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**MONDAY, SEPTEMBER 5, 2005**

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

**COUNTY OFFICES CLOSED – LABOR DAY**

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

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**TUESDAY, SEPTEMBER 6, 2005**

The Board of County Commissioners 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,**

[9:04:43 AM](#)

Jay Whitney spoke in regards to a zone change request by his neighbor. The way it was submitted was done in a way that his public comments were not in the file. September 21 is when this goes before the commissioners.

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

**MEETING W/ KURT HAFFERMAN / DNRC RE: WILEY'S SLOUGH**

[9:15:46 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Kurt Hafferman

Discussion was held relative to a geographic name change of Wiley's Slough and all the extra work that would be involved in changing it. All the state records know it as Wiley's Slough. Browns Slough is what they want the name changed to. Commissioners see no need for the name to be changed. Kurt Hafferman will submit the paperwork to officially name it Wiley's Slough.

**CONSIDERATION OF ADOPTION OF RESOLUTION: TITLE III FEDERAL FUNDS SEARCH & RESCUE ACTIVITY & END OF COMMENT PERIOD**

[9:36:19 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Susan Nicosia

**TUESDAY, SEPTEMBER 6, 2005**  
**(Continued)**

Discussion was held relative to Title 3 funds for the Search & Rescue.

Commissioner Brenneman made a **motion** to adopt Resolution 1856A. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1856A

WHEREAS, Federal Title III, Section 302(b) allows Flathead County, Montana, to expend a portion of the federal funds received under section 102(d)(1)(B)(ii) or section 103(c)(1)(b)(ii) for purposes including provision of search and rescue and emergency services;

WHEREAS, Federal lands make up a significant portion of Flathead County and provide recreational activities on a year-round basis;

WHEREAS, the nature of those activities, including hunting, hiking, river rafting, skiing, mountain climbing, and boating, and extreme weather conditions, often results in the calling of search and rescue units into duty, putting a strain on the limited Search and Rescue Fund and Sheriff's Fund resources;

WHEREAS, Flathead County desires to expend a portion of the federal funds it receives under section 102(d)(1)(B)(ii) or section 103(c)(1)(b)(ii) for search and rescue and emergency services purposes, in order to provide reliable and effective search and rescue emergency services on federal lands throughout Flathead County;

WHEREAS, the Board of Commissioners determined that a public comment period should be established during which to receive and consider public input concerning its desire to expend a portion of the federal funds it receives under section 102(d)(1)(B)(ii) or section 103(c)(1)(b)(ii) for search and rescue and emergency services purposes; and

WHEREAS, the Board of Commissioners adopted Resolution No. 1856 on July 14, 2005, establishing a comment period from July 14, 2005 through September 2, 2005, and has considered the information presented to it during that period.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that Flathead County shall expend a portion of the federal funds it receives under section 102(d)(1)(B)(ii) or section 103(c)(1)(b)(ii) for search and rescue and emergency services purposes and that search and rescue costs shall be budgeted within Fund 2902, Title III, in an amount equal to the prior year's search and rescue missions on federal land, and budget for necessary capital outlay purchases based on the department request, and that for fiscal year 2005-2006 the amounts to be budgeted are \$27,000 to reimburse for Search and Rescue Missions and \$40,000 Capital outlay for vehicles and diving gear.

Dated this 6<sup>th</sup> day of September, 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/Diana Kile  
Deputy

**CONSIDERATION OF PRINTING BIDS: CLERK & RECORDER'S OFFICE**

[9:46:13 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:  
Commissioner Robert W. Watne

Others present:  
Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the bid submitted by Masters Touch in the amount \$216.00 for 9,000 envelopes. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL FORM: GIS TECH / ROAD DEPT**

[9:46:55 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:  
Commissioner Robert W. Watne

Others present:  
Assistant Michael Pence  
Clerk Diana Kile

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

Discussion was held relative to the GIS Tech / Road Department HR Transmittal form.

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the GIS Tech for the Road department. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**MEETING W/ MARCIA SHEFFELS / SUPERINTENDENT OF SCHOOLS RE: MILL LEVIES**

9:48:27 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Marcia Sheffels, Susanne O'Conner

Discussion was held relative to the Flathead County School District Levies and the signature requests.

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

10:00:29 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Planner B J Grieve, Hugh McManus, Alice McManus, Eric Mulcahy

BJ Grieve reviewed Staff Report FZC-05-14.

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

Eric Mulcahy from Sands surveying spoke in favor of the zone change.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-14. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to adopt Resolution 797DM. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 DM

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 6<sup>th</sup> day of September, 2005, to consider a request by Hugh and Alice McManus to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to I-1 (Light Industrial);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 22 and August 29, 2005;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to I-1 (Light Industrial), that area being described on Exhibit "A" hereto.

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

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

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

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

DATED this 6<sup>th</sup> day of September, 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/Diana Kile

Deputy

MCMANUS ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM R-1 to I-1  
STAFF REPORT #FZC-05-14

**Location and Legal Description of Property:**

These properties are on the south side of East Reserve Drive approximately one-quarter mile east of LaSalle Road generally on the southeast corner of East Reserve Drive and Ash Road. The properties proposed for rezoning are addressed as 563 Ash Road. The properties can be described as Assessor's Tracts 1K and 1L located in Section 33, Township 29 North, Range 21 West, P.M. M., Flathead County, Montana.

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. 797DM) on September 6, 2005 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to I-1 (Light Industrial).

The boundaries of the area proposed to be changed from R-1 to I-1 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district intended to provide estate type development, in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development to an industrial district to provide for light industrial uses that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond the lot lines, including light manufacturing, processing, fabrication and assembling of products or material, warehousing and storage and transportation facilities.

The regulations defining the R-1 and I-1 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Diana Kile

Deputy

Publish on September 10 and September 17, 2005.

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

MCMANUS ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM R-1 to I-1  
STAFF REPORT #FZC-05-14

**Location and Legal Description of Property:**

These properties are on the south side of East Reserve Drive approximately one-quarter mile east of LaSalle Road generally on the southeast corner of East Reserve Drive and Ash Road. The properties proposed for rezoning are addressed as 563 Ash Road. The properties can be described as Assessor's Tracts 1K and 1L located in Section 33, Township 29 North, Range 21 West, P.M. M., Flathead County, Montana.

**PUBLIC HEARING: BOLL & PARKER ZONE CHANGE / BIGFORK ZONING DISTRICT**

[10:13:40 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jeff Harris, Eric Mulcahy

Harris reviewed Staff Report FZC-05-13.

