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**MONDAY, OCTOBER 24, 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/ JOE RUSSELL, HEALTH DEPARTMENT**

9:07:51 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, Joe Russell

Discussion was held relative to the studying of the air pollution control program, the public hearing that has already been held regarding the air pollution control program, recent air conditions in the valley, the next mass flu clinic, a new vehicle order, a new copy machine order, the county vehicle pool and the mosquito control district.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: WACHHOLZ, KEMP & PIERSON ZONE CHANGE / BLANCHARD LAKE ZONING DISTRICT**

9:30:23 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne 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 Paul Wachholz, Jon Krack, and Jerry and Madelyn Kempf, to change the zoning designation in portions of the Blanchard Lake Area and Highway 93 North Zoning Districts from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the areas proposed to be changed from the AG-20 and AG-40 classification to the SAG-5 classification are set forth on Exhibit "A" hereto.

The proposed change would generally change the character of the zoning regulations applicable to the property from those 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 to provide areas of estate-type residential development. The AG-20 classification has a minimum lot size of 20 acres and the AG-40 classification has a minimum lot size of 40 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-20, AG-40 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.

The public hearing will be held on the **8th day of November, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the proposed amendment to Blanchard Lake Area and Highway 93 North Zoning Districts.

DATED this 24<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

Paula Robinson, Clerk

By /s/Robert W. Watne PT  
Gary D. Hall, Chairman

By /s/Kimberly Moser

Deputy

Publish on October 27 and November 3, 2005.

**EXHIBIT "A"**

**PAUL WACHHOLZ – c/o – KRACK, KEMPF & PIERSON**

**REQUEST FOR ZONE CHANGE FROM AG-20 AND AG-40 TO SAG-5  
STAFF REPORT #FZC-05-19**

**Legal**

**Location and Legal Description of Property:** The property proposed for rezoning is located on the west side of Highway 93 North, southwest of the city of Whitefish and consists of 182.96 acres. The site in the Blanchard Lake Zoning District can be described as Tracts 1AA, 1ADB, 1ABB, 3A and 1AC in Section 25, Township 30 North and Range 22 West P.M.M. and the site in the Highway 93 North Zoning District can be described as Tracts 3G, 2A and 3E in Section 36, Township 30 North and Range 22 West P.M.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BOWDISH & VARS ZONE CHANGE / PRAIRIE VIEW & HIGHWAY 93 NORTH ZONING DISTRICT**

[9:32:11 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne 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 Dana Bowdish and Harry Thomas Vars to change the zoning designation in portions of the Prairie View and Highway 93 North Zoning Districts from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the areas 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 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.

The public hearing will be held on the **8<sup>th</sup> day of November, 2005, at 10:45 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 to the Prairie View and Highway 93 North Zoning Districts.

DATED this 24th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

By/s/Robert W. Watne PT  
Gary D. Hall, Chairman

Publish on October 27 and November 3, 2005.

**EXHIBIT "A"**

**DANA BOWDISH & HARRY THOMAS VARS**

**REQUEST FOR ZONE CHANGE FROM SAG-10 TO SAG-5  
STAFF REPORT #FZC-05-20**

**Legal**

**Location and Legal Description of Property:** The property proposed for rezoning is located on the west side of Highway 93 North, southwest of the city of Whitefish and consists of 185.18 acres. The site in the Prairie View Zoning District can be described as Tracts 2, 4F and 1C in Section 36, Township 30 North and Range 22 West P.M.M. and the site in the Highway 93 North Zoning District can be described as Tract 3D in Section 36, Township 30 North and Range 22 West P.M.M., Flathead County, Montana.

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

[9:32:27 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

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 Steve Fetveit to change the zoning designation in a portion of the West Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural).

The boundaries of the area proposed to be amended from AG-80 to SAG-5 are set forth on Exhibit "A" hereto.

The proposed change would generally change the character of the zoning regulations applicable to the property from a district intended to protect and preserve agricultural land for the performance of a wide range of agricultural functions and to control the scattered intrusion of uses not compatible with an agricultural environment, including but not limited to residential development, to a district intended to protect and preserve agricultural land for the performance of smaller 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 to provide areas for estate-type residential development. The AG-80 classification has a minimum lot size of 80 acres; a change to SAG-5 would result in a minimum lot size of 5 acres.

