
MONDAY, MAY 2, 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.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 3, 2005.

TUESDAY, MAY 3, 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.

Present was Clara LaChappelle, Judy Martinson, Bob Lovejoy, Jerry Nix, Debbie Street, Klaus Kleinke, William Allegro, Sharon DeMeester, Irene Vandehey, Steve Vandehey, Mark J Schwager, Angie Clark, Thomas W Clark, Charlene Iannucci, Marla Richmond, Katrin Fye, Ginny Coyle, Kevin Coyle, Donna Maddux, John Weaver, Erika Wirtala.

Jerry Nix – gravel pit issues and the fact that counties cannot deny gravel pit issues. Planner Johnna recommending approval of the Tutvedt application was not done in a complete manner. 122 gravel pits in Flathead County now.

Clara spoke in regards to the water. Water in West Valley area will be contaminated by the gravel pit. Water well testing that has been done shows contamination already.

Tom Clark complained about Johnna Morrison, Flathead County Planning Board, she acted in an unprofessional manner. Board of Adjustments will make a decision tonight in regard to the gravel pit. County will have a law suit on its hands if this is approved.

Mark Schwager spoke in regards to the flaws in the application.

Erica Writable spoke in regards to the 2 Rivers Amendment.

Sharon DeMeester spoke in regards to the 2 Rivers Amendment in regards to planning in the valley. The infrastructure in the valley needs planning and not allowed to grow at will.

Lenny Hensel spoke in regards to the shallow aquifers in the evergreen area. Wants to protect the water in Flathead Lake.

Charlene Iannucci spoke in regards to the gravel pit & Lost Creek Fan Report.

Angela Clark spoke in regards to the water problem. Nitrates in the well causing problems.

Steve Vandehey spoke in opposition to the gravel pit issue and the effect it will have on the homes in West Valley.

Kevin Coyle spoke in opposition to the gravel pit issue and the lack of plans.

Tom Clark spoke again in regards to state law requiring a recommission plan and the process required which hasn't been done.

No one else rising to speak. Chairman Hall closed the public comment period.

BOARD APPOINTMENTS/ACCLAMATIONS FIRE DISTRICTS & LAKESIDE COMMUNITY COUNCIL

Present at the May 3, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

ACCLAMATIONS

Big Mtn Rural Fire District	Glenn Nye
Bigfork Rural Fire District	Jim Sticka
Blankenship Rural Fire District	Jay Roach & Jim Swab
Coram/West Glacier Rural Fire District	James J Hervol
Evergreen Rural Fire District	Randall R Winter
Martin City Rural Fire District	Donna Meskimen
Olney Rural Fire District	Veronica Gress
Somers Rural Fire District	John D Morrow
South Kalispell Rural Fire District	Norman Nelson & Gordon Sheldon
Whitefish Fire Service Area	Eric Schenck
Lakeside Community Council	Relda Castles & Bruce Young

APPOINTMENTS

Columbia Falls Rural Fire District

Daniel C Smith & Bruce Lutz

Somers Rural Fire District

Robert C Lincoln

Commissioner Watne made a **motion** to appoint the above names by acclamation and appointment as recommended. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: ESTHER SUBDIVISION

Present at the May 3, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, B J Grieve, Planner Kirsten Holland, Weed/Parks and Maintenance Director Jed Fisher, and Clerk Kile.

Planner Grieve reviewed the application submitted by Paul and Esther Kauffman for preliminary plat approval of Esther Subdivision, creating three single family residential lots. The subdivision is located at the intersection of Creston Hatchery Road and Bachelor Grade, approximately 2 miles east of Montana Highway 35. There are 12 conditions of approval. Staff recommends approval.

Discussion was held relative to a possible problem down the road with the need for bike paths being near the Creston School. A 13th condition was added for a walking / bike path easement.

Commissioner Brenneman made a motion to adopt staff report #FSR-05-27 as findings of fact. Commissioner Watne seconded the motion. **Aye** - Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Esther Subdivision, subject to **13** conditions. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

LOAD LIMITS LIFTED

Present at the May 3, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

Discussion was held relative to removing the load limits on county roads.

Commissioner Watne made a **motion** to approve the removal of the load limits on county roads. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

OPEN BIDS FOR WEED DEPT.

Present at the May 3, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Jed Fisher, Wilbur Ellis and Clerk Kile.

Bid from Cenex Harvest States was for \$78.56/Gal on Tordon Herbicide and \$315.31/Gal for Transline Herbicide.
Bid from UAP Timberland was \$78.63/Gal on Tordon Herbicide and \$282.00/Gal for Transline Herbicide.
Bid from Wilbur-Ellis was \$79.93/Gal on Tordon Herbicide and \$295.00/Gal for Transline Herbicide.