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

Eric Mulcahy spoke in favor of the proposed zone change.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-13. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to adopt Resolution 956BP. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BP

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 6<sup>th</sup> day of September, 2005, concerning a proposal by Jeff Boll and Gerald L. Parker Family Trust to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on August 22 and August 29, 2005;

WHEREAS, the Board of Commissioners did hear 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 Bigfork Area Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., adopts this resolution of intention to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (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 Bigfork Area 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 of thereof, the Board will receive written protests to the change to the Bigfork Area 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 Bigfork Area 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 within the Bigfork Area Zoning District protest the proposed change in said district, then the change will not be adopted.

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

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

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/Diana Kile  
Deputy

BOLL/ PARKER  
REQUEST FOR ZONE CHANGE FROM AG-20 TO SAG-5  
STAFF REPORT #FZC-05-13

**Location and Legal Description of Property:**

The property proposed for rezoning is located just east of MT Highway 35 on Parker Lakes Road. The property can be described as Assessor's Tracts 3 and 3D in Section 12, Township 27 North, Range 20 West P.M.M., Flathead County.

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  
BIGFORK AREA ZONING DISTRICT

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. 956BP) on September 6, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-20 to SAG-5 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from regulations intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions, intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development, to regulations intended to protect and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized, and providing areas of estate-type residential development. The AG-20 classification has a minimum lot size of 20 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-20 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, Kalispell, Montana, in Permanent File No. 93270 13500.

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 Bigfork Area Zoning District from persons owning real property within the Bigfork Area Zoning 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 September, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Deputy

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

Publish on September 10 and September 17, 2005.

BOLL/ PARKER  
REQUEST FOR ZONE CHANGE FROM AG-20 TO SAG-5  
STAFF REPORT #FZC-05-13

**Location and Legal Description of Property:**

The property proposed for rezoning is located just east of MT Highway 35 on Parker Lakes Road. The property can be described as Assessor's Tracts 3 and 3D in Section 12, Township 27 North, Range 20 West P.M.M., Flathead County.

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

**PUBLIC HEARING: CREATION OF EAGLE RIDGE ESTATES WATER & SEWER DISTRICT**

10:30:12 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Jim Etzler, Bev Etzler

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

Jim Etzler spoke in favor of creating the water district. It is a water district only, not sewer. He had 100 percent of the homeowner's signatures for approval.

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

Commissioner Brenneman made a **motion** to adopt Resolution 1880. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1880

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-13-2204, M.C.A., signed by 100 % of the owners of all property within the proposed district, requesting the creation of a county water and/or sewer district to be known as the Eagle Ridge Estates County Water and/or Sewer District;

WHEREAS, the Board of Commissioners also received a petition requesting the appointment of Bev Etzler, Jim Etzler and Roger Aspengren as the three initial members of the Board of Directors of the Eagle Ridge Estates County Water and/or Sewer District, also signed by 100 % of the owners of all property within the proposed district, pursuant to the terms of Section 7-13-2231, M.C.A.;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice, on August 27 and September 3, 2005, of a public hearing on the petition to create a county water and/or sewer district to be known as the Eagle Ridge Estates County Water and/or Sewer District;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted the public hearing, on September 6, 2005, regarding the proposed creation of the Eagle Ridge Estates County Water and/or Sewer District; and

WHEREAS, the Board of Commissioners considered, at said hearing, the petition and those appearing thereon, and considered the fact that no written protests were filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A.

BE IT FURTHER RESOLVED that the Eagle Ridge Estates County Water and/or Sewer District is hereby created.

BE IT FURTHER RESOLVED that the boundaries of said proposed Eagle Ridge Estates County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED that the next regular election for the Eagle Ridge Estates County Water and/or Sewer District shall be held in November of 2007.

BE IT FURTHER RESOLVED that Bev Etzler, Jim Etzler and Roger Aspengren shall be the initial members of Board of Directors, and shall serve until the election and qualification of their successors at the next regular election to be held in November, 2007.

BE IT FURTHER RESOLVED that of the three member of the board of directors elected at the November, 2007, election, one of said directors shall serve a term of 2 years and two shall serve terms of 4 years; at their first meeting after said election, the directors shall determine by lot which of them shall serve the term of two years. Members of the board of directors elected in November, 2009, and thereafter will serve terms of four years.

Dated this 6<sup>th</sup> day of September, 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/Diana Kile  
Deputy

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

**EXHIBIT A**

That portion of the E1/2 SW1/4 of Section 14 Township, 28 North, Range 22 West, Principal Meridian, Montana, Flathead County, Montana described as follows:

BEGINNING at the S W 1/16 corner of said Section 14;

Thence N 89°54'26" E 88.24 feet;

Thence N 12°19'26" E 338.50 feet to the beginning of a 800.00 foot radius curve concave southeasterly having a radial bearing of S 77°40'34" 4'

Thence along said curve thru a central angle of 3°43'30" an arc length of 52.01 feet;

Thence N 73°56'58" W 168.08 feet to the westerly boundary' of the NE 1/4 SW 1/4 of said Section 14;

Thence N 01°34'04" E and along said westerly boundary a distance of 924.70 feet to the northerly boundary of said NE 1/4 SW 1/4 and being the centerline of Whalebone Drive a 60 foot County Road;

Thence S 89° 34'22" E and along said northerly boundary and said centerline road a distance of 960.97 feet

Thence S 00° 28' 09" W 375.13 feet;

Thence S 89°35'47" E 350.48 feet to the easterly boundary of the SW 1/4 of Section 14;

Thence S 01°37'42" W and along said easterly' boundary a distance of 1493.34 feet;

Thence S 89°42'07" W 464.81 feet;

Thence S 01° 37'55" W 751.65 feet to the northerly boundary of Buckboard Lane a 60 foot County Road;

Thence S 89°12'36" W 852.11 feet to the westerly boundary of the E 1/2 SW 1/4 of said Section 14;

Thence N 01°34'04" E and along said westerly boundary a distance of 1291.36 feet to the Point of Beginning and containing 67.31 acres of land more or less. Subject to all easements of record.