The regulations defining the AG-80 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 **8<sup>th</sup> day of November, 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 West Side Zoning District.

DATED this 24<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

By /s/Robert W. Watne PT  
Gary D. Hall, Chairman

Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

Publish on October 27 and November 3, 2005.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #439 (PORTION SUNSET POINT)**

[9:32:42 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 439

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:

NW1/4 SE1/4 Section 36, Township 27 North, Range 20 West, Gov't. Lot 3; Tracts 1CAFG and 1CAF. Request is to abandon that roadway northward through Tract 1CFAG and 1CFAC which will be a continuance OF THE ABANDONMENT NOS 269 on 01/03/1986 and 313 on 01/19/1993 through Sunset Point and Northerly thereof.

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 **November 10<sup>th</sup>, 2005 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 24<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W. Watne PT  
Gary D. Hall Chairman

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Kimberly Moser  
Deputy

Publish on October 27<sup>th</sup> and November 3, 2005

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #438 (LOTS 11 & 12, EVERGREEN SUBDIVISION)**

[9:32:53 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 notice of public hearing and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 438**

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:

That portion of the County Road lying west of Lot 11 & 12 of Evergreen Subdivision and East of the State Highway Right of Way, Section 33, Township 29, Range 21.

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 **November 10<sup>th</sup>, 2005 at 9:45 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 24<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W. Watne  
Gary D. Hall Chairman

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Kimberly Moser  
Deputy

Publish on October 27<sup>th</sup> and November 3, 2005

**PRELIMINARY PLAT: SHERMAN SUBDIVISION**

[10:06:50 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Debra Sherman, Richard Sherman, Johna Morrison, Kirsten Holland, Jeff Harris

Giles reviewed the application submitted by Richard Sherman for preliminary plat approval of Sherman Subdivision, a major subdivision creating two residential lots encompassing 4.5 acres. The property is located in Marion and is unzoned. There are 10 conditions of approval. Staff recommends approval.

Johna Morrison explained the amended plat that has been submitted. The applicant has proposed just doing an approach instead of building an internal subdivision road, due to financial constraints.

Jeff Harris stated that the commissioners could choose to send this back to the planning board or postpone approval to allow for further review of the new plat. Commissioner Brenneman questioned if the commissioners could approve this or if our regulations would require it to be sent back to the planning board. Johna Morrison requested that the commissioners approve the original plat submitted and then they could come forward at the time of final with a plat that would work for the planning office. Commissioner Brenneman requested a bike path easement on Pleasant Valley Road.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-45 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 Sherman Subdivision subject to 11 amended conditions including a condition requiring a bike path easement on Pleasant Valley Road. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONDITIONS:**

1. 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, FCSR]
2. The private, internal subdivision road system shall consist of a 60-foot right-of-way, 20-foot paved travel surface only, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, FCSR]
3. All storm water, water and sewage treatment facilities and drainage plans shall be designed by a licensed professional engineer and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality at the time of development. [Section 3.12, 3.14 and 3.15, FCSR]
4. All areas disturbed during development of the subdivision shall be revegetated in accordance with a plan approved by the County Weed Department. [7-22-2116 M.C.A., Section 3.12(J), FCSR]
5. A letter shall be obtained from the Marion Fire District stating that the fire access and suppression system has been reviewed, approved and installed in accordance with reasonable conditions [3.20,FCSR].
6. The applicant shall provide a common mail delivery site with the design and location to be approved by the local post master of the U.S. Postal Service. [Section 3.22 FCSR]
7. The following statements shall be placed on the face of the final plat:
  - a. Only Class A and Class B fire-rated roofing materials are allowed. [Section 3.21F, FCSR]
  - b. Defensible Space Standards shall be incorporated around all primary structures, as described in Appendix G of these Regulations. [Section 3.21F, FCSR]
  - c. All address numbers shall be visible from the road, either at the driveway entrance or on the house. [Section 3.20D, FCSR]
  - d. All utilities shall be installed underground. [Section 3.17, FCSR]
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [7-22-2116 M.C.A., Section 3.12(J), FCSR]
  - f. The following shall appear on the face of the final plat:

Waiver of Protest  
Participation in Special Improvement District

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

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

8. 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.
9. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions.
10. The preliminary plat approval is valid for three (3) years. [Section 2.4E, FCSR]
11. *The subdivider shall dedicate a 15 ft. bike path right of way.*

**PRELIMINARY PLAT: BALD ROCK**

[10:21:34 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Eric Giles, Mike Tortomasi

Holland reviewed the application submitted by Michael D & Cynthia A Tortomasi for preliminary plat of Bald Rock Subdivision, a major subdivision that will create four residential lots. The subdivision is proposed on 20.00 acres and will be served by individual water & septic systems. The property is located in the West Valley Zoning District on Bald Rock Road, north of Rhodes Draw. There are 17 conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-44 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 Bald Rock Subdivision subject to 17 amended conditions including that condition requiring all driveways be to county slope standards. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### CONDITIONS

1. The private, internal subdivision road shall consist of a 60-foot right-of-way, minimum 20-foot ~~graveled~~ paved driving surface, and a 55-foot radius cul-de-sac in compliance with Section 3.9 of the Flathead County Subdivision Regulations and shall be designed and certified by a licensed, professional engineer. [Section 3.9 B, Flathead County Subdivision Regulations]
2. The applicant shall receive physical addresses and road names 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. A road identification sign and stop sign shall be installed at the intersection of the internal subdivision road and Bald Rock Road. [Section 3.9(I)(8), FCSR]
4. Lot owners within the subdivision will participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which will require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
5. The applicant will dedicate a 15-foot bicycle and pedestrian easement on Lots 1 and 4 along Bald Rock Road. [Section 3.18(A), FCSR]
6. The face of the final plat shall show the average slope for each lot, which shall be less than 15%. [Section 3.34.050(4)(A). Flathead County Zoning Regulations]
7. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
8. If required by the local postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. [Section 3.22, FCSR]
9. New electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
10. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
11. The applicant will submit a Storm Water Drainage Plan that is certified by a licensed Professional Engineer and approved and reviewed by the Flathead County City-County Environmental Health Department and the Montana Department of Environmental Quality. [Section 3.12(A), FCSR]
12. The applicant will comply with reasonable fire suppression and access requirements of the West Valley Fire District. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
13. 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.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. The property owners association or road users agreement will govern maintenance of the internal subdivision road. The road will be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - f. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. The right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.
  - g. 

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.
14. 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]
15. 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]
16. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
17. **Driveways will meet the grade standards outlined in Table 2 of Section 3.9, Flathead County Subdivision Regulations.**

#### **CONSIDERATION OF LAKESHORE PERMIT: SHAW**

[10:39:12 AM](#)

Members present:

Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Traci Sears-Tull, Kirsten Holland, Jeff Harris, Eric Giles

Sears-Tull reviewed the Lakeshore Permit application submitted by Michael & Marie Russell Shaw for Whitefish Lake. The applicants proposed to install a new L-shaped EX-Dock and a shore station with a boat slip canopy, install an Aluminum Boat Hoist, a water trampoline, and a walkway constructed out of polyethylene or Trex. There are 30 conditions.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit WLP-05-27. Commissioner Watne **seconded** the motion. **Aye** - Watne, and Brenneman. Motion carried by quorum.

**MEETING W/ TAMMY HUTTON RE: TRUMAN CREEK ROAD**

[10:47:08 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, Tammy Hutton, Jeff Hutton, Donn Shrader, Barb Shrader, Charlie Johnson, John Statler, Paula Robinson

