

## MONDAY, DECEMBER 6, 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 and Commissioner Hall were to attend MACo Elected Officials Conference in Helena  
8:00 a.m. Weed & Parks Board meeting at Weed & Parks Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 7, 2004.

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## TUESDAY, DECEMBER 7, 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 and Commissioner Hall were to attend MACo Elected Officials Conference in Helena  
1:15 p.m. 911 meeting at Justice Center**

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

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## WEDNESDAY, DECEMBER 8, 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 and Commissioner Hall were to attend MACo Elected Officials Conference in Helena**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 9, 2004.

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## THURSDAY, DECEMBER 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.

In attendance: Bill Vergin, Carol Vergin, Dawn Marquardt, Scott Johnson, Don Collins, James Oxford, Brian Mau, Joe Evich, Shawna Floyd, Linda Johnson, John Korpi, Red Gregerson, Sherry Iavicoli.

**Chairman Gipe opened the public comment period for matters within the Commission's Jurisdiction-**

Don Collins – lifetime resident of the area, and I'm here to read a statement by the Batavia-Kienas Homeowners Association in regard to the subdivision.

Thank you for this opportunity to speak.

We are here this morning to share the concerns of property owners of the Batavia-Kienas Homeowners Association in regards to four subdivisions you will make Final Plat decision on today. They are Nez Perce, Cherokee, Chippewa and Cheyenne on Batavia Lane and Kienas Rd. Collectively they are marketed as Clarke Place Estates.

First, We encourage you to follow the Flathead Subdivision Law as explained by the Flathead County Attorneys in your meeting with them on November 9, 2004.

If a group of minor subdivisions look like a major, and impact the community as a major subdivision, they should be addressed collectively as a major subdivision. We request that these four subdivisions be held to the major subdivision regulations and laws. Let me submit a map from the developer's engineering company that shows lots already numbers 1 through 20, clearly communicating the intent of this project and I submitted the map with a copy of this statement.

If these four subdivisions had been submitted as a major, our main concerns for public safety associated with 13 approach permits and their impact on existing Batavia and Kienas traffic, the apparently inadequate water supply and potential septic system issues would have been adequately addressed. We first surfaced these concerns to you during your Dec. 22, 2003 meeting. We note that the minutes of the Dec. 22, 2003 Commissioners meeting on the Flathead County web site are very brief and do not detail what transpired at that meeting. But the Recorder's tape recording of the meeting does. If you'd like a copy of the tape, we can provide it and I do have that here if you would like that.

Second, we request that you follow the "lot size" recommendation of the current Master Plan for Smith Valley. According to Planning and Zoning personnel, the Master Plan recommends a lot size of not less than 5 acres. Because of the water conditions in Smith Valley smaller lot sizes may result in additional water problems. As you are probably aware, a petition to create a Controlled Groundwater Area on the West side of Highway 2 West has been submitted to DNRC. This petition is the direct result of water problems created by wells drilled in Nez Perce and Chippewa and which deprived senior water rights holders of water used for both agriculture and domestic purposes.

The Commissioner's mission statement of the Flathead County web site reads: "To ensure the best possible services for the least amount of cost to our residents". A Daily Interlake article on growth problems experienced by three Montana counties points out that one factor driving Flathead County's increased cost of services is the amount of high density development allowed in rural areas. These 20 small lots are another example of high density development that will cause increased service costs.

In closing, We support you as you uphold the law. We encourage you to follow the county attorney's recommendation in the interpretation and application of Flathead County Subdivision laws as it applies to these four subdivisions. Specifically, we request that you deny the four as minor subdivisions and allow them to resubmit as one major subdivision, allowing for public input, impact reviews and open space. Thank you.

John Korpi – I'm here speaking about the Presentine Ranch subdivision that John Schwarz is proposing. One thing, I think he has a real good plan here and it's real well laid out but the one thing and I'm sure you'll see this. I have some major concerns about the density. His plan is good but I think there's just a few too many homes in it. It's well planned, well laid out and it'll probably fit in but density is an issue and that's all I really have to say and I appreciate you looking into that one for us.

