
MONDAY, MARCH 28, 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/ JOE RUSSELL, HEALTH DEPT.

Present at the March 28, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, and Clerk Moser.

Discussion was held relative to the Cottonwood subdivision and the level two septic system, the Kelsey Subdivision septic system, and the Happy Valley Subdivision and there need for a new system.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: NORTH STAR PROPERTIES / EVERGREEN & VICINITY ZONING DISTRICT.

Present at the March 28, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, and Clerk Moser.

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

**MONDAY, MARCH 28, 2005
(Continued)**

RESOLUTION NO. 797 DH

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 25th day of January, 2005, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 DG, dated January 25, 2005) to change the zoning designation from R-2 (One Family Limited Residential) to R-5 (Two Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 26 and March 5, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, on the property described on Exhibit "A" hereto, from R-2 (One Family Limited Residential) to R-5 (Two Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 28th 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: _____
Joseph D. Brenneman, Member

By/s/Kimberly Moser
Kimberly Moser Deputy

**EXHIBIT A
NORTHSTAR PROPERTIES LLC
ZONE CHANGE R-2 TO R-5**

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District near the intersection of Harmony Road and Solberg Drive. The subject property may be described as portions of Lots 22 and 23 of Hoiland-Day Acres, a subdivision in Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject property is also known as 312 Solberg Drive.

FINAL PLAT: PONDEROSA GROVE

Present at the March 28, 2005 9:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Thor Jackola, Jim Burton with Jackola Engineering, Planner BJ Grieve and Clerk Moser.

Grieve reviewed the application from Jackola Engineering and Architecture for final plat approval of Ponderosa Grove Subdivision, a five-lot residential subdivision. The property is located off of Holt Drive in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. The property is zone R-4 in the Bigfork Zoning District. Preliminary plat approval was granted on May 6, 2003 subject to 10 conditions. All conditions have been met or otherwise addressed. 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 of Ponderosa Grove. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: CHERRY CREEK VILLAGE

Present at the March 28, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Thor Jackola, Jim Burton with Jackola Engineering, Planner Traci Sears-Tull, Planner Peggy Goodrich, and Clerk Moser.

Sears-Tull reviewed the application submitted by Peak Development, LLP for preliminary plat approval of Cherry Creek Village Subdivision, a minor subdivision that will create four commercial lots. The subdivision is located northeast of Kalispell off of Highway 2. The property is zoned B-2 Evergreen Zoning District. All lots within the development will be commercial. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-09 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**MONDAY, MARCH 28, 2005
(Continued)**

Commissioner Brenneman made a **motion** to approve the preliminary plat of Cherry Creek Village Subdivision subject to 11 conditions with the most current RSID waiver language and the added condition of adding sidewalks. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: PERRY BUSINESS PARK

Present at the March 28, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Dawn Marquardt and Debbie Shoemaker with Marquardt Surveying, Rick Walker, Planner Peggy Goodrich, and Clerk Moser.

Goodrich reviewed the application submitted by Roy and Wendy Roger for preliminary plat approval of the Perry Business Park, a minor subdivision that will create four industrial lots on approximately 5.48 acres. The subdivision is located approximately one-tenth of a mile east of U.S. Highway 2 East at 220 Pioneer Road. The property is currently undeveloped and unzoned. All lots within the development will be designated as industrial lots.

Commissioner Watne made a **motion** to adopt Staff Report #FSR-05-11 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Perry Business Park subject to thirteen conditions with the most up to date RSID waiver language. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF PROCLAMATION: CHILD ABUSE PREVENTION & AWARENESS MONTH (APRIL)

Present at the March 28, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the proclamation of April as Child Abuse Prevention and Awareness Month and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

AUTHORIZE COUNTY ATTORNEY'S OFFICE TO ACCEPT SERVICE: NEIGHBORS OVER AQUIFER V. COUNTY

Present at the March 28, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Watne made a **motion** to authorize the county attorney's office to accept service on the neighbors over aquifer vs. County case. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: ELECTION DEPT

Present at the March 28, 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 bid from Master Touch for twenty thousand address confirmation cards in the amount of \$820.00 total dollars. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W/ CHARLIE JOHNSON, ROAD DEPT

This meeting was cancelled.

VACATION MUST LEAVE / C. JOHNSON

Present at the March 28, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the Vacation request from Charlie Johnson. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W/ TOM GORTON RE: MENONITE CHURCH ROAD

Present at the March 28, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Tom Gorton, and Clerk Moser.

