

MONDAY, JANUARY 31, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

PRELIMINARY PLAT: GOOSE MEADOWS, RESUBDIVISION OF LOTS 1, 2 & 3

Present at the January 31, 2005 9:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Rick Breckenridge and Peggy Mathiason of Montana Mapping, Holly Bolling, Marc Bolling, Steve Edwards, Planner Peggy Goodrich, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the application submitted by Kathryn Edwards & Holly Bolling for Preliminary Plat approval of Resubdivision of Lots 1,2, & 3 of Goose Meadows Subdivision, a major subdivision that will create seventeen residential lots, located east of Farm Road and North of Montana Highway 82. The minimum lot size is five acres and the maximum lot size is seven acres. Each lot will be served by individual water and septic systems. Access to the lots will be off Farm Road, approximately one mile north of Montana Highway 82. The proposed subdivision is located in an unzoned portion of Flathead County. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-38 as Findings of Fact. Commissioner Brenneman **seconded** the motion. **Aye** –Watne, Hall and Brenneman. Motion carried unanimously.

Discussion continued regarding the subsection of condition 8 concerning waiver of protest, condition 13, the paving of the internal subdivision road and condition 14 a request for easement to connect to future developed roads.

Commissioner Watne made a **motion** to approve the variance to be granted for the length of the private, internal subdivision road. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the Preliminary Plat for the Resubdivision of Lots 1, 2, & 3 of Goose Meadows Subdivision subject to 14 conditions including condition 8, amended to include right to objection to amount of assessment of RSID. Chairman Hall **seconded** the motion. **Aye** – Hall and Brenneman. **Abstained** - Watne Motion carried.

FINAL PLAT: FARMLAND ACRES

Present at the January 31, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Planner Johna Morrison, Assistant Webb, and Clerk Eisenzimer.

Morrison reviewed the application submitted by Montana Mapping, for final plat approval of Farmland Acres Subdivision which will create fifteen residential lots off North Somers and Manning Road in Section 7, Township 27 North, Range 20 West. The property is unzoned. Preliminary plat approval was granted on April 5, 2004 subject to 13 conditions. Morrison indicated all conditions have been met or otherwise addressed. Staff recommends approval.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement in the amount of \$67,500 to complete improvements to meet conditions. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Watne made a motion to adopt Staff Report FFP-05-02 as Findings of Fact. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve final plat of Farmland Acres Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

FINAL PLAT: DALE'S PLACE

Present at the January 31, 2005 9:45 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Planner Peggy Goodrich, Joe Kauffman of Big Sky Mapping, Assistant Webb, and Clerk Eisenzimer.

Goodrich reviewed the application submitted by Dale Birky, for final plat approval of Dale's Place Subdivision, a one lot minor subdivision with a remainder off of North Hilltop Road west of Columbia Falls. The subject property is 18 acres in size and is unzoned. Preliminary plat was waived on October 27, 2004 subject to seven conditions. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FWP-04-44 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve final plat of Dale's Place Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

PUBLIC HEARING: CREATION OF FOYS LAKESIDE ESTATES WATER & SEWER DISTRICT

Present at the January 31, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Donald Ross, Mary Jane Ross, Jeff Miller, Assistant Webb, and Clerk Eisenzimer.

Chairman Hall opened the public hearing to anyone wishing to speak in favor of the creation of Foys Lakeside Estates Water & Sewer District.

Don Ross – I have lived in this subdivision longer than anyone at this point. The reason we want to form this water district is to upgrade our system. The system is terribly inadequate, and poorly designed, and poorly installed. The other reason is for protections of our aquifer. We have very shallow wells. We have a very abundant aquifer that flows there. We do have a study that is available that shows where that water source is coming from. A few comments on the formation of this. My wife and I have been managing the water district, and Mary Jane will speak in a minute, she is a licensed operator in the state of Montana. We have found over repairs in the period of time that there were mixings of materials. I have some pictures here if you are interested in it, to show how the water lines were installed directly underneath the power line. The bedding material was at the most, about an inch of peat gravel on top of it. We have gotten rocks through the system. We have had erosions of pipes in the system, and there is mixing of materials, schedules of pipe and pressure ratings in there. The system is also plumed in such a way that it runs, there is one user gets directly off the well, nothing goes all through the pump, also at this point there is no way to meter the water being used by the total system. There is no meters on the house so there is no....The only way we know we have a leak in the system is do to a high power bill, or see more water coming out of the ground. Those are my comments. There are currently thirteen houses with a fourteenth to be added this spring. There are approximately thirty users on the system right now. Foys Lakeside Estates subdivision on Rainbow Drive.

Mary Jane Ross – I am currently certified operator of the system. My main concern in forming the water district is that I get some source water protection. We have more and more subdivisions going in up there. Being able to protect our source of water it becomes vital to us. As Kalispell grows we need to be able to make sure everybody has adequate water. That is the main reason that I am in favor of the water district.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

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

Commissioner Brenneman made a **motion** to approve Resolution 1789. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1789

WHEREAS, the Board of Commissioners received a petition, pursuant to Section 7-13-2204, M.C.A., signed by at least 10 % of the registered voters within the proposed district, requesting the creation of a water and/or sewer district to be known as the Foys Lakeside Estates County Water and/or Sewer District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice of a public hearing on the petition;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted a public hearing, on January 31, 2005, regarding the proposed creation of the Foys Lakeside Estates County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered the petition and those appearing thereon, and considered any written protests filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED, that the boundaries of said proposed Foys Lakeside Estates County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED, that the Flathead County election administrator is hereby requested to conduct a mail ballot election to determine whether the Foys Lakeside Estates County Water and/or Sewer District shall be incorporated, under the provisions of Chapter 19, Title 13, M.C.A., and to notify the Board of Commissioners as to whether a mail ballot election will be held within five days of the date hereof, as required by Section 13-19-202, M.C.A.

BE IT FURTHER RESOLVED, that the election of five directors for the proposed district, who shall be owners or lessees of real property within said district or residents therein, shall be held at a later time and that candidates for the office of director shall be nominated in the manner required by Sections 7-13-2241 and 7-13-2246, M.C.A.

Dated this 31st day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By:/s/Monica R. Eisenzimer
Deputy

**FOYS LAKESIDE ESTATES PETITION
DISTRICT BOUNDARIES**

(Legal description of area to be incorporated into District)

A 20.1 tract of land in Northeast ¼ of the Southeast ¼ of Section 26, Township 28 West in Range 22 North, P.M.M., all lots and tracts of Foy's Lakeside Estates Subdivision.

AUTHORIZE JAY SCOTT TO SIGN CLOSING DOCUMENTS: LEWIS PROPERTY

Present at the January 31, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Fair Superintendent Jay Scott, Deputy County Attorney Jonathan Smith, Clarence Watts, Assistant Webb, and Clerk Eisenzimer.

