
MONDAY, APRIL 04, 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.

CONSIDERATION OF POSITIONS OPENING: MID-LEVEL PROVIDER / HEALTH DEPARTMENT

Present at the April 04, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the position opening for the vacant existing position for the health department and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: SURVEYOR CONTRACT / J. BURTON

Present at the April 04, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Jim Burton with Jackola Engineering and Surveying, Human Resource Director Raeann Campbell, and Clerk Moser.

Discussion was held relative to the requirement of workers compensation insurance and liability insurance and adding the cost of that to the payment to Jim Burton. The commissioners agreed to table the contract until such time as the cost for insurance is researched.

Commissioner Brenneman made a **motion** to table the contract negotiations until a future date. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PUBLIC HEARING: ROAD ABANDONMENT #420 (PORTION TRUMBLE CREEK ROAD)

Present at the April 04, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Judith Petersen, and Clerk Moser.

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

Judith Petersen – Owns the property that is in between where Trumble Creek is now and the road that was originally deeded to the property. They would like to abandon the other side to provide for expansion. The road was moved because of the Creek. The utilities follow Trumble Creek road.

Chairman Hall – Asked if it was abandoned, is the official county right of way where the road is now?

Commissioner Brenneman – Answered the Jim Burton checked and it was a deeded right of way.

Chairman Hall – Stated that if they were ever to redo Trumble Creek we want to make sure we are in the right of way.

Commissioner Brenneman – Suggested continuing the meeting until such time as they can confirm that we have the right of way that includes where the utilities go.

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

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

Commissioner Brenneman made a **motion** to take Road Abandonment #420 under advisement. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

COS REVIEW: KRAMER

Present at the April 04, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner Peggy Goodrich, Rick Breckenridge of Montana Mapping, Judith Petersen, and Clerk Moser.

Discussion was held relative to the immediate family transfer review request made by Montana Mapping Associates, and the request by Kenneth Kramer to deed part of his property to his mother.

Commissioner Brenneman made a **motion** to approve the COS for Kramer. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

MONDAY, APRIL 4, 2005
(Continued)

PRELIMINARY PLAT: MEADOWBROOKE

Present at the April 04, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Peter Strelliger, John Lynch, Planner Kirsten Holland, Jane Eby of Eby & Associates, and Clerk Moser.

Holland reviewed the application for preliminary plat approval of Meadowbrooke, a major subdivision creating 56 residential lots and 1 commercial lot. The subdivision is located in the Little Bitterroot Lake area off Pleasant Valley Road approximately 24 miles southwest of Kalispell. The property is unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-01 with amended conditions including the addition of a deed restriction prohibiting further subdividing and the added condition that the owner will meet with the Marion school District to address concerns regarding the water supply as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Meadowbrooke subject to 27 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF PRINTING BIDS: SUPERINTENDENT OF SCHOOLS & AOA

Present at the April 04, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the bid for 1500 #10 envelopes from American Printing in the amount of \$62.27 for the Superintendent of Schools. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid for 5000 small envelopes in the amount of \$137.94 and 500 business cards in the amount of \$15.00 from Great Northern Printing for Agency on Aging. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid for 25,000 Payroll & Accounts Payable Warrants (std security) in the amount of \$836.25 and for 25,000 of Payroll & Accounts Payable Warrants (enhanced security) in the amount of \$1,010 from Printlink for the Payroll department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

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

Present at the April 04, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize the publication and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a change to the text of the Flathead County Zoning Regulations proposed by the Flathead County Planning and Zoning Office.

The proposed amendment would amend Section 3.30.030 by adding Sewage treatment plants as item 18 in the list of Conditional Uses for Public Zoning Districts.

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

The public hearing will be held on the **19th day of April, 2005 at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change to the text of the Flathead County Zoning Regulations.

DATED this 4th day of April, 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 7 and April 14, 2005.