Discussion was held relative to paving being done in the county, Tom Gorton stated that the Creston road and the Mennonite Church road have been neglected for the last ten years and would like the county to resurface these roads, he asked why there are subdivisions being approved in that area if the infrastructure is not there, the need for the road to be patrolled due to the increased speeds of the traffic, and the commissioners explained the county's situation when it comes to paving and graveling.

12:00 p.m. Commissioner Brenneman to attend Youth Service Network meeting at The Summit.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 29, 2005.

TUESDAY, MARCH 29, 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.

COS REVIEW: LAWLER

Present at the March 29, 2005 9:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Joe Kaufmann of Big Sky Surveying, James Lawler, Planner Peggy Goodrich, and Clerk Moser.

Discussion was held relative to Planner Goodrich reviewed the application for an Immediate Family Transfer submitted by James Lawler and why it was identified as possibly being an attempt to evade the subdivision and platting act, Goodrich reviewed that she did not have a problem with the transfer, and that it is within the limits of the law.

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

CONSIDERATION OF HRO TRANSMITTAL: INFORMATION TECH DIRECTOR / COMPUTER SERVICES & EMERGENCY SERVICES COORDINATOR / OES

Present at the March 29, 2005 9:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Human Resource Director Raeann Campbell, Computer Services Director Norm Calvert, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the HRO transmittal forms for the Information Tech Director and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the HRO transmittal forms for the Emergency Services Coordinator and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF POSITION OPENING: C&R / OA II

Present at the March 29, 2005 9:45 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the opening of the Clerk and Records OA II position. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: BOURQUIN

Present at the March 29, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Smith reviewed the Lakeshore permit request submitted by John Bourquin for Flathead Lake to construct a 13-foot by 19-foot, 10 inch wood boat shelter to replace a deteriorating canvas shore station cover within an existing F-dock. The shelter roof will be supported by wood uprights / braces, attached too the existing dock, and will be no higher than 12 feet above the mean high water line. Additionally boulders will be relocated from the slip to increase depth and will be used to reinforce the existing rip-rap shoreline. All work will be done from the existing dock and a barge, and no heavy equipment will contact the lake.

Commissioner Watne made a **motion** to approve the Lakeshore permit #FLP-05-28 subject to 27 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: STUFFT

Present at the March 29, 2005 10:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Smith reviewed the Lakeshore Permit request submitted by Toni Stufft for Flathead Lake to excavate accumulated washed-in gravel from an existing boat slip. After removal, the materials will be evenly deposited in the scoured-out areas of the shoreline property. All work will be done during low pool, and no motorized equipment will enter the lake during removal and re-application operations. This permit may be renewed for one additional year upon notification of the department and payment of the permit fee.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-05-33 subject to 21 conditions. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTIN OF RESOLUTION: TAX DEED FEE INCREASE

Present at the March 29, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Clerk and Recorder Paula Robinson, Becky Eslick, Linda Broscheit, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Watne made a **motion** to approve Resolution 1809. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**TUESDAY, MARCH 29, 2005
(Continued)**

RESOLUTION NO. 1809

WHEREAS, Section 15-18-211, M.C.A., allows the County to charge for the cost of the work involved in preparing to issue tax deeds to property on which the taxes are delinquent, including research in County records to determine the identity of interested parties and publication and postage expenses for giving notices to interested parties as required by the statutes;

WHEREAS, the fees were last increased in February, 1994; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, agrees with the recommendation of the Flathead County Clerk and Recorder that the fees to be imposed for preparation for issuance of tax deeds should be increased.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the fee to be charged by the Flathead County Clerk and Recorder for the work involved in preparing to issue tax deeds and expenses in giving notices is increased from \$100 to \$150, effective April 1, 2005.

Dated this 29th 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

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: PHEASANT HOLLOW WAY, WINDMILL DRIVE, FOXTROT LANE, ELK RANCH, & LONE STAR TRAIL ROAD NAMING

Present at the March 29, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to authorize the publication of the Notice of Public Hearings for Pheasant Hollow Way, Windmill Drive, Foxtrot Lane, Elk Ranch, and Lone Star Trail road namings, and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

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 **WINDMILL DRIVE**.

Road generally running northeasterly off an unnamed road which runs easterly off U.S. Highway 2 and located in the Southwest ¼ of the Southwest ¼ Section 24, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of April, 2005, at 9:30 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 **WINDMILL DRIVE**.

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

Dated this 29th day of March, 2005.

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 April 2 and April 9, 2005.

**TUESDAY, MARCH 29, 2005
(Continued)**

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 **ELK RANCH ROAD**.

