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**MONDAY, MARCH 14, 2005**

The Board of County Commissioner 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,**

Jeffrey Hutten – I live on Truman Creek in Kila. I have lived there for twenty-eight years. I have a couple of concerns. The first one is family transfers. I have been talking with Peggy Goodrich at the planning department. She has filled me in on the regulations, and the resolution 509, and all of that. The reason that I am concerned is because in a mile radius around our home there has been four in the last year. It is kind of an explosion of these going on in our neighborhood. Just to depict this I have made some maps. What I did was I, this is what I do for business, I work half time for Fish Wildlife and Parks as a GIS analyst,

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and privately half time as a GIS consultant, I am able to do this. I don't know how hard it would be to do county wide. It would be really interesting. What I have done is I have look at every single transfer since the subdivision and platting act of 1973 in our drainage. Basically I am just looking at everything that access Truman Creek Road.

Commissioner Hall – Let me get my bearings here a little bit.

Jeffrey Hutton – We are south of Kila. Truman is off of Browns Meadow Road.

Commissioner Hall – Okay, and where is Browns Meadow Road.

Jeffrey Hutton – I did not label it. It is right here at the top left hand corner.

Commissioner Hall – Okay, I gotcha.

Jeffrey Hutton – I look at all of what I called the exempt partial divisions. I did not look at retracements or boundary adjustments, because they did not create any new parcels. Any new parcels created since 1973. I did not have doing this last week to put in any dates. We live right here in section 28. Right near the Wild Bill Road. You can see these ones right here were all just within the year. These ones were just, this one was in December, and this one was just February 23. The reason that I am concerned about this, and I just wanted to kind of alert you to it, that we have kind of a hot bed of activity going on here. I hate to see four parcels, and then there has been many, many more. Four parcels becoming sixteen just in a year. It is all of course outside of subdivision review.

Commissioner Hall – Jeff, you said four parcel becoming sixteen.

Jeffrey Hutton – Four twenties becoming sixteen fives, just in a mile from our house. These lower ones in twenty-seven, and then the two in twenty-nine.

Commissioner Hall – So those were all twenty acre parcels.

Jeffrey Hutton – Right. Now they are fives.

Commissioner Hall – Is there development going on.

Jeffrey Hutton – Yes, three of the four here have sold already, and they are building.

Commissioner Hall – They sold? So the family member got it, and then they sold it.

Jeffrey Hutton – Yes. This is, and I can tell you things that I have heard, but it is hearsay, the residents here that were covenants and about three years ago they did away with the covenants. They got their sixty percent or whatever was required. They do away with the covenants and then start developing it. It is happening. I am not going to mention names or anything like that. I am a neighbor, but I just don't think that it is right the way this has been happening. Mainly because it is outside of any kind of review, other than some perk tests. These twenty came on the market last summer. Six of the eight have sold, and two of those six are now divided into fives, family transfers. We have a relationship with some of the people, between here and here. Again I am not going to go into it in detail, because it is you know.

Commissioner Hall – Does Spoklie live out that way.

Jeffrey Hutton – He was involved up in here, but not himself in name. He has apparently a partner named Hoover, who was involved up in here. Anyway, Peggy told me that the county attorney is drawing up, I don't know if it is changes to the 509 Resolution, or what it is. When I read it and you look at patterns of development you are looking at in particular just that piece, and the history of that piece. I think that it since it is your responsibility, it is State law I realize, but it sort of the counties responsibility to insure that it is not an evasion of the chapter. That is what I get from Peggy is that you try to do your best to find out what is really happening here. I think that you kind of need to look at the whole area also, and say hey the one next to here was just family transferred, divided, and sold. We are talking all within months this is happening. On Thursday you have a minor subdivision plat coming out. I think that it is a preliminary called Bales Creek Subdivision. That is right here. This fellow here Kevin Thompson, who is bringing that forward on Thursday, he did the family transfer right next to that, in the last year. Now he wants to divide off a 1.26 acre lot. Now we are setting a precedent, is what he is doing. This five acre division is already a new precedent in this area. A 1.26 acre I am formally giving you my protest on that right now, because I can not be here Thursday. I don't think that that is an appropriate lot size out in the rural area. I know that we don't have zoning, and there is not a lot we can do about it. I am just telling you now that I am kind of upset to here that, that there is going to be a 1.2 acres lot. The same fellow that just divided up, he divided off these right here within a year. Three of the four sold, and two of them I believe they are building on already. They are up there with cats right now. After he sold those he bought these four, and he bought one, the other three were a family transfer, and then he bought the remainder. Now off of this one he is dividing up a 1.26 right about there. I don't have any suggestions for you, other than to me it is a pattern of abuse here that is happening, and I don't know whether that fits that pattern of development that you look at.

Commissioner Hall – I know that Commissioner Brenneman has been studying the 509. We are trying to keep track of these things. We know that there is some abuse. We try to have trigger points in place to. We need to bring this up to the county attorney on Wednesday Joe, on this particular issue out there. We will show him this map here. You have done a lot of work.

Jeffrey Hutton – I should point out a couple of things. This major subdivision here, in this Section 2, it is down lower on Emmons Creek road, I made that determination myself. I am sure of it. It was done in 1974 after the act. A lot of these parcels were under 20, yet I could never find a subdivision plat. It was a COS. I just kind of called it that, because it fit the description of a major subdivision, but I could not find it. I don't know if it was grandfathered. It might have been. They might have started it before the act came in.

Commissioner Hall – Do you have a business card?

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Jeffrey Hutton – Yes. I also wanted to tell you, and when I get a chance I can tell Tom Reynolds that to, but on your map guide site there is a way to put on the subdivision onto the map, but it is not complete. There are some missing. That is a new feature.

Commissioner Hall – Would you give Bob one of those maps. These things in red Bob are recent family transfers.

Jeffrey Hutton – Well, there are four that were close to us that were in the last year. I can get all of the dates on these, but they are all within the last, in the Coon Hollow area there, they are all in the last five years.