**FINAL PLAT: LITTLE BITTERROOT ESTATES**

[10:47:34 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Planner Eric Giles, B J Grieve, Jeff Harris, Erica Wirtala, Don Peterson

B J Grieve reviewed the application submitted by OWL Corporation for final plat approval of Little Bitterroot Estates Subdivision, which will create 16 residential. The site is located near Little Bitterroot Lake, off Little Bitterroot Drive, approximately 24 miles west of Kalispell. The property is located in the Little Bitterroot Zoning District. Preliminary plat approval was granted on February 3, 2004 subject to 17 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Little Bitterroot Estates. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**FINAL PLAT: HANGING ROCK HARBOR NO. 1**

[11:01:10 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Eric Giles, Jeff Harris, Erica Wirtala, Rick Swan

Giles reviewed the application submitted by Sands Surveying for final plat approval of Hanging Rock Harbor No. 1 Subdivision, a three-lot residential subdivision. The property is located off of Hanging Rock Drive. The property is zoned and located in the Bigfork Zoning District. Preliminary plat approval was granted on June 2, 2004 subject to 8 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Hanging Rock Harbor No. 1. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.



TUESDAY, SEPTEMBER 6, 2005  
(Continued)

**FINAL PLAT: WHISPERING ROCK ESTATES SUBDIVISION NO. 2**

[11:06:21 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Planner Eric Giles, Jeff Harris

Giles reviewed the application submitted by Thomas, Dean & Hoskins, Inc for final plat approval of Whispering Rock Estates No. 2, a nine-lot residential subdivision. The property is located off of Chapman Hill Road. The property is unzoned and located in the Scenic Corridor District of Flathead County. Preliminary plat approval was granted on November 18, 2003 subject to 23 conditions. All conditions have been met or otherwise addresses

Commissioner Brenneman made a **motion** to approve the Subdivision Improvement Agreement. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of Whispering Rock Estates Subdivision No. 2. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: TORGERSON**

[11:21:15 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, George Smith

Smith reviewed the Lakeshore permit application submitted by Ken & Linda Torgerson for Flathead Lake to demolish an existing, damaged wood-pier dock shared by adjacent property owners and co-applicants (Torgerson & Lavin). The existing dock is a 50-foot long by 8-foot wide wood piling / frame dock with wood deck. The contiguous property line bisects the dock. Formerly, there was a 16-foot by 4-foot T, providing one breakwater slip finger per property. Ice movement destroyed the fingers and only the pilings remain. The replacement dock will be reconstructed on the same location with steel pilings /frame and wood deck. The main dock will be 56 feet long and 7 feet wide, and will terminate in a T with a 17-foot, 6-inch slip on each property, totaling an impervious area of 504 square feet, which is within the property allowance for the combined lot's 150 feet of lakeshore frontage. All work will be done from a barge and no equipment will contact the lake.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLV-05-09 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: GROSS**

[11:24:55 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile, Planner George Smith, Peter Gross

Smith reviewed the lakeshore permit application submitted by Peter & Collette Gross for McGregor Lake to relocate an existing conforming private boat launch ramp. The new ramp will provide a straight-line entry into the lake and allow the leasee to preserve tree that are threatened by roots exposed during construction of the existing ramp and subsequent shoreline erosion.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLV-05-10 and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

TUESDAY, SEPTEMBER 6, 2005  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: KNEIVEL ZONE CHANGE / BIGFORK ZONING DISTRICT**

[11:30:46 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile,

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Kurt Knievel to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended 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, and providing for estate type residential development, by reducing the minimum lot size from 10 acres to five acres.

The regulations defining the SAG-10 to 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, Kalispell, Montana, in Permanent File No. 93270 13500.

The public hearing will be held on the **21<sup>st</sup> day of September, 2005, at 9:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Bigfork Area Zoning District.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

Paula Robinson, Clerk

By /s/Diana Kile

Deputy

Publish on September 10 and September 17, 2005.

KNEIVEL ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM SAG-10 TO SAG-5  
STAFF REPORT #FZC-O5-09

Location and Legal Description of Property:

The property is located at 1055 Bigfork Stage Road and contains approximately 20 acres. That portion of the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 30, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana. Shown as Parcel B of Certificate of Survey No. 16588.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: OTT ZONE CHANGE / WEST SIDE ZONING DISTRICT**

[11:31:41 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

NOTICE OF PUBLIC HEARING  
WEST SIDE ZONING DISTRICT

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by James and Sandra Ott to change the zoning designation in a portion of the West Side Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

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

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, and providing for estate type residential development, 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. 93270 13500.

The public hearing will be held on the **21<sup>st</sup> day of September, 2005, at 9:45 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the West Side Zoning District.

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

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

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

Paula Robinson, Clerk

By /s/Diana Kile

Deputy

Publish on September 10 and September 17, 2005.

JAMES AND SANDRA OTT  
ZONE CHANGE FROM SAG-10 to SAG-5  
STAFF REPORT #FZC-O5-15

Location and Legal Description of Property:

The site proposed for the map amendment is located on the northwest corner of the intersection of Two Mile Drive and West Springcreek Road. The area included in the proposal can be legally described as Tract 1E in Section 10, Township 28 North, Range 22 West, P.M.M, Flathead County, Montana. Location maps are included for reference.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: STEVENS ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

11:31:50 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(1), M.C.A., that it will hold a public hearing to consider a request by Mary Stevens, to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One Family Limited Residential).

The boundaries of the area proposed to be changed from R-1 to R-2 are set forth on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from a residential district, with a minimum lot size of one acre, intended to provide estate type development, normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to a residential district, with a minimum lot size of 20,000 square feet, intended to provide for large tract development, in suburban areas, beyond sanitary sewer and/or water lines.

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

The regulations defining the R-1 and R-2 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 9327013500.

The public hearing will be held on the **21<sup>st</sup> day of September 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed change in the regulations for the described portion of the Evergreen and Vicinity Zoning District.

DATED this 6<sup>th</sup> day of September, 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 September 10 and September 17, 2005.

STEVENS ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM R-1 to R-2.  
STAFF REPORT #FZC-05-16

Location and Legal Description of Property:

The property is located in the Evergreen & Vicinity Zoning District on the south side of West Reserve Drive approximately 1/2 mile west of U.S. Highway 2. The subject properties may be described as Tracts 5F and 5FAA in Section 33, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana. The subject properties are also known as 102 West Reserve Drive and 113 Ardell Drive.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: COTTONWOOD ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

[11:32:06 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Diana Kile

**Died for lack of a motion**

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #436 (OFF BROWN'S MEADOW ROAD)**

[11:33:56 AM](#)

Members present:  
Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Members absent:  
Commissioner Robert W. Watne  
Others present:  
Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 436**

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

The following parcels lying and being in the Gov't Lot seven (7) of Section ten (10) and in Gov't Lot one (1) and in the NW1/4 NW1/4 of Section fifteen (15) of Township Twenty eight (28) North, Range Twenty four (24) West, P.M.M., Flathead County and more particularly described as follows to wit:

County Road to be abandoned situated lying and being in the West 1/2 of Section Nineteen (19) of Township Twenty-seven (27) North, Range Twenty-two (22) West, P.M.M., Flathead County and more particularly described as follows to wit:

Commencing at the West 1/4 Corner of said Section 19 which is the NE corner of the SE 1/4 of Section Twenty-Four (24) of Township Twenty-seven (27) North, Range Twenty-Three (23) West, P.M.M., thence running 80 rods east on in an easterly

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

direction 1320 feet more or less; thence N.E. to a point on the North boundary of the SW 1/4 of said Section Nineteen (19) of Township Twenty- seven (27) North, Range Twenty-two (22) West, P.M.,M., Flathead County.