Road generally running southerly off Coon Hollow Road and located in the East ½ of the West ½ of Section 27, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of April, 2005, at 9:30 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 **ELK RANCH ROAD**.

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

Dated this 29th day of March, 2005.

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 April 2 and April 9, 2005.

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 **FOXTROT LANE**.

Road generally running easterly off U.S. Highway 93 and located in the Southeast ¼ of the Southeast ¼ of Section 13, Township 30 North, Range 22 West and in Government Lot 4 of Section 18 Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of April, 2005, at 9:30 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 **FOXTROT LANE**.

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

Dated this 29th day of March, 2005.

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 April 2 and April 9, 2005.

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 **LONE STAR TRAIL**.

Road generally running northerly off Mc Mannamy Draw and located in the West ½ of the West ½ of Section 26 and in the East ½ of Section 27 all in Township 29 North, Range 23 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of April, 2005, at 9:30 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 **LONE STAR TRAIL**.

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

Dated this 29th day of March, 2005.

**TUESDAY, MARCH 29, 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 April 2 and April 9, 2005.

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 **PHEASANT HOLLOW WAY**.

Road generally running southerly off Foy's Bend Lane and located in the East ½ of the Southeast ¼ of Section 33, and in the Southwest ¼ of the Southwest ¼ of Section 34, all in Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of April, 2005, at 9:30 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 **PHEASANT HOLLOW WAY**.

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

Dated this 29th day of March, 2005.

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 April 2 and April 9, 2005.

AUTHORIZATION TO PUBLISH NOTICE PUBLIC HEARING: ROAD ABANDONMENT #429 (PORTION HOFFMAN DRAW)

Present at the March 29, 2005 10:15 meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to authorize the publication of notice of public hearing for Road Abandonment #429 and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

**NOTICE OF DISCONTINUANCE
OF PUBLIC ROADWAY
NO. 429**

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

A tract of land located in US Government lot 8 of Section 6, Township 27 North, Range 22 W, Principal Meridian, Montana, Flathead County, Montana and more particularly described as follows:

Commencing at the southwest corner of said government lot 8, thence N00°13'53"W, on and along the west boundary of said lot 8, a distance of 389.21 feet to a point, and which point lies on the southerly right-of way boundary of Hoffman Draw Road and which point is in the midst of a curve; thence southeasterly, on a curve to the right (Delta = 06°59'31", Radius = 220.00 feet and radial bearing = S31°57'07"W), an arc length of 26.85 feet to a point and which point is the true point of beginning;

Thence N83°27'40"E, and leaving said southerly right-of-way boundary, a distance of 9.97 feet to a point; thence southeasterly, on a curve to the right (Delta = 25°01'08", radius = 226.99 feet and radial bearing = S38°56'38"W), an arc length of 99.12 feet to a point; thence S28°23'10"W, a distance of 8.59 feet to a point and which point lies on said southerly right-of-way boundary; thence N26°02'15"W, on and along said right-of-way boundary, a distance of 5.00 feet to a point of curvature; thence northwesterly, on a curve to the left, (Delta = 26°50'20", Radius = 220.00 feet and radial bearing = S63°57'45"W), an arc length of 103.05 feet to the true point of beginning.

**TUESDAY, MARCH 29, 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 18th, 2005 at 10:15 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 29th 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 April 2nd and 9th, 2005

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING ROAD ABANDONMENT #430 (PORTION OF SUNNYSIDE DRIVE)

Present at the March 29, 2005 10:15 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize the publication of notice of public hearing for Road Abandonment #430 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. 430**

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

A STRIP OF LAND, SITUATED, LYING AND BEING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 28 NORTH, RANGE 21 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 18, Township 28 North, Range 21 West, P.M.,M., Flathead county, Montana, which is on the southerly RIW of a 40 foot county road known as Sunnyside Drive; Thence along said R/W N88°11'18"E 37811 feet; Thence leaving said RIW N01°48'42"W 40.00 feet to a found iron pin on the northerly RIW of said road; Thence along said northerly RAY N88°11'18"E 198.00 feet to a found iron pin and THE TRUE POINT OF BEGINNING OF THE STRIP OF LAND HEREIN DESCRIBED:

Thence continuing along said RJW N48°27' 110.50 feet to a found iron pin; Thence S74°20'42"E 155.13 feet to the approximate thread of Ashley Creek; Thence along said thread the following two (2) courses: S06°08'50"W 13.37 feet; S49°24'02"W 17.28 feet; Thence leaving said thread S88°11'18"E 217.63 feet to the point of beginning and containing 0.227 ACRES; Subject to and together with all appurtenant easements of record.