Commissioner Hall – Those are all being subdivided. They are doing the family transfer and then selling them off. They are actually doing developments.

Jeffrey Hutton – Quite rapidly. I don't know if there are triggers on that or what. I have one more thing. The eternal question that is our road. I have a map for you. I did not know if you knew how many people lived up there. These are all confirmed dwellings. I just heard yesterday about a couple of more. I just did not have time to add them, or confirm them. We have now one hundred and twenty six dwellings. Of course in this area it is not like Whitefish or Big Mountain, these are all people who live there. I would say almost all are year round. I also figured out, as I was telling Gary and Joe, that we live here right on Section 28 right by the Wild Bill Road, we have been there twenty eight years, and we have seen a lot of growth. It went from five families to one hundred and twenty six. The road, I don't have to tell you about county roads, I am not going to complain, because the money is not there, but I figured out last night, because we oil about a half a mile every year, it is the only way we can sell our hay, because it is so dusty, I went back to 1993 and we have spent twelve thousand and eighty dollars on road oiling in twelve years. That does not account for the cost, it is a lot higher now then that average. That is just us. It does not include Darlene Jump-Rothy, the Vaughns, the Shaffers, the Paevas. Plum Creek has done it. American Timber used to do it. I guess what I really wanted to say from this was just that I would rather put the money into the road than into the oil. By September Greg is out there grading it and it is gone. It is almost throwing the money away. I have talked to Charlie in the past about it. I don't know what the costs are on paving, or if you are thinking of paving. I would be willing to sit down and talk and contribute some towards this. It is just such a waste. If you have any plans come into Coon Hollow Road, and I will help you do to Wild Bill or something like that. It is just getting bad. You know it. Probably half of the residents have had groups come in before.

Commissioner Watne – This is a problem we have over the whole valley.

Jeffrey Hutton – I know.

Commissioner Watne – You have been there twenty eight years. You probably remember what the road was before.

Jeffrey Hutton – Yes, and Howard would always say you chose to live on that road. Twenty eight years ago it was a one and a half lane gravel road, and they would maybe grade it once a year.

Commissioner Watne - That is giving it a lot of credit.

Jeffrey Hutton –You went up past into the Forest Service and it was four wheel drive. The point is that the gravel stayed on the road back then. Sure it is wider now, and there has been a lot done to it. It just does not stay, especially at places like where the Coon Hollow road comes in. It just wipes off. Greg is out there grading and within a day or two it is off in the barrow pit again.

Commissioner Watne – Like I said, that is a problem we have all over the whole county. We have some real problems out there with our roads.

Jeffrey Hutton – If you have any plans please come to me. I have told Charlie before too. I am planning on spending again to do the oiling again. We can not live there now. We are so close to the road we can not live without doing something.

**No one else present to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS**

Present at the March 14, 2005 9:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Fairgrounds Superintendent Jay Scott, and Clerk Moser.

Discussion was held relative to the builders showcase meeting, upcoming calendar, duck ponds, the plans to connect to the city drainage due to the water problem with the new building, the plans for remodeling of some of the fairground buildings, problems with a grader traded to the fairgrounds from the landfill, the cost for the delay on the construction and the plans for repairing some of the problems, the cost for panels for the expo building and whether they should do that project or use the money for the drainage costs, and a request was made by the commissioners for Jay Scott to put the exact request in writing for the use of the funds.

**PUBLIC HEARING: STANLEY SPRINGS DRIVE NAMING**

Present at the March 14, 2005 9:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Karen Yerian, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor of the road naming.

No one present in the audience to speak Chairman Hall closed the public hearing

Commissioner Brenneman made a **motion** to approve Resolution 1805. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

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(Continued)**

RESOLUTION NO. 1805

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Hems Road and located in the North ½ of the Southwest ¼, Section 14, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on March 14, 2005 concerning the proposal, after publication and mailing of notice thereof on March 3, 2005 and March 10, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Hems Road and located in the North ½ of the Southwest ¼, Section 14, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Stanley Springs Drive**.

BE IT FURTHER RESOLVED that the naming of **Stanley Springs Drive** shall be effective on March 14<sup>th</sup> 2005.

Dated this 14<sup>th</sup> day of March, 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/Kimberly Moser  
Kimberly Moser Deputy

**MEETING W/ FRED JONES RE: RSID WAIVER LANGUAGE**

Present at the March 14, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith, Fred Jones, Steve Cummings, Tom Sands of Sands Surveying, and Clerk Moser.

Discussion was held relative to the RSID waiver language being put on plat applications, Fred Jones voiced his protest about the language not having the intent of the waiver, that it does not explain what is being waived, Fred Jones stated that he would not like to have to go the legal route, and would like to be able to come up with some sort of agreement with the commissioners, he does not feel that the waiver would legally hold up, Jonathan Smith disagreed with that conclusion, he explained that we are trying to look to the future, we do not know what may be needed in the future, today it is very difficult to do these projects, Commissioner Hall questioned what other counties use for their waiver language, and asked that Jonathan explain the process of starting an RSID, Jonathan Smith explained the process, and what is required, a couple of counties do not have waivers, others have been specific as to that waiver being for water, sewer, and roads, Jonathan Smith explained that the waiver will make it so that the project can not be stopped, the extent of the project can be waived, but not actually doing the project, Commissioner Brenneman asked where the recommendation for new language is, Fred Jones explained that they wanted it limited to roads and sewers, and would like a time limit instated, and it was decided to discuss the matter with the county attorneys further, before making a decision. It was also decided to postpone the Glades II subdivision meeting another week.

**PUBLIC HEARING: HNH LLC ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

Present at the March 14, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

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

No present in the audience to speak, Chairman Hall closed the public hearing.

Commissioner Watne made a **motion** to approve Resolution 797DI. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 797DI

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 14<sup>th</sup> day of March, 2005, to consider a request by H'NH, LLC, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from B-3 (Community Business) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on March 3 and March 10, 2005;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Evergreen and Vicinity Zoning.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from B-3 (Community Business) to B-2 (General Business), that area being described on Exhibit "A" hereto.