Smith advised the board of upcoming closing of the Notice of Purchasers Interest for the purchase of the Lewis Property and explained the quit claim deed which accompanies the Notice of Purchasers Interest in case of default.

Commissioner Watne made a **motion** to authorize Jay Scott, Fair Superintendent to sign closing documents for the Lewis property. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: QUIT CLAIM DEED/LEWIS PROPERTY

Present at the January 31, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Deputy County Attorney Jonathan Smith, Fair Superintendent Jay Scott, Assistant Webb, and Clerk Eisenzimer.

Commissioner Brenneman made a **motion** to approve the quit claim deed and authorize Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: FIVE STAR MANAGEMENT ZONE CHANGE/BIGFORK

Present at the January 31, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Planner Johna Morrison, Assistant Webb, and Clerk Eisenzimer.

Commissioner made a **motion** to approve Resolution 956BG. Commissioner **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 956 BG

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 13th day of December, 2004, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural);

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 BF, dated December 13, 2004) to change the zoning

designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural) and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on December 16 and December 23, 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 AG-20 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 31st day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By:/s/Monica R. Eisenzimer
Deputy

EXHIBIT A

5 STAR MANAGEMENT REQUEST FOR ZONE CHANGE FROM AG-20 TO SAG-5

Location and Legal Description of Property:

The property proposed for rezoning is located on the east side of Highway 35 approximately 1.5 miles down McCaffery Road. The property can be described as Assessor's Tracts 6 and 2D in Section 12, Township 27 North, Range 20 West P.M.M., Flathead County.

PUBLIC HEARING: CREATION OF WAPITI ACRES WATER & SEWER DISTRICT

Present at the January 31, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Clarence Watts, and Clerk Eisenzimer.

Chairman Hall opened the public hearing to anyone wishing to speak in favor the creation of Wapiti Acres Water & Sewer District.

No one rising to speak, Chairman Hall asked for anyone wishing to speak in opposition to the creation of Wapiti Acres Water & Sewer District.

Clarence Watts – I live south of there on this drainage, which would effect, what I understand in a sewerage plant. Is that right? If they start one little plat there, and then everybody behind there wants a bigger plant, like

they have right south of town here, that drainage goes into Lake Blain, which is nothing but a cesspool right now. I don't think that would be a very good deal to have a sewer drainage running into Lake Blain.

Gary Hall explained to Clarence Watts that this request was regarding Wapiti Acres not Wapiti Meadows like he may have thought.

Clarence Watts – Now you guys are talking about water and sewer districts and everything, which is pretty danged important here. It is going to happen all over. That kind of got me concerned there because Lake Blaine, way back in the forties, when the lake was high, the public health people went out there and said that the water was not fit to swim in. That is way back in the forties. That was quite a recreation there for the whole valley here. Skating, swimming, boating, everything. So I was quite concerned when I heard about that. They do have waste disposal plant people can get, but that area there is going to see five hundred house in that area in the next twenty years. I think something should be looked into that.

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

Commissioner Watne made a **motion** to approve Resolution 1790. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1790

WHEREAS, the Board of Commissioners received a petition, pursuant to Section 7-13-2204, M.C.A., signed by at least 10 % of the registered voters within the proposed district, requesting the creation of a county water and/or sewer district to be known as the Wapiti Acres County Water and/or Sewer District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice of a public hearing on the petition;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted a public hearing, on January 31, 2005, regarding the proposed creation of the Wapiti Acres County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered the petition and those appearing thereon, and considered any written protests filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED, that the boundaries of said proposed Wapiti Acres County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED, that the Flathead County election administrator is hereby requested to conduct a mail ballot election to determine whether the Wapiti Acres County Water and/or Sewer District shall be incorporated, under the provisions of Chapter 19, Title 13, M.C.A., and to notify the Board of Commissioners as to whether a mail ballot election will be held within five days of the date hereof, as required by Section 13-19-202, M.C.A.

BE IT FURTHER RESOLVED, that the election of five directors for the proposed district, who shall be owners or lessees of real property within said district or residents therein, shall be held at a later time and that candidates for the office of director shall be nominated in the manner required by Sections 7-13-2241 and 7-13-2246, M.C.A.

Dated this 31st day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By/s/Monica R. Eisenzimer
Deputy

**FOYS LAKESIDE ESTATES PETITION
DISTRICT BOUNDARIES**

(Legal description of area to be incorporated into District)

A 20.1 tract of land in Northeast ¼ of the Southeast ¼ of Section 26, Township 28 West in Range 22, North, P.M.M., all lots and tracts of Fly's Lakeside Estates Subdivision.

MEETING W/ SUSAN NICOSIA, ET AL, RE: MONTANA FOREST COUNTIES & SCHOOLS COALITION DUES.

Present at the January 31, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Roads Superintendent Charlie Johnson, Assistant Webb, and Clerk Eisenzimer.

General discussion was held relative to receipt of forest payments and while portions go to roads and schools, the remainder goes to RAC projects. The director of that Forest Counties and Schools Coalition will be visiting Flathead County and Montana Forest Counties have been asked to pay more than the \$1500 of the past for lobbying efforts and has asked that the amount of dues paid be \$3900 with road and school budgets share in the cost along with the Commissioner's administrative budget.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 1, 2005.

TUESDAY, FEBRUARY 1, 2005

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

Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,

Shirley Anderson – As I looked through a recent subdivision that was approved by the planning board, as I looked through the conditions that were added to a subdivision that was just approved by the planning board, it really struck me about this waiver of a right to protest an RSID. I decided to learn more. I talked to Mr. Webb yesterday, and to the planning office. If my understanding is wrong I hope that you will correct me. I hope my understanding is wrong. As I understand it from the planning office the planning strike out, which is lined through, is going to be put back in. I really get concerned about taxes. I would like this condition to be stricken from subdivision applications. These are the reasons. I have a legal right to protest, and that is taken away from people within that subdivision. I think it would have a negative effect on home sales. I would not buy a home where I did not have a right to protest a tax increase.

Gary Hall explained that the strike out was being put back in, so people would have the right to protest the amount.

Assistant Webb explained the process of applying an RSID.

Shirley Anderson – We are placing subdivisions now beyond the avenues of services, and they are going in rural areas. Our infrastructure than is insufficient. Without them the subdivisions were in good shape in our area. Helena Flats is a good paved road, and Birch Grove is a good paved road, so that here is sufficient. Without subdivisions we have no need for an improvement district. I got this, is this right, that the basis for this waiver was 76-3-510? This is what I was told at the planning office.

Assistant Webb – I will get that to you. There is a special MCA on special improvement districts, and what can be in them and how they are formed. That is what applies to this.

Shirley Anderson – I asked for it at the planning office and they did not have anything.

Assistant Webb – It is 7-12-2102. Those are the MCA's that apply to SID's. They are on the Web. If you will right down your email address I will send you a reference that you can than use to look at those.

