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**MONDAY, JUNE 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,**

8:53:14 AM

Clara LaChappele spoke in regards to a recent planning board meeting. She presented the commissioner with a letter from Max Baucus. She asked that the commissioner remove Dave Vandort from the two boards that he is on. She believes he has taken a personal vendetta against the West Valley residents. Schellinger has been sited for environmental problems numerous times. She believes he will pollute the water table.

Ginny Coyle spoke in regards to the gravel pit issue. She stated that even though the commissioners do not have a voice on the conditional use permit she would still like to voice her frustration. She asked that a full environmental impact study and traffic study be done in regards to the Tutvedt application. She pointed out that for one hour on a Tuesday thirty commercial trucks and one hundred eighty two cars came through their intersection in one hour. She believes that the gravel pit will cause a lot more congestion. She stated that the chemicals from the gravel pit are known to cause cancer.

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

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: LUCIEN & BEARS ZONE CHANGE / LOWER SIDE ZONING DISTRICT**

9:11:18 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Dave Van Deren

Commissioner Brenneman made a **motion** to adopt Resolution 957AW. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 957 AW

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after publication of legal notice, on the 19th day of April, 2005, to consider a request 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);

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

WHEREAS, the Board of Commissioners reviewed the recommendations of the Flathead County Planning Board regarding the proposed change in the Lower Side 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. 957 AV, dated April 19, 2005) 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) and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on April 23 and April 30, 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 Lower Side Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from R-2 to B-2, 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 6<sup>th</sup> day of June, 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

**Exhibit A**  
**HENRY & JUDIAN LUCIAN / WANDA H. BEARS TRUST**  
**REQUEST FOR ZONE CHANGE FROM R-2 TO B-2**

**STAFF REPORT #FZC-05-01  
March 23, 2005**

**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.

**BUDGET AMENDMENT**

[9:01:22 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to adopt Resolution 1842 for planning and zoning. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1842**

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

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

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

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

DATED this 6<sup>th</sup> day of June, 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

**COUNTY OF FLATHEAD  
GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT  
RESOLUTION # 1842**

DATE ISSUED:  
DATE OF RECORD:

VOUCHER  
NO.: **0505-91**

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2251-0231-382010	Sale of Fixed Asset	1	\$ 15,500.00	
2251-172000	Revenue Control	2		\$ 15,500.00
2251-242000	Expense Control	3	\$ 15,500.00	
2251-0231-411010-900	Capital Outlay	4		\$ 15,500.00
		5		
	To allocate revenues received on a vehicle trade-in resulting in	6		
		7		
	a cash savings on the total	8		

	purchase price of the new vehicle	9		
	Co. warrant# 406720	10		
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		35		
	Total		\$ 31,000.00	\$ 31,000.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

[9:26:34 AM](#)

Commissioner Brenneman made a **motion** to adopt Resolution 1841. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1841**

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

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

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

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

DATED this 6<sup>th</sup> day of June, 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

**COUNTY OF FLATHEAD**

**GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT  
RESOLUTION # 1841**

DATE ISSUED:

VOUCHER  
NO.:

**0505-92**

DATE OF RECORD:

MCA 7-6-4006	ACCOUNTING COPY	"B" Entry		
Account Number	Description	Line	Debit General Ledger	Credit General Ledger
2961-0201-331057	ISTEA-Smith Valley	1	\$ 1,391.00	
2961-172000	Revenue Control	2		\$ 1,391.00
2961-0201-430237-398	Contracted Services	3		\$ 1,884.00
2961-0201-521000-820	Transfer Out	4	\$ 493.00	
2961-242000	Expense Control	5	\$ 1,391.00	
		6		
	To revise original budget & establish spending authority	7		
	for unanticipated revenue & expenses	8		
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		35		
	Total		\$ 3,275.00	\$ 3,275.00

Explanation:

by: Gary L Como,  
Finance

Approved by: Commissioners by Resolution

**MONTHLY MEETING W/ NORM CALVERT, COMPUTER SERVICES**

[9:18:05 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Computer Services Director Norm Calvert

Discussion was held relative to personnel issues, the Jade conversion process update is taking a little longer for payroll due to more updates being done, Norm Calvert presented the commissioner with an outlay map of the network, Justice Court has donated three workstations to the Highway patrol.