BE IT FURTHER RESOLVED that notice of the passage of this resolution, stating the boundaries of the portion of the Evergreen and Vicinity Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

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

BE IT FURTHER RESOLVED that if forty per cent (40%) of the freeholders in the Evergreen and Vicinity Zoning District protest the proposed change, then the change will not be adopted.

DATED this 14<sup>th</sup> day of March, 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/Kimberly Moser  
Deputy

**EXHIBIT A**  
**H'NH LLC**  
**REQUEST FOR ZONE CHANGE FROM B-3 TO B-2**  
**STAFF REPORT #FZC-04-33**

**Location and Legal Description of Property :**

The property proposed for rezoning is located on East Reserve Drive just west of Highway 2 in Evergreen. The property can be described as Assessor's Tracts 1B and 1BA, Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County. The property houses Stock Building Supply.

Commissioner Watne made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DI) on March 14, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from B-3 (Community Business) to B-2 (General Business).

The boundaries of the area proposed to be changed from B-3 to B-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area, as a business center and not a strip development, to providing a business district for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the B-3 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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

DATED this 14<sup>th</sup> day of March, 2005.

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(Continued)**

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Kimberly Moser  
Deputy

Publish on March 17 and March 24, 2005.

**EXHIBIT A  
H'NH LLC  
REQUEST FOR ZONE CHANGE FROM B-3 TO B-2  
STAFF REPORT #FZC-04-33**

**Location and Legal Description of Property :**

The property proposed for rezoning is located on East Reserve Drive just west of Highway 2 in Evergreen. The property can be described as Assessor's Tracts 1B and 1BA, Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County. The property houses Stock Building Supply.

**COS REVIEW: KORSA**

Present at the March 14, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Jim Burton with Jackola Engineering and Surveying, Kevin Korska, Planner Peggy Goodrich, and Clerk Moser.

Discussion was held relative to Peggy Goodrich reviewed the family transfer request. Kevin Korska explained that this was for the benefit of his two sons, and not for the benefit of the grantor.

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

**FINAL PLAT : KALISPELL INDUSTRIAL CENTER #2**

Present at the March 14, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Planner Kirsten Holland, Assistant Pence, Dawn Marquardt with Marquardt and Marquardt Surveying, and Clerk Moser.

Holland reviewed the application submitted by Gascan Resources, for final plat approval of Kalispell Industrial Center Unit #2, a one-lot minor subdivision with a remainder located south of Kalispell off of US Highway 93. The subject property is 3.75 acres in size and is unzoned. Preliminary Plat approval was waived on May 11, 2004 subject to eight conditions. All conditions have been met. Staff recommends approval

Commissioner Watne made a **motion** to adopt Staff Report #FWP-05-04 as findings of fact and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the final plat of Kalispell Industrial Center #2. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**FINAL PLAT : LOST FARM SUBDIVISION**

Present at the March 14, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Jane Eby of Eby and Associates, Planner Kirsten Holland, Richard Lapp, and Clerk Moser.

Holland reviewed the application submitted by Eby & Associates, for final plat approval of Lost Farm Subdivision, a five-lot residential subdivision. The property is located off of Farm-to-Market Road, north of Church Drive in Section 9, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located in the West Valley Zoning District. Preliminary plat approval was granted on March 9, 2004, subject to nine conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat for Lost Farm Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

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

Present at the March 14, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Road Department Superintendent Charlie Johnson, and Clerk Moser.

Discussion was held relative to redoing the Resolution on weight limits and the reasons for doing so, what the weight limits are there for in the first place, a dust complaint for Happy Valley, and whether an RSID needs to be done to fix some of the problems in the subdivision, the Road Superintendents meeting coming up at the end of the month, Road viewings with Charlie Johnson were scheduled for Tuesday afternoon March 22, a letter from Max Baucus regarding the North Fork, the new Traffic Counts, the list of the top ten highest traffic count gravel roads in the county, Hoffman Draw road progress, a list for the Paved Roads with a count of over 2000 cars per day, the budget for new paving, legislative updates, what it takes to turn a road over to the state, the possibility of getting the city of Kalispell to take over the road by the Village Greens subdivision, sending a letter to Hanson Trucking.

Commissioner Watne made a **motion** to approve Resolution 1804A. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