Commissioner Brenneman made a **motion** to take under advisement and refer to the weed department for recommendation. Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

BOARD APPOINTMENTS: BIGFORK FIRE DISTRICT

Present at the May 3, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

Commissioner Watne made a **motion** to appoint Wayne Lawflor to the Bigfork Fire District. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

BUDGET AMENDMENT: ANIMAL CONTROL

Present at the May 3, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Richard Stockdale, and Clerk Kile.

Discussion was held relative to requesting \$3,000 be transferred from salaries back to contract services.

Commissioner Watne made a **motion** to move the money back to contract services. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: MEADOW VIEW

Present at the May 3, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Kirsten Holland and Clerk Kile.

Kirsten Holland reviewed the application submitted by Kurt Runia for preliminary plat approval of Meadow View Subdivision, creating four (4) single-family residential lots. The subdivision is located off of Bald Rock Drive. There are 12 conditions of approval. Staff recommends approval.

Commissioner Watne made a motion to adopt staff report #FSR-05-26 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 Meadow View Subdivision, subject to 12 conditions. Commissioner Brenneman **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

MONTHLY MEETING W/RAEANN CAMPBELL, HUMAN RESOURCE

Present at the May 3, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

Meeting was not held.

MEETING W/STEPHANIE DAHL RE: HUNGRY HORSE

Present at the May 3, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Stephanie Dahl and Clerk Kile.

Discussion was held relative to possibly having a playground and baseball field in Hungry Horse. Commissioners directed Stephanie to talk to Jed Fisher for possible direction. She also had questions in regards to what it would involve to incorporate.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GROUSE TRAIL, LONE ELK TRAIL & WHITETAIL CROSSING ROAD NAMING

Present at the May 3, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

Commissioner Brenneman made a **motion** to authorize the publication 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, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **GROUSE TRAIL**.

Road generally running southwesterly off Best View Drive and located in the SW 1/4, Section 23, Township 27 North, Range 21 West, P.M.M., Flathead County.

The public hearing will be held on the **19th day of May, 2005, at 11:00 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 **GROUSE TRAIL**.

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

Dated this 3rd day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

Publish on May 7th & 14th, 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 **WHITETAIL CROSSING**.

That portion of Kienas Road and a road generally running westerly off Kienas Road located in the Southwest ¼ of Section 7, Township 28 North, Range 22 West and in the Southeast ¼ of Section 12 and the Northeast ¼ of Section 13 all in Township 28 North Range 23, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of May, 2005, at 11:00 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 **WHITETAIL CROSSING**.

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

Dated this 3rd day of May, 2005.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on May 7th & 14th, 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 ELK TRAIL**.

Road generally running westerly off U.S. Hwy 2 West and located in the Southwest ¼ of the Northwest ¼, Section 8, all in Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **19th day of May, 2005, at 11:00 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 ELK TRAIL**.

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

Dated this 3rd day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By: /s/Diana Kile
Diana Kile, Deputy

Publish on May 7th & 14th, 2005.

CONSIDERATION OF ADOPTION OF RESOLUTION: CDBG APPLICATION & MATCHING FUNDS/RANCH WATER & SEWER DISTRICT

Present at the May 3, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Kile.

Commissioner Watne made a **motion** to approve Resolution #1821. Commissioner Brenneman seconded the **motion**. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION No. 1821
RESOLUTION TO AUTHORIZE SUBMISSION OF CDBG
APPLICATION AND COMMIT MATCHING FUNDS

WHEREAS, Flathead County is applying to the Montana Department of Commerce for a Community Development Block Grant (CDBG) to provide assistance to low-to-moderate persons with regards to water system upgrades on behalf of the Ranch Water/Sewer District, and to prepare a Capital Improvements Plan for Flathead County;

WHEREAS, Flathead County has conducted one or more public hearings in conformance with CDBG requirements to obtain the views of citizens or community development and housing needs, and on the proposed activities; and

WHEREAS, Flathead County has the legal jurisdiction with regards to the development and implementation of a Capital Improvements Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Flathead County, Montana, that Flathead County agrees to conform with the regulations, statutes, terms and conditions described in the CDBG Certifications for Application, and that Flathead County commits to providing the matching funds as proposed in the CDBG application.

BE IT FURTHER RESOLVED that Gary Hall, Chairman of the Flathead County Commissioners is authorized to submit this application to the Montana Department of Commerce; and to provide such additional information as may be required.

Dated this 3rd day of May, 2005.

