary for the conduct of the County business and because it was conveyed to Flathead County for the use and benefit of the Smith Valley Fire District; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed a resolution of intention (Resolution No. 1752) on the 7th day October, 2004, to transfer the property to the Smith Valley Fire District, published notice thereof inviting the public to comment on the proposed transfer, and considered the public comment received concerning the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby determines that the following property shall be transferred to the Smith Valley Fire District of Flathead County:

A tract of land situate, lying and being in Government Lot eight (8) & nine (9) of Section Five (5), Township Twenty-seven (27) North, Range Twenty-two (22) West., P.M.M., Flathead County, Montana and more particularly described as follows to wit:

Beginning at the NE Corner of Government Lot 9, Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana; thence North 89°45'27"E, and along the northerly boundary line of Government Lot 8, 56.43 feet to a iron pin on the westerly R/W of U.S. Highway No. 2; thence South 2°37'44"W, and along said Highway R/W, 100.00 feet to a iron pin; thence South 89°45'27"W, and being parallel with the northerly boundary line of Government Lot 9, 436.10 feet to a iron pin; thence North 2°37'44"E, and being parallel with the westerly R/W of U.S. Highway No. 2, 100.00 feet to a iron pin on the northerly boundary line of Government Lot 9; thence North 89°45'27"E, 379.67 feet to the place of beginning and containing 1.00 acres of land more or less.

All as shown on Certificate of Survey 1401, on record in the office of the County Clerk and Recorder, Flathead County, Montana.

DATED this 23<sup>rd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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  
Monica R. Eisenzimer, Deputy

Commissioner Hall made a **motion** to authorize the Quit Claim Deed to Smith Valley Fire District and authorize the Chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### QUITCLAIM DEED

For Value Received **FLATHEAD COUNTY, MONTANA**, a body politic, does hereby convey, release, remise and forever quitclaim unto the **SMITH VALLEY FIRE DISTRICT OF FLATHEAD COUNTY**, the following described premises in Flathead County, Montana, to-wit:

A tract of land situate, lying and being in Government Lot eight (8) & nine (9) of Section Five (5), Township Twenty-seven (27) North, Range Twenty-two (22) West., P.M.M., Flathead County, Montana and more particularly described as follows to wit:

Beginning at the NE Corner of Government Lot 9, Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana; thence North 89°45'27"E, and along the northerly boundary line of Government Lot 8, 56.43 feet to a iron pin on the westerly R/W of U.S. Highway No. 2; thence South 2°37'44"W, and along said Highway R/W, 100.00 feet to a iron pin; thence South 89°45'27"W, and being parallel with the northerly boundary line of Government Lot 9, 436.10 feet to a iron pin; thence North 2°37'44"E, and being parallel with the westerly R/W of U.S. Highway No. 2, 100.00 feet to a iron pin on the northerly boundary line of Government Lot 9; thence North 89°45'27"E, 379.67 feet to the place of beginning and containing 1.00 acres of land more or less.

All as shown on Certificate of Survey 1401, on record in the office of the County Clerk and Recorder, Flathead County, Montana.

Together with all tenements, hereditaments and appurtenances, thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also in the estate, right, title and interest, property, possession, claim and demand whatsoever as well in law as in equity, of the Grantor, of, in or to the said premises and every part and parcel thereof.

DATED this 23<sup>rd</sup> day of November, 2004.

ATTEST:

Paula Robinson, Clerk

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

FLATHEAD COUNTY, MONTANA  
a body politic

By /s/Robert W. Watne, PT  
Howard W. Gipe, Chairman  
Board of Commissioners

#### **AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: BROWN V. COUNTY**

Present at the November 23, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Deputy County Attorneys Jonathan Smith and Dennis Hester, Debbie Boreson, Assistant Webb, and Clerk Eisenzimer.

Deputy Attorney Smith requested the Board to authorize the County Attorney's office to accept service in a case involving litigation of subdivision regulations.

Commissioner Hall made a **motion** to authorize the County Attorney's office to accept service in the before mentioned case. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **GIS MEETING W/PAULA ROBINSON AND TOM REYNOLDS**

Present at the November 23, 2004 9:30 A.M. Meeting were Commissioners Watne and Hall, Clerk and Recorder Paula Robinson, GIS Coordinator Tom Reynolds, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to personnel issues, successful turn out to GIS Day to view imagery, new website which will be available to the public in January; state projects such as audits of fire districts so that land owners are taxed for the correct fire district.