Shirley Anderson – Each subdivision, in my mind, it would unfairly reduce the possibility of opposition to a rural improvement district. (*referring to a map*) We have three large property owners here. The Olson's, the Lybeck's, and the Fritz's. The Lybeck's that is where the planning board passed that one that will be coming to you. I hope my map is right. At this point is somebody said, we are going to have an RSID out there, as property owners we would need one hundred and twenty protest's to defeat it. I am not saying that we will always want to defeat it. Don't misunderstand me. I am saying that as these subdivisions come in it gets tougher for us to get our voices heard. Two or three hundred property owners in here. We have eighty two more in this subdivision. Suddenly we need one hundred and fifty three protests, under condition thirty three. The next to figure, by the time we get to three subdivisions that won't even be possible. Ninety-nine added to one hundred and twenty is way over two hundred protests. There would not be a hope of protesting an RSID. That is scary because it could be for sewer, it could be roads, according to that it can be for most anything except schools. The schools are going to take care of there own. Right now this school, which is right down here, is twenty five below capacity. We have three subdivisions here, here, and the Helena Flats Acres, that are not completed yet. I think that they will very nicely fill up that twenty five kids that our school can still accept. You put subdivisions from here, we have problems. I know that schools are not a part of it, but nevertheless we as property owners can be faced with taxes not only from an RSID but from a school bond. I am an old school teacher. I have never voted against a school bond in my life. I don't want to.

Gary Hall – Is Birch Grove North services by Columbia Falls? Is that part of the Columbia Falls District?

Shirley Anderson – As I understand it, from Loretta Olson, at one time everything north of Birch Grove was Columbia Falls. Then Mr. Macland moved in, and was on the school board for Helena Flats, for school district fifteen, and I believe he got the line so it is not that clear. However, in the application for Pressentine Ranch, I think it said seventy eight percent of this subdivision would be in the Columbia Falls district. It would be our intent to really lobby for those kids to go to Columbia Falls. This here is Mr. Fritz, and he wants to sell some property too. We understand the need for those large, there money is tied up in land. They need to be able to sell, but if we had a couple more subdivisions, and that could certainly be possible, things happen fast, the rest of us here are in big trouble for taxes.

Gary Hall – You mentioned something earlier Shirley about you would normally not protest an SID if meant a benefit to your community. Such as a road or perhaps services of some kind. I think you said that a minute ago. You said, not that I would always protest an SID.

Shirley Anderson – Right not that I would always.

Gary Hall – I guess the point I am trying to make is, in helping you to understand our perspective as to why we are implementing this now, is that we get in this situation where we have a lot of development out in the county, not only in your area, but others, where if we don't start doing something to help us deal with the costs of services to these area, than basically the health, safety, and welfare of the people that live in our county are in jeopardy.

Shirley Anderson – I understand the problem. I have listened. The truth is we don't say we want another eighty two homes here. We are not the one's asking for that. We have the infrastructure we need. If that sounds smug, I don't mean it to, because when that school needs to be expanded we will probably be behind it. We will do our best. The infrastructure needs are caused by these large subdivisions. It does not seem right to me that these people should be excluded from that right to protest.

Gary Hall – Myrt, this subdivision for example, we impose this condition, doesn't it apply to just those people in Pressentine? It does not apply to people outside it.

Assistant Webb – It only applies to people in Pressentine.

Joe Brenneman – Shirley's point is that those people, if you take them as a part of a larger area, those people, in this case eighty two homes when it is all built up. That is forty percent of what, about two hundred. You could include a total of two hundred property owners, draw your line where ever you want to, and you know that you can get an RSID there, because you have already got forty percent. Realistically, I think that Shirley's point is well taken. First of all it does promote leapfrogging, but we are talking about the best of the options that we have available. None of which are particularly palatable. I think that people are going to look at it, like you are saying, this subdivision is what is causing the problem. They are the one's that need the improved infrastructure. The RSID is going to be on them. This is on the plat. They understand when they are buying this property that this is what they are doing. It is nothing sneaky. They are well aware that if they buying this property, if they want to live, they want to live out of town, well I might have to pay a little bit extra.

Shirley Anderson – You don't think that would have a negative effect on sales?

Joe Brenneman – The developers are saying that they are okay with it.

Shirley Anderson – It was added by the planning office and not suggested by our developers as a condition.

Joe Brenneman – The one's that have come before us, they argued about the wording or something like that.

Shirley Anderson – The developers might because they are not required to do anything for these circumstances.

Joe Brenneman – But the people who are selling the land are saying that they can live with that.

Gary Hall – What she is saying is that if you were going to go out and buy in Pressentine than all of the sudden your title is encumbered with the fact that if you need a new road you may have to pay more, and does that actually affect the salability of those lots. There is that argument out there.

Shirley Anderson – To me the issue is not, that is a possible offshoot. The issue is what is fair for the rest of us. We have been there for fifteen years, and there are people who have been there all of their lives. They have a very limited income. You put an SID and a school bond issue on top of that and that is scary.

Assistant Webb – What would you see as a solution? If you take off the waivers than that means that, if the subdivisions keep going on, now you have no way to improve the infrastructure.

Shirley Anderson – That is probably why I am not a commissioner. I don't have a solution. I don't think that what you propose is the only solution. There are other taxes, gas taxes, there are all kinds of things that can be levied.

Gary Hall – So you would vote for a gas tax if we put it on the ballot?

Shirley Anderson – Yes, I would, because it spreads that out.

Joe Brenneman – Honestly I don't think that if there is any commissioner who is ever elected who would say, if we are getting enough local option from fuel tax or whatever else, but by golly we are going to get a waiver so we are going to tax these people. This is just an option.

Gary Hall – That we felt was necessary, because of the extreme growth. We are not able to keep up.

Assistant Webb – So you think that everyone should be taxed for improvements in your area.

Shirley Anderson – I do, for improvements in the area, period.

Assistant Webb – But, you are talking about your area.

Shirley Anderson – In this particular point, but there are areas out in Smith Valley. There are areas in West Valley. I think that it should be a county responsibility. Our area does not have much say over what goes on out there.

Seeing no one else to speak, Chairman Hall closed the public comment period.

MONTHLY MEETING W/NORM CALVERT, COMPUTER SERVICES

Present at the February 01, 2005 9:15 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Computer Services Director Norm Calvert, and Clerk Moser.

General discussion was held relative to David Wojtechowski's replacement possibilities.