#### **MONTHLY MEETING W/FORREST SANDERSON, PLANNING AND ZONING OFFICE**

Present at the December 9, 2004 9:00 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Jonathan Smith, Planning and Zoning Director Forrest Sanderson, Commissioner-Elect Joe Brenneman, and Clerk Eisenzimer.

General discussion was held relative to Great Northern Trail, preliminary layout of the construction of Somers-Lakeside Trail; planned legislation regarding growth policy; amendments to subdivision regulations that are pending legislation; revenues and agenda of upcoming applications and hearings; formation of a strategic long range planning review.

#### **BID OPENING: GREAT NORTHERN TRAIL**

Present at the December 9, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Peter Steele, Greg Sandon from Sandon Construction, Jason Campbell from Schellinger Construction, Marc Liechti of Schwarz Engineering, Steve Settle from Settle Services, Shari Halloran from Thomas, Dean & Hoskins, Planning and Zoning Director Forrest Sanderson, Planner Peggy Goodrich, Don and Phyllis Snow, Horace Sanders, and Clerk Eisenzimer.

Settle Services \$429,651.25  
LHC \$564,452.00  
Schellinger Const. \$358,698.00  
JTL \$705,000.00  
Sandon Const. \$413,661.00

Commissioner Watne made a **motion** to take the bids under advisement and refer them to the CTEP Committee for a recommendation. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **CONSIDERATION OF ADOPTON OF FINAL RESOLUTION: CROSSROADS CHRISTIAN ZONE CHANGE/BIGFORK ZONING DIST.**

Present at the December 9, 2004 9:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Commissioner Watne made a **motion** to adopt Resolution 956BE. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

#### **RESOLUTION NO. 956 BE**

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 18th day of October, 2004, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business);

**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 BC, dated October 18, 2004) to change the zoning designation in a portion of the Bigfork Area Zoning District from R-1 (Suburban Residential) to B-3 (Community Business) and;

**WHEREAS**, notice of passage of that Resolution was published once a week for two weeks, on October 21 and October 28, 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 R-1 (Suburban Residential) to B-3 (Community 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 9<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By: /s/ Monica R. Eisenzimer  
Deputy

**EXHIBIT A  
CROSSROAD CHRISTIAN FELLOWSHIP  
REQUEST FOR ZONE CHANGE FROM R-1 TO B-3**

**LEGAL DESCRIPTION**

The property proposed for rezoning is located on the east side of Highway 35, just north of the intersection of Highway 83 and Highway 35 (Streeter's Corner) in Bigfork. The property can be described as Lot 2, Flathead Swan Junction Unit No. 3, Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County.

**MONTHLY MEETING w/RAEANN CAMPBELL, HUMAN RESOURCES**

Present at the December 9, 2004 9:45 A.M. Meeting were Chairman Gipe, Commissioner and Hall, Human Resource Director Raeann Campbell, and Clerk Eisenzimer.

General discussion was held relative to John Moore from Helena will be here in February to instruct department heads and supervisors on essentials of management and then in January she will do some basic training on what interview questions can and cannot be asked and things of that nature, incidents were null for November; attendance in Missoula for County Human Resources meeting, Risk Management training in Lewistown during January.

**Commissioner Watne was excused.**

**PUBLIC HEARING: TALLY DRIVE NAMING**

Present at the December 9, 2004 10:00 A.M. duly advertised public hearing were Chairman Gipe, Commissioners Watne and Hall, and Clerk Eisenzimer.

Chairman Gipe opened the public hearing to anyone wishing to speak in favor of or against the naming of Tally Drive.

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

Commissioner Hall made a **motion** to adopt Resolution No. 1768. Chairman Gipe **seconded** the motion. **Aye** - Hall and Gipe. Motion carried by quorum.

**RESOLUTION NO. 1768**

**WHEREAS**, Flathead County has proposed to name a private 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

**WHEREAS**, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 9, 2004, concerning the proposal, after publication and mailing of notice thereof on November 25, 2004, and December 2, 2004; and

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, by the Board of Commissioners of Flathead County, that the private 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, should be, and it hereby is, named Tally Drive.