CONSIDERATION OF LAKESHORE: MUHLEMAN

Present at the April 04, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

**MONDAY, APRIL 4, 2005
(Continued)**

Smith reviewed the Lake & Lakeshore Construction Permit submitted by Duane O. Muhleman for Flathead Lake to excavate accumulated washed-in gravel from existing boat slips. After removal, the materials will be evenly deposited in the scoured-out areas of the shoreline on 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 the Lakeshore permit FLP-05-39. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING : TAX INCENTIVE REQUEST / PLUM CREEK TIMBER

Present at the April 04, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize the publication of notice and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1402 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Plum Creek Timber Company, MDF Division, of Columbia Falls, Montana, seeking the application of tax reducing benefits to the installation of a new 600,000-gallon water clarification basin and warehouse located at its MSF Plant at 265 Meadow Lake Blvd., Columbia Falls, Montana, in Section 7, Township 30 North, Range 20 West, P.M.M. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **25th day of April, 2005, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Plum Creek MDF, Inc.

DATED this 4th day of April, 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 7 and April 21, 2005.

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: SCHOOL DIST 5 FFA DRIVE PROPERTY

Present at the April 04, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 1810. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1810

WHEREAS, Flathead County owns certain real property on FFA Drive which is no longer necessary for the conduct of County business, said property being described below;

WHEREAS, the Kalispell School District No. 5 has requested that the property be transferred by the County to Kalispell School District No. 5; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, agrees that the property described below should be transferred to Kalispell School District No. 5 in order that the District's Vo-Ag Center can replace buildings and to allow for restoration of the riverbank on the Flathead River to stop erosion.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, pursuant to Section 7-8-101, M.C.A., hereby passes this resolution of intention to transfer the following described property to Kalispell School District No. 5:

A tract of land situated, lying and being in Government Lots 6 & 7 of Section 21, 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 Southwest Quarter of Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana; Thence along the West boundary of said SW ¼ N00°02'49"W 1742.95 feet; Thence East 1759.49 feet to a set iron pin on the Southerly R/W of a 60 foot county road known as FFA Drive and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence along said Southerly R/W East 241.95 feet to a found iron pin; Thence leaving said R/W South 900.20 feet to a found iron pin; Thence West 241.95 feet to a set iron pin; Thence North 900.20 feet to the point of beginning and containing 5.000 Acres; Subject to and together with all appurtenant easements of record.

**MONDAY, APRIL 4, 2005
(Continued)**

BE IT FURTHER RESOLVED, that notice of the passage of this resolution of intention shall be published as required by Section 7-1-2121, M.C.A., and the public shall be invited to comment on the proposal to transfer the above-described property to Kalispell School District No. 5.

DATED this 4th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By _____
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Kimberly Moser Deputy

Commissioner Brenneman made a **motion** to approve the notice of passage of Resolution of Intent and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 7-8-101, M.C.A., that it passed a resolution of intent (Resolution No. 1810) on April 4, 2005, to transfer the following property to Kalispell School District No. 5 because it is not necessary for the conduct of County business and in order that the District's Vo-Ag Center can replace buildings and to allow for restoration of the riverbank on the Flathead River to stop erosion.

The property to be transferred is described as follows;

A tract of land situated, lying and being in Government Lots 6 & 7 of Section 21, 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 Southwest Quarter of Section 21, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana; Thence along the West boundary of said SW ¼ N00°02'49"W 1742.95 feet; Thence East 1759.49 feet to a set iron pin on the Southerly R/W of a 60 foot county road known as FFA Drive and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence along said Southerly R/W East 241.95 feet to a found iron pin; Thence leaving said R/W South 900.20 feet to a found iron pin; Thence West 241.95 feet to a set iron pin; Thence North 900.20 feet to the point of beginning and containing 5.000 Acres; Subject to and together with all appurtenant easements of record.

Further information concerning the proposed transfer may be received from, and written comments may be sent to, the Board of Commissioners, Flathead County, Montana, 800 South Main, Kalispell, Montana 59901, telephone 758-5503.

DATED this 4th day of April, 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 7 and April 14, 2005.