PUBLIC HEARING: ROAD ABANDONMENT #425

Present at the February 01, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Ray Hoerner, Benny Hoerner, Carol Hoerner, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Carol Hoerner – This started about eight months ago with these people that built this private driveway. When they built it they built it on our side of the property of the old county easement. So I started by talking with the road department. The road department told me that they had an illegal approach off of the highway, and that they would write them a certified letter, which they did. Then they came back to me and said they did not respond to the certified letter so we are not going to do anything about it. Then I called the plat room here in Kalispell, and talked to some people in the plat room. They said that they could not build the road on our property. That they had to stay on there side because that was a county easement and the only type of road that could be built on there using both sides of the easement would be a county road. They told me that I needed to contact the county attorney. I contacted the county attorney. The county attorney told us that the only thing that we could do was sue them, or else file for an abandonment of the roadway. We have also contacted the power company, because the power company has put a power pole on our property, and has put underground power to there place. It is on our portion of the easement. The power company told us that they would remove the pole if we wanted to push the issue. They had dropped the ball, that they had done as much checking on it as which they should have done. They have actually stated that they were in the wrong, but at

this point in time we have not pushed the electrical issue whatsoever. The county attorney told me that we could do the abandonment. Once we did the abandonment of the road they would have to remove all of these roadway off of our property. If they did not do it, then we would have to take legal action against them. What we are right now is to the point where we are trying to get the road abandoned. If they don't, they have moved the road over a little bit, but there is still a portion of it that is still on our property. So this is where we are at. Just trying to get it abandoned, hopefully than they will remove the rest of the road off of our property, and we can get on with our lives. I guess right now we agree with you as far as leaving the power. With what you stated in your thing. We are not, we really don't want to push the issue of making the power be removed.

Benny Hoerner – The reason that they built the road on our section of the easement is because they have a bunch of big yellow pine trees. They felt that it was a whole lot easier just to go down our side of the land. That is the sole reason, they told us that. That is why they built it down our side. We have had a few little discussions out there.

Gary Hall – They have another access north of the road that you are requesting be abandoned. That is their main access to the subdivision, right.

Benny Hoerner – To their property. They don't really have a subdivision. I think they did cut off a family transfer that access that trailer house right behind their property.

Gary Hall – There is like four lots.

Carol Hoerner – Those four lots are ours. Ours comes off of a road up north of that.

Joe Brenneman – If they have another access why build a road on your property.

Carol Hoerner – They had an access that they had to their trailer house is still her dad's property. Her dad borders the highway. They have one acre behind. Their access was actually through her dad's property, but because this was a common road easement, twenty feet on each side of the property line on this, they decided that they would take our twenty foot easement and build their driveway rather than go through her folks property. They did not use their twenty feet, because to use their twenty feet they would have had to remove their pine trees. Like I said, since this has happened they have split their road over onto their property a little bit more than what it was. There is probably only two or three feet that is actually on our. We have not actually run a survey.

Benny Hoerner – After they built the road we can't find the survey. We just had it surveyed.

Carol Hoerner – All we want to do is build a fence down our property line. Let them have their road on their side, and not encroach over into ours.

Joe Brenneman – Why do we have an easement for a road through there.

Robert Watne – We have a lot of them throughout the county. The roads have never been built.

Joe Brenneman – How far does it go.

Carol Hoerner – What was it 1890 something. It goes clear back to the time when everything was original.

Joe Brenneman – I mean how far does the road go.

Carol Hoerner – It goes down the twenty acre chunk.

Joe Brenneman – So it does not connect to Middle Road. It just goes out there and ends.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

Seeing no one, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment 425. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

CONTINUATION OF ROAD ABANDONMENT #424 (GREENE'S ADDITION TO MARTIN CITY)

Present at the February 01, 2005 9:45 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to approve Road Abandonment 424. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

CONSIDERATION OF VACATION EXTENSION: V. GALLO

Present at the February 01, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Watne made a **motion** to approve the vacation extension for Vicki Gallo. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MSU CONTRACT #G149-05-W0152

Present at the February 01, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

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

DOCUMENT FOR SIGNATURE: SERVICE AGREEMENT/EAGLE TRANSIT & N.W. HEALTHCARE

Present at the February 01, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the service agreement and authorize the Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne, and Brenneman. Motion carried unanimously.

PUBLIC HEARING: TAX INCENTIVE/STOLTZE LAND & LUMBER

Present at the February 01, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Assistant Webb, Brent Mitchell, Jeff Clausen, Chuck Roady, Ronald Buentemeier, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Brent Mitchell – I am here to support the proposal to give Stoltz the tax break. Around this area it seems like all of the government entities tend to bend over backwards to give all of the new guys breaks. I think we tend to just forget about the outfits that have been here for a long time. Stoltz does not make a bunch of wild promises. They do what they say they are going to do. They have a track record that goes back to 1923. I personally run a little tree farm out west. They are going to upgrade there mill to take the smaller diameter stuff. That is a real problem in the area surrounding the valley floor, with the excessive amount of overstocking

of small diameter stuff. To be able to utilize it is going to make it more feasible for them to stay in business, and to reduce fire hazards for people doing defensible space projects on their own land. I am going to leave a copy of the email I sent. I am also delivering today a letter from Flathead Autobahn Society that also supports this tax break. I just wanted to let you know that that was coming. I am not so sure I trust emails anymore. I support it.

Ronald Buentemeier – I am the vice president of FH Stoltz Land and Lumber in Columbia Falls. Obviously I am in support of this tax break that is made available to business that invest heavily. I would like to start off a little bit of a history of our mill and the relationship to the county commissioners. I think you will find this rather humorous. April 19, 1923 the Columbian, that was the newspaper in Columbia Falls at that time, it read “the county commissioners viewed the road leading from the gravel road at the Dowler corner into the mill, one day recently. A crew commenced working Monday morning clearing and grading. A steam shovel is being used to cut down the big hill just north of Dowler corner.” Here is another entry a couple of weeks later “Gravel leading to the new state mill started two weeks ago by the county and is almost completed. Considerable pressure was brought to bear on the commissioner by Kalispell, Columbia Falls, and Whitefish business interest to gravel the road, and the state mill company volunteered to finance the project until next year's taxes were available in order for the road, that could be made available during the winter.” The history goes a long way. The last comment about financing the county, I don't think I will do that for you. I think it is kind of in a reverse today, but there goes back a long history with our company. I have here a tree cookie. The improvement that we did at the mill makes it available that we can use logs this diameter on the top. That is just roughly four inches. We have to have it in a manufactured length. In other words it needs to be a sixteen foot or a twenty foot piece in order to make that possible. To utilize this small of material. I can't live on a steady diet of this size material. I have to have a full gamut of all size logs. The improvements that we have made here make it possible that we can utilize this size of material at our plant. We used local construction company, Columbia Construction, to do the construction and installation of this machinery. The machinery was built in Quebec. We also contracted an independent electric to do the contractual work, so that is the labor input that was there. Many times we hear, and we saw a newspaper article regarding the Owens and Hurst closure, about the fact that when mills modernize they reduce the number of people that they are employing. That is not the case, it has not been the case, in the last three modernizations that we have made, because we do eliminate some operators, but we also then need high skilled people, in electrical, computer skills, mechanical skill. We need those people to come in and maintain this high-tech machinery. It is interesting that this project has got twenty nine and a half miles of wire, electrical wire, to make it work. The value of Stoltz Land and Lumber company to this community is, I don't have the figures for 2004, but in 2003, we put this shy of nineteen million dollars into the local economy in the basis of our taxes pay, payroll that we pay, the money that we put into the suppliers, and of course the employment of the loggers that delivers logs to our mill. That is one hundred and twenty people at our plant, and roughly fifty five in the woods. Some fact, that lots of times is overlooked, is that we have a very good benefit package with health care. Recently I had our gal that takes care of that figure out how many people that health care program covers. Obviously it covers the people that are working at the mill. She showed me that at that point in time we were three hundred and five individuals were covered by eye care, dental care, and health care to the doctors, hospital, and so forth. That has a big multiplier fact in our community. We are an important part of the community, and we hope you will vote favorably on this. I have two people from our plant, Chuck Rody and Jeff Clausen. Jeff Clausen is our accountant and prepared the papers that you have in front of you.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