BOARD OF 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/Diana Kile

Diana Kile Deputy

CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT & NOTICE OF PASSAGE: TWO RIVERS/FLATHEAD COUNTY MASTER PLAN AMENDMENT

Present at the May 3, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Johanna Morrison Planner, Darlene Jump-Rauthe, Robin Street, Mark Fredenberg, Greg Carter, Reuben Braaten, Lloyd Tracht, Clif Zablothey, Judy Martinson, Erica Wirtala, Ken Kalvig, Jerry Nix, David Filler, Debbie Street, Bob Lovejoy, Wade Fredenberg, Bob Herron, Deputy County Attorney Jonathan Smith, and Clerk Kile.

Morrison reviewed Staff Report #FPMA-05-09

Discussion held relative to table the motion for another month. Commissioner Hall made the motion to table for another month until further discussion among the commissioners.

Commissioner Brenneman made a **motion** to table the matter for another month for further discussion. Commissioner Hall **seconded** the motion. **Aye** – Brenneman. **Opposed** – Watne and Hall. Motion fails.

Commissioner Watne made a **motion** to adopt Resolution 1822. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Abstain** – Brenneman. Motion carried by quorum.

RESOLUTION NO. 1822

WHEREAS, Two Rivers Land Development, LLC, has requested a revision to the Flathead County Master Plan, to change the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential and Commercial, and portions of which are zoned as B-2 (General Business), R-1 (Suburban Residential), SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-80 (Agricultural), to designations of Urban Residential, Suburban Residential, Commercial, and Open Space, to allow for residential and commercial development of the properties;

WHEREAS, the property involved is located generally north of West Reserve Drive and between Whitefish Stage Road and U.S. Highway 93, with a small portion lying west of U.S. Highway 93 between Country Estates and Big Mountain Golf Course.

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the amendment to the Flathead County Master Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential and Commercial to designations of Urban Residential, Suburban Residential, Commercial, and Open Space, to allow for residential and commercial development of the properties, as set forth on the map attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to June 6, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 3rd day of May, 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