**MEETING W/ BOB LECOURE RE: CLUB BOXING ON FAIRGROUNDS**

[9:28:52 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Bob Lecoure

Discussion was held relative to Bob Lecoure gave a brief history of Club Boxing. The matches are once a week for twenty six weeks. This is the fourth year in Kalispell. The event has previously been at the majestic. Due to the majestic going dark

during the winter months the majestic might not be available. They create twenty five to thirty part time jobs per week. He would like the commissioners to consider beer sales at the county fairgrounds. He stated that they have a good track record, and that this is a very low key event. Two years ago the University of Montana approached him on bringing the events to there area. The University of Montana allowed beer sales at the finals. He stated that Jae at the fairgrounds is interested in having them their. The going dark at the Majestic during the winter months is a cost saving measure. Commissioner Hall stated that the matter of beer sales needs to go before the fair board again. Bob Lecoure stated that they do some high school smokers without alcohol but the club boxing does not work very well without alcohol. He also stated that the profit margin goes down considerably without alcohol sales. He stated that he understood that the fair board would be in favor of the beer sales.

**PUBLIC HEARING: MASON FAMILY TRUST ZONE CHANGE / SWAN RIVER ZONING DISTRICT**

[10:06:14 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Planner Kirsten Holland, Charlie Mason, Stan Converse, Janet L Vornbrock

Holland reviewed Staff Report FZC-05-06.

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

[10:16:02 AM](#)

Charlie Mason stated that he has been on his lot since 1982. The reason for the zone change request is that a lot has happened in the last twenty years and they would like to create a five acre lot for one of their children. He stated that back in the 1980's they could just do this change without doing an application. In 1989 they were approached with a request to do some zoning. A developer wanted to do some condos along the river. They chose to zone in order to not have the condos. He does not believe that SAG-10 was the correct choice for the area. He stated that the majority of the parcels are less then ten acres. He does not believe they are setting a precedent. He stated that this is the third public hearing and there has not been anyone to speak in opposition.

Stan Converse stated that they have had some neighbor's state in opinion in favor of the zone change. He presented the commissioners copies of the letters from these neighbors.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-06 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to adopt Resolution 820B. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 820B

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 6<sup>th</sup> day of June, 2005, to consider a request by Mason Family Trust, Charles W. Mason, Trustee to change the zoning designation in a portion of the Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 17 and May 24, 2005;

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Swan River Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the review of the statutory criteria set forth in the staff report prepared by Flathead County Planning and Zoning Office as findings of fact, 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 Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), 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 Swan River 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 Swan River 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 Swan River 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 Swan River Zoning District protest the proposed change, then the change will not be adopted.

DATED this 6<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

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

By/s/ Kimberly Moser  
Deputy

Commissioner Brenneman made a **motion** to approve the notice of passage 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 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 820B) on June 6, 2005 to change the zoning designation on property in the Swan River Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be changed from SAG-10 to SAG-5 are set forth on Exhibit "A".

The proposed change would change the character of the zoning regulations applicable to the property which, in both SAG-10 and SAG-5 districts, are intended 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, by providing for estate type residential development and by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 and SAG-5 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 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 Swan River 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 6<sup>th</sup> day of June, 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  
Deputy

Publish on June 9 and June 16, 2005.

#### Mason Family Trust STAFF REPORT It FZC-05-06 April 20, 2005

#### Location and Legal Description of Property:

The properties are all located north of Ferndale Highway 209, two off of Kirby Lane and the third off of Ferndale Drive. The properties can be described as Tract 1GA (Mason), Tract 2AB (Vornbrock), Tract IGB (Bales), all in Section 33, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. The properties contain 30.73 acres total.

#### FINAL PLAT: EAGLE'S CREST, LOTS 7 & 10

[10:37:40 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planning and Zoning Interim Director Johna Morrison, Debbie Shoemaker with Marquardt Surveying

Morrison reviewed the application submitted by Marquardt Surveying for final plat approval of the amended plat of lots 7 & 10 of Eagles Crest Ridge Subdivision, which will create 4 residential lots off Highway 93 south of Lakeside. The property is unzoned. Preliminary plat approval was granted on November 22, 2004, subject to 13 conditions. All conditions have been.

Commissioner Brenneman made a **motion** to approve the final plat of Eagles Crest, Lot 7 & 10. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### FINAL PLAT: OLD STONE SUBDIVISION

[10:48:00 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planning and Zoning Interim Director Johna Morrison, Debbie Shoemaker with Marquardt Surveying

Morrison reviewed the application submitted by Michael J Weimer for final plat approval of Old Stone Subdivision, a three lot minor subdivision off of Evers Creek Road Northwest of Whitefish. The subject property is 10.34 acres in size and is unzoned. Preliminary plat was waived on October 28, 2004, subject to seven conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FWP-05-06 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 final plat of Old Stone Subdivision. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **FINAL PLAT: SUBDIVISION No. 258**

[10:56:56 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Planning and Zoning Interim Director Johna Morrison, Eric Mulcahy

Morrison reviewed the application submitted by Sands Surveying for final plat approval of Subdivision #258, which will create one residential lot off Columbia Falls Stage Road, south of Columbia Falls. The property is unzoned. Preliminary plat approval was granted on April 5, 2005 subject to eight conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Subdivision No 258. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

#### **MEETING W/ BEN WILLIAMSON / MDOT RE: OLD STEEL BRIDGE**

[11:31:15 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jim Lackey, Kent Barnes, Mike Murphy, Ben Williamson, Alan Marble

Ben Williamson gave a brief overview of the written report he presented to the commissioner. The majority of the bridge is rotting and should be replaced or the structure should be closed.