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**(Continued)**

Resolution No. 1804A

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

- |            |            |  |
|------------|------------|--|
| <u>350</u> | <u>400</u> | <u>pounds per inch of tire.</u>  |
| <u>350</u> | ___        | 4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.                        |
| <u>350</u> | ___        | 7th St. W in Whitefish from Karrow Ave to Baker Street.  |
| <u>350</u> | ___        | Angel Point Road for the entire length of the road.  |
| <u>350</u> | ___        | Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road                        |
| <u>350</u> | ___        | Antelope Trail from Highway 93 to Hodgson Road.  |
| <u>350</u> | ___        | Auction Road from Highway 93 to the end of the road  |
| <u>350</u> | ___        | Austin Crossroad for the entire length of the road.  |
| <u>350</u> | ___        | Bald Rock Road from Rhodes Draw to Church Drive  |
| <u>350</u> | ___        | Batavia Road from Highway 2 to Ashley Lake Road  |
| <u>350</u> | ___        | Beaver Lake Road from Hwy 93 N. to the end of the road.  |
| <u>350</u> | ___        | Belton Stage Road from Hwy 2 to Hwy 2.   |
| <u>350</u> | ___        | Berne Road for its entire length.  |
| <u>350</u> | ___        | Bierney Creek Road from Hwy 93 to the end of the road.   |
| <u>350</u> | ___        | Big Horn Drive from Hwy 2 to Smith Lake Road.  |
| <u>350</u> | ___        | Bigfork Stage for its entire length.   |
| <u>350</u> | ___        | Birch Grove from Helena Flats to Whitefish Stage.  |
| <u>350</u> | ___        | Bitterroot Drive from Highway 2 to Pleasant Valley Road  |
| <u>350</u> | ___        | Blackmere Lane for its entire length.  |
| ___        | <u>400</u> | Blacktail Road from Highway 93 to the end of the road.   |
| <u>350</u> | ___        | Blanchard Lake Road from Hwy 93 to Karrow Ave.   |
| <u>350</u> | ___        | Blankenship Road for the entire length of the road.  |
| <u>350</u> | ___        | Boon Road from Highway 93 to end of road   |
| <u>350</u> | ___        | Bowdish Road from US 93 for it's entire length   |
| <u>350</u> | ___        | Browns Meadow for its entire length.   |
| <u>350</u> | ___        | Brunner Road from Hwy 2 to S. Hilltop.   |
| <u>350</u> | ___        | Chapman Hill for its entire length.  |
| ___        | <u>400</u> | Church Drive for the entire length of the road.  |
| ___        | <u>400</u> | Columbia Falls Stage and River Road from Highway 35 to Highway 2                                   |
| <u>350</u> | ___        | Conn Road for its entire length.   |
| <u>350</u> | ___        | Creston Hatchery Road from Highway 35 to Lake Blaine Road  |
| <u>350</u> | ___        | Creston Road for its entire length.  |
| <u>350</u> | ___        | Dillon Road for its entire length.   |
| <u>350</u> | ___        | East Edgewood Drive for its entire length.   |
| <u>350</u> | ___        | East Evergreen Drive for its entire length.  |
| ___        | <u>400</u> | East Lakeshore from Big Mountain Road to the end of the road.                                      |
| <u>350</u> | ___        | East Reserve Drive for its entire length.  |
| <u>350</u> | ___        | Echo Lake Road form MT 83 for it's entire length.  |
| <u>350</u> | ___        | Eckleberry Drive for its entire length.  |
| <u>350</u> | ___        | Egan Slough Road from Hwy 35 to the end of the road.   |
| <u>350</u> | ___        | Elk Park Road from Hwy 206 to the end of the road.   |
| <u>350</u> | ___        | Fairmont Road south from Highway 35.   |
| <u>350</u> | ___        | Farm Road from Lower Valley to the end of the road.  |
| ___        | <u>400</u> | Farm-to-Market from Hwy 93 North, to the intersection of Lodgepole Road.                           |
| ___        | <u>400</u> | FAS 486 (North Fork Road) from end of the oil, north to end of road                                |
| <u>350</u> | ___        | Ferndale Drive for its entire length.  |
| ___        | <u>400</u> | Foothills Road from Lake Blaine Road to Echo Lake Road   |
| <u>350</u> | ___        | Garland Lane for its entire length.  |
| <u>350</u> | ___        | Gopher Lane from Highway 2 to Pleasant Valley Road   |
| ___        | <u>400</u> | Good Creek Road from American Timber entrance off of Highway 93 to the end of the road.            |
| ___        | <u>400</u> | Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north to end of the road. |
| <u>350</u> | ___        | Grayling Road from Bierney Creek Rd. to Troutbeck Rd.  |
| <u>350</u> | ___        | Hanging Rock Drive from Highway 82 to Holt Drive.  |
| <u>350</u> | ___        | Helena Flats from Pioneer Road to Hwy 35.  |
| <u>350</u> | ___        | Hodgson Road from Hwy 93 to Hwy 2.   |
| <u>350</u> | ___        | Hoffman Draw from Highway 2 to end of road   |
| <u>350</u> | ___        | Hog Heaven from Highway 29 to end of road  |
| <u>350</u> | ___        | Holt Drive the entire length of the road.  |
| <u>350</u> | ___        | Holt Stage the entire length of the road.  |
| <u>350</u> | ___        | Hubbart Dam Road from Highway 2 to Crossover Road  |
| <u>350</u> | ___        | Jacquette Road for the entire length of the road.  |
| <u>350</u> | ___        | Jellison Road for the entire length of the road.   |
| <u>350</u> | ___        | J P Road from Whitefish River to Monigan Road.   |
| <u>350</u> | ___        | Karrow Ave. for the entire length of the road.   |
| <u>350</u> | ___        | Kelley Road for the entire length of the road.   |
| <u>350</u> | ___        | Kila Road for the entire length of the road.   |
| <u>350</u> | ___        | KM Ranch Road for the entire length of the road.   |