**BE IT FURTHER RESOLVED** that the naming of Tally Drive shall be effective on December 9, 2004.

Dated this 9<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By \_\_\_\_\_  
Robert W. Watne, Member

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

ATTEST:  
Paula Robinson, Clerk

By /s/ Monica R. Eisenzimer  
Deputy

**Commissioner Watne was seated.**

### **AUTHORIZATION TO PUBLISH CALL FOR BIDS: LEGAL ADVERTISING 2005**

Present at the December 9, 2004 10:00 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to authorize the publication of the Call For Bids and authorize the Chairman to sign. Chairman Gipe **seconded** the motion. **Aye** - Watne, Gipe and Hall. Motion carried by quorum.

### **CALL FOR BIDS**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana will receive bids on Legal Advertising.

Bids are to be submitted on percentage of Code prices as outlined in the Montana Code Annotated, Section 7-5-2401, et seq., and the Administrative Rules of Montana, Section 2.67.301, et seq. Bidders shall bid by section.

Each bidder must deposit with their bid, a bid security in the amount of One Thousand Dollars (\$1,000.00) to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the provision of Legal Advertising. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with his bid a signed contract, which will be for a term of one (1) year, commencing January 1, 2005, and terminating December 31, 2005. The successful bidder will be required to furnish a bond in the amount of Two Thousand Dollars (\$2,000.00) signed by sufficient sureties, to secure the contractor's covenant to faithfully perform all of the conditions of the contract in accordance with the law and that contract.

All sealed bids, plainly marked "**SEALED BID - LEGAL ADVERTISING**" must be in the hands of the County Clerk and Recorder, 800 South Main Street, Kalispell, Montana 59901, at or before **5:00** o'clock p.m. on **December 30, 2004**. Bids will be opened and read at **9:15** o'clock a.m. on **January 3, 2005**, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main Street, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County. Preference will be given to bidders who will receive legal advertising text via electronic transmission.

The award of bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the County Clerk and Recorder.

DATED this 9<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

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

Publish on **December 14<sup>th</sup> & 21<sup>st</sup>, 2004**.

### **CONSIDERATION OF CONTRACT EXTENSION: D. JONES**

Present at the December 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Gallo presented a request for the extension of Diane Jones' contract as she is working in the plat room to help catch up the workload.

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

### **MEETING W/LIZ HARRIS/JOB NOW RE: PORT AUTHORITY UPDATE**

Present at the December 9, 2004 10:15 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Liz Harris, Turner Askew, Assistant Webb, and Clerk Eisenzimer.

Liz Harris gave a Power Point Presentation and updated the Board of Commissioners on new and expanding businesses that have relocated to the Flathead in the past year including Resource Label Group, Sage Spa of Whitefish, Teletech, Woodcarvers, Positive Systems, Cable Technology. The presentation pointed out the challenges that face economic growth in Montana and the Flathead Valley, and introduced new accomplishments and goals for 2005.

### **FINAL PLAT: NEZ PERCE SUBDIVISION**

Present at the December 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Peter Steele, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Bob Vergin, Carol Vergin, Scott Johnson, Don Collins, James Oxford, Joe Evich, Linda Johnson, Bill Obermayer, Marc Liechti, Tom Gibson, Addy Gibson, Lee Henning, Terry McCall, Jill Gibson, Brent Mitchell, Kathleen Sudan, Marvin Sudan, Gina Klempel, Rick Breckenridge, Roads Superintendent Charlie Johnson, Clerk and Recorder Paula Robinson, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted by Thomas Gibson and Marquardt and Marquardt Surveying for Nez Perce Subdivision, a five lot minor subdivision on Batavia Lane, in the Smith Valley. The subject property is 10.05 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 18, 2003, subject to seven conditions. Morrison advised that all conditions have been met or otherwise addressed and Planning staff recommends approval of the final plat.