Seeing no one to speak, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to approve Resolution 1792. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1792

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, and Resolution No. 476A on February 21, 1984, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, F.H. Stoltze Land & Lumber Company of Columbia Falls, Montana, has applied for the tax benefits for the installation of a new optimized small log infeed system at its sawmill at 600 Half Moon Road, Columbia Falls, Montana, in Section 2, Township 30 North, Range 21 West, P.M.M.;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 1st day of February, 2005, concerning the request for tax benefits filed by F.H. Stoltze Land & Lumber Company; and

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

NOW, THEREFORE, BE IT RESOLVED that the installation of the new optimized small log infeed system at its sawmill at 600 Half Moon Road, at Columbia Falls, Montana, shall be granted the tax benefits set forth in Resolution Nos. 476 and 476A and Section 15-24-1402, M.C.A.

DATED this 1st day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Robert W. Watne, Member

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

PRELIMINARY PLAT: EAST VALLEY ESTATES

Present at the February 01, 2005 10:45 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Lisa Wurster with TD&H, Kyle Scarr with TD&H, Planner Kirsten Holland, Ardis Larsen with Larsen Engineering, and Clerk Moser.

Holland reviewed the application submitted by James and Donna Buechle Living Trust for the Amended Preliminary Plat approval of East Valley Estates Subdivision, a major subdivision that will create 17 single family residential lots. The subdivision is located in the McWenneger Slough area on the southwest side of the intersection of Highway 35 and Montford Road. The lots are 1.300 to 3.201 acres in size, and will be served by multi-user wells and individual sewer systems. The lots are unzoned. Staff recommends approval.

Commissioner Watne was seated.

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-39 with 15 conditions as Findings of Fact with the amendment to replace the RSID condition to the February 01, 2005 waiver of protest language. Commissioner **seconded** the motion. **Aye** – Watne and Hall. **Nay**- Brenneman. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the Preliminary Plat of East Valley Estates. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Nay**- Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: ASHLEY CREEK ESTATES, RESUBDIVISION OF LOT 1A

Present at the February 01, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Planner Kirsten Holland, Ardis Larsen with Larsen Engineering and Surveying, Dale Lauman, and Clerk Moser.

Holland reviewed the application submitted by Edward and Teresa Owen for Preliminary Plat approval of Resubdivision of 1A of the Amended Plat of Ashley Creek Estates, a two lot single-family subdivision on approximately 62 acres. All lots in the subdivision are proposed to have individual water and sewer systems. The subdivision is located south of Big Horn Drive off of Smith Lake Road, approximately six road miles west of Kalispell. Access to the lots is via Smith Lake Road. The lots are unzoned. Staff recommends approval

Commissioner Watne made a **motion** to adopt Staff Report #FPP-04-41 with 9 conditions as Findings of Fact with the February 01, 2005 waiver of protest language. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the Preliminary Plat of the Re-Subdivisions of Lot 1A of the amended Plat of Ashley Creek Estates. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne, and Brenneman.

11:30 a.m. Open House: Records Preservation Tour.

1:15 p.m. 911 Meeting at the Justice Center

1:30 p.m. Commissioner Brenneman is to attend a meeting with Mike Cummings, FVDCD

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 1, 2005.

WEDNESDAY, FEBRUARY 2, 2005

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

Commissioner Watne PT opened the public comment on matters within the Commissions' Jurisdiction,

Linda Christensen – I am here to just hopefully talk to you a little bit about the Pressentine Ranch subdivision that is coming up for review tomorrow at ten o'clock. I know Shirley has been in, but I would like to make sure that you understand that she does not represent the neighbors at this point. I don't know what she has said,

and if she is negotiating with you on getting this to go through. The neighbors are very much against this development. I know that there are a lot of good things about the development, but we still have the same concerns that we had for the previous developments. We really love our area and I just want you to understand that there are a group of people who have been writing letters, and have gone to the Planning board and testified. I just want to go over a few points that I think are very important. Big on the list is the infrastructure in the area. We feel that we are in between the cities, and we are in a rural area, and all of us really value the rural atmosphere out there. We really want to preserve that. We have the twenty foot road, which if you drive there around three o'clock in the afternoon when that school kids are getting dropped off, they walk right down the road. Even on a normal day, when you are driving just past another car, you have to be cautious. If they were a little bit wider or it was a truck or something. You just really have to be slow on that road. That is Helena Flats. Birch Grove to, but the kids are not walking up that way, it is more when you get down to where Helena Flats comes in the down toward bayou. We have a neighborhood plan that we have been working on. The neighborhood plan has been done since before this development even came up. I think we are a bit frustrated with that process. We worked hard on that. Everybody says that, well you have to have development somewhere. We real think that we incorporated that into the neighborhood plan, in term of putting more development down south where the infrastructure is. The sewer system is working its way up. Our thought is that over the aquifer I think you have to be very conscientious about hooking up to the sewer system. There are a lot of unknowns about the aquifer, but boy once you pollute it I know it is a ton of money to recuperate. There are lots of places in the country who are now trying to go back and buy up land over the aquifer, and actually clean up the water. The nitrates are a bad situation. I know that there is one quote, and I have a letter that I will be turning in I put where the website is, but it is a website down in Missoula, it talks about the level two septic systems, in saying that it was would remove sixty percent of the nitrates, but it is looking like it is more like thirty percent of the nitrates. That is a bit frightening for a couple of different reasons. The developer was originally, he had lots of promises to the neighbors about drilling wells, and monitoring our wells, well that is all gone now. Not only that, but now he is saying that he is doing the minimum level two so that there is no water monitoring at all. If it is polluted we won't know unless we do our own monitoring. The other thing is, I picked up this paper awhile back, it is from Citizens, which I know everybody does not like them, it is an article on water in the west valley, where it actually is polluted. They are saying don't drink that water, but there is no recourse. These people can not get there water fixed. We are a little bit afraid of that. If we do get a lot of the nitrates in the water, and it is a problem, there is no recourse. We are trying to keep the water for the valley in the aquifer clean, rather than reaching a point where it is to dirty, and than there is no resources or personnel to go in and fix the problem. I think that is something to consider. In the planning board hearing, the people who testified against the development were all neighbors we all live there. The people who testified for it, were previous developers, and current developers, and a previous planning board commissioner, that quite frankly I think he called us communists. I think it is kind of, a lot of us don't really take the planning board hearings very seriously. We take this one more seriously. I mentioned the safety. Safety is a very important factor out there, in terms of the roads. We are interested in keeping our neighborhood safe. We would like to see infrastructure come in. I know that is all controversial, but if we have safe conditions, and we can protect the aquifer, than I know development is coming at some point, but I want to make sure that it is done right. The other concern that I have, is that previous developments on this acreage has been denied, and the last one was actually fewer homes than this one. The one before that was talking about doing there own sewer system, and it was denied to. In terms, I don't know what kind of recourse previous developers have, if you approve this one, but I think that is something that you should consider also.

