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**MONDAY, NOVEMBER 21, 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,**

Linda Christensen spoke with the commissioners in regards to the Cottonwood Zone Change. She stated that she had understood that this was going to be hooked up to municipal services. She read a part of the conditions on the staff report that stated that they had the option for level II system. After looking at the minutes for the meeting on October 11<sup>th</sup> it was determined that the commissioners had changed the condition to state that the subdivision must be hooked up to municipal services.

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

**MONTHLY MEETING W/ JIM ATKINSON, AOA**

This meeting was not held.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: COTTONWOOD ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT**

9:42:49 AM

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Eric Mulcahy, Bret Birk, Doug Siderius, Wally Wilkinson

Commissioner Watne made a **motion** to adopt Resolution 797DS. Commissioner Hall **seconded** the motion. **Aye** - Hall, Watne Brenneman. **Opposed**- Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 DS

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 11<sup>th</sup> day of October, 2005, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from SAG-10 (Suburban Agricultural) to R-3 (One-Family Residential);

WHEREAS, the Board of Commissioners heard 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 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. 797 DR, dated October 11, 2005) to change the zoning designation from SAG-10 (Suburban Agricultural) to R-3 (One-Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on October 15 and October 22, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described on Exhibit "A" hereto, from SAG-10 (Suburban Agricultural) to R-3 (One-Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 21<sup>st</sup> day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

By: \_\_\_\_\_  
Joseph D. Brenneman, Member

By/s/Kimberly Moser

Deputy

COTTONWOOD ZONE CHANGE  
REQUEST FOR ZONE CHANGE FROM SAG-10 to R-3  
STAFF REPORT #FZC-05-17

Location and Legal Description of Property:

The property is located in the Evergreen and Vicinity Zoning District on the east side of Helena Flats Road roughly 1/2 mile north of the intersection with Highway 35. The subject properties maybe described as Lots 3A and 3AB of Section 34, Township 29 North, Range 21 West, P.M.M., all in Flathead County, Montana.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: DOELY ZONE CHANGE / AIRPORT WEST ZONING DISTRICT**

[9:38:37 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, Tom Conner, Erica Wirtala

Commissioner Brenneman made a **motion** to adopt Resolution 770I. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 770 I

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 11<sup>th</sup> day of October, 2005, concerning a proposed change in the zoning designation in a portion of the Airport West Zoning District from AG-80 (Agricultural) to AG-20 (Agricultural);

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 Airport West 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. 770 H, dated October 11, 2005) to change the zoning designation in a portion of the Airport West Zoning District from AG-80 to AG-20; and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on October 15 and October 22, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Airport West Zoning District to change the zoning designation for the area described on Exhibit A hereto from AG-80 (Agricultural) to AG-20 (Agricultural), as defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500 in the Flathead County Clerk and Recorder's Office.

DATED this 21<sup>st</sup> day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

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

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser

Deputy

**EXHIBIT A  
STAFF REPORT #FZC-05-23  
LEGAL DESCRIPTION  
DOELY ZONE CHANGE  
AUGUST 24, 2005**

**Location and Legal Description of Property:**

The site proposed for the map amendment is located on the west side of Trumble Creek Road north Birch Grove Road. The subject property is legally described as Tract 3B in Section 9, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #440 (LYING NORTH OF TROUTBECK ROAD)**

[9:39:38 AM](#)

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Robert W. Watne

Others present:

Clerk Kimberly Moser

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  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY**

**NO. 440**

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:

Section 12 Township 26N Range 21 W

That portion of road lying between lots 16 and 57 of the Amended Plat of Troutbeck Rise phases 1 and 2 lying North of Troutbeck Road.

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 **December 6<sup>th</sup>, 2005 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 21<sup>st</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By: /s/Kimberly Moser  
Deputy

Publish on November 25 and December 2<sup>nd</sup>.

**CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: PETERSON & JOHNSON ZONE CHANGE /BIGFORK ZONING DISTRICT**

9:40:20 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, Erica Wirtala, BJ Grieve

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

RESOLUTION NO. 956 BV

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 31<sup>st</sup> day of October, 2005, concerning a proposal by Thomas Peterson and Maxine Johnson to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) and RC-1 (Residential Cluster);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on October 15 and October 22, 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 modified by the staff after the October 31, 2005, hearing before this 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 SAG-10 (Suburban Agricultural) and SAG-5 (Suburban Agricultural) to RC-1 (Residential Cluster), 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 21<sup>st</sup> day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall

Gary D. Hall, Chairman

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/ Kimberly Moser

Deputy

#### EXHIBIT A

Zone Change on Tracts 1 and 2 COS 10748  
In Gov't Lots 4 and 5, Section 23, T27N, R20W., P.M.M.,  
Flathead County, Montana

Description: Portions of Tracts 1 and 2 COS 10748

THREE PARCELS, SITUATED, LYING AND BEING IN GOVERNMENT LOTS 4 & 5, SECTION 23, TOWNSHIP 27 NORTH, RANGE 20 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

#### PARCEL A

Commencing at the southeast corner of Government Lot 5 of Section 23, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana, which is a found railroad spike: Thence along the south boundary of said Gov't Lot 5 WEST 29.39 feet; Thence N02°46'56"W 30.04 feet to a found iron pin on the westerly R/W of a 60 foot county road known as Hanging Rock Drive; Thence along said R/W N02°24'36"W 706.88 feet to a found rod and the P.C. of a 3720.78 foot radius curve, concave southwesterly (radial bearing S87°11'29"W); Thence northwesterly along said curve through a central angle of 05°17'14" an arc length of 343.36 to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence leaving said R/W S39°13'36"W 189.62 feet; Thence S04°55'32"E 175.62 feet; Thence S47°53'30"W 381.06 feet; Thence N74°24'12"W 87.14 feet; Thence N15°21'09"W 168.50 feet; Thence N58°14'48"W 221.42 feet; Thence N09°23'37"W 78.40 feet; Thence S67°10'07"W 99.30 feet to a found Iron pin; Thence N20°09'14"E 298.53 feet to a found Iron pin; Thence N64°56'31"W 329.82 feet to the approximate low water mark of the Flathead River; Thence along said low water mark the following eleven (11) courses: N08°56'36"W 30.95 feet; N00°03'45"E 54.36 feet; N17°00'13"E 28.20 feet; N02°01'30"E 175.94 feet; N10°50'15"W 127.63 feet; N28°37'55"W 45.21 feet; N15°48'51"W 83.57 feet; N42°58'53"W 71.39 feet; N59°57'47"W 82.75 feet; N59°57'47"W 21.46 feet; N51°05'47"W 51.59 feet; Thence leaving said low water mark N78°30'01"E 281.17 feet; Thence N70°43'37"E 581.02 feet to a found iron pin on the westerly R/W of said county road; Thence along said R/W S36°46'35"E 192.21 feet to a found Iron pin and the P.C. of the 1432.50 foot radius curve, concave southwesterly, having a central angle of 27°26'47"; Thence along an arc length of 686.21 feet to a found Iron pin; Thence S09°15'32"E 268.97 feet to a found Iron pin and the P.C. of a 3720.78 foot radius curve, concave southwesterly (radial bearing S80°44'00"W); Thence southeasterly along said curve through a central angle of 01°10'15" an arc length of 76.03 feet to the point of beginning and containing 26.56 ACRES, more or less; Subject to and together with all appurtenant easements of record.