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

The hearing on this petition for abandonment is set for **September 22<sup>nd</sup>, 2005 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on September 10<sup>th</sup> and 17<sup>th</sup>, 2005

August 22, 2005

TO: Flathead County Commissioners  
800 South Main Street  
Kalispell, Montana 59901

FROM: Board of Viewers

SUBJECT: Road Abandonment No. 436

Dear Commissioners:

Robert W. Watne, Flathead County Commissioner, James H. Burton, Examining Land Surveyor of Flathead County, the Board of Viewers, and we viewed the following described roadway requested for abandonment on August 22 2005.

DESCRIPTION

County Road to be abandoned situated lying and being in the West ½ of Section Nineteen (19) of Township Twenty-seven (27) North, Range Twenty-two (22) West, P.M.M., Flathead County and more particularly described as follows to wit:

Commencing at the West 1/4 Corner of said Section 19 which is the NE corner of the SE ¼ of Section Twenty-Four (24) of Township Twenty-seven (27) North, Range Twenty-Three (23) West, P.M.M., thence running 80 rods east on in an easterly direction 1320 feet more or less; thence N.E. to a point on the North boundary of the SW 1/4 of said Section Nineteen (19) of Township Twenty- seven (27) North, Range Twenty-two (22) West, P.M.,M., Flathead County.

We found upon viewing said roadway:

- 1) that the road does not exist as described.
- 2) that the county road exists to the south and east of description and as shown on Certificate of Survey Number 16795.

We recommend approval of the abandonment on the above-described roadway with the following changes to the description:

- 1) that an easement be obtained for the county over that portion of the road as shown on Certificate of Survey Number 16795.
- 2) that any existing easement for utilities be retained in the abandoned portion.

Sincerely,

Robert W. Watne  
County Commissioner

James H. Burton  
Examining Land Surveyor

TUESDAY, SEPTEMBER 6, 2005  
(Continued)

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #437 (LOT 1, SUNNY SLOPE)**

11:34:12 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Commissioner Brenneman made a **motion** to approve the notice of public hearing and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**NOTICE OF DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 437**

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

A tract of land for street and highway purposes in Block One of said Sunny Slope, twenty feet in width between two parallel lines, the westerly line of which is described as follows, to-wit: Commencing at a point on the south side of Lot Eight of said Block One which is 260 feet east of the southwest corner of said Lot Eight; thence northerly parallel to the west line of said Block One to a point of intersection with the south side or line of Lot One of said Block One.

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

The hearing on this petition for abandonment is set for **September 22<sup>nd</sup>, 2005 at 10:15 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Diana Kile  
Diana Kile, Deputy

Publish on September 10<sup>th</sup> and 17<sup>th</sup>, 2005

August 22, 2005

TO: Flathead County Commissioners  
800 south Main Street  
Kalispell, Montana 59901

FROM: Board of Viewers

SUBJECT: Road Abandonment No. 437

Dear Commissioners:

Robert W. Watne, Flathead County Commissioner, James I Burton, Examining Land surveyor of Flathead County, the Board of Viewers, and we viewed the following described roadway requested for abandonment on August 22 2005.

DESCRIPTION

We also grant onto said Flathead County a tract of land for street and highway purposes in Block One of said Sunny Slope, twenty feet in width between two parallel lines, the westerly line of which is described as follows, to-wit: Commencing at a point on the south side of Lot Eight of said Block One which is 260 feet east of the southwest corner of said Lot Eight; thence northerly parallel to the west line of said Block One to a point of intersection with the south side or line of Lot One of said Block One.

**TUESDAY, SEPTEMBER 6, 2005  
(Continued)**

We found upon viewing said roadway:

- 1) that a road does exist but does not lie entirely within the right-of-way and public access from the highway to this road has been abandoned by the Commissioners (Lake Street abandoned Dec. 1940)

We recommend approval of the abandonment on the above-described roadway with the following changes to the description:

- 1) that any existing easement for utilities be retained in the abandoned portion as utilities do exist.

Sincerely,

Robert W. Watne

County Commissioner

James H. Burton

Examining Land Surveyor

**DOCUMENT FOR SIGNATURE: CHANGE ORDER #3 / EAGLE TRANSIT**

[11:34:29 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Assistant Michael Pence  
Clerk Diana Kile

Discussion was held relative to taking money from landscaping and putting it into the bldg.

Commissioner Brenneman made a **motion** to approve the Eagle Transit Change order #3. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

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

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

\*\*\*\*\*

**WEDNESDAY, SEPTEMBER 7, 2005**

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

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

**PUBLIC HEARING: BUDGET FY 05-06 AT THE JUSTICE CENTER COMMUNITY ROOM**

[9:07:30 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, John Stanc, M.J. Ciardala, Bobbie Kelly, Raeann Campbell, Debbie Morine, Carol Norwood, Tina Frownfelter, Brenda Hall, Jed Fisher, Richard Stockdale, Jay Scott, Guy Foy, Ted Gilbertson, Charles Johnson, Mike Meehan, Jim Dupont, Marcia Sheffels, Clay Cloud, Jim Atkinson, Wes Hulla, Cheryl Talley, Peg Allison, Adele Krantz, Ed Corrigan, Vicki Eggum, Carol Mizze, Kim Crowley, Paula Robinson, Monica Eizenzimer, Norm Calvert, Jeff Harris, Mary Sevier, Charlie Johnson, Joe Russell, Susan Nicosia, Sherry Stevenswulf, Gary Mahugh

Assistant Pence welcomed the audience to the budget hearing. He also thanked everyone for their hard work on the budget, Susan Nicosia for the time she spent, and the commissioners for the work that they did. He stated that tough decisions have had to be made especially with staffing, due to the lack of resources. He stated that we are a business and have to work within our means. The increased cost in services has required cuts to be made where they do not necessarily want to make cuts. He stated that they are going to try working with the department heads on other ways to economize. The budget is around \$58,300,000.00 budget this year compared to around \$55,345,000.00 last year. He stated that this is an increase primarily due to inflation. He gave the big picture of the budget giving the percentage of where the funds are going. He stated that working with the budget they considered going with the maximum levies. After meeting with the commissioners they decided they needed a cushion, so the commissioners made a few more cuts, to have a mill levy less than the maximum allowable. They are going 1.22 mills below the maximum allowable. The total mill levy for all funds is 132.571 mills for this fiscal year. This increase will increase the average taxpayer with a market value of \$150,000.00 in their home will be a little over \$1.00 a month.