Discussion was held relative to the need for paving on Truman Creek Road, Tammy Hutton presented the commissioners with minutes from 2003 that stated that Truman Creek Road would be paved. Tammy Hutton asked the commissioners why Truman Creek Road is not being treated the same as Browns Meadow Road. The Hutton's presented the commissioners with a three minute video of the dust problems with Truman Creek Road. Commissioner Brenneman thanked the Hutton's for bringing in the video and that the county does the best that they can paving the roads that they have. Jeff Hutton stated that they would just like to know where Truman Creek Road lies in the process for being paved and what the process is. Charlie Johnson stated that his plan for next year were to continue paving Browns Meadow and Truman Creek Road. Commissioner Brenneman stated that they would develop a plan that is not based on emotional issues. Donn Shrader asked who decides which road gets paved. Commissioner Watne stated that the road department will bring a recommendation to the commissioners who make the final decision. Charlie Johnson stated that both of these roads were planned for this spring but the cost of services has postponed plans and that they are trying to do these roads without malice or prejudice. Donn Shrader also asked if the reason more of Truman Creek Road was not paved was due to the trees that had not been cut down, because the previous agreement stated that he would remove the trees. Charlie Johnson stated that they could be down there within a week if the trees were removed.

**MEETING W/ CHARLIE JOHNSON, ROAD DEPARTMENT**

[11:10:55 AM](#)

Members present:

Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Charlie Johnson

Discussion was held relative to the progress of closing down 10<sup>th</sup> street, the current paving projects, the maintenance of 1<sup>st</sup> Street in Kila, Sherman Road viewing and the safety hazard, Seven Mile Hill project, an employee workers comp claim, Fox Hill Subdivision, Sunny Dene Subdivision, the possibility of an RSID on Mennonite Church Road, and the process of the waiver of protest.

**MEETING W/ TOM GORTON**

[11:26:41 AM](#)

Members present:

Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Charlie Johnson, Tom Gorton

Discussion was held relative to the influx of travel on Mennonite Church Road. He stated that what they need for a road count is from June when the contractors really start rolling. Charlie Johnson stated that he agreed that something needs to be done on Mennonite Church Road. Michael Pence stated that they need to get together with the planning office and Jonathan Smith about enforcing RSID's in that area. Tom Gorton questioned how many pits the county actually has and how much is in those pits, and the diversion of traffic onto Mennonite Church road at the time of a car accident on Highway 35.

**1:00 p.m. Commissioner Brenneman to attend LEPC Executive Board 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 October 25, 2005.

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**TUESDAY, OCTOBER 25, 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.

**5:00 p.m. Commissioner Watne to attend Refuse Board 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 October 26, 2005.

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**WEDNESDAY, OCTOBER 26, 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,**  
[8:50:41 AM](#)

Pete Woll stated that he was here to discuss Crown Jewel Estates. He showed the commissioners a map of the ground water table, a computerized system that shows that the ground needs to be irrigated to be able to produce, a report that shows the soil type in that subject property, and ground water tests that have been done in that area that shows that there are no nitrates in the groundwater. He also stated that he talked to Gail Bissell with the Fish and Game and they are concerned about the mortality of the wildlife.

Gary Woll stated that he has a property north of this property. He presented the commissioners with an email that had been submitted to him on Crown Jewel Estates.

Frank Wieferich stated that he and his father farmed this property for years. He can remember that for numerous years the property was so full of water they could not cross the property. He also stated that they were unable to farm the property in some years due to the water on the land.

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

**QUARTERLY MEETING W/ BOBBIE KELLY, RSVP**

[8:59:40 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser, Bobbie Kelly

Discussion was held relative to an update on projects that have been completed in the last few months, a federal sponsor review, the progress on finding a new fund raising project, senior center relationships, the attempt to find three new advisory council members, questions on the legality of having a husband and wife on a council, a new program to get more volunteers in the schools, and the authorizing agent on the RSVP grant.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: QUARTER CIRCLE LA RANCH NEIGHBORHOOD PLAN**

[9:12:23 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

Jeff Harris stated that no comments have been received by the planning department. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Resolution 789AC. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 789 AC

WHEREAS, Quarter Circle LA Ranches, has requested a revision to the Flathead County Master Plan by amending the Flathead County Master Plan by changing the designation of approximately 800 acres of land by allowing for cluster development and preservation of open space on the property with a Planned Unit Development overlay. The zoning designation is currently SAG-5 and would not change;