Commissioner Hall asked if the asphalt overlay was a cause for the rot.

Ben Williamson stated that it was probably part of the problem. He stated a new bridge tentative schedule build date is 2007. It would be approximately two years to finish the project from there. It would be a good estimate that the bridge would be closed for two months if they just did the repairs on the bridge.

Commissioner Hall stated that they would like to move that date up.

Commissioner Brenneman stated that if they did the repairs on the bridge than it would only be open again for less than two years. He asked what system they use to calculate the amount of weight that a bridge can handle.

Mike Murphy stated that they rate each component of the bridge, and the governing component is what determines that weight limit. He stated that even if the deck was replaced the bridge could still only handle 4 tons. By adding another load of asphalt it will add a lot of weight to the bridge which would lower the tons allowed on the bridge.

Commissioner Brenneman stated that most of the vehicles that go over the bridge are already over the weight limits.

Jim Lackey stated that Charlie and his crew do a wonderful job on their speeds on the bridge and roads. He also stated that Charlie has quieted down the noise from the asphalt plant. One of the reasons that he is here is due to the approach on Highway 35. He stated that it took about eight deaths out be Costco to get a light and he is afraid that the same thing will happen here.

Mike Murphy stated that what is governing the capacity of the bridge is the floor beams. He stated that the deck could be replaced without replacing the stringers and the beams. He stated that the bridge could be kept in service at the same level it is now if they replaced the deck.

Commissioner Brenneman questioned the availability of the netting.

Ben Williamson stated that a powerful vacuum truck could probably pull that asphalt off.

Commissioner Brenneman asked if they could give them a ballpark figure as to the cost of repairing the bridge.

Ben Williamson stated that it would cost around 200 thousand for the rough materials, labor, and incidentals.

Commissioner Hall asked if there was any emergency funding available for that.

Kent Barnes stated that they do not have funding like that available. He stated that a construction date for a new bridge could possibly be moved up to early 2006 after spring letting.

Commissioner Brenneman stated what the right of way issues might be on the east end.

Kent Barnes stated that it is likely true. He stated that they can not legally obtain right of way until the environmental document is completed.

Commissioner Brenneman stated that the biggest concern by the neighbors is that the access onto Highway 35 from Fairmont is not safe. When he contacted MDOT he was informed that a light in this area is not warranted.

Commissioner Hall stated that discussion has been held with the MDOT on this issue. He stated that if the commissioner decided to close the bridge for safety concerns they would like to have at least a temporary light on Highway 35.

Ben Williamson stated that he does not believe the Glen Cameron is still the traffic study man in Missoula, it is now James Freyholtz.

Alan Marble stated that the third piling needs to be looked at.

Commissioner Brenneman stated that he would like to go out with them to look at the bridge.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 7, 2005.

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## **TUESDAY JUNE 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.

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

[8:58:43 AM](#)

Richard H. Hoffman spoke in regards to a frontal sideswipe collision that he was involved in. He stated that the driver who hit him is a contractor from out of state and had no insurance. The laws of Montana state that you must have liability insurance. He believes that people should have to show proof of liability before they can register their vehicle. He stated that Flathead County has lost control over health and safety issues. He voiced some suggestions that he had in repairing this problem.

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

### **MEETING W/ ANGIE CLARK RE BOARD OF ADJUSTMENT / GRAVEL PIT**

[9:05:00 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Angie Clark,

Angie Clark spoke in regard to her loss in faith in the system. She stated that the gravel pits are wrong, and are against the West Valley Plan. She believes that it is wrong for someone to use their political pull to push this through. She stated that she voted for Gary Hall and Joe Brenneman and she believed that they would listen to the public. She feels that the commissioners are getting bad advice from the county attorney. She does not believe the Board of Adjustments is qualified to make the decision on gravel pits. She voiced her concerns for the Board of Adjustments. She does not believe that it is right that the Board of Adjustments should be the final decision on this. She stated that there is not a lack of gravel in Flathead County. They did not build their homes next to gravel pits to only complain now, they do not want them put in. She stated that they need to be acknowledged. If this gravel pit goes through there are numerous others that are waiting to be approved. She asked the commissioners if they had ever read the West Valley plan.