DOCUMENT FOR SIGNATURE: QUIT CLAIM DEED / HELEN B. EVANS

Present at the April 04, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the Quit Claim Deed and authorize the chairman to sign. Commissioner **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PUBLIC HEARING: CDBG APPLICATION

Present at the April 04, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Mahlon Randall, Kerry Finley, Deputy County Attorney Jonathan Smith, and Clerk Moser.

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

Mahlon Randall – I am president of the Ranch Water District. I just want to say that nothing has really changed from the presentation that I gave before. I did bring some additional copies of the presentation in case anybody wanted them. I have communicated with my board, and they are in the process of looking at the agreements set fort. Everything is looking good from our stand point. I think that with Lynn Moon, the selected contractor, we have somebody that came highly recommended, and has been very proactive in working with the CDBG people in the past and now. She has actually taken a trip to Helena and met

**MONDAY, APRIL 4, 2005
(Continued)**

with the people there a couple of weeks ago, and went through this specific thing, and our circumstances, and your circumstances, and their interest in getting the county to really get heavily involved in a comprehensive capital improvement plan that lays the ground work for applications in the future. I think that the only potential fly in the ointment is at the federal level, and that is the president's proposal to eliminate CDBG funding.

Chairman Hall – I think that they were going to eliminate half weren't they?

Mahlon Randall – It is to eliminate the whole program, and then take half of the money and put it in under another infrastructure, which would move all CDBG activities, then they would be renamed into something else, and then put not at the state level, but at the federal level. If that kind of thing happens we would have two problems. One is the reduced pot of money, which is already highly competitive. Second is that in all likely hood there would be another whole new bureaucratic structure, where the counties would have to be applying to a new yet unnamed lobby in Washington D.C. Those are the potential things. In that case it would in all likely hood delay the process for some period of time. At least from what I have been following so far it looks like the Senate at least has really come back in favor of a continuation of CDBG as it is currently structured. I don't know anything about the funding levels, or what the Senate has been saying. I think that it is a good chance for everybody involved, with a pretty some investment on the part of the county, for a potential return. The lion's share of the grant writing activities the water district will cover, about \$3,800 worth of funds.

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

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

8:00 a.m. Weed & Parks Board meeting at the Weed & Parks Office.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 05, 2005.

TUESDAY, APRIL 05, 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/ DONNA MADDUX, SUPERINTENDENT OF SCHOOLS

This meeting was not held.

MONTHLY MEETING W/ NORM CALVERT, COMPUTER SERVICES

Present at the April 05, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Computer Services Director Norm Calvert, and Clerk Moser.

Discussion was held relative to the new employee and the fact that they now have a full staff, the implementation of the new Jade system, the schedule for the Jade conversion process, mobile home fire service area, the new spam detection system, and the format of the budget reports.

CONSIDERATION OF LAKESHORE PERMIT: BABIAK

Present at the April 05, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner Traci Sears-Tull, and Clerk Moser.

Sears-Tull reviewed the Lake and Lakeshore Permit Variance application submitted by Linda Babiak for Whitefish Lake to Rebuild the existing stairs, create stairs from the top of the path to the lake, rework the retaining wall / rip-rap below the existing path, add stepped back retaining wall above the existing path where erosion is evident, redo pathway from existing upper stairs to the shore structure, and replace railroad ties and stacked concrete supports under the shore structure. There are 45 conditions of approval.

Commissioner Brenneman made a **motion** to approve Lakeshore permit #WLV-05-01 tabling conditions 23 through 29. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: VEBA / EAGLE TRANSIT UNION MEMBERS

Present at the April 05, 2005 9:45.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Eagle Transit Union Members option to opt out of the VEBA program. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: LUCIEN & BEARS ZONE CHANGE / LOWER SIDE ZONING DISTRICT

Present at the April 05, 2005 9:45.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to authorize the publication of notice and authorize the Chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**TUESDAY, APRIL 5, 2005
(Continued)**

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Henry and Judith Lucian and Wanda H. Bears Trust to change the zoning designation in a portion of the Lower Side Zoning District from R-2 (One Family Limited Residential) to B-2 (General Business).

The boundaries of the area proposed to be amended from R-2 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 a residential district designed to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines, to providing for 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 R-2 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, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **19th day of April, 2004, at 11:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Lower Side Zoning District.