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

WHEREAS, the Board of Commissioners passed a resolution of intent (Resolution No. 789 AB) to consider the requested plan change on September 22, 2005, and gave notice that it would consider public comment received prior to October 25, 2005; and

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



NOW THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, M.C.A., by the Board of Commissioners of Flathead County, Montana, that it hereby adopts a revision to the Flathead County Master Plan by amending the Bigfork Area Lane Use Plan by the adoption of the amendment allowing for cluster development and preservation of open space on the property with a Planned Unit Development overlay. The zoning designation is currently SAG-5 and would not change. The property is described as designation on property near Bigfork, described as the South ½ of Section 31 and the Southwest ¼ of Section 32, Township 27 North, Range 19 West and the North ½ of Sections 5 and 6, Township 26 North, Range 19 West, P.M.M., Flathead County, Montana, containing approximately 800 acres.

DATED this 26<sup>th</sup> day of October, 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 HR TRANSMITTAL: OA II / CLERK OF DISTRICT COURT**

[9:11:18 AM](#) -

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Kimberly Moser,

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the OA II position for District Court. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **MONTHLY MEETING W/ DAVE PRUNTY, SOLID WASTE DISTRICT**

[9:22:02 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, Dave Prunty, Jeff Harris

Discussion was held relative to the October Solid Waste Board monthly meeting, comments received by Troy Holt on an attempt to find property for a new shooting range, Dave Prunty stated that he possibly has some property that would work for the shooting range, Commissioner Brenneman recommended that a shooting range like this one should be visited to speak with people on the affects or support of the range.

Discussion was also held relative to the progress of the mass excavation project, the landfill expansion project, landfill density calculations show that the landfill has exceeded there targeted goals, the tons taken in for the month of September, a discussion held at the Solid Waste meeting on the annual assessment and the ideas the board has on charging for individuals to bring in project waste, the purchase of the new mechanics truck, and the West Glacier landfill clean up project progress.

#### **BI-MONTHLY MEETING W/ KIM CROWLEY, LIBRARY**

[10:03:33 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, Kim Crowley

Discussion was held relative to the vacancies in the library, a newly received grant, the upcoming friends of the library book sale, the progress of the film series, the circulation stats have gone up 1.9 percent, parking problems at the Kalispell Library, school district 5 offices in the library building, and the traffic in the Whitefish Library branch.

#### **PUBLIC HEARING: VAN DEREN TEXT AMENDMENT / FLATHEAD COUNTY ZONING REGULATIONS**

[10:21:01 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

Jeff Harris reviewed Staff Report #FZTA-05-03. Staff recommends approval.

Commissioner Watne PT opened the public hearing to anyone wishing to speak in favor or opposition.

No one rising to speak Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 955GN. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 955 GN

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 26<sup>th</sup> day of October, 2005, to consider a change to the text of the Flathead County Zoning Regulations proposed by Roy Van Deren and Flathead County which would amend B-2, General Business, Section 3.17.020 by adding the following use to the list of permitted uses: *34. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes and furniture in an enclosed facility;*

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205, M.C.A., on October 15 and October 22, 2005;

WHEREAS, the Board of Commissioners heard public comment on the proposed amendment to the Flathead County Zoning Regulations at that hearing; and

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed amendment.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(4), M.C.A., hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and adopts this resolution of intention to amend B-2, General Business, Section 3.17.020 by adding the following use to the list of permitted uses: *34. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes and furniture in an enclosed facility.;*

BE IT FURTHER RESOLVED, that notice of the passage of this resolution, stating the general character of the proposed change to the Flathead County Zoning Regulations, that said proposed change and those regulations 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 adoption of the proposed change, shall be published once a week for two weeks.

BE IT FURTHER RESOLVED, that written protests to the adoption of the proposed change will be received from persons owning real property within any zoning district heretofore created by Flathead County, for a period of thirty (30) days after the 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 percent of the free-holders protest the adoption of the proposed change, the change will not be adopted.

DATED this 26<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By \_\_\_\_\_  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

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

By /s/Kimberly Moser  
Deputy

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

Commissioner Brenneman made a **motion** to adopt Staff Report #FZTA-05-03 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 notice of passage and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne 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 intent (Resolution No. 955 GN) on October 26, 2005, to adopt a proposed amendment to the text of the Flathead County Zoning Regulations.