**MONDAY, MARCH 14, 2005  
(Continued)**

- 350 \_\_\_ Kuhns Road for the entire length of the road.
- 350 \_\_\_ LaBrant Road for it's entire length.
- \_\_\_ 400 Lake Blaine Road from Highway 35 to Foothills Road
- 350 \_\_\_ Lake Five Road form Hwy 2 to the Belton Stage Road.
- 350 \_\_\_ Lost Creek Drive for the entire length of the road.
- 350 \_\_\_ Lost Prairie Road from Highway 2 to Pleasant Valley Road
- \_\_\_ 400 Lower Valley Road from Highway 93 to Highway 82
- 350 \_\_\_ Lupfer Road from Highway 93 to the end of the road.
- 350 \_\_\_ Mable Street for the entire length of the road.
- 350 \_\_\_ Managhan Lane from Highway 2 to Batavia Lane
- 350 \_\_\_ Marquardt Lane from Highway 2 to Kienas Road
- 350 \_\_\_ Martin Camp Road Highway 93 to the end of the road.
- 350 \_\_\_ McCaffery Road for the entire length of the road.
- 350 \_\_\_ McMannamy Draw from Farm-to-Market to end of road
- 350 \_\_\_ Meadow Lake Blvd for the entire length of the road.
- 350 \_\_\_ Mennonite Church Road for the entire length of the road.
- 350 \_\_\_ Middle Road for the entire length of the road.
- 350 \_\_\_ Monegan Road for the entire length of the road.
- 350 \_\_\_ Monta Vista Way for the entire length of the road.
- 350 \_\_\_ Montford Road for the entire length of the road.
- 350 \_\_\_ Morning View Drive for the entire length of the road.
- 350 \_\_\_ Nirada Lane for it's entire length.
- 350 \_\_\_ North Somers Road for it's entire length.
- 350 \_\_\_ Olney Loop Road for the entire length of the road.
- 350 \_\_\_ Patrick Creek from Foy's Canyon Road to end of road
- 350 \_\_\_ Phanco Lane for the entire length of the road.
- 350 \_\_\_ Pioneer Road for the entire length of the road.
- 350 \_\_\_ Pleasant Valley Road from Highway 2 to Lost Prairie Road
- 350 \_\_\_ Political Hill for the entire length of the road.
- 350 \_\_\_ Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)
- \_\_\_ 400 Rhodes Draw from Farm-to-Market to end of road
- 350 \_\_\_ Riverside Road for the entire length of the road.
- \_\_\_ 400 Rocky Cliff Road from Highway 93 to Airport Road
- 350 \_\_\_ Rogers Lake Road from Highway 2 to Sickler Creek Road
- 350 \_\_\_ Rose Crossing from Whitefish Stage to Helena Flats.
- 350 \_\_\_ Schrade Road from Hwy 93 to Whitefish Stage Road
- 350 \_\_\_ Sickler Creek Road from Highway 2 to Rogers Lake Road. .
- 350 \_\_\_ Smith Lake Road from Whalebone Drive to Kila Road
- 350 \_\_\_ Snow Line Road from Highway 93 to the end of the road
- 350 \_\_\_ Somers Stage Road from Hwy 93 to the end of the road.
- 350 \_\_\_ South Fork Road from US Hwy 2 to Spotted Bear Road.
- 350 \_\_\_ South Hilltop Road from Talbot Road to Jellison Road.
- 350 \_\_\_ South Woodland Dr. from Woodland Ave. to Kelly Road.
- 350 \_\_\_ Spring Creek Drive for the entire length of the road.
- 350 \_\_\_ Springcreek Road from Hwy 93 to the end of the road.
- 350 \_\_\_ Stillwater Raod from Hwy 424 to the end of the road.
- 350 \_\_\_ Sullivan Crossoad for the entire length of the road.
- \_\_\_ 400 Sunset Drive for the entire length of the road.
- 350 \_\_\_ Swan River Road from MT 83 to MT 209.
- 350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.
- 350 \_\_\_ Thompson River Road from Highway 2 to County Line
- 350 \_\_\_ Tetrault Road for the entire length of the road.
- 350 \_\_\_ Timber Lane for the entire length of the road.
- 350 \_\_\_ Trumble Creek Road for the entire length of the road.
- 350 \_\_\_ Twin Bridges Road from Lodgepole Road to Farm-to-Market.
- 350 \_\_\_ Voerman Road for it's entire length.
- 350 \_\_\_ Vonderheide Lane for the entire length of the road.
- 350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road.
- 350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road
- 350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive
- 350 \_\_\_ West Valley Road from Highway 2 to Church.
- 350 \_\_\_ Whalebone Drive for the entire length of the road.
- \_\_\_ 400 Whitefish Stage from Kalispell City Limits to Reserve
- 350 \_\_\_ Wiley Dike Road for it's entire length.
- 350 \_\_\_ Wishart Road for it's entire length.
- 350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

Variations may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective March 14, 2005, and shall be in effect until load limits are removed by motion of this Board.

Dated this 14<sup>th</sup> day of March , 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/Kimberly Moser Deputy

MONDAY, MARCH 14, 2005  
(Continued)

**CONSIDERATION OF REQUEST FOR CASA BANNER**

Present at the March 14, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the CASA Banner to hang in front of the Justice Center. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**CONTINUATION OF CONSIDERATION OF POSITION OPENING: PROFESSIONAL LIBRARIAN**

Present at the March 14, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner made a **motion** to approve the Professional Librarian position to replace the Children's Librarian position. Commissioner **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT : BIGFORK MARINA**

Present at the March 14, 2005 11:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Carroll Blend, Peggy Sue Ameron, Ret O Barrington, Jane Eby with Eby and Associates, Richard Lapp, and Clerk Moser.

Tull reviewed the Lakeshore Permit application submitted by RDR LLC to remove all encroachments from adjoining properties. Replace the partially enclosed boat shelter with an open, smaller one. Replace the existing railroad tie seawall with a concrete seawall. Relocate an existing boat ramp. Replace the existing docks and decrease the number of docks from twenty-eight to eighteen. Redo the boardwalk after the new retaining wall is constructed. Relocate the fuel pump. There are eighty seven conditions of approval. Seven variances are requested. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLV-05-03. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 15, 2005.

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**TUESDAY, MARCH 15, 2005**

The Board of County Commissioner 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.**

**MONTHLY MEETING w/ JUSTIN MORRIS, EXTENSION OFFICE**

Present at the March 15, 2005 9:30 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, Extension Officer Justin Morris, AOA Director Jim Atkinson, Wes Hulla, and Clerk Moser.

Discussion was held relative to the Montana Master Gardner Class, a visit to Lewistown for Pesticide Training, and a visit to Havre, upcoming plans including: continuing with the Montana Master Gardener Program, Ag appreciation luncheon at the West Coast Hotel, Beef quality assurance training, annual conference for county agents in Bozeman, plan and develop equine workshop, the preliminary plans for the equine workshop were discussed in further detail, and some of the results from the agricultural producer Surveys.

**CONSIDERATION OF HOMEMAKER REQUEST: AOA**

Present at the March 15, 2005 9:45 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, AOA Director Jim Atkins, Wes Hulla, and Clerk Moser.

Discussion was held relative to Jim Atkinson reviewed the position and that the request is to increase the hourly rate for the service worker, there would be no expense to the county as it is covered by AOA grants. There have been no raises in the position for three years. The wage would go from 10.25 per hour to 11.75 per hour.