#### **MONTHLY MEETING W/JUSTIN MORRIS**



Present at the November 23, 2004 10:00 A.M. Meeting were Commissioners Hall and Watne, Extension Agent Justin Morris, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to communications with extension agents across Montana to gain knowledge to share with agricultural producers in Flathead County; programs and training on the implementation of organic farming; educational program for small acreage landowners and beginning farmers; compilation of educational materials for horse owners and pasture maintenance; master gardener program starting on January 31, 2005; farm machinery educational program; interviews for new 4H agent December 10<sup>th</sup>.

#### **FINAL PLAT: SMITH LAKE VIEW**

Present at the November 23, 2004 10:30 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Andrew Belski of Flathead Geometrics, Assistant Webb, and Clerk Eisenzimer.

Holland reviewed the final plat application submitted by Tungsten Holdings, for Smith Lake View Subdivision, a three lot minor subdivision. The site is located just past the intersection of Cottage Lane and Kila Road, west of Kalispell. The subject property is approximately two acres in size. The property can be described as Assessor's Tract 2BF in Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana. Preliminary plat approval was waived on January 22, 2004 subject to seven conditions. Holland advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Hall made a motion to adopt Staff Report #FWP-04-39 as Findings of Fact. Commissioner Watne seconded the motion. Aye – Watne and Hall. Motion carried by quorum

Commissioner Hall made a **motion** to approve Final Plat Smith Lake View Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

#### **FINAL PLAT: BITTERROOT ESTATES**

Present at the November 23, 2004 10:45 A.M. Meeting were Commissioners Hall and Watne, Planner Kirsten Holland, Dawn Marquardt and Debbie Shoemaker of Marquardt & Marquardt Surveying, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the application submitted Marquardt & Marquardt Surveying for final plat approval of Bitterroot Estates Subdivision, which will create twenty-one residential lots in Assessor's Tracts 5 and 5H in Section 14, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana. The subdivision is located at 265 and 285 Pleasant Valley Road. The property is unzoned. Preliminary plat approval was granted on September 3, 2003 subject to 21 conditions. Holland advised that all conditions have been met, or otherwise addressed and staff recommends approval of the final plat. The parkland condition has been met by the deposit of cash-in-lieu check in the amount of \$5,097.00.

Commissioner Hall made a **motion** to approve Final Plat of Bitterroot Estates Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

#### **FINAL PLAT: FOOTHILLS GLEN**

Present at the November 23, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Planning and Zoning Director Forrest Sanderson, Planner Johna Morrison, Assistant Webb, and Clerk Eisenzimer.

Sanderson reviewed the application submitted by Marquardt and Marquardt Surveying for final plat approval of Foothills Glen Subdivision, a four lot minor subdivision on Foothills Drive, in the Lake Blaine area. The subject property is 18.54 acres in size and is located in an unzoned portion of the County. Preliminary plat approval was waived on April 5, 2004, subject to nine conditions. Sanderson advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Hall made a motion to adopt Staff Report #FWP-04-41 as Findings of Fact. Commissioner Watne seconded the motion. Aye – Watne and Hall. Motion carried by quorum

Commissioner Hall made a **motion** to approve Final Plat of Foothills Glen Subdivision. Commissioner Watne **seconded** the motion. **Aye** –Watne and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: JEWEL PLAZA**

Present at the November 23, 2004 11:00 A.M. Meeting were Commissioners Hall and Watne, Planner Johna Morrison, Tara Harbin, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the Preliminary Plat application filed by Paul & Kathleen Eslick on behalf of Westwood Development for approval of Jewel Plaza, a major subdivision that will create sixteen Commercial lots. The proposed subdivision is approximately 10 acres in size and may be served by municipal water and individual sewer systems. The lot sizes will range from .50 acre to 1.00 acre. Condition 18 is to be added providing a 10 foot wide bike/walk path will be dedicated along Highway 83. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-36 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for Jewel Plaza as amended subject to 18 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

#### **PRELIMINARY PLAT: MCGREGOR LAKE HIGHLANDS COMMON AREA #1**

Present at the November 23, 2004 11:15 A.M. Meeting were Commissioners Watne and Hall, Planner Johna Morrison, Peggy Sue Ansalon, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the Preliminary Plat application filed by McGregor Lake Highlands Owners Association for approval of McGregor Lake Highlands Common Area #1. The applicants proposal is to take land from Assessor's Tract 1AD in Section 17, to Command Area #1, and add land from Common Area #1 to Assessor's Tracts 1A and 1AD. The subdivision is proposed on 23.458 acres and will serve as a common area of the McGregor Lake Highlands Subdivision. Staff recommends approval.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-04-35 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Commissioner Hall made a **motion** to approve the Preliminary Plat for McGregor Lake Highlands Common Area #1 subject to 13 conditions. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 24, 2004.