The proposed amendment would amend B-2, General Business, Section 3.17.020, by adding the following use to the list of permitted uses: *34. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes and furniture in an enclosed facility.*

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

For thirty (30) days after the first publication of this notice, the Board of Commissioners will receive written protests to the adoption of the proposed change to the Flathead County Zoning Regulations, from persons owning real property within any zoning district heretofore created by Flathead County whose names appear on the last completed assessment role of Flathead County and who either are registered voters in Flathead County or execute and acknowledge their protests before a notary public.

Dated this 26<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By /s/Robert W. Watne PT  
Gary D. Hall, Chairman

By /s/Kimberly Moser  
Deputy

Publish on October 31 and November 7, 2005.

### **PRELIMINARY PLAT: CROWN JEWEL ESTATES**

10:30:20 AM

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Clerk Eisenzimer, Jeff Harris, Kirsten Holland, Peter Steele, Pete Woll, Frank Wieferrich, Harry Woll, Warren Mc Conkey, Trevor McConkey, Johna Morrison, Joe Matulevich

Discussion was held relative to the previous motion to reconsider the application. Commissioner Brenneman stated that he was expecting changes submitted by the applicant to be brought forward today. Jeff Harris stated that the planning board had recommended approval, and reviewed the comments that were received at the time of the planning board public hearing. Commissioner Watne expressed concern over allowing septic tanks in this development. Discussion continued regarding concerns over flooding and environmental review.

Chairman Hall recommended sending the request back to the Planning Board for review and unanimous approval before being presented again to the Board of Commissioners.

Commissioner Watne made a **motion** to send back to the planning board for further review. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Brenneman and Hall. Motion carried unanimously.

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

**11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting at the Earl Bennett Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 27, 2005.

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**THURSDAY, OCTOBER 27, 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.**

### **FINAL PLAT: MEADOW VIEW**

9:18:07 AM

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Tom Sands, Dawn Marquardt, Rick Smith, Greg Goode

Holland reviewed the application submitted by Curt Runia for final plat approval of meadow View Subdivision, which will create four residential lots. The site is located off Bald Rock Drive, just north of its intersection with Rhodes Draw in the West Valley Zoning District. Preliminary plat approval was granted on May 3, 2005, subject to twelve conditions.

Commissioner Watne made a **motion** to approve the final plat of Meadow View Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

### **COS REVIEW: GRESS**

9:28:43 AM

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Rocky Gress, Kim Gress, Dawn Marquardt, Tom Sands, Greg Goode, Rick Smith

Holland reviewed the Gress family transfer request.

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

#### **COS REVIEW: SMITH**

[9:31:45 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Tom Sands, Joe Kauffman, Rick Smith, Greg Goode

Holland reviewed the Smith family transfer request.

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

#### **COS REVIEW: GOODE**

[9:37:40 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Joe Kaufman, Greg Goode

Holland reviewed the Goode family transfer request.

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

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: VOSS LANE, CARLSON WAY, OAKMONT LANE AND FOREST RIDGE TRAIL ROAD NAMING**

[9:42:38 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

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

#### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **OAKMONT LANE**.

**Road generally running northwesterly off Oakmont Loop and located in the NW ¼ NE ¼ Section 6, T30N R20W and in the SW ¼ SE ¼ Section 31, T31N R20W, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **14th day of November, 2005, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **OAKMONT LANE**.

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

Dated this 27<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

Publish on November 1 and November 8<sup>th</sup>, 2005.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **CARLSON WAY**.

**Road generally running westerly off Woodside Way and is located in the South ½ of the Northeast ¼ Section 7, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **14th day of November, 2005, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **CARLSON WAY**.

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

Dated this 27<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

Publish on November 1 and November 8<sup>th</sup>, 2005.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **VOSS LANE**.

**Road generally running northerly off an unnamed road which runs westerly off Lodgepole Drive and is located in the W ½ of the NW ¼ Section 6, Township 27 North, Range 24 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **14th day of November, 2005, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **VOSS LANE**.