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

**WEDNESDAY, SEPTEMBER 7, 2005  
(Continued)**

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

Gary Hall stated that they appreciate everyone's diligence in holding the line this year. He stated that there are a lot of needs out there and we need to get to where we can find everyone's request. He stated that it would be horrible to have a disaster like in New Orleans. He stated that we have great department heads. He also stated that there have been numerous hours spent on this budget. He thanked everyone for their hard work.

Susan Nicosia stated that the budget would be adopted on September 14<sup>th</sup>. She stated that one concern that has been brought to them is the increase in fuel costs and the request by department heads to increase their budget to compensate. Susan and Mike both stated that they may have to look at that. Susan stated that they are trying to avoid the feast and famine. She stated that there has been an increase of 6% of value in the valley, which increased the amount of money that came in. She stated that the increase they have budgeted for does not even come close to covering the growth. She stated that the list of capital outlay items drastically exceeds the money in the building fund.

The department heads questioned Susan Nicosia and Mike Pence on the legislative budget laws and what they might be able to do to put the county in a better position.

**PUBLIC HEARING: MEDICAL LEVY AT THE JUSTICE CENTER COMMUNITY ROOM**

[10:00:34 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, Susan Nicosia, Paula Robinson, Raeann Campbell.

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

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

Susan Nicosia reviewed the Medical Levy amounts.

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: RSID #138 PRELIMINARY LEVEL OF SPECIAL ASSESSMENTS**

[10:01:48 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, Susan Nicosia, Paula Robinson

Commissioner Brenneman made a **motion** to adopt Resolution 1710F and authorize the chairman to sign. Commissioner **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1710F

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 138; PRELIMINARY LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS

BE IT RESOLVED by the Board of County Commissioners of the County of Flathead, Montana (the "County"), as follows:

Section 1. The District; the Improvements. The County has created a Rural Special Improvement district (the "District") pursuant to under Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the "Act"), denominated Rural Special Improvement District No. 138 (the "District"), and undertaken certain local improvements (the "Improvements") to benefit property located therein. The Improvements have been or will be substantially complete by the levy of the assessments contemplated hereby, and the total costs of the Improvements will be at least \$523,000, including all incidental costs.

Section 2. The Bonds. The County has pursuant to the Act issued its Rural Special Improvement district bonds drawn on the District, denominated "Rural Special Improvement District No. 138 Bonds," in the original aggregate principal amount of \$523,000 (the "Bonds"), to finance costs, including incidental costs, of the Improvements. The Bonds are payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 1710, adopted by this Board on April 28, 2004, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis or bases therein provided as authorized by the Act.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefor within the District, and the special



**WEDNESDAY, SEPTEMBER 7, 2005  
(Continued)**

assessments authorized by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Proposed Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 20 years, each in equal semiannual installments of principal and yearly maintenance, plus interest, or equal semiannual payments of principal, yearly maintenance fees, and interest. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from September 15, 2004 until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, "Interest Rate" means, as of the date of determination, the sum of (i) the average interest rate payable on the Bonds then outstanding plus (ii) one-half of one percent (0.50%) per annum. The Interest Rate shall be determined in August of each fiscal year so long any Bonds are outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no Bonds are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2006 shall be 5.32265% (4.82265% plus 0.50%) per annum.

Exhibit A to this Resolution (which is hereby incorporated herein and made a part hereof) contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, the total amount of the special assessment levied against each lot, tract or parcel, the amount of each partial payment of the special assessment, and the day when each such partial payment shall become delinquent (the "Assessment Roll").

The Assessment Roll is preliminary and is subject to consideration by this Board of the objections, if any, from owners of property in the District following the public hearing provided for in Section 7.

Section 5. Filing of Resolution. This resolution shall be kept on file in the office of the County Clerk and Recorder and shall be open to public inspection.

Section 6. Notice of Proposed Levy of Assessments. The County Clerk and Recorder is hereby authorized and directed to cause a copy of the notice of the passage of this resolution, substantially in the form of Exhibit B hereto (which is hereby incorporated herein and made a part hereof), (i) to be published twice in a newspaper meeting the requirements of Montana Code Annotated, Section 7-1-2121, with not less than six days between each publication and the second publication occurring at least five days before the date of the public hearing provided for in Section 7; (ii) to be mailed to the owner of each lot, tract or parcel of land to be assessed (to be determined from the last completed assessment roll for state, county, and school district taxes) at least ten days before the public hearing provided for in Section 7; and (iii) to be mailed to such other persons or entities known by the County Clerk and Recorder to have an ownership interest in such lots, tracts or parcels (including, without limitation, mortgagees and vendees under contracts of deed), at least ten days before the public hearing provided for in Section 7.

Section 7. Public Hearing; Objections. This Board shall meet on Thursday, the 22nd day of September, 2005, in the office of the Board of Commissioners of Flathead County, Courthouse, West Annex, in Kalispell, Montana, for the purpose of conducting a public hearing on the levying and assessment of the special assessments in the District and considering the objections, if any, of the property owners to the levying and assessment of the special assessments.

ADOPTED by the Board of County Commissioners of the County of Flathead, Montana, this 7th day of September, 2005.

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

Attest:

/s/Kimberly Moser

County Clerk and Recorder

WEDNESDAY, SEPTEMBER 7, 2005  
(Continued)

EXHIBIT A  
[proposed assessment roll]

(This is a summary report to see the complete Assessment roll please see permanent file Resolution 1710F in the Clerk and Recorders Office.)