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**WEDNESDAY, NOVEMBER 24, 2004**

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

**MONTHLY MEETING W/BOBBIE KELLY, RSVP**

Present at the November 24, 2004 9:00 A.M. Meeting were Commissioners Watne and Hall, RSVP Director Bobbie Kelly, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to assistance with grant updates.

**BUDGET AMENDMENT**

Present at the November 24, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne presented the budget amendment resolution for Homeland Security and Construction costs of Big Mountain Subdivision No. 2 RSID #138.

Commissioner Hall made a **motion** to adopt Resolution 1766. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

**COUNTY OF FLATHEAD**

**GENERAL  
JOURNAL  
VOUCHER  
BUDGET  
AMENDMENT  
RESOLUTION # 1766**

DATE ISSUED:  
DATE OF RECORD:

**VOUCHER NO.: 0411-27**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2928-0209-331117	War Supplemental Grant	1	\$111,500.00	
2928-172000	Revenue Contol	2		\$111,500.00
		3		
2928-0209-420600-110	Wages	4		\$46,408.00
2928-0209-420600-141	Unemployment	5		\$116.00
2928-0209-420600-142	Work-Comp	6		\$2,000.00
2928-0209-420600-144	FICA	7		\$2,877.00
2928-0209-420600-146	Sheriff's Retirement	8		\$4,426.00
2928-0209-420600-147	Medicare	9		\$673.00
2928-0209-420600-900	Capital Equipment	10		\$55,000.00
2928-242000	Expense Control	10	\$111,500.00	
		12		
		13		
		14		
	To establish budget & spending	15		
	authority for FY05 Federal Grant	16		
		17		
		18		
		19		
		20		
		21		
		22		
		23		
		24		
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		31		

		32		
		33		
		34		
		35		
	Total		\$223,000.00	\$223,000.00

Explanation:

by: Gary L Como, Finance  
 Approved by:  
 Commissioners by  
 Resolution

**COUNTY OF FLATHEAD  
 GENERAL  
 JOURNAL  
 VOUCHER  
 BUDGET  
 AMENDMENT  
 RESOLUTION # 1766**

DATE ISSUED:  
 DATE OF RECORD:

**VOUCHER NO.: 0411-26**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
4238-0200-381030	Proceeds from SID Bonds	1	\$425,397.50	
4238-172000	Revenue Control	2		\$425,397.50
		3		
4238-0200-490300-354	Architectural, Engineering	4		\$425,397.50
4238-242000	Expense Control	5	\$425,397.50	
		6		
	To establish budget & spending	7		
	authority for Big Mtn RSID# 138	8		
	Construction	9		
		10		
		11		
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		15		
		16		
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		34		
		35		
	Total		\$850,795.00	\$850,795.00

Explanation:

by: Gary L Como, Finance  
 Approved by:  
 Commissioners by  
 Resolution

**DOCUMENT FOR SIGNATURE: DEQ CONTRACT #505009**

Present at the November 24, 2004 9:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Watne presented the DEQ contract with provides for air modification.

Commissioner Hall made a **motion** to approve the DEQ contract as presented. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

**MONTHLY MEETING W/DAVE PRUNTY**

Present at the November 24, 2004 9:30 A.M. Meeting were Commissioners Watne and Hall, Solid Waste Director Dave Prunty, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to passage of a motion by the Solid Waste Board regarding the onset of gate operation hours for Columbia Falls container site being 6 a.m. to 7 p.m. beginning February 1, 2005; passage of a motion by the Solid Waste board recommending the purchase of the Creston Container site; Bigfork container site options; reconstruction of the former West Glacier Land fill site; placement of chain link fence surrounding County Land fill site and consideration of vegetative buffer; amount of tonnage the land fill is processing per month has risen over 10 thousand ton per month, density study results are within excellent parameters; .