Commissioner Brenneman made a **motion** to approve the amendment to the contract with Northwest Montana Human Resources, to increase the wage for Homemakers. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF POSITION OPENINGS: CUSTODIAN/MAINTENANCE, CONCESSION WORKERS (2) AND WEED COMPLIANCE OFFICER/WEED & PARKS DEPT.**

Present at the March 15, 2005 9:45 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the position openings for the Custodian and two Concession workers. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the position opening for the weed compliance officer. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**TUESDAY, MARCH 15,2005  
(Continued)**

**MONTHLY MEETING W/ JIM DUPONT, SHERIFF**

This meeting was not held.

**COUNTY SURVEYOR INTERVIEW: BRYAN BLOCK**

Present at the March 15, 2005 10:30 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, Bryan Block, and Clerk Moser.

Discussion was held relative to Bryan Block stated that he would like his contract to have the same rates as Jim Burton. The question of workman's comp insurance and Liability insurance was brought up. Bryan Block stated that if he were to have to pay for additional liability he would like that cost added to his contract.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 16, 2005

**MEETING W/ SHERIFFS DEPARTMENT RE: FIRE ALARM**

Present at the March 15, 2005 10:30 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, Bryan Block, Weed/Parks and Maintenance Superintendent Jed Fisher, Kathy Frame, Laurie Rebuck, and Clerk Moser.

Discussion was held relative to the fire alarm for the Justice Center, and the need for an update due to the addition of additional office space, there is a lack of response from the maintenance department when inquiries are made on making sure that the fire alarms are being updated. It was requested that Jed Fisher use the same company who installed the original system to do the update. Jed Fisher asked the Sheriffs Department to budget for the unexpected maintenance costs.

**MEETING W/ JED FISHER**

Present at the March 15, 2005 10:30 A.M. meeting were Commissioners Watne and Brenneman, Assistant Pence, Weed/Parks and Maintenance Director Jed Fisher, and Clerk Moser.

Discussion was held relative to burning down the vacant property that has not been sold. The Paskell house sale fell through due to a bounced check.

**12:00 p.m. Commissioner Brenneman to attend Kalispell Chamber of Commerce Luncheon.**

**4:00 p.m. Commissioner Hall to attend FBIA meeting at First Interstate Bank**

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**WEDNESDAY, MARCH 16, 2005**

**9:00 a.m. Commissioner Hall to attend the Great Northern Environmental Stewardship Annual Meeting at the West Glacier Community Center (till noon)**

**9:15 a.m. RSVP meeting at the Windward Place**

The Board of County Commissioner 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.**

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CDBG APPLICATION**

Present at the March 16, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the Ranch Flathead County water district project. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to authorize the notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, will hold a public hearing on **4<sup>th</sup> day of April 2005, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana, for the purpose of obtaining public comments regarding a proposed application for The Ranch Flathead County Water District. At the public hearing, the proposed project will be explained, including the purpose and proposed area of the project, activities, budget, possible sources of funding, and (if applicable, any costs that may result for local citizens as a result of the project). All interested persons will be given the opportunity to ask questions and to express their opinions regarding this proposed project.

Comments may be given orally at the hearing or submitted in writing before the **4<sup>th</sup> day of April, 2005.**

Anyone who would like more information or who wants to submit suggestions should contact Kirsten Holland, Planner at (406) 751-8201. A copy of the application to be submitted for funding the project is available for review at the Flathead County Planning and Zoning office, 1035 1<sup>st</sup> Ave West, Kalispell, Montana during regular office hours.

DATED this 16<sup>th</sup> day of March, 2005.

**WEDNESDAY, MARCH 16, 2005  
(Continued)**

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Kimberly Moser Deputy

Publish on March 20 and March 27, 2005.

**BUDGET AMENDMENT**

Present at the March 16, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 1806. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1806**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2004-2005, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2004-2005; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 16<sup>th</sup> day of March, 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/Kimberly Moser  
Kimberly Moser, Deputy

WEDNESDAY, MARCH 16, 2005  
(Continued)

COUNTY OF FLATHEAD

GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT  
RESOLUTION # 1806

VOUCHER  
NO.: 0503-23

DATE ISSUED:  
DATE OF RECORD:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
7055-0248-365000	Donations	1	\$ 30,000.00	
7055-172000	Revenue Control	2		\$ 30,000.00
7055-242000	Expense Control	3	\$ 30,000.00	
7055-0248-460110-212	Small Item Equipment	4		\$ 30,000.00
		5		
	To increase spending authority	6		
	for additional revenues	7		
	received	8		
	from FC Library Foundation	9		
		10		
		11		
		12		
		13		
		14		
		15		
		16		
		17		
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		31		
		32		
		33		
		34		
		35		
	Total		\$ 60,000.00	\$ 60,000.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #420 (PORTION OF TRUMBLE CREEK ROAD)**

Present at the March 16, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

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

**NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 420**

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

19 foot strip adjacent to and running between the NE ¼ of NW ¼ and NW ¼ of NE ¼ and also in the SE ¼ of NW ¼ and SW ¼ of NE ¼ Section 21 Township 29 range 21

**WEDNESDAY, MARCH 16, 2005  
(Continued)**

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

The hearing on this petition for abandonment is set for **Monday, April 4<sup>th</sup>, 2005 at 9:30 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 16<sup>th</sup> day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Kimberly Moser  
Kimberly Moser, Deputy

Publish on March 21 and March 28

**FINAL PLAT: LAKESIDE ESTATES, PHASE 2**

Present at the March 16, 2005 9:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Tom Sands with Sands Surveying, and Clerk Moser.

Morrison reviewed the application submitted by Sands Surveying for final plat approval of Lakeside Estates, Phase 2, which will create 10 residential lots off Bierney Creek Road in Lakeside in Section 12, Township 26 North, Range 21 West. The property is unzoned. Preliminary Plat approval was granted on May 10, 2004 subject to 14 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Final Plat for Lakeside Estates, Phase 2. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**PUBLIC HEARING: CREATION OF MEADOW HILLS WATER & SEWER DISTRICT**

Present at the March 16, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Glen F Henderson, Ken Svendsen, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor of the creation of the Meadow Hills Water & Sewer District

Glen Henderson – I was asked to deliver a list of names of people who would be willing serve on the water district board. I have that list of names with me. My only other comment would be that if there are any questions that I can answer I would do my best to satisfy your concerns.