#### PARCEL B

Commencing at the southeast corner of Government Lot 5 of Section 23, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana, which is a found railroad spike; Thence WEST along the south boundary of Section 23 a distance of 23.39 feet; Thence N02°46'56"W 30.04 feet to a found Iron pin on the westerly R/W of a 60 foot county road known as Hanging Rock Drive; Thence N02°46'56"W and along said R/W a distance of 706.88 feet to a found Iron pin and the P.C. of a 3720.78 foot radius curve, concave southwesterly, (radial bearing S87°11'29"W); Thence northwesterly along said curve and along said R/W through a central angle of 06°27'29" an arc length of 419.39 feet to a found Iron pin; Thence along said R/W N09°15'32"W 292.06 feet to a found Iron pin and the P.C. of a 1432.50 foot radius curve, concave southwesterly, (radial bearing S80°40'13"W); Thence northwesterly along said curve and along said R/W through a central angle of 27°26'47" an arc length of 686.21 feet to a found Iron Pin; Thence N36°46'35"W 140.70 feet to a set Iron pin and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence leaving said R/W S70°43'37"W 581.02 feet to a found Iron pin; Thence S78°31'14"W 281.05 feet to a point on the approximate low water mark of the Flathead River; Thence along said approximate low water mark following two (2) courses: N50°32'17"W 149.60 feet; N23°50'32"W 528.23 feet; Thence leaving said approximate low water mark N63°45'18"E 365.39 feet to a found Iron pin; Thence N41°25'26"E 23.39 feet to a found Iron pin; Thence N75°04'09"E 86.96 feet to a found Iron pin; Thence N80°37'15"E 536.75 feet to a found Iron pin on the westerly R/W of said Hanging Rock Drive; Thence along said R/W S09°05'00"E 299.22 feet to a found Iron pin and the P.C. of a 636.67 foot radius curve, concave northeasterly, (radial bearing N81°16'10"E); Thence southeasterly along said R/W and along said curve through a central angle of 27°51'01" an arc length of 309.47 feet to a found Iron pin; Thence S36°46'35"E and along said R/W a distance of 51.51 feet to the place of beginning and containing 14.90 ACRES more or less; Subject to and together with all appurtenant easements of record.

#### PARCEL C

Commencing at the southeast corner of Government Lot 5 of Section 23, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana, which is a found railroad spike; Thence along the south boundary of said Gov't Lot 5 WEST 29.39 feet; Thence N02°46'56"W 30.04 feet to a found Iron pin on the northerly R/W of a 60 foot county road known as Holt Drive and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence along said R/W WEST 342.51 feet to a found bolt; Thence N64°16'09"W 75.98 feet to a found Iron pin; Thence leaving said R/W N25°13'32"W 526.43 feet to a found Iron pin; Thence N38°28'17"W 386.25 feet to a found Iron pin; Thence N67°10'07"E 99.30 feet; Thence S09°23'37"E 78.40 feet; Thence S58°14'48"E 221.42 feet; Thence S15°21'09"E 168.50 feet; Thence S74°24'12"E 87.14 feet; Thence N47°53'30"E 381.06 feet; Thence N04°55'32"W 175.62 feet; Thence N39°13'36"E 189.62 feet to the westerly R/W of a 60 foot county road known as Hanging Rock Drive which is on a 3720.78 foot radius curve, concave southwesterly (radial bearing S81°54'14"W); Thence southeasterly along said curve through a central angle of 05°17'14" an arc length of 343.36 feet to a found rod; Thence S02°24'36"E 709.13 feet to the point of beginning and containing 8.76 ACRES; Subject to and together with all appurtenant easements of record.

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. 956BV on November 21, 2005, to change the zoning designation in a portion of the Bigfork Area Zoning District from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural) and RC-1 (Residential Cluster);

The boundaries of the area proposed to be amended from SAG-10 to SAG-5 and RC-1 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 and, for the portion to be changed to and RC-1, to a district intended to provide a residential theme in a rural environment primarily intended to encourage a master planned community with a central recreational focus with a full range of public services, such as public water supplies and sewage treatment.

The regulations defining the SAG-10, SAG-5 and RC-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, 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 21<sup>ST</sup> day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By/s/Kimberly Moser

Deputy

Publish on November 25 and December 2, 2005.