Wayne Evert – On February 1st of 2005 at 16:05 hours I pulled into the parking lot of the Evergreen Fire Hall, As a volunteer fire fighter/EMT, I am in and out the building almost daily. As I got out of my pickup I notice two Pit-bull dogs, one white at the south door, and one black and white at the north door in the front side of the fire hall. The black and white dog chased me back to my POV, so I radioed dispatch asking for animal control to respond. Shortly after a young child walking home from school along the highway approached and the black and white dog immediately went after the child, chasing him back down the highway more than 250 feet. The boy was able to climb a large snow pile to escape the dog. The dog returned to the fire hall. As the boy began to approach again, I left my POV with a pistol and a shovel. I was able to get between the dog and child just as the dog attacked again. As I held the dog at bay with a shovel, I told the boy to stay behind me. The child's

mother arrived to pick her child up and I informed her that the dog had attacked her boy. The mother's name is Debbie Boober and her son's name is Brandon.

Law enforcement arrived just before Animal Control. The white dog was on a chain cable approximately thirty feet long and had jumped a five-foot chain link fence, he was still on the chain but was blocking the south entrance to the fire hall. This is the second time that this dog has attacked someone on fire department property.

Last falls while we were setting up for our annual family picnic at the hall, this dog jumped a four-foot chain link fence in the back yard, and attacked my dog, and I on fire department property.

Animal Control was called to that incident and told us that the owner would be cited.

As a fire fighter I am very concerned about these dogs repeatedly attacking myself and others. As we respond to the hall frequently, over 440 calls last year, and the large number of children walking to and from a school, located less than a block from the fire hall.

Less than one hour after this incident at 16:58 hours we were paged out to respond to a three-vehicle injury accident. Had these dogs still been there blocking our access to the fire hall we would have had serious problems responding to this emergency.

These are vicious dogs, and I believe that for the safety of many people in this community they need to be destroyed.

Less than 2 weeks ago I witnessed an attack on a fellow firefighter, by a pit-bull, at 143 Ridgewood Dr. I saw the damage that his dog did to a grown mans arm. We were glad that neither he nor I had our kids with us, as a small child would have been severely injured.

Further more, it is my intent to start at your office, in my quest, to do what is necessary to put into law whatever it takes to outlaw this breed of dog in the Flathead County.

I will leave you a copy of this letter. I also have pictures

Seeing no one else present to speak, Commissioner Watne PT closed the public comment period.

MEETING W/JIM PATRICK, CITY OF KALISPELL

Present at the February 02, 2005 9:00 A.M. Meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Webb, Charlie Hasall, James Patrick, Tom Lentz, Pamela Kennedy, and Clerk Moser.

General discussion was held relative to Downtown tiff close out funds, questions as to where the revenues were spent and can be spent, and a proposal from the City of Kalispell to forgo there interest in the funds that would be available to the county over the next ten years, the rebuilding of the Kalispell Airport, and the proposed Kalispell Planning Jurisdiction.

PUBLIC HEARING: ROAD ABANDONMENT #426 (EASEMENT TR. 2, 33-30-20)

Present at the February 02, 2005 9:30 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Seeing no one to speak, Chairman Hall asked for anyone wishing to speak in opposition

Seeing no one to speak, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to approve Road Abandonment #426. Commissioner Watne **seconded** the motion. **Aye** – Watne, and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: POLITICAL SIGNS TEXT AMENDMENT/FLATHEAD COUNTY ZONING REGULATIONS

Present at the February 02, 2005 9:45 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize to publish notice of public hearing and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne and Brenneman. 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 change to the text of the Flathead County Zoning Regulations proposed by the Flathead County Planning and Zoning Office.

The proposed amendment would amend Section 5.11.010 by deleting item 8, political signs, repealing limitations which currently require that political signs be restricted to 32 square feet, not be erected more than 30 days prior to the election and be removed within one week of the election.

The Flathead County Zoning Regulations are on file for public inspection at the Office of the Clerk and Recorder in Permanent File number 93270 13500. The proposed amendment is on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana and the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The public hearing will be held on the **22nd day of February, 2005 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 to the text of the Flathead County Zoning Regulations.

DATED this 2nd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Robert W. Watne PT
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on February 6 and February 13, 2005.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GROSS ZONE CHANGE/BIGFORK ZONING DISTRICT

Present at the February 02, 2005 9:45 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to publish notice of public hearing and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne, and Brenneman. 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 Guy Gross to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

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

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

The regulations defining the AG-40 and SAG-5 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 of February, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

DATED this 2nd day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By /s/Robert W Watne PT
Gary D. Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

Publish on February 6 and February 13, 2005.

CONSIDERATION OF ADOPTION OF RESOLUTION: TAKE TAXES

This meeting was not held.

PUBLIC HEARING: BRADY WAY WEST ROAD NAMING

Present at the February 02, 2005 10:00 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

Seeing no one to speak, Chairman Hall asked for anyone wishing to speak in opposition

Seeing no one to speak, Chairman Hall closed the public hearing.

Commissioner Brenneman made a **motion** to approve Resolution 1791. Commissioner **seconded** the motion. **Aye** –Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1791

WHEREAS, Flathead County has proposed to name a private road generally passing westerly and northerly off of a branch which runs southerly from Big Ravine Drive and located in the Southeast $\frac{1}{4}$ of Section 23, Township 30 North, Range 22 West, P.M.M., M.P.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on February 2, 2005 concerning the proposal, after publication and mailing of notice thereof on January 22, 2005 and January 29, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Brady Way West**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally passing westerly and northerly off of a branch which runs southerly from Big Ravine Drive and located in the Southeast $\frac{1}{4}$ of Section 23, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Brady Way West**.

BE IT FURTHER RESOLVED that the naming of **Brady Way West Road** shall be effective on January 02, 2005.

Dated this 02 day of February, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Gary D. Hall, Chairman

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

By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

MONTHLY MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the February 02, 2005 10:15 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

General discussion was held relative to account balance and claims turned in and the fact that the current balance of the health fund is healthy, upcoming presentations from two different 457 plan providers, VEBA meetings, annual workers compensation report and the discount the county is receiving for low accidents, supervisory training attended, and risk management committee meeting with MACO.