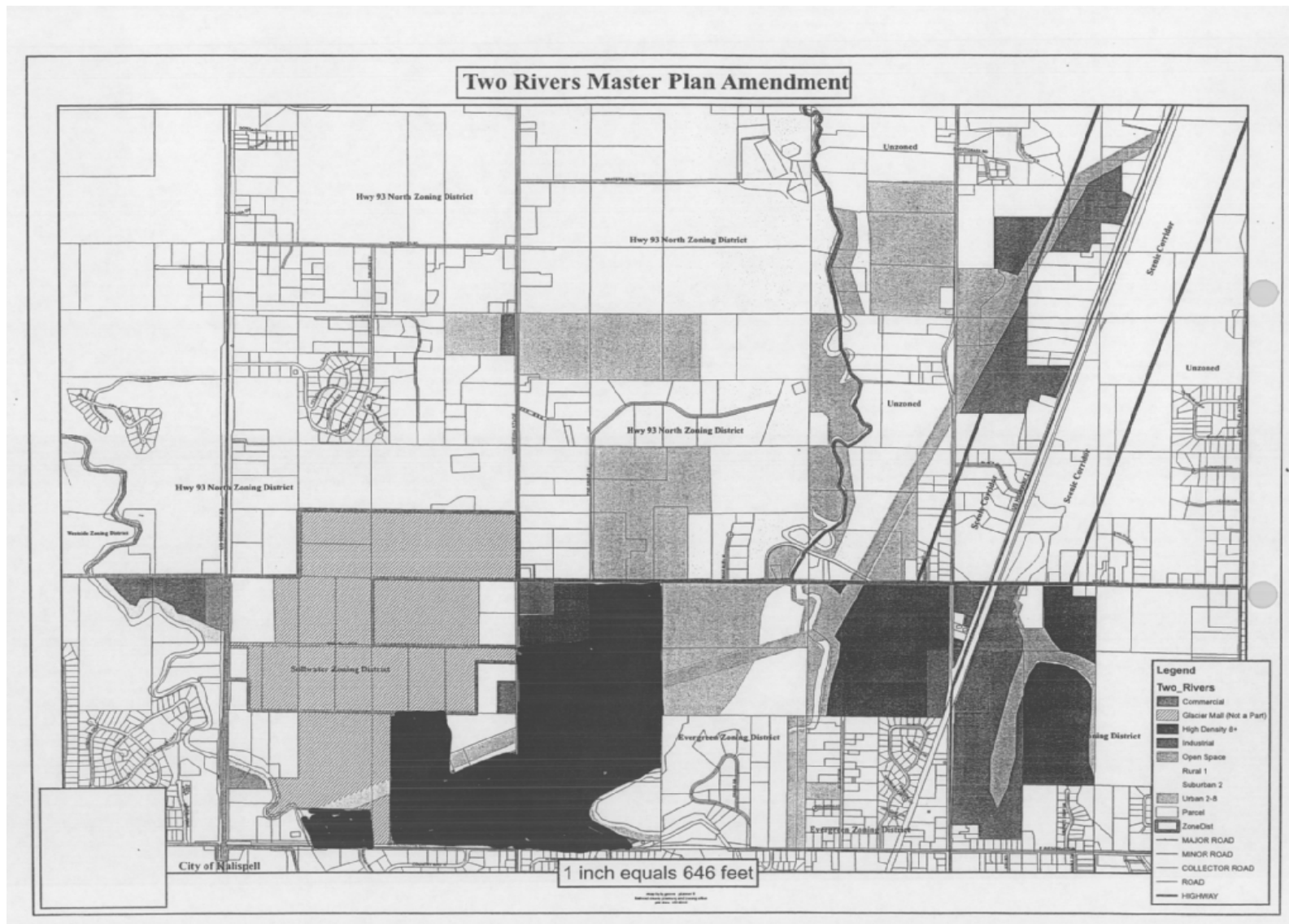
By _____
Joseph D. Brenneman, Member

ATTEST:

Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy



Commissioner Watne made a **motion** to publish notice of public hearing 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
FLATHEAD COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that, pursuant to Section 76-1-601, M.C.A., it passed a Resolution of Intention (Resolution No. 1822) on May 3, 2005, to consider a revision to the Flathead County Master Plan proposed by Two Rivers Land Development, LLC.

The proposed revision involves changing the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential and Commercial, and portions of which are zoned as B-2 (General Business), R-1 (Suburban Residential), SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-80 (Agricultural), to designations of Urban Residential, Suburban Residential, Commercial, and Open Space, to allow for residential and commercial development of the properties. The property involved is located generally north of West Reserve Drive and between Whitefish Stage Road and U.S. Highway 93, with a small portion lying west of U.S. Highway 93 between Country Estates and Big Mountain Golf Course. Documents relating to the request, including maps, are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, or at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to June 6, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 3rd day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By /s/Diana Kile
Deputy

Publish on May 7 and May 14, 2005.

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

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

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

WEDNESDAY, MAY 4, 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,

[8:38:31 AM](#)

Rick Breckenridge – Spoke in regards to approach permit applications submitted by him for the Blane Estates subdivision on Menonite Church Road that had been denied. After contacting the county attorney's office and the planning and zoning office it was determined that the approach permits were for public safety. He also spoke about the problem in the different offices deciding who is responsible for the determination of approval. Rick then spoke on a Lakeshore Permit for David Stufft, and that David Stufft had received a letter from Peter Steele stating that he was in violation of the setback laws. He asked that in the future that a requirement be made that the setbacks be properly staked before the construction is started, so that the county attorneys office does not visually determine whether a person is in violation of the setbacks without a proper survey being performed.

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

CONSIDERATION OF POSITION CREATION: OA II (DATA ENTRY) PLANNING & ZONING OFFICE

[8:52:43 AM](#)

Present at the May 4, 2005 8:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Discussion was held relative to Johna Morrison reviewing the funds match for the position and the person that has been chosen to fill the position that would last for one year.

Commissioner Brenneman made a **motion** to approve the creation of an OA II Data Entry position for the Planning and Zoning Office. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF CORRECTING RESOLUTION: TWO RIVERS

[8:50:41 AM](#)

Present at the May 4, 2005 8:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Commissioner Watne made a **motion** accept the corrected resolution 1822 adding the word industrial. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Abstain** – Brenneman. Motion carried by quorum.

RESOLUTION NO. 1822

WHEREAS, Two Rivers Land Development, LLC, has requested a revision to the Flathead County Master Plan, to change the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential, Commercial, and Industrial, and portions of which are zoned as B-2 (General Business), R-1 (Suburban Residential), SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-80 (Agricultural), to designations of Urban Residential, Suburban Residential, Commercial, Industrial and Open Space, to allow for residential, commercial and industrial development of the properties;

WHEREAS, the property involved is located generally north of West Reserve Drive and between Whitefish Stage Road and U.S. Highway 93, with a small portion lying west of U.S. Highway 93 between Country Estates and Big Mountain Golf Course;

WHEREAS, the Flathead County Planning Board recommended that the Board of Commissioners adopt the amendment to the Flathead County Master Plan; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan should be formally considered.

NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it intends to consider the revision of the Flathead County Master Plan by changing the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential, Commercial and Industrial to designations of Urban Residential, Suburban Residential, Commercial, Industrial and Open Space, to allow for residential, commercial and industrial development of the properties, as set forth on the map attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed master plan amendment and will consider any written comments which are received in the Board's Office prior to June 6, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan after that date.

DATED this 4th day of May, 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

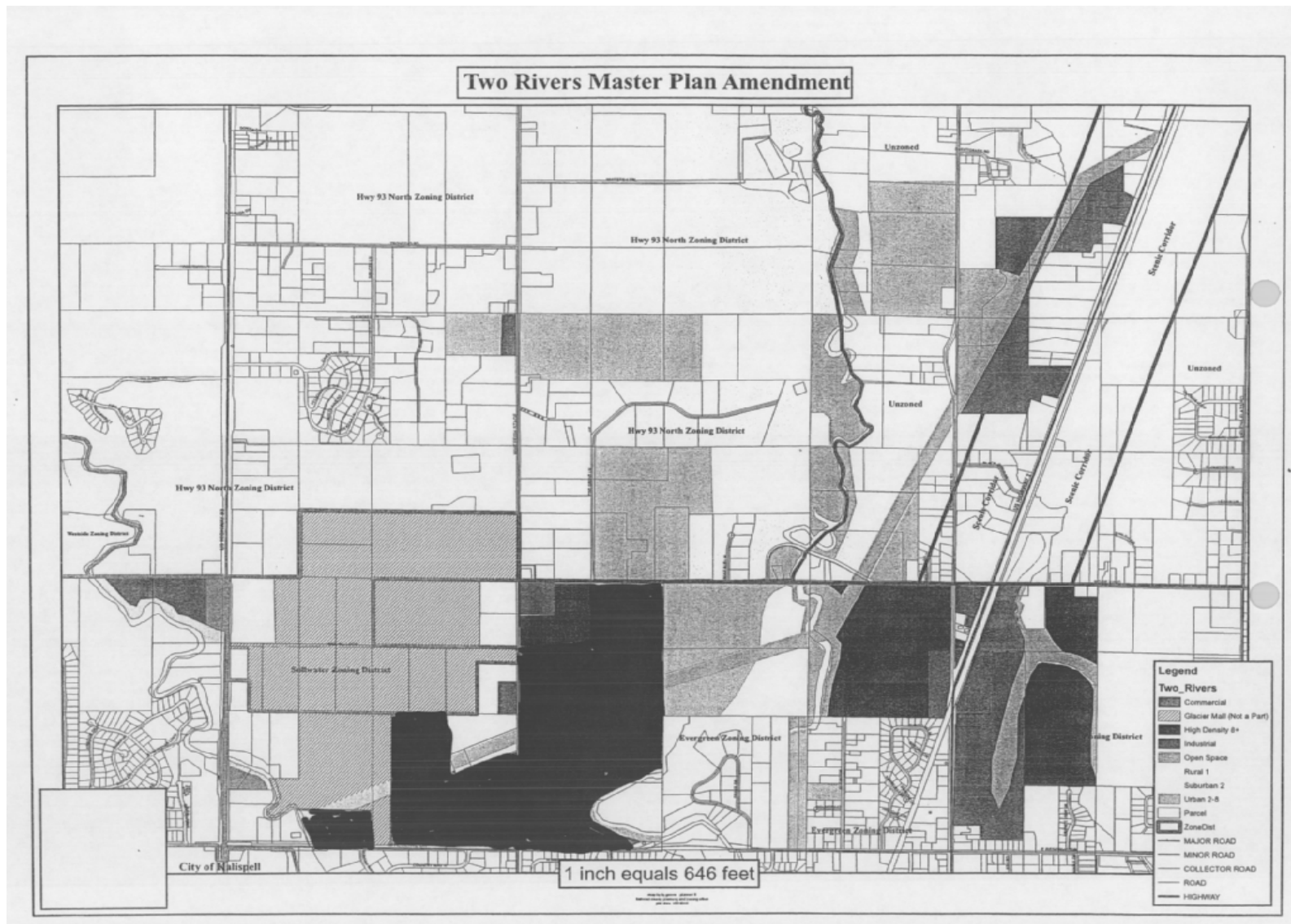
By _____
Joseph D. Brenneman, Member

ATTEST:

Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy



Commissioner Watne 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 Watne. **Abstain** – Brenneman. Motion carried by quorum.