Commissioner Hall – Where is the Meadow Hills Water & Sewer District at?

Glen Henderson – It is just east of West Spring Creek Road, two miles west of the city limits on Highway 2. It is on the north side of Highway 2. It is a development of about sixty five homes. The initial water system was built in the 1970's, I don't know the exact date, by a gentleman named Hamilton developers. The well head and reservoir is in the northeast corner of the development. Our operating engineer, who is Mark Munsinger, I did not put that name on the list, I don't know if you need that or not, he is the state licensed system operator. He is employed by us.

Commissioner Hall – I think that we do need to have that on there, since he would be the contact person for this board. Would you consider him a part of the board of directors, or do you want to just list him.

Glen Henderson – No, he is our operator. He is hired by us.

Assistant Pence – How much time does he spend on that job?

Glen Henderson – Recently we have hired him and another engineer, who is a friend of his, Kevin Sevier, because we have been modifying the system to satisfy the request from the EPA.

Assistant Pence- So does kind of monitor the quality or what?

Glen Henderson – Yes. He is responsible for making sure the system remains in tact and operating properly, and he takes the water samples and turns them into the environmental office, and reports to the association.

Assistant Pence – Do you treat it at all?

Glen Henderson – We have not had to treat it, with the exception of one time when we had a pipe failure. We had to treat it that one time.

Commissioner Hall – You got your over ten percent of the registered voters within the district to sign the petition?

**WEDNESDAY, MARCH 16, 2005  
(Continued)**

Glen Henderson- Yes. Do you wish to have a copy of that petition?

Commissioner Hall –It is in the records. I am sure you have already turned it in.

Assistant Pence – What is the sewer situation?

Glen Henderson – We did this action based on the advise of the people from Midwest Assistance Association. They suggested adding it in on there, since we would have to go through the process again. There are no plans in place to do a sewer system. They are all septic. I think that there may be two homes that have engineered systems because of the soil condition.

Chairman Hall asked for anyone speaking in opposition.

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

Commissioner Watne made a **motion** to approve Resolution 1807. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1807

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 Meadow Hills 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 March 16, 2005, regarding the proposed creation of the Meadow Hills County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered the petition and those appearing thereon, and considered the fact that no written protests were 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 Meadow Hills 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 Meadow Hills 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 within five days of the date hereof as to whether a mail ballot election will be held, as set forth in 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 16<sup>th</sup> day of March, 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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Kimberly Moser Deputy

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

**MEADOW HILLS COUNTY WATER & SEWER DISTRICT**

**Location and legal description :**

All of Meadow Hills and all of Meadow Hills Unit 2 located in the S ½ of the SW ¼ of Section 11, Township 28, Range 22.

Commissioner Brenneman made a **motion** to appoint Glen Henderson, Tony Kohler, Land Ross, John R Weaver, and James Williams to the Meadow Hills County Water & Sewer District. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: GRAYBILL**

Present at the March 16, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planner George Smith and Clerk Moser.

**WEDNESDAY, MARCH 16, 2005  
(Continued)**

Smith reviewed the Lakeshore Permit for Flathead Lake submitted by Ben Graybill to excavate accumulated washed-in gravel from an existing boathouse. Damage will be minimized by working when the ground and lake are frozen, and placing roller logs as needed to prevent excessive gouging of the shoreline. Inspection shows that all materials are natural wave-action deposits of clean gravel with no soil, sand, or fines accumulation. After removal, the materials will be evenly deposited in the scoured-out areas in front of the boathouse. All work will be done during low pool, and no motorized equipment will enter the lake during removal and reapplication operations. There are 21 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to approve Lakeshore Permit #FLP-05-23. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**CONSIDERATION OF LAKESHORE PERMIT: BOXWELL**

Present at the March 16, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planner George Smith, and Clerk Moser.

Smith reviewed the Lakeshore Permit for Flathead Lake submitted by Marlin Boxwell to realign an existing wood crib 'F' dock by construction a new 50' long by 8' wide section connecting existing 37' wings. The existing sighting places the dock on the riparian boundary. The perpendicular portion of the dock will be relocated 18' from the riparian from the riparian boundary. The realignment will shorten the wings to 24' by 12' slip. After the dock relocation the applicant will construct a 12' by 24' wood boat shelter. The shelter roof will be supported by wood uprights/braces, attached too the existing crib dock; and will be no higher than 12' above the mean high water line. The new structure will have an impervious area of 972 sq ft, which is within the property allowance for the lot's 100' of lakeshore frontage. Stabilize the west portion of a gravel beach adjacent to an existing dock, with rip-rap wall section using large stones. Work is to prevent soil erosion and beach migration. If required, rocks may be stabilized with application of washed gravel. All work will be done at lake low pool, and no equipment will enter the lake. There are 39 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the Lakeshore Permit #FLP-05-25. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**CONSIDERATION OF PARKING LOT REQUEST: SAFETY COMMITTEE**

Present at the March 16, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Animal Control Director Richard Stockdale, Human Resource Director Raeann Campbell, Solid Waste Director Dave Prunty, Weed/Parks and Maintenance Director Jed Fisher, and Clerk Moser.

Discussion was held relative a request from the safety committee to make seventeen parking spots, in the courthouse center parking lot, compact car only parking spots.

Commissioner Brenneman made a **motion** to make seventeen parking spots compact car only. No second, motion fails.

Commissioner Watne made a **motion** to approve the safety committee request with the amendment of the amount of spots to make nine parking spots in the old courthouse parking lot compact cars only. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Nay - Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: CASE MANAGEMENT CONTRACT/AOA**

Present at the March 16, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the AOA contract and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: TRAINING AGREEMENT/AOA**

Present at the March 16, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the training agreement for AOA and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 17, 2005

**11:00 a.m. County Attorney meeting at the County Attorneys office  
1:30 p.m. Commissioner Hall to View Road Abandonment #431 (portion Middle Road)**

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**THURSDAY, MARCH 17, 2005**

The Board of County Commissioner 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.**

**MONTHLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL**

Present at the March 17, 2005 8:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Animal Control Director Richard Stockdale, and Clerk Moser.