09/15/05

FLATHEAD COUNTY

Page: 1 of 2

Tax ID	Name	SA/SID #	Area	Frontage	Taxable	Rate Code	Status	Amount	Pay?
0001217	TANSTAAFL DEVELOPMENT LLC	138					BILLED	414.36	0
0003029	HAROLD H & EUNICE VAN DER	138					BILLED	414.36	0
0004583	LMST LTD	138					BILLED	138.16	0
0005523	THOMAS E & KATHLEEN E BROWN	138					BILLED	614.99	0
0006687	SHELLEY L GERMANN	138					BILLED	138.16	0
0104535	WHITEFISH LLC	138					BILLED	1,229.96	0
0195085	MARK L & CAROL J LERIGER	138					BILLED	614.99	0
0261610	CLYNCH P O LABORATORY LTD	138					BILLED	1,229.96	0
0293610	JERRY L & DONNA E WHEALON	138					BILLED	1,229.96	0
0393300	NADINE S IDE	138					BILLED	1,229.96	0
0481201	NANCY R WILLIAMS REVOCABLE	138					BILLED	1,229.96	0
0556501	EDWIN W JORDAN	138					BILLED	1,229.96	0
0573160	HOLLY A HAND	138					BILLED	614.99	0
0660715	NORCAL CAPITAL CORPORATION	138					BILLED	138.16	0
0660718	BIG MOUNTAIN MONTANA CONDOS	138					BILLED	276.29	0
0670684	RODNEY K & CINDY L JOHNSON	138					BILLED	414.36	0
0706880	SQUIRE PARTNERS LLC	138					BILLED	1,229.96	0
0766630	FRANK W & MARY F ANTHONY	138					BILLED	614.99	0

**WEDNESDAY, SEPTEMBER 7, 2005  
(Continued)**

0797500	ROBERT E & MARSHA EIFERT	138		BILLED	614.99	0
0817727	WESLEY A & MARIE C REYNOLDS	138		BILLED	1,229.96	0
0900375	JAMES PITTS & CAROL DEGISO	138		BILLED	1,229.96	0
0971668	FRANK W & MARY F ANTHONY	138		BILLED	614.99	0
0972098	DON J & SHIRLEY J PHILLIPS	138		BILLED	276.29	0
0972100	REDFISH LLC	138		BILLED	276.29	0
0978210	DONALD W & MARY L	138		BILLED	1,229.96	0
0980816	MARIANN S HAND	138		BILLED	614.99	0

09/15/05

FLATHEAD COUNTY

Page: 2 of 2

Tax ID	Name	SA/SID #	Area	Frontage	Taxable	Rate Code	Status	Amount	Pay?
0983552	DAVID & JOYCE WEBSTER	138					BILLED	614.99	0
# of Lines	53	Grand Total						45,561.67	

**EXHIBIT B**

[PUBLISHED NOTICE]

**NOTICE OF PROPOSED LEVY OF SPECIAL ASSESSMENTS IN  
RURAL SPECIAL IMPROVEMENT DISTRICT NO. 138**

**COUNTY OF FLATHEAD, MONTANA**

NOTICE IS HEREBY GIVEN that on September 7, 2005, the Board of County Commissioners of the County of Flathead, Montana (the "County"), adopted a resolution proposing to levy and assess special assessments against benefited property in Rural Special Improvement District No. 138 in the County (the "District") for the purpose of financing the costs of certain local improvements and paying costs incidental thereto.

A complete copy of the resolution, which includes the proposed assessment roll and the amount of each special assessment, is on file with the County Clerk and Recorder and is available for public inspection.

On Thursday, Thursday, the 22nd day of September, 2005, at 10:30 a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, in Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all objections, whether made orally or in writing, to the proposed levy of the special assessments.

Further information regarding the special assessments or other matters in respect thereof may be obtained from Paula Robinson, the Clerk and Recorder of the County, at 800 South Main Street, Kalispell, Montana or by telephone at (406)758-5526.

Dated: September 7, 2005.

**WEDNESDAY, SEPTEMBER 7, 2005  
(Continued)**

BY ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF  
FLATHEAD, MONTANA

By/s/Kimberly Moser, Deputy  
County Clerk and Recorder

(Publication Dates: September 10 and September 17, 2005)  
[MAIL NOTICE]

**NOTICE OF PROPOSED LEVY OF SPECIAL ASSESSMENTS IN  
RURAL SPECIAL IMPROVEMENT DISTRICT NO. 138**

**COUNTY OF FLATHEAD, MONTANA**

NOTICE IS HEREBY GIVEN that on September 7, 2005, the Board of County Commissioners of the County of Flathead, Montana (the "County"), adopted a resolution proposing to levy and assess special assessments against benefited property in Rural Special Improvement District No. 138 in the County (the "District") for the purpose of financing the costs of certain local improvements and paying costs incidental thereto.

A copy of the assessment roll is attached to this notice.

On Thursday, Thursday, the 22nd day of September, 2005, at 10:30 a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, in Kalispell, Montana, the Board of County Commissioners will conduct a public hearing and pass upon all objections, whether made orally or in writing, to the proposed levy of the special assessments.

Further information regarding the special assessments or other matters in respect thereof may be obtained from Paula Robinson, the Clerk and Recorder of the County, at 800 South Main Street, Kalispell, Montana or by telephone at (406)758-5526.

Dated: September 7, 2005.

BY ORDER OF THE BOARD OF COUNTY  
COMMISSIONERS OF THE COUNTY OF  
FLATHEAD, MONTANA

/s/Kimberly Moser, Deputy  
County Clerk and Recorder

(Mailing Date: September 13, 2005)

**11:00 a.m. County Attorney meeting at the County Attorney's Office.**

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

\*\*\*\*\*

**THURSDAY, SEPTEMBER 7, 2005**

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

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

9:02:57 AM

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jeff Harris

Discussion was held relative to the planning department quarterly activity reports, the possible purchase of the Two Rivers property and what that could mean, the procedure for Flood Plain Permits, a recent joint meeting with the county planning board and the city of Kalispell planning board where the city laid out their growth plans, the vacant planning positions, and the recent board of adjustments meeting.

THURSDAY, SEPTEMBER 8, 2005  
(Continued)

**PUBLIC HEARING: AUTUMN RIDGE, ISLAND DRIVE, FARM TO MARKET COURT, AND COLUMBIA MOUNTAIN DRIVE ROAD NAMING**

9:31:22 AM

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jane Eby, Carle O'Neil, Will Hendrix, Jeff Harris

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

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

Commissioner Brenneman made a **motion** to adopt Resolutions 1881, 1882, 1883, 1884. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1881

WHEREAS, Flathead County has proposed to name a private road generally **running southerly off Danielson Road and located in the Northwest Quarter (NW1/4) of Section 25 in Township 28 North, Range 23 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 8<sup>th</sup>, 2005 concerning the proposal, after publication and mailing of notice thereof on August 25<sup>th</sup>, 2005; and September 1<sup>st</sup>, 2005.