DATED this 5th day of April, 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
Deputy

Publish on April 9 and April 16, 2005.

**Exhibit A
HENRY & JUDIAN LUCIAN / WANDA H. BEARS TRUST
REQUEST FOR ZONE CHANGE FROM R-2 TO B-2
STAFF REPORT #FZC-05-01**

Location and legal description of property:

The property proposed for rezoning is located on the south side of Montana Highway 35, approximately ½ mile east of the Flathead River. The property can be described as Lot 28 of Sunrise Terrace Subdivision, Section 2, Township 28 North, Range 21 West, P.M.M., Flathead County.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

Present at the April 05, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Discussion was held relative to comparison of work comp injury statistics for Flathead County, the trust fund balance for the health insurance is continuing to trend upward, and the different forms of advertisement available for job postings.

CONSIDERATION OF POSITION OPENING: CLERK / SHERIFFS OFFICE

Present at the April 05, 2005 10:30 meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the opening of an existing vacant clerk position for the Sheriffs office and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF EDUCATIONAL ASSISTANCE: S. JOHNSON

Present at the April 05, 2005 10:30 meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the educational assistance for S. Johnson and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: STILLWATER AT WHITEFISH

Present at the April 05, 2005 10:30 meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Tom Sands of Sands Surveying, Planner Kirsten Holland, David Stephens, and Clerk Moser.

Holland reviewed the application submitted by DKRW, LLC for preliminary plat approval of Stillwater at Whitefish, a major subdivision creating 12 single-family residential lots on 130.951 acres. The property is located approximately 11 miles northwest of Whitefish and accesses from Farm to Market. The property is located in the Bootjack Lake Zoning District. All properties in this zoning district are zoned SAG-10. Staff recommends approval.

**TUESDAY, APRIL 5, 2005
(Continued)**

Commissioner Brenneman made a **motion** to continue preliminary plat until such time as there is a full board. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: SUBDIVISION NO. 258

Present at the April 05, 2005 10:45 meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Kelly Maguess, Tom Sands of Sands Surveying, and Clerk Moser.

Morrison reviewed the application submitted by Fred & Aurelia Wittlake for preliminary plat approval of Subdivision #258, a minor subdivision creating one residential lot from the parent tract. The subdivision is located off Columbia Falls Stage Road approximately 9 miles northeast of Kalispell. The property is unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-21 with the addition of the condition requiring a ten foot bike path easement on Columbia Falls Stage. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Subdivision #258 subject to 8 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PUBLIC HEARING: COTTONWOOD ESTATES ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT

Present at the April 05, 2005 11:00 A.M. meeting were Chairman Hall, Commissioners Watne (over the phone) and Brenneman, Assistant Pence, Wally Wilkinson, Bret Birk, Eric Mulcahy, Darla Harmon, Doug Siderius, Judy Barkley, Kelly Magness, Scott Burch, Tom Anderson, Tom Sands of Sands Surveying, and Clerk Moser.

Chairman Hall opened the public hearing to anyone wishing to speak in favor Erik Mulcahy, Bret Birk, Wally Wilkinson, Tom Sands, and Doug Siderius all spoke in favor.

No one else rising to speak, Chairman Hall asked for anyone wishing to speak in opposition Darla Harmon, Scott Burch, Judy Barkley, and Kelly Magness spoke in opposition.

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

Commissioner Brenneman made a **motion** to adopt Staff Report #FCZ -04-07. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried by quorum unanimously.

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

RESOLUTION NO. 797DJ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 5th day of April, 2005, to consider a request by Cottonwood Estates, LLC, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-4 (Two-Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on March 24 and March 31, 2005;

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

WHEREAS, the applicant has also requested an amendment to the Flathead County Master Plan which would change the designation of the property from agricultural to high-density residential; 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 finds that the proposed master plan amendment, if adopted, will ensure that the requested zone change complies with the master plan, 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 SAG-10 (Suburban Agricultural) to R-4 (Two-Family Residential), 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 5th day of April, 2005.