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Discussion was held relative to euthanasia training on May 12 and 13 and having the city of Kalispell take the calls while the office is closed for those days, State association training and May 14 and 15 on temperament testing, January field activity, dog statistics, cat statistics, and fees received, February field activity, dog statistics, cat statistics, and fees received, Pit bull complaints in Hungry Horse, the legal process to handle dog complaints, and the viscous dog ordinance.

**MONTHLY MEETING W/ JED FISHER, WEED/PARKS/MAINTENANCE**

Present at the March 17, 2005 9:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Weed/Park and Maintenance Director Jed Fisher, Doug Scarff, and Clerk Moser.

Discussion was held relative to the evolution of law planning where the funding will be coming from and when the plan is to begin the project, compact cars and public parking plans, carpet problems on the first floor of the old courthouse and the plans on temporarily fixing that problem, plans for the installation of a center rail on the main stairwell of the old courthouse, the need for a grant writer, the plans for the county owned building on the lot next to Scarff Auto, Doug Scarff asked the commissioners to let the fire department burn down the bigger house for training purposes, Commissioner Hall expressed that he would like to re-advertise the house and see what happens after that, Commissioner Brenneman agreed, but thought we should put a time limit on how long we wait for a buyer to allow for them to burn it this year if it is not sold, the possibility of leasing the land out to scarf auto until such time as the county is ready to build a new building, the Department of State Lands working with Flathead County on installing a fire hydrant in the Bitterroot area to help fight wild land fires, the offer from a church group to purchase a county baseball park, the possibility of using the old armory building if it comes available to the county, considering starting a county wide newsletter, and Commissioner Brenneman requested that Jed and Commissioner Hall talk to him about the evolution of law project.

**MONTHLY MEETING W/ ALAN MARBLE, OES**

This meeting was not held.

**PRELIMINARY PLAT: BALES CREEK SUBDIVISION**

Present at the March 17, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planner Peggy Goodrich, Robert Brown, and Clerk Moser.

Goodrich reviewed the application submitted by Kevin Thompson for Preliminary plat approval of Bales Creek Subdivision, a minor subdivision that will create one residential lot with a remainder. The subdivision is located southeast of Kila off of Coon Hollow road. The property is unzoned. There are eight conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt staff report #FSR-05-08 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Bales Creek Subdivision subject to eight conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**FINAL PLAT: HERITAGE RANCH**

Present at the March 17, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Dawn Marquardt and Debbie Shoemaker with Marquardt Surveying, Planner Peggy Goodrich, and Clerk Moser.

Goodrich reviewed the final plat application for Heritage Ranch Subdivision, a four-lot minor subdivision off of Columbia Falls Stage Road southeast of Columbia Falls. The subject property is 20.92 acres in size and is unzoned. Preliminary plat was waived on September 7, 2004, subject to seven conditions. All Conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to adopt staff report #FWP-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 the final plat application for Heritage Ranch. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**FINAL PLAT: STILLWATER SCENIC DRIVE NO. 2**

Present at the March 17, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Janice Johnson, Dan Brien, and Clerk Moser.

Morrison reviewed the application for final plat approval of Stillwater Scenic Drive #2, a three-lot subdivision. The property is located near the corner of Church Drive and Farm to Market road in the West Valley Zoning District. Preliminary Plat approval was granted on July 17, 2003 subject to 14 conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the Subdivision Improvement Agreement for Stillwater Scenic Drive No. 2. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the final plat of Stillwater Scenic Drive No 2. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**FINAL PLAT: LYNNEWOOD II**

Present at the March 17, 2005 10:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Robert Brown, Rick Breckenridge with Montana Mapping, Walt Reddig, Bill Reddig, Wally Masie, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Morrison reviewed the final application for Lynnewood II Subdivision, which will create five residential lots in Section 28, Township 30 North, Range 20 West P.M.M., Flathead County, Montana. The site is located west of Montana Highway 206 north

**THURSDAY, MARCH 17, 2005  
(Continued)**

of Badrock Drive, and is situated approximately two miles south of Columbia Heights. The site is unzoned. Preliminary Plat approval was granted on September 1, 2004, subject to 20 conditions. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Lynnewood II subdivision. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**FINAL PLAT: SHAWNEE WOODS SUBDIVISION**

Present at the March 17, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Bob Trousil, Tom Lewis, and Clerk Moser.

Morrison reviewed the final plat application for Shawnee Woods Subdivision, which will create four residential lots off Shawnee Drive and Coverdell Road just north of Bigfork. The property is zoned SAG-5. Preliminary plat approval was granted on January 13, 2004, subject to nine conditions. All the conditions have been met. Staff recommends approval.

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

**MEETING W/ JEREMY MARKHAM RE: KALISPELL MEETING HALL TAX EXEMPTION**

Present at the March 17, 2005 11:15 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, Jeremy Markham, Brenda Markham, Deputy County Attorney Jonathan Smith, Clerk and Recorder Paula Robinson, and Clerk Moser.

Discussion was held relative to a tax exemption request made by the Markhams and the loss of the original paperwork and a request for the commissioners to accept the application even though it was not received until four days after the deadline, due to the loss of the original application that was submitted by the deadline.

Commissioner Watne made a **motion** to approve the application for tax exemption. Commissioner Hall **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**CONSIDERATION OF EXTENSION: THE GLADES AT BIG MOUNTIAN, PHASES**

Present at the March 17, 2005 11:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the extension of The Glades until March 25, 2005. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**11:30 Commissioner Watne to View Road Abandonment #430 (Portion of Sunnyside Drive)  
2:00 p.m. Commissioner Watne to attend the Health Board meeting at the Earl Bennett Building.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 18, 2005.

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**FRIDAY, MARCH 18, 2005**

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

**Commissioner Brenneman to attend the Mental Health Council & CDC meeting in Missoula.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 21, 2005.