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally **running southerly off Danielson Road and located in the Northwest ¼ (NW1/4), Section 25 in Township 28 North, Range 23 West, P.M.M., Flathead County, Montana**, should be, and it hereby is, named **Autumn Ridge**.

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

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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. 1882

WHEREAS, Flathead County has proposed to name a private road generally **running easterly then southerly off North Ashley Lake Road and located in Government Lot 5 of Section 6 in Township 28 North, Range 23 West, and in Government Lots 1 & 7 of Section 1 in Township 28 North, Range 24 West, P.M.M., Flathead County, Montana.**

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 8<sup>th</sup>, 2005 concerning the proposal, after mailing and publication of notice thereof on August 25<sup>th</sup>, 2005 and September 1<sup>st</sup>.

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally **running easterly then southerly off North Ashley Lake Road and located in Government Lot 5 of Section 6 in Township 28 North, Range 23 West, and in Government Lots 1 & 7 of Section 1 in Township 28 North, Range 24 West, P.M.M., Flathead County, Montana**, should be, and it hereby is, named **Island Drive**.

**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

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

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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. 1883

WHEREAS, Flathead County has proposed to name a private road generally running westerly off Farm To Market Road and located in the SE ¼ of the SE ¼ of Section 29 and in the N ½ of the NE ¼ of Section 32, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 8, 2005 concerning the proposal, after publication and mailing of notice thereof on August 25, 2005 and September 1, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **Farm To Market Court**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off Farm To Market Road and located in the SE ¼ of the SE ¼ of Section 29 and in the N ½ of the NE ¼ of Section 32, all in Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Farm To Market Court**.

BE IT FURTHER RESOLVED that the naming of **Farm To Market Court**, shall be effective on September 8<sup>th</sup>, 2005.

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
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. 1884

WHEREAS, Flathead County has proposed to name a private road generally running westerly off US Highway 2 and located in the SE1/4 of the NE ¼ of Section 23 in Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on September 8, 2005 concerning the proposal, after publication and mailing of notice thereof on August 25, 2005 and September 1, 2005; and

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

**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly off US Highway 2 and located in the SE1/4 of the NE ¼ of Section 23 in Township 30 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Columbia Mountain Drive**.

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

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

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_

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

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: GRANITE HOLDINGS ZONE CHANGE / HIGHWAY 93 NORTH ZONING DISTRICT**

9:36:24 AM

Members present:

Commissioner Robert W. Watne PT

Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jeff Harris

Commissioner Brenneman made a **motion** to adopt Resolution 837BH. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

RESOLUTION NO. 837 BH

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 27th day of July, 2005, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One-Family Limited Residential);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North 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. 837 BG, dated July 27th, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One-Family Limited Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on August 1 and August 8, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

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 Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural) to R-2 (One-Family Limited Residential), that property being described on Exhibit A.

DATED this 8th day of September, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: \_\_\_\_\_

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

THURSDAY, SEPTEMBER 8, 2005  
(Continued)

Exhibit A  
GRANITE HOLDINGS  
ZONE CHANGE FROM SAG-5 TO R-2  
STAFF REPORT #FZC-05-08

Location and Legal Description of Property: The property proposed for the map amendment is located directly across Highway 93 to the northeast of The Majestic Valley Arena and contains approximately 40.28 acres. The property's legal description is Lot 1, Subdivision #128 of Section 7, Township 29 North, Range 21 West, P.M.M.

**DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-3-31-023-0**

[9:37:32 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jeff Harris

Commissioner Brenneman made a **motion** to approve DPHHS Contract #06-07-3-31-023-0 and authorize the Chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE RE: COLLEEN BAARS**

[9:37:32 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jeff Harris

Commissioner Brenneman made a **motion** to approve the thirty day contract extension for Coleen Baars. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: GLACIER BUSINESS CENTER**

[9:49:09 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, BJ Grieve, Jeff Harris, Jane Eby, Norman Bears

Grieve reviewed the application submitted by Nolan Investments for preliminary plat approval of Glacier Business Center 2, a major subdivision creating seven commercial lots. The subdivision is proposed on 8.207 acres, and is located just south of Fenders Restaurant on Highway 93 north of Kalispell. The property is located in the B-2 of the Highway 93 North Zoning District. There are 11 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-38 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Glacier Business Center 2 subject to 11 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONDITIONS**

1. The developer shall obtain an approach permit for the proposed shared access to Highway 93 from the Montana Department of Transportation. All approaches to US Highway 93 will have approach permits finalized, including site inspection and approval of installed approaches prior to applying for final plat. (3.8(A) Flathead County Subdivision Regulations)
2. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a) All addresses shall be visible from the road, and at the entrance or on the structures. [3.20(D), FCSR]
  - b) All utilities shall be placed underground. [3.17(A), FCSR]
  - c) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]



**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

d) 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.

3. Except as addressed in other conditions, all required improvements shall be completed in place or an improvement guarantee in accordance with Chapter 8 of the Flathead County Subdivision Regulations shall be provided by the developer, prior to final approval by the County Commissioners.

4. During construction of infrastructure improvements, no silt-laden water shall flow to downstream areas. Erosion control measures are required and will be enforced. (Section 3.13, Flathead County Subdivision Regulations).

5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.

6. The developer shall contact the local postmaster to confirm area mail delivery and establish an appropriate location for mailbox placement in accordance with Flathead County Subdivision Regulations [Section 3.22 FCSR].

7. The lots within the subdivision shall be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality for community sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]

8. The applicant shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]

9. One tree shall be planted every 40' adjacent to the US Highway 93 right of way, and along all internal subdivision roads. Tree species shall be chosen to match dominant local species and shall be maintained by the developer until such time as the trees will grow on their own. (Section 3.2, Flathead County Subdivision Regulations)

10. All internal subdivision roads shall be built in accordance with Section 3.9 of the Flathead County Subdivision Regulations.

11. Preliminary plat approval is valid for three years. [Section 2.5(D)(6), FCSR]

**PRELIMINARY PLAT: SPRING CREEK ESTATES**

[10:00:54 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Traci Sears-Tull, Erica Wirtala, Dawn Marquardt, Debbie Shoemaker, Jeff Harris

Sears-Tull reviewed the application submitted by Curtis Runia for preliminary plat approval of Spring Creek Estates, a major subdivision that will create three single-family residential lots. The subdivision is proposed on 14.445 acres and will be served by individual water & sewage systems. The property is located in Evergreen on Helena Flats Road and abuts Spring Creek. The property is in an unzoned portion of Flathead County. There are 15 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-39 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Spring Creek Estates subject to 15 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**CONDITIONS**

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations. (FCSR)]
2. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
3. Electrical and telephone utilities shall be extended underground, unless already in place, as necessary to abut and be available to each lot, in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 & 3.18 FCSR]
4. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b. All utilities shall be placed underground. [3.17(A), FCSR]
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - d. The subdivision is located in an airport influence area. Residents of the subdivision can expect airport activities to generate noise and other potentially objectionable impacts. These impacts may not be protested. [Agency Comment]

**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

e. 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.

5. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
6. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. (Section 3.22)
7. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
8. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that will need to be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
9. The portion of lots 1 and 3 that are traversed by Spring Creek must place a minimum width of 10 feet area that parallels the lines of Spring Creek in conservation easement or right of way for maintenance purposes. [Section 3.18(E), FCSR]
10. The area along the creek is a critical bank stabilization area. Removal of vegetation from the 10 foot width portion of property that parallels the lines of Spring Creek *shall* not be allowed. Any alteration to this area *shall* go through Flathead County Floodplain Permit Process and the Flathead County Conservation 310 Permit Process. [Agency Comment]
11. The developer shall obtain approach permits for the access to Helena Flats Road and Eid Lane from the Flathead County Road Department. All approaches will have approach permits finalized, including site inspection and approval of installed approaches prior to applying for final plat. (3.8(A) Flathead County Subdivision Regulations)
12. The developer shall contact the Child Transportation Committee for Helena Flats and Kalispell School Districts, and, if required, provide and improve a location for the safe loading and unloading of students. [Agency Comment]
13. 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(E), FCSR]
14. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
15. The Developer shall dedicate a fifteen (15)-foot bike/walk easement along the northern boundaries of all three lots adjacent to the right-of-way of Helena Flats Road. [Section 3.11, FCSR]

**PRELIMINARY PLAT: SWAN VIEW RANCHES, AMENDED LOTS 1,2 & 3**

10:08:21 AM

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Traci Sears-Tull, Dawn Marquardt, Debbie Shoemaker

Sears-Tull reviewed the application submitted by Paul Joe Hill for preliminary plat approval of the amended plat of Lots 1, 2, & 3 of Swan View Ranches Subdivision. This Project is a major subdivision that will create seven single-family residential lots. The subdivision is proposed on 15.29 acres and will be served by individual water & sewage systems. The property is located off of Hodgson Road. The area is in an unzoned portion of Flathead County. There are 14 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-34 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the Amended Plat of Lots 1, 2, & 3 of Swan View Ranches Subdivision subject to 14 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Discussion was held relative to the desire of Commissioner Brenneman that the developers use shared wells.

**THURSDAY, SEPTEMBER 8, 2005**  
**(Continued)**

CONDITIONS

1. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [Section 3.12(J), Flathead County Subdivision Regulations. (FCSR)]
2. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7), FCSR]
3. The addition on the internal subdivision road, Cowboy Way, shall have a 60-foot right of way, a 20-foot paved hard driving surface, and a cul-de-sac with a 55-foot radius. Except as modified above, all road construction and road improvements must comply with Section 3.9 of the Flathead County Subdivision Regulations and shall be inspected, approved, and signed off by a licensed engineer. [Sections 3.19 FCSR]
4. A variance to the road length limitation in Table 3 of Section 3.9 of the Flathead County Subdivision Regulations shall be granted by the Flathead County Commissioners for the internal subdivision road. [Section 7.1, Flathead County Subdivision Regulations]
5. A Road Users Agreement or a Property Owners Association shall be formed which will require each property owner to bear their pro-rata share for road maintenance of the internal subdivision road. [Sections 3.19 FCSR]
6. The developer shall contact the Child Transportation Committee for Columbia Falls School District, and, if required, provide and improve a location for the safe loading and unloading of students. [Agency Comment]
7. Electrical and telephone utilities shall be extended underground, unless already in place, as necessary to abut and be available to each lot, in accordance with Flathead County Subdivision Regulations. Utility plans shall be approved by the applicable utility companies. [Sections 3.17 & 3.18 FCSR]
8. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses shall be visible from the road, and at the driveway entrance or on the house. [3.20(D), FCSR]
  - b. All utilities shall be placed underground. [3.17(A), FCSR]
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]
  - d. 

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.
9. The lots within the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality for individual sewer and water facilities and storm water management. [Sections 3.14(A) and 3.15(A), FCSR]
10. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. (Section 3.22)
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the subdivider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The applicant must submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer that will need to be approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12.A]
13. 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(E), FCSR]
14. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**REVISED PLAT: CHERRY HILL YACHT CLUB, PHASE II**

[10:18:12 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Traci Sears-Tull

Sears-Tull reviewed the application submitted by Dan Hogan for final plat approval of the Revised Plat for the amended plat of Cherry Hill Yacht Club, Phase II. The subdivision was reviewed and approved as a condominium subdivision. The project area is not zoned. The project is served by the Lakeside Sewer District. Revised Preliminary plat approval was granted on January 6, 2004 subject to 16 conditions. All conditions have been met.

**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

Commissioner Brenneman made a **motion** to approve the final plat of Cherry Hill Yacht Club, Phase II. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to accept the subdivision improvement agreement. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum

**DOCUMENT FOR SIGNATURE: MOU/AOA**

[10:25:30 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jim Atkinson

Commissioner Brenneman made a **motion** to approve the MOU/AOA document for paralegal services and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: HEALTH PLAN AMENDMENT**

[10:31:00 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the Health Plan Amendment and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: INSURANCE AMENDMENT**

[10:31:00 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Raeann Campbell

Commissioner Brenneman made a **motion** to approve the Insurance Amendment. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**CONSIDERATION OF EXTENSION REQUEST: THE ROCK**

[10:28:40 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the one year extension request for The Rock subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL FORM: LIBRARY TECH ASST.**

[10:33:05 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

**THURSDAY, SEPTEMBER 8, 2005  
(Continued)**

Commissioner Brenneman made a **motion** to approve the Library Tech Assistant HR Transmittal form. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

- 1:30 p.m. Commissioner Brenneman to attend LEPC Executive Board meeting at the Commissioners Meeting Room**
- 2:00 p.m. AOA Board meeting at the Kalispell Senior Center**
- 4:00 p.m. Long Range Planning Committee meeting at the Earl Bennett Building**
- 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 September 9, 2005.

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**FRIDAY, SEPTEMBER 9, 2005**

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

**7:00 p.m. Commissioners Hall to speak at the Rocky Mountain Rollers Good Sam's Fall Meeting at the Fairgrounds.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on September 12, 2005.