Commissioner Hall stated that they get calls everyday, and that to assume that the commissioners do not listen is a stretch. He stated that they take their jobs very seriously and that they do understand the situation. They are in constant conversation with the attorney's. He stated that the way the system is set up the conditional use permit goes before the board of adjustments, the commissioners do not have the ability to change the legislation. The only control they have over the matter is who is on the board.

Angie Clark asked the commissioners if they had full confidence in the board of commissioners.

Tom Clark asked if they felt they were getting adequate advice from the county attorney's office.

Commissioner Hall stated that the county attorney's office has searched not only in Montana law but laws around the country. He stated that there is no case law that would support not having a member of the board of adjustments vote on the issue if they are also trying to obtain a gravel pit conditional use permit.



Thomas Clark stated that the Commissioner approved the West Valley Land Use plan. He stated that he point blankly asked Joe Brenneman when he was running if the land use plans would have more credence. He stated that if this gravel pit gets approved then the commissioner might as well throw away all of the neighborhood plans that are out there.

Angie Clark stated that they requested that the Board of Adjustments table the gravel pit issues until such time as the commissioner define residential areas. She stated that if the gravel pit gets approved there will eventually be over one thousand acres of gravel pits. She stated that the Tutvedts are stating that by inputting roads in that area they are providing a community service. She would like them to do more of a community service, not roads. She asked if there is any law that would allow the commissioners to put a moratorium on the gravel pit issues.

Commissioner Brenneman stated that they must follow the law, even if it is a law they may not agree with. He stated that part of the checks and balances is the judicial system.

Angie Clark stated that the Montana constitution guarantees clean air and clean water.

Thomas Clark stated the no matter the outcome, this matter is going to end up in District Court. He believes that the county would rather face a lawsuit from the small time landowners than the big industries.

Steve Vandehey presented the commissioners with a letter from Rod Sandeval. He stated that the letter stated that DEQ could not regulate the conditions that are placed on gravel pits. He asked what good the conditional use permits are if they are not enforced. He stated the Klempel pit in Bigfork is in violation of their permit and nothing is being done.

Angie Clark stated that they could probably work with the Tutvedts, but what they are proposing is more than any other gravel pit in the State of Montana.

Steve Vandehey stated that the West Valley plan does allow for gravel extraction.

Angie Clark stated that to sum it up all they are asking is that the commissioners understand that it is not just few people against this.

Thomas Clark stated that Dennis Rea is very abusive. He stated that the county regulations do allow the commissioner to remove him from the board.

Angie Clark stated that Dave Vandort's position also needs to be considered. She asked how he can be on the West Valley Land use Board and the Board of Adjustments. She stated that it is a conflict of interest.

Linda Newgard stated that she shares a border with the Tutvedt proposal. She stated that the procedures, rules and regulations should be looked at. She stated that in light of the fact the new application was just submitted at the last Board of Adjustments meeting the June 20<sup>th</sup> decision date that has been set does not allow the public enough time to review. She asked that the commissioner not allow the decision to be made at this time, and allow for the different agencies to review the impacts. She would also like a document written up on the water quality degradation.

Scott Walber stated that he would like one of the commissioners to attend this evening's board of adjustments meeting and the next meeting as well. He also asked that if a county attorney could be present. He would like the commissioners to view that they are receiving a fair meeting.

Angie Clark stated that the commissioners are more than welcome to attend the neighborhood meetings.

Charlene Iannucci stated that a gravel pit going in will drop property values by twenty to thirty percent. She has no studies to back this up, but believes that common sense would dictate. She asked that the commissioner consider the impact on families.

Bill Allegro asked if the commissioners could use their influence on the Board of Adjustments to get the matter tabled, until such time as the zoning issue could be decided on. He believes this would solve a lot of the problems. He stated that this seems to be common sense.

**9:30 a.m. Commissioner Watne, Hall and Brenneman to attend a viewing of the Bigfork Sewer Plant w/ Pam Holmquist**

**1:15 p.m. 911 meeting at the Justice Center**

**3:00 p.m. Commissioner Hall to attend the RAC meeting at the Earl Bennett Building**

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

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### **WEDNESDAY, JUNE 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.

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

[8:59:16 AM](#)

Kelly Magness and Darla Harmon spoke as representatives of the Evergreen Community partners. They spoke in regards to their concerns of the lack of walking paths in the Evergreen area, and the problems with any new subdivisions in that area. They have kept in close contact with the developers of Cottonwood Estates. They applauded the developer's efforts in addressing the concerns of the Evergreen area in regards to the Evergreen students.