COS REVIEW: BRAXTAN

Present at the February 02, 2005 10:30 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Ardis Larsen and Jeff Larsen with Larsen Engineering and Surveying, Planner Peggy Goodrich, and Clerk Moser.

Discussion was held relative to Peggy Goodrich reviewed a COS review for Jacqueline Braxtan, and why the Clerk and Recorder determined that the family transfer exhibits a pattern of development, Ardis Larsen and Jeff Larsen presented the case of why the family transfer is not an attempt to subdivide at a later date.

Commissioner Brenneman made a **motion** to approve the family transfer for Braxtan. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

CONSIDERATION OF REQUEST FOR EXTENSION OF VACATION TIME: S LADD

Present at the February 02, 2005 10:45 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the vacation extension request for S. Ladd. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall, and Brenneman. Motion carried by quorum.

- 11:00 a.m. County Attorney Meeting at County Attorney's office**
- 12:00 p.m. Chairman Hall is to attend Discovery Development Groundbreaking Ceremony on Two Mile Drive**
- 1:00 p.m. Chairman Hall is to attend Flathead on the Move meeting at Central School Museum**
- 4:00 p.m. Chairman 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 February 1, 2005.

THURSDAY, FEBRUARY 3, 2005

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

8:30 a.m. AOA TAB meeting @ Eagle Transit

Commissioner Watne PT opened the public comment on matters within the Commissions' Jurisdiction

Terry Krogstad – I am against this subdivision. I would like to say that all land in the valley is not created equal. The proposed Pressentine Ranch subdivision is on lowland, some of it is wetland, and should be given special consideration for a high density development. Thoughtful planning for our valley should have high density on high ground. Helena Flats road in this area is so narrow that when a snowplow and a car meet and a mailbox is alongside, the mailbox is usually wiped out. Four very active gravel pits, slightly north of the proposed Pressentine Ranch, and McManus trucking keep this narrow road plenty busy in the summer time. The developer said to estimate eighty hundred and twenty trips additional per day would be insignificant. This conclusion came from dividing eight hundred and twenty into the number of vehicle passing by Birch Grove on Highway two per day, not Helen Flats Road. Pressentine Ranch has a twenty foot wide park around its perimeter. Some of the surrounding fields are certified weed free hay. It is unlikely that weeds growing in this strip would be a major concern of homeowners in the subdivision. Much thought was put into sugar coating words in the guideline of development. Words like encouraged mean nothing if this subdivision were to pass. The same reasons this subdivision on this property was denied twice before have not changed.

Linda Johnhson – I am across the street from where this development is supposed to be coming. Living in the Helena Flats area, being involved in a neighborhood plan, that we have been for several years now, and majority of neighbors meeting together, taking the time, money out of our pocket, it is not funded by any private organization or anything, we have put together a plan that we thought allowed for growth, and yet still protected wild life, and the community, and the feel of the community. There are some areas that are on acre and some areas that are two acres, that we said that would work, but than the real moving part is the part that Pressentine Ranch wants to get into. Down at the planning board meeting when it came before the planning board, they liked saying "Well you are in the triangle now, and the triangle is going to be developed and that is it.", but we are also neighbors that live right there, and move there for reasons to get away from all of the craziness, and yet still who love homes and respect a lot of things that are going on there. So we have supported some developments. This is definitely a larger development, a larger density. The roads are twenty feet wide, with ditches four feet on each side. It is so dangerous to walk or, my grandkids all live there, to ride your horse, or whatever. Aside from all of that I am worried about property taxes. The county did a thing with Myrt Webb as the interim administrator, he put together a document that he worked hard on, and it talked about the expenses of putting development outside of the infrastructure, away from the communities, leapfrogging. When you do that, the property taxes that those new development, which the planning board that night made a big wonderful about saying, look at all of the taxes we are going to collect. That is going to help. Your own document proved that it does not help. It does not pay for all of the things that have to be

improved, or the services that are going to be needed out there. Knowing that the density, to me, is too much, if this goes through I just want to make sure that things are protected. Such as that dangerous curve, or that property taxes are not going to be burdened on just the property owners there, which are pretty burdened already.

Linda Christensen – I spoke the other day, but I have a couple of other points. I am here to talk about Pressentine Ranch also. I went back and looked at in some of the notes in the planning board. One thing that they mentioned, that I think is important enough to be brought up in this hearing, is that this land, there will be effects on wildlife, and wildlife habitat, that this is cause for consideration. There is water standing there. The fact that we have been in draught for a few years probably does affect it. It is along the river, everyone keeps saying it is close to the highway, it is just as close to the river as it is the highway. I think we need to take into consideration the future impacts on wildlife. I keep doing more and more research on septic systems. Level two is supposed to take out the nitrates, but you know they are also talking about bacteria, viruses, prescription drugs, anything that people are dumping down the sink. In a development like this, where you have half acre lots, in tends to be of the kind of person who does not really understand septic systems, they think, you know they have always lived in a high density area where there is sewer. You don't think about the consequences of dumping something down you sink, or your toilet. I have lived in other places where there are problems with septic leakage. There is never any recourse when there is septic leakage. No one ever comes, you can not demand that the system be checked. I really don't want to see problems with the groundwater started. Once we get the chemicals and lawn people coming. Everybody likes that green company, where they come and dump chemicals on your lawn every week, so that it is nice green. That puts things into our water supply. That is what we are drinking down stream from there. Some people, I think, belong closer to the city where there is a sewer system, and there garbage disposals, so we won't be drinking this. One analogy I would like to present is that, there is nothing I would like more in life than to become a basketball player and have a million dollar contract. I would love that. Wouldn't that be fun, but I am short and I am not good at basketball. Just as I am not good at basketball, there is some land that people buy for farming, and it is not good for development. This happens to be one of those pieces. I know the Lybeck's are very sensitive people. Every time we testify, they take it all very personally. It is draining on us to see that too. This is not a personal issue. This is really about the land, and what the land should be, and looking to the future and planning. We have put a lot of time into our plan, neighborhood plan. There are a lot of people who signed that plan, and support it. I look at there support for the plan as the fact that that is what they want to see happen. The fact that this is having such a greater density than our plan allows, is saying that people who signed the plan are not for this. I hope you take us to heart in this. I have hopes that we are going to do something good for the future.

John Korpy – I would like to comment on John Schwartz's planned subdivision, Pressentine Estates. I talked to commissioners before about this very same thing. I do like the looks of the subdivision, don't get me wrong. It is well laid out. I have some questions on the density. I think it could have more open space. The one thing that really comes to mind is, we were at the planning board meeting the other night, and Kim at the planning board meeting bring up to the developer that a requirement being a sixty foot easement across the north end of the subdivision. I am already raising a concern about the density now what would be the reason of putting in a sixty foot road easement across the north end of this property. That just takes away from the open space. I use an example, if I were to buy the one hundred and sixty four acres, if I was the guy buying it, and somebody came up to me and said, you have to furnish a sixty foot easement for Charlie down the road here, somebody has got to hit my palm with a little silver here. You have to understand where I am coming from. I just don't understand why that was brought up by the planning board. He already has all the way around the property. He already has about a twenty foot walk area, a place for the horses to go around, all of that. I really contest screaming of that one. I am sure any body that would own the property would wonder, why should I be required to go the sixty foot easement to furnish this access to somebody else. I have already had concerns about the density, now all of the sudden that just takes from the open space. I appreciate you listening to us all of the time.