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

Dated this 27<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

Publish on November 1 and November 8<sup>th</sup>, 2005.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **FOREST RIDGE TRAIL**.

**Road generally running northerly off Coon Hollow Road and located in the Northwest ¼, Section 26, Township 27 North Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **14th day of November, 2005, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **FOREST RIDGE TRAIL**.

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

Dated this 27<sup>th</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

Publish on November 1 and November 8<sup>th</sup>, 2005.

### **WORKERS COMP MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

10:39:47 AM

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Paula Robinson, Susan Nicosia, Raeann Campbell, Robin Boon, Kim Thomas

Discussion was held relative to Raeann Campbell and Mike Pence recommending moving to Liberty Mutual for Workers Comp coverage. Mike Pence stated that a budget amendment will have to be made to adjust for the premium price if the commissioners chose to switch carriers. There is not a notice requirement for informing MACO of the counties intent to switch carriers. Raeann Campbell stated that she has talked with a city that has coverage with Liberty and is very pleased with their service. Susan Nicosia stated that there would be a budgetary impact on the levy funds. She stated that they would see concerns from the departments about raising the costs and not seeing the revenue. She also stated that the county did receive a substantial hit from the MACO plan. Susan also discussed the MOD factoring by MACO. Commissioner Hall questioned if there was another fund the county could get the additional cost from instead of going to the departments. Susan Nicosia stated that it could be done. Mike Pence stated that they do not need to do the budget amendment immediately but could work on how they will come up with the funds. Commissioners Brenneman and Watne stated that they were ready to move to Liberty Mutual retro plan. Commissioners Brenneman stated that he would like to give the departments heads a choice of paying for the funds through there departments or have it paid through the PILT funds. Susan Nicosia stated that this would be crossing budget years. Robin Boon stated that she would like to see part of the revenue going to the department heads and employees as a reward for good safety standards and the other part to a reserve to eventually fund self insurance. Mike Pence suggested that he and Susan work on the commissioners concerns on how the extra expenditure and revenue will be handled. He is asking the commissioners just to make a decision today on whether the county is going to switch carriers or not. Commissioner Hall stated that his concerns are the ifs that are out there. Such as what if the county has a bad year and do not receive that incentive from Liberty Mutual. Commissioner Brenneman stated they do have a risk with MACO as well do to the fact that they changed the counties MOD factor without reasoning.

Commissioner Brenneman made a **motion** to approve Liberty Mutual as the Workers Comp carrier for Flathead County. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. **Opposed** – Hall. Motion carried by quorum.

### **CONSIDERATION OF HR TRANSMITTAL FORM: OA II / RECORDS PRESERVATION**

10:38:11 AM

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Mike Pence, Paula Robinson, Raeann Campbell, Kim Thomas, Robin Boon, Susan Nicosia, Jan Hardesty

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

### **FINAL PLAT: RIVER'S EDGE SUBDIVISION**

11:08:05 AM

Members present:

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

Others present:

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

Sears-Tull reviewed the application submitted by Civil Solution for final plat approval of River's Edge Subdivision, a two-lot minor subdivision off of Ranchetts Lane in Bigfork. The subject property is 2.01 acres in size, is proposed to be served by a shared well and individual septic systems, and is unzoned. Preliminary plat approval was waived on July 20, 2004, subject to seven conditions.

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

Commissioner Watne made a **motion** to approve the final plat of River's Edge Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

**QUARTERLY INVESTMENT REPORT W/ ADELE KRANTZ, TREASURER**

[11:11:39 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Discussion was held relative to the most recent quarterly investment report. Adele informed the commissioners that the tax notices were ready to be sent out. She also spoke with the commissioners on a recent mailing that had been sent out by an out of state company that informed people of there delinquent taxes. The new license plates have been received. Adele also discussion the progress of collecting taxes on personal property.

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

**11:30 a.m. Long Range Planning Task Force Affordable Housing Committee meeting at the Earl Bennett Building**

**12:30 p.m. Commissioner Brenneman Willow Glen Bike Path meeting**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on October 28, 2005.

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**FRIDAY, OCTOBER 28, 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.

**NO MEETINGS SCHEDULED.**

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