Kelly Magness stated that Evergreen is a natural area of growth. The original concern was the density size, on a second look at the plan they determined that the lots were larger than other lots available. She stated that there is a need for affordable housing. She presented a letter to the commissioner from the Evergreen School district stating that there is room for more students. She stated that a concern she does still have is the speed limit in that area. She asked if the speed limit could be reduced to a 25 mile per hour zone.

Kelly Magness stated that her group was in agreement that the project was a favorable project.

Kerry Finley spoke on behalf of the Evergreen Business & Property Owners. She wished to speak in favor of the Advantecs filtration system. She stated that the developers have proposed a sewer district and so she feels the system would be well maintained. She also wanted to speak as an individual by stating that she would like to purchase a lot in this subdivision.

Eric Mulcahy spoke as a representative of the applicant of Cottonwood Estates. He stated that they have asked to go back to the planning board to change to zone to an R-3 instead of an R-2 to help mitigate the concerns of the Evergreen residents. As of now they do not have a preliminary plat designed for the R-3, but they would get that together if it was to go through. He stated they will be able to hook to the sewer system in the future, but in the mean time they will have a working system.

Doug Siderius stated that he has personally gone to the neighbors to attempt to get the right of way issues dealt with for Helena Flats Road. He presented a letter to the commissioners from a neighbor in that area that states that he will continue to negotiate for right of way. He stated that all of the neighbors are in agreement that the road issues need to be dealt with. He stated that the only concern of Mr. Wilhelm is his driveway access to his property.

Commissioner Hall asked Doug Siderius if they would possibly reconsider the name of the subdivision, due to the fact that the city of Kalispell just approved another Cottonwood subdivision.

Doug Siderius stated that they would consider that, due to the confusion with the fire departments.

Bret Birk reiterated the need for affordable housing. He stated that in this area these houses will be more affordable. He stated that the developers are attempting to be environmentally responsible. He stated that the commissioner have three options, one to deny the proposal, two to approve the proposal, and three to refer it back to the planning board for a different zoning option.

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

#### **EMERGENCY FLOODING DECLARATION FOR SIGNATURE**

[8:55:22 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Alan Marble

Commissioner Brenneman made a **motion** to adopt Resolution 1847. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### Resolution No. 1847 Flathead County Emergency Declaration

WHEREAS, continuing rainfall in the past several days has caused ground saturation and flash flooding on small creeks in Flathead County;

WHEREAS, the rainfall will, if it continues, lead to possible flooding in main streams;

WHEREAS, the ground saturation and flash flooding that has occurred has resulted in damage to roadways, culverts and bridges within Flathead County; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, recognizes that the potential for economic and financial impact to county residents because of the costs of repair of the damages to roadways, culverts and bridges in Flathead County is great.

NOW, THEREFORE, BE IT RESOLVED by the Flathead County Commission that an emergency is hereby declared pursuant to Section 10-3-402, M.C.A., and the U.S. Army Corps of Engineers is hereby requested and appointed to manage any flooding or potential flooding in Flathead County.

BE IT FURTHER RESOLVED that this declaration is also made in order that funding for repairs to roadways, culverts and bridges for damages caused by ground saturation and flash flooding may be made available as an emergency measure. This emergency declaration is not a commitment of funding by Flathead County to repair private roadways, culverts and bridges damaged by ground saturation and/or flash flooding on small streams.

BE IT FURTHER RESOLVED that copies of this resolution will be filed with the Flathead County Clerk and Recorder, Montana Disaster and Emergency Services in Helena.

PASSED AND ADOPTED by the Flathead County Board of County Commissioners this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

### **COS REVIEW: RENFRO**

[9:19:22 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Planner Peggy Goodrich, Joe Kauffman, Charles Renfro, Hope Renfro

Goodrich reviewed the family transfer request. She stated that she would like to know what the intentions are by transferring the property to the wife. Charles Renfro stated that their intention was to set five his mother a place.

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

### **COS REVIEW: NIELSEN**

[9:24:41 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Clifford Nielsen, Della M Nielsen, Dan Brien

Goodrich reviewed the family transfer request for Nielsen. She stated that she had mixed feelings on the request, due to the creation of a pattern, but also that if they have three children they should be allowed to give each of them a piece. Della Nielsen stated that this was to give her children an inheritance. Dan Brien stated that it is not the intention to sell the property outside of the family.