**CONSIDERATION OF LAND PURCHASE/CRESTON GREEN BOX SITE**

Present at the November 24, 2004 9:30 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the land purchase and authorize Solid Waste Director Dave Prunty to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

**MONTHLY MEETING W/KIM CROWLEY, LIBRARY**

Present at the November 24, 2004 10:00 A.M. Meeting were Commissioners Watne and Hall, Library Director Kim Crowley, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to amount of circulation numbers for the past ten years documenting the need for remodel and upgrade of materials and facilities.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PIERCE ZONE CHANGE/BIGFORK ZONING DISTRICT**

Present at the November 24, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 956BC. Commissioner Watne **seconded** the motion. **Aye** - Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 956 BC**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 4th day of October, 2004, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential);

**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 the Flathead County Planning Board regarding the proposed change in the Bigfork Area 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. 956 BB, dated October 4, 2004) to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential) and;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 7 and October 14, 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 Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from SAG-5 (Suburban Agricultural) and SAG-10 (Suburban Agricultural) to R-2 (One-Family Limited Residential), 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 24<sup>th</sup> day of November, 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/ Monica R. Eisenzimer  
Deputy

**EXHIBIT A  
ZONE CHANGE FROM SAG-10 AND SAG-5 TO R-2**

The property is located in the Holt Zoning District, just north of Bigfork, and is situated between Ice Box Canyon and Streeter's Corner on the east side of Highway 35. The subject property may be described as Tract 6 in Section 24, Township 27 North, Range 20 West, P.P.M., Flathead County, Montana.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: EISINGER ZONE CHANGE/EVERGREEN ZONING DISTRICT**

Present at the November 24, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 797DF. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**RESOLUTION NO. 797 DF**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 16th day of September, 2004, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business);

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

**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 DE, dated October 5, 2004) to change the zoning designation from R-1 (Suburban Residential) to B-2 (General Business); and

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 8 and October 15, 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-1 (Suburban 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 24<sup>th</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: \_\_\_\_\_  
Howard W. Gipe, Chairman

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

ATTEST:  
Paula Robinson, Clerk

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

By: /s/ Monica R. Eisenzimer  
Deputy

**EXHIBIT A  
CORWIN-EISINGER MOTORS  
ZONE CHANGE FROM R-1 TO B-2**

The property proposed for the map amendment is located at the intersection of Reserve Drive and US Hwy 93 and contains approximately 10.1 acres. The property's legal description is Tract 41 of Section 30, Township 29 North, Range 21 West, P.M.M.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GRANITE HOLDINGS AMENDMENT/FLATHEAD COUNTY MASTER PLAN**

Present at the November 24, 2004 10:15 A.M. Meeting were Commissioners Hall and Watne, Caren Fricke, Aaron Fricke, Roger Fricke, Ara Jorgenson, Pat Zinke, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to adopt Resolution 789K. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried unanimously.

**RESOLUTION NO. 789K**

**WHEREAS**, Granite Holdings and Ray and Pat Zinke have requested a revision to the Flathead County Master Plan in the Highway 93 North Zoning District by amending the designation of land from agricultural to suburban residential and commercial, to allow for new residential housing opportunities to meet the market demand;

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

**WHEREAS**, the Board of Commissioners passed a resolution of intent (Resolution No. 789J) to consider the requested plan change on October 5, 2004, and gave notice that it would consider public comment received prior to November 4, 2004; and

**WHEREAS**, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

**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 hereby adopts an amendment to the Flathead County Master Plan to change the designation from agricultural to suburban residential and commercial. The properties proposed for amendment are located directly east of the Majestic Valley Arena and going north to Schrade Road, and can be described as Assessor Tracts 5, 2F, 4K, 4H and Lot 2, Subdivision #128, in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, containing 215 acres P.M.M., Flathead County, Montana, to allow for new residential housing opportunities to meet the market demand.

DATED this 24<sup>th</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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 PRINTING BIDS: CLERK & RECORDER'S OFFICE**

Present at the November 24, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve on behalf of the Clerk & Recorder, the bid submitted by The Master's Touch for 20,000 #10 envelopes with window, in the amount of \$447.20. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**11:00 a.m. County Attorney Meeting at County Attorney's Office**

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

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**THURSDAY, NOVEMBER 25, 2004**

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

**COUNTY OFFICES CLOSED – THANKSGIVING**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 26, 2004.

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**FRIDAY, NOVEMBER 26, 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 MEETING SCHEDULED**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 29, 2004.