**TUESDAY, APRIL 5, 2005
(Continued)**

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
COTTONWOOD ESTATES
ZONE CHANGE
MARCH 9, 2005**

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly ½ mile north of the intersection with Highway 35. The subject properties may be described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., all in Flathead County, Montana.

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. 797DJ) on April 5, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-4 (Two-Family Residential).

The boundaries of the area proposed to be changed from SAG-10 to R-4 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a district to protect and preserve agricultural land for the performance of limited agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential friction of uses will be minimized, to an area designed to provide lot areas for urban development, requiring all public utilities and all community facilities, and allowing duplexes.

The regulations defining the SAG-10 and R-4 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 5th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Kimberly Moser
Kimberly Moser Deputy

Publish on April 9 and April 16, 2005.

**Exhibit A
COTTONWOOD ESTATES
ZONE CHANGE
MARCH 9, 2005**

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly ½ mile north of the intersection with Highway 35. The subject properties may be described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., all in Flathead County, Montana.

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

4:00 p.m. Natural Resource Committee meeting at the Commissioners Meeting Room.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 06, 2005.

WEDNESDAY, APRIL 6, 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: CERTIFYING OFFICIAL

Present at the April 06, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner Peggy Goodrich, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the document making Peggy Goodrich the contact person for the Helena Flats Bike Path project and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

CONSIDERATION OF REQUEST TO CHANGE START DATE: SEASONAL / WEED & PARKS DEPARTMENT

Present at the April 06, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the change in start date for the seasonal worker at the Weed and Parks Department due to unseasonably warm conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: INTERLOCAL AGREEMENT / RANCH WATER & SEWER DISTRICT

Present at the April 06, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the interlocal agreement between Flathead County and Ranch County Water & Sewer District. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

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

Present at the April 06, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 956BK. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BK

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 23rd day of February, 2005, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 BJ, dated February 23, 2005) to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural) and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 27 and March 3, 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 Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 6th day of April, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

By: _____
Robert W. Watne, Member

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

WEDNESDAY, APRIL 6, 2005
(Continued)

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Kimberly Moser Deputy

EXHIBIT A
GUY GROSS
REQUEST FOR ZONE CHANGE FROM AG-40 TO SAG-5
STAFF REPORT #FZC-04-32
JANUARY 19, 2005

Located and Legal Description of Property:

The property proposed for rezoning is located between Mud Lake and Echo Lake at the intersection of Mud Lake Road and Black Bear Lane. The property can be legally described as Assessor's Tracts 2+, 2C, 1B, 1BB and 1BBA in the North half of Section 10, Township 27 North, Range 19 West P.M.M., Flathead County.

MEETING W/ B.J. GRIEVE / PLANNING & ZONING OFFICE RE: DOCUMENT FOR SIGNATURE / GROWTH POLICY SCOPE OF WORK CONTRACT

Present at the April 06, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner BJ Grieve, Planner Peggy Goodrich, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Discussion was held relative to the contract for Lane Kendig and Bill Collins to create a detailed scope of work needed for the creation of the growth policy plan, and the plans for when they get here to interview groups to decide what is available and what needs to be created, and the need for extra funds to pay for any incidentals cost incurred during the interview and meeting sessions, and the possibility of getting a local group to donate airplane time for an aerial view of the county. The visit is scheduled to begin on May 08, 2005.

Commissioner Brenneman made a **motion** to approve the scope of work contract agreement as presented and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

11:00 a.m. County Attorney meeting at the county attorney's office.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 07, 2005.

THURSDAY, APRIL 7, 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.

7:30 a.m. Commissioner Brenneman to attend CASA Ceremony at the Justice Center
8:30 a.m. Commissioner Hall to attend AOA TAB meeting at Eagle Transit

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 08, 2005.

FRIDAY, APRIL 8, 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.

11:30 a.m. Commissioner Hall to attend a Forest Service meeting at McKenzie River Pizza
4:00 p.m. Commissioner Hall to attend a Jobs Now Board meeting at TeleTech Facility.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 11, 2005.