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

### **PRELIMINARY PLAT: JARY SUBDIVISION**

[9:49:57 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Planner BJ Grieve

Grieve reviewed the application submitted by John Yatchak for preliminary plat approval of Jary Subdivision, a minor subdivision that will create two single family residential lots. The subdivision is proposed on 8.89 acres and will be served by individual wells and septic systems. The subdivision is located off Blankenship road between Us Highway 2 and North Fork Road. There are 13 conditions of approval. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-34 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 Jary Subdivision subject to 13 conditions. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

### **CONDITIONS**

1. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the County Weed and Parks Department (7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations)..
2. The developer shall obtain an approach permit for the access off Blankenship Road from the Flathead County Road Department (Section 3.8(A) Flathead County Subdivision Regulations).
3. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses shall appear on the final plat (Section 3.9 (I)(7) Flathead County Subdivision Regulations).
4. The following statements shall be placed on the face of the final plat applicable to all lots:
  - A. All house addresses shall be visible from Blankenship Road (Section 3.20(D) Flathead County Subdivision Regulations).
  - B. All utilities shall be extended underground (3.17(A) Flathead County Subdivision Regulations).
  - C. Lot owners are responsible for the eradication and control of noxious weeds upon their property (7-22-2116 M.C.A., Section 3.12(J), Flathead County Subdivision Regulations).
  - D. Lot owners are advised that they are moving into an area frequented by large and potentially dangerous wild animals. As such, lot owners are strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on living with wildlife.
  - E. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited (3.21, Flathead County Subdivision Regulations).
  - F. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations (3.21, Flathead County Subdivision Regulations).

5. The following shall appear on the face of the final plat:

Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District.

\_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.

6. The lots will be reviewed and approved by Flathead County Environmental Health and the Montana Department of Environmental Quality for septic, water and storm water drainage prior to final plat (Sections 3.12, 3.14 and 3.15 Flathead County Subdivision Regulations).
7. Only Class A and Class B fire resistant roofing materials are allowed. Wood shake shingles, treated or otherwise, are prohibited (3.21, Flathead County Subdivision Regulations).
8. Defensible Space Standards shall be incorporated around all primary structures as described in Appendix G of the Flathead County Subdivision Regulations (3.21, Flathead County Subdivision Regulations).
9. Electrical and telephone utilities shall be extended underground to abut and be available to each lot in accordance with Flathead County Subdivision Regulations (see Sections 3.17 and 3.18). Utility plans shall be approved by the applicable utility companies and submitted with the final plat application.
10. The developer shall meet the requirements of the local postmaster as outlined in Section 3.22 of the Flathead County Subdivision Regulations.
11. The developer shall contact the Child Transportation committee and install a school bus loading area if needed.
12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions (Section 2.7, Flathead County Subdivision Regulations).
13. Preliminary plat approval is valid for three years (Section 2.4, Flathead County Subdivision Regulations).

#### **CONSIDERATION OF LAKESHORE PERMIT: STACK**

[10:00:22 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Planner Traci Sears-Tull

Tull reviewed the Lake & Lakeshore Construction permit submitted by James & Lisa Stack for Whitefish Lake to, install a new F-shaped EZ-Dock. The dock will measure 48 feet in length with a 12-foot gangway, and will vary from 3 feet to 6 feet, 6 inches in total width. There will also be two wings off of the dock. The outside wing will measure 25 feet and 8 feet in total width. The inside wing will measure 26 feet in length and 5 feet in total width (Impervious Cover – 628 feet)/ currently on the property, there are existing steps and a swim dock that are located in the Lakeshore Protection Zone ( Impervious Cover – 232 square feet) Total impervious cover on the property is 860 square feet/ The maximum allowable impervious cover on this lot is 2,480 square feet. There are 13 conditions of approval.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #WLP-05-08 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

#### **CONSIDERATION OF LAKESHORE PERMIT: REASER**

[10:02:30 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Planner Traci Sears-Tull

Tull reviewed the Lakeshore Construction Permit submitted by Ken Reaser for Whitefish Lake to install a Harbor Master boat lift that will utilize the boat slip canopy of an existing dock. The canopy is approximately 10 feet in length by 21 feet in width. Staff recommends approval. There are 11 conditions of approval.

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

#### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WHITEFISH AREA TRUST LANDS AMENDMENT / FLATHEAD COUNTY MASTER PLAN**

[10:03:46 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to adopt Resolution 789U. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 789 U

WHEREAS, the Department of Natural Resources (DNRC) has petitioned for a revision to the Flathead County Master Plan by the adoption of the Whitefish Area Trust Lands Neighborhood Plan for approximately 13,000 acres of State School Trust Land surrounding the community of Whitefish, which is located partially within the area covered by the Flathead County Master Plan;

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

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789T) to consider the requested plan change on April 18, 2005, and gave notice that it would consider public comment received prior to May 23, 2005; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

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 hereby adopts a revision to the Flathead County Master Plan by the adoption of the Whitefish Area Trust Lands Neighborhood Plan for approximately 13,000 acres of State School Trust Land surrounding the community of Whitefish, the property being described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., Flathead County, Montana.