Kari Mackin – I live near the entrance to this. I wanted to share a couple of aerial photos. My concern is the density in the area it is. (Presented photos) My concern is, we have a little farm here, and we have chickens, ducks, pigs, and cows, and horses. Last spring I kept reading in the paper because there is chickens in there

yard, and there is pigs in there yard. I have lived here for twenty one years. Pretty soon I will be the minority, which you see happen all of the time, is you can't have those animals anymore, because now we have eighty some houses, and the majority rules, and you are going to have to change you lifestyle. We bought that place years ago because that was the kind of lifestyle we wanted to have. As it is right now we have raised eight kids out there, and there is only certain times of the day, or certain days of the week that you can get out there with a horse, or a kid with a bike, with the traffic now.

No one else rising to speak, Commissioner Watne PT closed the public comment period.

9:00 a.m. Canvass Kelsey Water & Sewer Dist. @ Election Dept

PUBLIC HEARING: ROAD ABANDONMENT #427

Present at the February 03, 2005 9:30 A.M. Meeting were Commissioners Watne PT and Brenneman, Gene Houston, Carol Houston, Arnold Sundberg, Barbara Sundberg, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor

No one rising to speak, Chairman Hall asked for anyone wishing to speak in opposition

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

Commissioner Brenneman made a **motion** to approve Road Abandonment #427. Commissioner Watne **seconded** the motion. **Aye** –Watne, and Brenneman. Motion carried by quorum.

AUTHORIZATION TO ADVERTISE FOR SHERIFFS DEPARTMENT OPENINGS

Present at the February 03, 2005 9:45 A.M. Meeting were Commissioners Watne PT and Brenneman, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the authorization to advertise and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne, and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GRIZZLY BASE LANE

Present at the February 03, 2005 9:45 A.M. Meeting were Commissioners Watne PT and Brenneman, and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize to publish notice of public hearing and authorize the Chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Brenneman. 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 **GRIZZLY BASE LANE**.

Road generally running southerly, easterly then northerly off La Brant Road and located in the East ½ , Section 36, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the 23rd **day of February, 2005, at 9:15 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 **GRIZZLY BASE LANE**.

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

Dated this 3rd day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: /s/Robert W. Watne PT
Gary D Hall, Chairman

ATTEST:
Paula Robinson, Clerk

By: /s/Kimberly Moser
Kimberly Moser Deputy

Publish on February 8th & 15th, 2005.

PRELIMINARY PLAT: PRESSENTINE RANCH SUBDIVISION

Present at the February 03, 2005 10:00 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Planner BJ Grieve, Linda Christensen, Linda Johnson, Terry Krogstad, Bobbie Krogstad, John Korpi, Kari Mackin, Shirley Anderson, John Schwarz, Planner Kirsten Holland, Joe Maturevich, Laretta Olsen, and Clerk Moser.

Grieve reviewed the application submitted by JAMS Properties, LLC for preliminary plat approval on Pressentine Ranch Subdivision a major subdivision creating 82 single-family residential lots within a subdivision encompassing 164.96 acres. The development is proposed to be suburban residential in nature. The subdivision is located in an unzoned area east of Highway 2, north and west of Helena Flats Rd. The internal subdivision roads will be paved and the lots served by a community well and level II waste treatment system. Staff recommends approval.

Commissioner Brenneman made a **motion** to continue this meeting until Wednesday February 9th, 2005 at 10:00 a.m. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

MEETING W/ MITZI ANDERSON RE: MENTAL HEALTH UPDATE

Present at the February 03, 2005 10:30 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Mitzi Anderson, Winnifred Storli, and Clerk Moser.

General discussion was held relative to what NAMI consists of, a film was presented on mental illness focusing on schizophrenia, statistics were presented on mental illness, and the need to update our mental health system.

PRELIMINARY PLAT: HARBOR VILLAGE AT EAGLE BEND PH 2B

Present at the February 03, 2005 11:00 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Planning and Zoning Interim Director Johna Morrison, Tim Fox, and Clerk Moser.

Morrison reviewed the application submitted by Rocky Mountain Recreational Communities for preliminary plat approval of Harbor Village at Eagle Bend (Amended Plat of Phase 2). The applicant proposes to amend the preliminary approval for the Harbor Village at Eagle Bend by converting 40 proposed town home lots into 49 single family residential lots. The project is located in the Bigfork RC-1 Zoning District. The site contains 19.60 acres that are currently described as Assessor's Tracts 4BA, 4BB, 4, 4AAA and 4AA in Section 26, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-04-40 as Findings of Fact with amended conditions and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat approval of Harbor Village at Eagle Bend Phase 2B. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: THE GLADES AT BIG MOUNTAIN, PHASES 2-13

Present at the February 03, 2005 11:15 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Tom Sands, Erica, Fred Jones, and Clerk Moser.

Morrison reviewed the application submitted by Glades Development L.L.C. / W.S.I. for preliminary plat approval of The Glades at Big Mountain, Phases 2-13, a one hundred eighty –one lot residential subdivision (24 single-Family, 135 Townhouses, 22 Cabins), on approximately 55.73 acres. The property is located directly east of The Outpost on Big Mountain. The zoning is BR-4-Resort Business. The lots in the subdivision are proposed to have public water and sewer systems. This property is described as Tracts 1D, 2, and 1A in Section 1, Township 31 North, Range 22 West, P.M., Flathead County, Montana. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-04-44 as Findings of Fact with amended conditions and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to continue this meeting until Wednesday February 9th at 9:30. Commissioner Watne PT **seconded** the motion. **Aye** –Watne and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: NORTH HILLTOP COURTS

Present at the February 03, 2005 11:45 A.M. Meeting were Commissioners Watne PT and Brenneman, Assistant Webb, Jim McIntyre, Planner Peggy Goodrich, Joe Kaufmann with Big Sky Surveying, and Clerk Moser.

Goodrich reviewed the application submitted by Jim McIntyre for preliminary plat approval of North Hilltop Courts Subdivision, a major subdivision that will create ten residential lots, located approximately 1 mile west of Columbia Falls. The lots are 1.42 acres to 1.60 acres in size. The lots will be served by individual water and sewer systems. The development is in an unzoned portion of Flathead County.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-04-43 as Findings of Fact with amended conditions and authorize the chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** –Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat approval for North Hilltop Courts as amended. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

1:30 p.m. Commissioner Brenneman On-site visit to Stoltz Lumber

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 1, 2005.

FRIDAY, FEBRUARY 4, 2005

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on February 1, 2005.