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 18th, 2005 at 10:45 A.M.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 29th 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 April 2nd and 9th, 2005

MEETING W/ ERIC MULCAHY / SANDS SURVEYING RE: STEP 2 SEWER SYSTEMS INFORMATION

Present at the March 29, 2005 10:30 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Wally Wilkinson, Eric Mulcahy, Doug Siderius, Joe Beasley, Bret Birk, Tom Anderson, Jerry Nix, Health Department Director Joe Russell, Kerry Finley, Tom Sands of Sands Surveying, and Clerk Moser.

Discussion was held relative to a presentation on different types of sewer systems, the treatment process, the structure, and what they do, a handout was passed to the commissioners on the presentation, the question was asked by Commissioner

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(Continued)**

Brenneman why it would not be more cost effective to connect the Cottonwood Subdivision to the Evergreen sewer system, the engineer addressed stated that with the cost of connecting and the type up with the cities made them decide to go with the level 2 system, and the different sewer systems that are currently being approve in the state of Montana.

FINAL PLAT: VAN SANT ACRES, LOT 1

Present at the March 29, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, Dawn Marquardt and Debbie Shoemaker with Marquardt & Marquardt Surveying, Planner BJ Grieve, and Clerk Moser.

Grieve reviewed the application for final plat approval of Van Sant Acres, Lot 1, a two-lot minor subdivision on the east side of Van Sant Road. The subject property is 5.0 acres in size and is located in an unzoned portion of the county. Preliminary plat approval was waived on October 14, 2004 subject to eight conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report #FWP-05-03 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 of Van Sant Acres, Lot 1. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

FINAL PLAT: RIVER ROCK ESTATES

Present at the March 29, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne and Brenneman, Assistant Pence, and Clerk Moser.

Grieve reviewed the application for final plat approval of River Rock Estates submitted by Marquardt and Marquardt Surveying on behalf of Betty Lou Armstrong, a subdivision that will create two residential lots. The subdivision is located on US Highway 93 just south of the intersection with Schrade Road. The subject property is 12.02 acres in size and is zoned SAG-5 in the Highway 93 North Zoning District. Preliminary plat approval was waived on June 30, 2004, subject to seven conditions. All conditions have been met or otherwise addressed.

Commissioner Watne made a **motion** to adopt Staff Report #FWP-05-05 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 of River Rock Estates. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

11:30 a.m. Commissioner Watne and Assistant Pence to view the Fairgrounds Pavilion.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 30, 2005.

WEDNESDAY, MARCH 30, 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.

DOCUMENT FOR SIGNATURE: "BEST INTEREST GRANT" / YOUTH COURT

Present at the March 30, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, Chief Juvenile Probation Officer Pat Warnecke, Peer Court Director Kelly A. Russell, District Court Administrator Bonnie Olson, and Clerk Moser.

Discussion was held relative to a third year grant proposal for Youth Court.

Commissioner Watne made a **motion** to approve the "Best Interest Grant" proposal for youth court and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: MDOT CONTRACT #05-50-0033 / EAGLE TRANSIT

This meeting was cancelled.

CONSIDERATION OF POSITION OPENING: OFFICER / SHERIFF'S OFFICE

Present at the March 30, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the position opening for the Sheriffs office. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

PRELIMINARY PLAT: SHEEPHERDER SUBDIVISION

Present at the March 30, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Watne, Assistant Pence, Gregg Moore, Allen Clark, Planner Peggy Goodrich, and Clerk Moser.

**WEDNESDAY, MARCH 30, 2005
(Continued)**

Goodrich reviewed the preliminary plat application submitted by Ralph Chitwood for Sheepherder Subdivision, a minor subdivision that will create two single-family lots on approximately 2.0 acres. The subdivision is located off of U.S. Highway 2. The property is zoned R-1. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff report #FSR-05-16 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

Commissioner Watne made a **motion** to approve the preliminary plat of Sheepherder Subdivision subject to 12 conditions. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

11:00 a.m. County Attorney meeting at the County Attorney's Office
3:00 p.m. Commissioner Brenneman to attend LEPC General meeting at the Justice Center Conference Room
6:30 p.m. Commissioner Hall to attend the Host HB591 & HB450 Video Conference at the FVCC Learning Resource Center, Room 120

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 31, 2005.

THURSDAY, MARCH 31, 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.

12:00 p.m. Commissioner Brenneman to speak at the Kalispell Rotary

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 01, 2005.

FRIDAY, APRIL 01, 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.

No meeting scheduled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 4, 2005.