DATED this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

**PUBLIC HEARING; SNOWGHOST DRIVE, SIRIUS VIEW, AMATASIA LANE, MOUNTAIN STAR SHORES ROAD NAMING**

[10:08:17 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Lucie Foster, Robert Henneman

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

Robert Henneman questioned whether it matters that the road is a private road easement. He asked if it will change the legal status of the road. He was informed by staff that the purpose was for 911 addressing only.

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

Commissioner Brenneman made a **motion** to adopt Resolutions 1843, 1844, 1845, and 1846. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1846

WHEREAS, Flathead County has proposed to name a private road generally running northerly and southeasterly off an unnamed road which runs easterly off Lower Valley Road and located in the North ½ of the North ½, Section 9, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 8, 2005 concerning the proposal, after publication and mailing of notice thereof on May 28, 2005 and June 4, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Mountain Star Shores**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly and southeasterly off an unnamed road which runs easterly off Lower Valley Road and located in the North ½ of the North ½, Section 9, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Mountain Star Shores**.

BE IT FURTHER RESOLVED that the naming of **Mountain Star Shores** shall be effective on June 8<sup>th</sup>, 2005.

Dated this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

RESOLUTION NO. 1845

WHEREAS, Flathead County has proposed to name a private road generally running easterly off Helena Flats Road and located in the Southwest ¼ of the Northeast ¼ Section 22, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 8, 2005 concerning the proposal, after publication and mailing of notice thereof on May 28, 2005 and June 4, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Amatasia Lane**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running easterly off Helena Flats Road and located in the Southwest ¼ of the Northeast ¼ Section 22, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Amatasia Lane**.

BE IT FURTHER RESOLVED that the naming of **Amatasia Lane** shall be effective on June 8<sup>th</sup>, 2005.

Dated this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

RESOLUTION NO. 1844

WHEREAS, Flathead County has proposed to name a private road generally running northeasterly off Lone Star Trail and located in the West ½ of the Northwest ¼ of Section 26, Township 29 North, Range 23 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 8, 2005 concerning the proposal, after publication and mailing of notice thereof on May 28, 2005 and June 4, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Sirius View**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northeasterly Lone Star Trail and located in the West ½ of the Northwest ¼ of Section 26, Township 29 North, Range 23 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Sirius View**.

BE IT FURTHER RESOLVED that the naming of **Sirius View** shall be effective on June 8<sup>th</sup>, 2005.

Dated this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

#### RESOLUTION NO. 1843

WHEREAS, Flathead County has proposed to name a private road generally running northerly off Morrison Road and located in the Southeast ¼ of Section 17, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on June 8, 2005 concerning the proposal, after publication and mailing of notice thereof on May 28, 2005 and June 4, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly off Morrison Road and located in the Southeast ¼ of Section 17, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Snowghost Drive**.

BE IT FURTHER RESOLVED that the naming of **Snowghost Drive** shall be effective on June 8<sup>th</sup>, 2005.

Dated this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

#### **DOCUMENT FOR SIGNATURE: GROWTH POLICY MEMO**

[10:15:05 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Gina Klempel, Russ Crowden, Steve Funke

Commissioner Watne stated that he felt that the planning board should have more control over the planning of the Growth Policy.

Commissioner Brenneman stated that this would allow for them to have more structure.

Commissioner Brenneman made a **motion** to approve the Growth Policy memo and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. **Opposed** – Watne. Motion carried by quorum.

#### **CONSIDERATION OF HRO TRANSMITTAL: OES COORDINATOR**

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser, Deputy County Attorney Jonathan Smith

Commissioner Brenneman made a **motion** to approve the HRO Transmittal form for the OES Coordinator. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF NOTICE OF PASSAGE & RESOLUTION OF INTENT: EAGLE BASIN AMENDMENT / FLATHEAD COUNTY MASTER PLAN**

[10:19:01 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Erica Wirtala, Planning and Zoning Interim Director Johna Morrison

Morrison reviewed Staff Report #FPMA-05-03.