Terry McCall – Representing the Gibsons with respect to these four subdivisions. We had prepared a slide presentation for the board to go through the Statutes on the regulations, but Mr. Steele called me this morning and told me that he was going to withdraw his opposition to these subdivisions and would recommend approval. Accordingly, we won't drag you through all of that. We would like to submit for the record, a written presentation which sets out our position on the county subdivision regulations. Rather than go into all of that, I would like to make a statement on behalf of the Gibsons. They have gone through this entire process. Everything has been above board, it's been open, the planning commission knew what was going on here. They got the preliminary plat approval, they had a recommendation from the County Planning Board and there was no opposition, or no question about these subdivisions being in compliance with the regulations until the County Attorney's office made their presentation on November 9<sup>th</sup>. That's the first time anyone in the county in over two years, made any specific objection to any of these applications. Our clients did nothing wrong, they followed the procedures exactly and they want the board and the public to know that because they've sort of become the poster child for minor subdivisions. With the articles in the paper and it's a rough situation to go through all these kinds of criticisms when they have county approval on a preliminary plat and they've spent thousands and thousands of dollars on the basis of that preliminary approval. I would suggest to you gentlemen that in the future, if the county attorney's office wants to continue with it's position on these regulations that something needs to be done in the first 35 days as set up in the statute to address the question of whether these subdivisions are in compliance. I think the regulations do that now, but when you grant that waiver, that's what happens. But if there's any doubt about that, the county needs a procedure to make sure that nobody else goes on down the line for two years and spends thousands of dollars. That's all I have, thank you.

Deputy County Attorney Peter Steele – A month ago, I came here and pointed out two projects in which minor subdivisions were submitted, which I think should have been considered as major subdivisions. Today one of those projects, which includes four minor subdivisions is before you for final plat approval. They are Nez Perce, Cheyenne, Cherokee, and Chippewa subdivisions. Again if you recall a month ago, I pointed out that to qualify as a minor subdivision, the county subdivision regulations requires a determination of the tract of record in 1993 and that that tract not be divided into more than five tracts, otherwise it needed to be treated as a major subdivision and go through major subdivision review. Because these four minor subdivisions which are here today are located on three tracts of record, as I pointed out a month ago, I gave you a heads up that the final plats would not comply with the subdivision regulations. Since that meeting a month ago, I received information that I did not have before I came a month ago and that was that the developers had spent over \$200,000 in relying on the preliminary plat approval. Because the developers relied on that preliminary plat approval, and spent a considerable amount of money on the project, it would not be fair for you to deny those final plats today. So it's the county attorney's recommendation that today you approve those final four plats. It's also our recommendation that Flathead County take a proactive approach from now on and take a hard look at the original tracts of record before preliminary plat approval. I've talked to Forrest Sanderson and I've talked to the other planners at the planning office and they are going to be taking a closer look at all minor subdivisions and do their homework and find out what that original tract of record is before the preliminary plat is approved.

Chairman Gipe questioned Johna Morrison as to whether she has more to add.

Johna Morrison – I do not, it's my understanding from the County Attorney's ruling, that from two weeks ago forward, we now do research on properties and I think we're all under the same understanding what we're looking for so the planning office is completely on board with what's going on.

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

Commissioner Watne made a **motion** to approve Final Plat of Nez Perce Subdivision. No second. Motion dies. Nez Perce fails on Final plat.

#### **FINAL PLAT: CHEYENNE SUBDIVISION**

Present at the December 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Peter Steele, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Bob Vergin, Carol Vergin, Scott Johnson, Don Collins, James Oxford, Joe Evich, Linda Johnson, Bill Obermeyer, Marc Liechti, Tom Gibson, Addy Gibson, Lee Henning, Terry McCall, Jill Gibson, Brent Mitchell, Kathleen Sudan, Marvin Sudan, Gina Klempel, Rick Breckenridge, Roads Superintendent Charlie Johnson, Clerk and Recorder Paula Robinson, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted by Angeline Gallant and Marquardt and Marquardt Surveying, for Cheyenne Subdivision, a five lot minor subdivision on Kienas Lane, in the Smith Valley. The subject property is 9.04 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 14, 2003, subject to seven 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 adopt Staff Report #FWP-04-37 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat of Cheyenne Subdivision. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

#### **FINAL PLAT: CHEROKEE SUBDIVISION**

Present at the December 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Peter Steele, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Bob Vergin, Carol Vergin, Scott Johnson, Don Collins, James Oxford, Joe Evich, Linda Johnson, Bill Obermeyer, Marc Liechti, Tom Gibson, Addy Gibson, Lee Henning, Terry McCall, Jill Gibson, Brent Mitchell, Kathleen Sudan, Marvin Sudan, Gina Klempel, Rick Breckenridge, Roads Superintendent Charlie Johnson, Clerk and Recorder Paula Robinson, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted by Thomas and Angeline Gibson for Cherokee Subdivision, a five lot subdivision on Batavia Lane, in the Smith Valley. The subject property is 10.05 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on February 13, 2004, subject to seven conditions. Morrison 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-04-34 as Findings of Fact. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Watne made a **motion** to approve Final Plat of Cherokee Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**FINAL PLAT: CHIPPEWA SUBDIVISION**