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION
FLATHEAD COUNTY MASTER PLAN

The Board of Commissioners of Flathead County, Montana, hereby gives notice that, pursuant to Section 76-1-601, M.C.A., it passed a Resolution of Intention (Resolution No. 1822) on May 3, 2005, to consider a revision to the Flathead County Master Plan proposed by Two Rivers Land Development, LLC.

The proposed revision involves changing the designation of approximately 1,460 acres of property from designations including Agricultural, Open Space, Suburban Residential, Commercial and Industrial, and portions of which are zoned as B-2 (General Business), R-1 (Suburban Residential), SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-80 (Agricultural), to designations of Urban Residential, Suburban Residential, Commercial, Industrial and Open Space, to allow for residential, industrial and commercial development of the properties. The property involved is located generally north of West Reserve Drive and between Whitefish Stage Road and U.S. Highway 93, with a small portion lying west of U.S. Highway 93 between Country Estates and Big Mountain Golf Course. Documents relating to the request, including maps, are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, or at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana.

The Board of Commissioners will give the public an opportunity to comment in writing on the proposed amendment to the Flathead County Master Plan and will consider any written comments which are received in the Board's Office prior to June 6, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 4th day of May, 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 May 9 and May 16 2005.


CONSIDERATION OF JAG GRANT FOR CIVIL DIVISION/SHERIFF OFFICE

9:02:59 AM


Present at the May 4, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Pete Wingert, Kathy McAllister, Vicki Saxby, Deb Deist, and Clerk Moser.

Discussion was held relative Deb Deist gave a short explanation as to what the purpose of the notice today is for, being that the sheriffs office needs to notify the commissioner thirty days before the grant process is begun. There was also an explanation as to how the grant would allow the sheriffs office to purchase new software.


Commissioner Brenneman made a **motion** to approve the grant application for the sheriff's office. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.



James R. Dupont
Sheriff-Coroner
Flathead County
406-758-5585
FAX 406-758-5862



TO: Board of Commissioners

FROM: Jim Dupont 

DATE: April 28, 2005

RE: Edward Byrne Memorial Justice Assistance Grant

We are applying to the U.S. Department of Justice for a grant to purchase and install a Civil Division software program. This program will enable the information that the Civil Division obtains in serving papers to be shared with the criminal reporting system. Another feature of the software is that Vicki Saxby can interface it to enable us to keep better track of sex and violent offenders' addresses. It also replaces all the manual financial tracking of civil process.

This grant requires the Board of Commissioners to review the application and make it available for public comment 30 days prior to submission of the grant. Therefore, please document the reading and review of this grant at your agenda meeting so we may include the Commissioners' minutes with our application. The deadline for the application is June 15, 2005.

If you have any questions concerning this grant, please contact Deb Deist at 5587.

"Professionals in Law Enforcement"
800 South Main Street - Kalispell, Montana 59901

CONSIDERATION OF ADOPTION OF RESOLUTION: NEW & EXPANDING INDUSTRY / TAX INCENTIVE

9:15:53 AM

Present at the May 4, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 476B. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 476B

WHEREAS, the Montana Legislature has provided for property tax incentives to encourage construction for new and expanding manufacturing industry (Section 15-24-1402);

WHEREAS, the legislation requires that local governing bodies approve the implementation of such incentives in their jurisdictions, following a public hearing, prior to the incentives becoming effective;

WHEREAS, the Board of Commissioners of Flathead County conducted a public hearing on the 8th day of April, 1983;

WHEREAS, the Board of Commissioners determined that the tax incentives for new or expanding manufacturing industry are appropriate to aid in the economic development of Flathead County and enacted Resolution No. 476 on April 8, 1983, providing such incentive;

WHEREAS, the Board of commissioners determined that approval of such tax incentives after the determination of taxable values interfered with the ability of local government entities to adopt accurate budgets, requiring an amendment to Resolution No. 476, and adopted Resolution No. 476A on April 22, 1991, to require that incentives approved take effect January 1 of the year following approval; and

WHEREAS, the Board of commissioners has determined that the reference to the Flathead Regional Development Office as the source of a zoning compliance confirmation, and the County Assessor as the source of a Department of Revenue application should be amended as those offices have been replaced.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the following schedule of tax incentives should be, and hereby is approved for new and/or expanding manufacturing industry:

In the first five years after the issuance of a construction permit and the effective date of the approval of tax incentives by the Board, qualifying improvements to real property shall be taxed at 50% of their taxable value; each year thereafter, the percentage shall be increased by equal percentages until full taxable value is attained in the 10th year and thereafter, to wit:

1 st year through 5 th year	-	50% of taxable value
6 th year	-	60% of taxable value
7 th year	-	70% of taxable value
8 th year	-	80% of taxable value
9 th year	-	90% of taxable value
10 th year and subsequent years	-	100% of taxable value

BE IF FURTHER RESOLVED, that the following definitions shall apply in the use of the tax incentives approved hereby:

1. "Construction Permit" means a permit issued by the agency having jurisdiction, prior to the commencement of construction of an improvement to real property; if the improvement is to be constructed upon property for which no such construction permit is necessary, "Construction Permit" means the issuance by the Board of Commissioners of a "Certificate in Lieu of Construction Permit" on the form attached hereto as Exhibit A.
2. "Manufacturing Industry" means an industry that engages in mechanical or chemical transformation of materials of substances into new products in the manner defined as manufacturing in the 1972 Standard Industrial Classification Manual prepared by the United States Office of Management and Budget.
3. "New or Expanding" means that the manufacturing industry is new to Flathead County or that the manufacturing industry has added qualifying improvements to its real property since July 1, 1981, or will add qualifying improvements in the future.
4. "Qualifying Improvement" means a building, structure or fixture constructed upon, erected upon, or affixed to real property, which is to be used in a manufacturing industry as defined herein and which will be assessed by the Department of Revenue as an improvement to real property.

BE IT FURTHER RESOLVED, that the Board of commissioners will approve an application for the tax treatment approved hereby, only after the applicant has completed the following:

1. Received a construction permit as defined herein;
2. Demonstrated, by the issuance of written confirmation by the appropriate planning or zoning office, that the proposed structure complies with any applicable zoning requirements;
3. Demonstrated, by the issuance of written confirmation by the Flathead City-County Health Department and the State Department of Health, that the proposed new or expanded manufacturing facility will comply with all health-related requirements; and
4. Presented a completed application for the tax treatment provided by the Department of Revenue.

BE IT FURTHER RESOLVED, that the effective date of this resolution is from the date of its enactment (May 4, 2005) and shall apply to all new and presently on-going construction.

BE IT FURTHER RESOLVED, that in order to preclude interference with local government budgetary processes, any approval under this resolution shall be effective on January 1st of the year following that approval.

BE IT FURTHER RESOLVED, that as a result of this resolution and any employment created by the effects of this resolution, that the Board of Commissioners strongly recommends and supports that wherever possible local Montana citizens be given preference in selection of applicants for filling positions (Ref: Montana State/House Joint Resolution #30 filed April 1, 1983).

BE IT FINALLY RESOLVED, that the Board of Commissioners may end the tax benefits herein approved, by the passage of a resolution repealing this resolution, at any time, but the tax benefits secured by any industrial facility through compliance herewith shall not be terminated but shall be in full force and effect for the entire ten year period.

Dated this 4th day of May, 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
Deputy

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

Date _____

Owner Name _____

Owner Address _____ Phone: _____

Job Address _____

Legal Description _____

Contractor _____

Address _____

Architect or Designer _____

Address _____

Class of Work: _____ new _____ addition _____ alteration _____ repair

Description of construction _____

Valuation of Work: \$ _____

Signature of Owner

FORM COMPLETED AND ISSUED

Date: _____

Chairman, Board of Commissioners

Member, Board of Commissioners

Member, Board of Commissioners

CONSIDERATION OF RELEASE OF COLLATERAL: ALPINE INDUSTRIAL PARK

[9:17:21 AM](#)

Present at the May 4, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Watne made a **motion** to approve the release of collateral for Alpine Industrial Park. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF RELEASE OF COLLATERAL: TIEBUCKER SUBDIVISION

[9:18:53 AM](#)

Present at the May 4, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the Release of collateral for Tiebucker Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF MAJOR LAND USE PERMIT: GLACIER RAFT CO./CANYON ADVISORY LAND USE REGULATORY SYSTEM

[9:37:47 AM](#)

Present at the May 4, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planner BJ Grieve, Darwon Stoneman, Erica Wirtala with Sands Surveying, and Clerk Moser.