Commissioner Watne made a **motion** to adopt Staff Report FPMA-05-03 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt Resolution 789V. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 789V

WHEREAS, Thomas Peterson, has requested a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan by changing the designation of approximately 8.763 acres of land located in Bigfork, from an Agricultural designation to a Rural Residential designation, to allow for new residential housing opportunities to meet the market demand;

WHEREAS, the Flathead County Planning Board recommended approval of the request; and

WHEREAS, the Flathead County Board of Commissioners has reviewed the proposal and determined that the proposed amendment to the Flathead County Master Plan and Bigfork Neighborhood 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 amending the Bigfork Area Land Use Plan to change the designation of approximately 8.763 acres of land located in Bigfork, and described as the Southern 8.763 acres of assessor's tract 10SA, in Section 23, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana, from an Agricultural designation to a Rural Residential designation, to allow for new residential housing opportunities to meet the market demand.

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 July 15, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment to the Flathead County Master Plan and the Bigfork Neighborhood plan after that date.

DATED this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

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  
FLATHEAD COUNTY MASTER PLAN**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it passed a Resolution of Intention (Resolution No. 789V) on June 8, 2005, to consider a revision to the Flathead County Master Plan by amending the Bigfork Area Land Use Plan as proposed by Thomas Peterson.

The proposed amendment would change the designation of land located in Bigfork, from Agricultural to Rural Residential, to allow for new residential housing opportunities to meet the market demand. The property proposed for amendment is the southern 8.763 acres of Tract 10SA in Section 23, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Documents related to the proposal are on file at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead Planning and Zoning Office, 1035 1<sup>st</sup> Avenue West, Kalispell, Montana, where they may be examined by the public.

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 July 15, 2005. The Board will consider whether to pass a final resolution adopting the proposed amendment after that date.

DATED this 8<sup>th</sup> day of June, 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 June 13 and June 20, 2005.

**RECONSIDERATION OF ADOPTION OF FINAL RESOLUTION: COTTONWOOD ESTATES ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT AND MASTER PLAN AMENDMENT**

[11:07:56 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Planning Interim Director Johna Morrison, Eric Mulcahy, Kerry Finley, Bret Birk, Joe Beasley, Doug Siderius, Tom Sands, Rick Plumb

Eric Mulcahy stated that they are hopeful that the Commissioners will allow them to go back to the planning board to request an R-3 zone instead of an R-4 zone. They are trying to address the issues that have been brought up, and hope that they can put together a package that will address the issues.

Commissioner Hall asked Bret Birk if they would work with the city of Kalispell on connecting to the sewer system.

Bret Birk stated that he could certainly do that. He stated also that he would also work with Evergreen on coming up with a compatible solution.

Morrison stated that she had spoken with the developers about seeing the zone change request again with a different zoning request. She stated that she also had a problem with them not being hooked to the city sewer, but there is only so much the developer can do.

Commissioner Watne made a **motion** to adopt Resolution 789S. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

RESOLUTION NO. 789 S

WHEREAS, Cottonwood Estates, LLC, has requested a revision to the Flathead County Master Plan to change the designation of approximately 38 acres of property from agricultural to high-density residential, to allow for residential development of the property;

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

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789R) to consider the requested plan change on March 21, 2005, and gave notice that it would consider public comment received prior to April 25, 2005; and

WHEREAS, the Board of Commissioners has considered the information presented to it since the adoption of that resolution of intent.

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 hereby adopts a revision to the Flathead County Master Plan changing the designation of approximately 38 acres of property from agricultural to high-density residential, to allow for residential development of the property, the property being described as Lots 3A, 3AA and 3AB of Section 34, Township 29 North, Range 21 West, P.P.M., Flathead County, Montana.

DATED this 8<sup>th</sup> day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By /s/Kimberly Moser  
Deputy

Commissioner Watne made a **motion** to refer the zone change back to the planning board to be reconsidered for R-3 zoning. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne and Brenneman. Motion carried unanimously.

Commissioner Brenneman asked if they really think that this area is the place to put one hundred homes being so close to the river.

Doug Siderius stated that he believed that it is.

Commissioner Brenneman asked if with the recent rain this area has a water problem, if they will reconsider putting this subdivision.

Doug Siderius stated that he does not believe this area has a flooding problem. He sated that this is out of the one hundred year flood plain.

**11:30 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 June 9, 2005.

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**THURSDAY, JUNE 9, 2005**

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

**Commissioner Hall and Brenneman to attend the MACo Growth meeting in Helena**  
**2:00 p.m. AOA board meeting at the Kalispell Senior Center**  
**7:30 p.m. Fair Board meeting at the Fair Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 10, 2005.

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**FRIDAY, JUNE 10, 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 attend the Flathead Foundation at the Kalispell Chamber of Commerce**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on June 10, 2005