Present at the December 9, 2004 10:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Deputy County Attorney Peter Steele, Planner Johna Morrison, Planning and Zoning Director Forrest Sanderson, Bob Vergin, Carol Vergin, Scott Johnson, Don Collins, James Oxford, Joe Evich, Linda Johnson, Bill Obermayer, Marc Liechti, Tom Gibson, Addy Gibson, Lee Henning, Terry McCall, Jill Gibson, Brent Mitchell, Kathleen Sudan, Marvin Sudan, Gina Klempel, Rick Breckenridge, Roads Superintendent Charlie Johnson, Clerk and Recorder Paula Robinson, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the final plat application submitted by Adeline Gibson for Chippewa Subdivision, a five lot minor subdivision on Kienas Road, in the Smith Valley. The subject property is 8.05 acres in size and is located in an unzoned portion of Flathead County. Preliminary plat approval was waived on March 18, 2003, subject to seven conditions. Grieve advised that all conditions have been met or otherwise addressed and staff recommends approval of the final plat.

Commissioner Watne made a **motion** to adopt Staff Report #FWP-04-36 as Findings of Fact. Commissioner Hall **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

Commissioner Hall made a **motion** to approve Final Plat of Chippewa Subdivision. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Gipe. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #04-07-4-61-016-0**

Present at the December 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

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

**CONSIDERATION OF RELEASE OF COLLATERAL: HARBOR VILLAGE, PHASE 4B**

Present at the December 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Chairman Gipe reviewed a request to release the collateral for Harbor Village as the improvements are completed.

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

**CONSIDERATION OF SIA EXTENSION: HARMONY COURT**

Present at the December 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Watne and Hall, Planning and Zoning Director Forrest Sanderson, and Clerk Eisenzimer.

Commissioner Hall made a **motion** to approve the extension of Harmony Court to December 31, 2004. Commissioner Watne **seconded** the motion. **Aye** - Watne, Hall and Gipe. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE/220 SOUTH COMPLEX DRIVE, LLC**

Present at the December 9, 2004 11:30 A.M. Meeting were Chairman Gipe, Commissioners Hall and Watne, Assistant Webb, 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 Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of 220 South Complex Drive, LLC, of Kalispell, Montana, seeking the application of tax reducing benefits to the construction of a new building to house increased Merlin Information Services staff at 220 South Complex Drive, Kalispell, Montana. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the 3<sup>rd</sup> day of January, 2005, at 9:30 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of 220 South Complex Drive, LLC.

DATED this 9th day of December, 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 December 14 and December 28, 2004.

**PUBLIC NOTICE**

The Board of Commissioners of Flathead County did this 9<sup>th</sup> day of December, 2004, approve payroll and claims for payment in the amount of \$2,413,875.82 for the period beginning November 1, 2004 and ending on November 30, 2004.

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

Dated this 9<sup>th</sup> day of December, 2004.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish December 14, 2004.

**PUBLIC NOTICE**

The Board of County Commissioners' proceedings for Flathead County for the period of November 1, 2004, and November 30, 2004, are now available for public review in the Office of the Clerk and Recorder, Flathead County Courthouse, Kalispell, Montana, and at the Flathead County Library, 247 First Avenue East, Kalispell, Montana.

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

Dated this 9<sup>th</sup> day of December, 2004.

BOARD OF COMMISSIONERS  
Flathead County, Montana

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

By: /s/Paula Robinson  
Paula Robinson, Clerk

Publish December 14, 2004.

**2:00 p.m. Commissioner Hall is to attend AOA Board meeting at Kalispell Senior Center**  
**7:30 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 December 10, 2004.

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**FRIDAY, DECEMBER 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.

**9:00 a.m. Commissioner Hall is to attend Speaker at Leadership Flathead at Central School Museum**

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

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