Grieve reviewed the application for a Major Land Use Permit submitted by STW Properties to allow for placement of four rental cabins, one bed and breakfast and one event pavilion on one tract of land in the Middle Canyon Zoning District. State tax records show that the currently owned property is approximately eight acres but the current COS for the property shows 11 acres. There are sixteen conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FCMU-05-01 as findings of fact with the amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the Major Land Use permit for STW Properties subject to fifteen conditions with the amendment of conditions 2 to read that the B&B is limited to 2-6 bedrooms and the amendment to condition 3 changing

that each of four 3-bedroom cabins shall have 2 parking spaces and that A total of 44 additional parking spaces will be created. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF SEASONAL WORKER WAGE WEED/PARKS/ & MAINTENANCE

[9:54:21 AM](#)

Present at the May 4, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Weed/Parks and Maintenance Director Jed Fisher, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the starting wage of 7.75 per hour for the Weed/Parks & Maintenance Seasonal position. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: BABIAK

[9:55:58 AM](#)

Present at the May 4, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planner Traci Sears-Tull, and Clerk Moser.

Sears-Tull reviewed the Lake & Lakeshore Construction permit application submitted by Linda Babiak to. There are 45 conditions of approval.

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLV-05-01 with the denial of conditions 23-29 and waive the fee for resubmittal of Lakeshore Permit #WLV-05-01 if resubmitted before September 30. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: CRAVEN

[9:58:48 AM](#)

Present at the May 4, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planner Traci Sears-Tull, and Clerk Moser.

Sears-Tull reviewed the Lake & Lakeshore construction permit application submitted by Murray Craven, to install a new F-shaped EZ Dock. The dock will measure 24 feet in length, with a 14 foot gangway, and will vary from 3 feet to 6 feet and 4 inches in total width. There will also be one wing and a Jet Ski port off of the dock. The wing will measure 28 feet and 9 inches in total length and 4 feet and 8 inches in total width. The Jet Ski port will measure 10 feet and 4 inches in length and 4 feet and 8 inches in total width. (Impervious Cover – 353 square feet) (Total impervious cover on property is 717 square feet.) Currently on the property, there is an existing boat house, ramp and stairs that are located in the Lakeshore Protection Zone. (Impervious cover – 364 square feet). The maximum allowable impervious cover on this lot is 800 square feet. There are 13 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLP-05-01. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

CONSIDERATION OF LAKESHORE PERMIT: REICHEL

[9:59:21 AM](#)

Present at the May 4, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planner Traci Sears-Tull, and Clerk Moser.

Sears-Tull reviewed the Lake and Lakeshore Construction Permit application submitted by John Reichel, to install a new I-shaped EZ-Dock. The dock will measure 30 feet in length and 6 feet, 7 inches in width. The gangway will measure 16 feet in length and 3 feet in width. (Impervious Cover – 237 square feet) (Total impervious cover on property is 277 square feet) There are wooden stairs that are currently situated on the property in the Lakeshore Protection Zone. (Impervious Cover – 40 feet).

Commissioner Watne made a **motion** to approve Lakeshore Permit #WLP-05-04. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: WHITEFISH RIVER RANCH

[10:02:25 AM](#)

Present at the May 4, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Planner Kirsten Holland, Bob Lovejoy, Brian Launis, Erica Wirtala with Sands Surveying, Judy Martinson, Bret Birk, and Clerk Moser.

Holland reviewed the application for preliminary plat approval of Whitefish River Ranch submitted by Bob Lovejoy, a major subdivision that will create 16 single family residential lots. The property is unzoned. Staff recommends denial based on sewer and water, variance, cluster, road impact, easement issues. Erica Wirtala reviewed the changes that the engineer has made for the septic system and that with the proposed changes the Health Department would approve. Erica also stated that the easement that was previously stating being owned does not name a certain party as owning the easement.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-12 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Whitefish River Ranch subdivision subject to 22 including the addition of the conditions requiring a public water system and level 2 sewer treatment systems including a dry line to the right of way, proof of legal access to the southern lot, and the developer will construct a deceleration lane on the ten foot road right of way granted up to county standards. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

MEETING W/JIM SAPPINGTON RE: GENERAL DISCUSSION

[10:48:33 AM](#)

Present at the May 4, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Watne and Brenneman, Assistant Pence, Jim Sappington, and Clerk Moser.

Discussion was held relative to problems with the planning board in Flathead County and that they are more of a controlling board, the current problem with the zoning for the Montana Pack and Saddle property, and his suggestion that the county have a group other than the county review zone changes and subdivision regulations

11:00 a.m. Commissioner Brenneman to attend a State OES meeting at the Justice Center
11:00 a.m. County Attorney meeting at the County Attorneys office

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

THURSDAY MAY 5, 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.

8:30 a.m. 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 May 6, 2005.

FRIDAY, MAY 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.

9:00 A.M. Personnel Interview

10:30 a.m. Commissioner Brenneman to attend the Flathead Community Foundation meeting.

12:00 p.m. Commissioner Hall to attend the FVCC online & ITV Courses meeting at the Painted Horse Grill

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 9, 2005.