#### EXHIBIT A

Zone Change on Tracts 1 and 2 COS 10748  
In Gov't Lots 4 and 5, Section 23, T27N, R20W., P.M.M.,  
Flathead County, Montana

Description: Portions of Tracts 1 and 2 COS 10748

THREE PARCELS, SITUATED, LYING AND BEING IN GOVERNMENT LOTS 4 & 5, SECTION 23, TOWNSHIP 27 NORTH, RANGE 20 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

#### PARCEL A

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#### PARCEL B

Commencing at the southeast corner of Government Lot 5 of Section 23, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana, which is a found railroad spike; Thence WEST along the south boundary of Section 23 a distance of 23.39 feet; Thence N02°46'56"W 30.04 feet to a found Iron pin on the westerly R/W of a 60 foot county road known as Hanging Rock Drive; Thence N02°46'56"W and along said R/W a distance of 706.88 feet to a found Iron pin and the P.C. of a 3720.78 foot radius curve, concave southwesterly, (radial bearing S87°11'29"W); Thence northwesterly along said curve and along said R/W through a central angle of 06°27'29" an arc length of 419.39 feet to a found Iron pin; Thence along said R/W N09°15'32"W 292.06 feet to a found Iron pin and the P.C. of a 1432.50 foot radius curve, concave southwesterly, (radial bearing S80°40'13"W); Thence northwesterly along said curve and along said R/W through a central angle of 27°26'47" an arc length of 686.21 feet to a found Iron Pin; Thence N36°46'35"W 140.70 feet to a set Iron pin and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence leaving said R/W S70°43'37"W 581.02 feet to a found Iron pin; Thence S78°31'14"W 281.05 feet to a point on the approximate low water mark of the Flathead River; Thence along said approximate low water mark following two (2) courses: N50°32'17"W 149.60 feet; N23°50'32"W 528.23 feet; Thence leaving said approximate low water mark N63°45'18"E 365.39 feet to a found Iron pin; Thence N41°25'26"E 23.39 feet to a found Iron pin; Thence N75°04'09"E 86.96 feet to a found Iron pin; Thence N80°37'15"E 536.75 feet to a found Iron pin on the westerly R/W of said Hanging Rock Drive; Thence along said R/W S09°05'00"E 299.22 feet to a found Iron pin and the P.C. of a 636.67 foot radius curve, concave northeasterly, (radial bearing N81°16'10"E); Thence southeasterly along said R/W and along said curve through a central angle of 27°51'01" an arc length of 309.47 feet to a found Iron pin; Thence S36°46'35"E and along said R/W a distance of 51.51 feet to the place of beginning and containing 14.90 ACRES more or less; Subject to and together with all appurtenant easements of record.

#### PARCEL C

Commencing at the southeast corner of Government Lot 5 of Section 23, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana, which is a found railroad spike; Thence along the south boundary of said Gov't Lot 5 WEST 29.39 feet; Thence N02°46'56"W 30.04 feet to a found Iron pin on the northerly R/W of a 60 foot county road known as Holt Drive and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence along said R/W WEST 342.51 feet to a found

bolt; Thence N64°16'09"W 75.98 feet to a found Iron pin; Thence leaving said R/W N25°13'32"W 526.43 feet to a found Iron pin; Thence N38°28'17"W 386.25 feet to a found Iron pin; Thence N67°10'07"E 99.30 feet; Thence S09°23'37"E 78.40 feet; Thence S58°14'48"E 221.42 feet; Thence S15°21'09"E 168.50 feet; Thence S74°24'12"E 87.14 feet; Thence N47°53'30"E 381.06 feet; Thence N04°55'32"W 175.62 feet; Thence N39°13'36"E 189.62 feet to the westerly R/W of a 60 foot county road known as Hanging Rock Drive which is on a 3720.78 foot radius curve, concave southwesterly (radial bearing S81°54'14"W); Thence southeasterly along said curve through a central angle of 05°17'14" an arc length of 343.36 feet to a found rod; Thence S02°24'36"E 709.13 feet to the point of beginning and containing 8.76 ACRES; Subject to and together with all appurtenant easements of record.

#### **CONSIDERATION OF EXTENSION: NORTHERN TIER INTEROPERABILITY MOU**

[9:47:03 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Watne made a **motion** to approve the MOU for the Northern Tier Interoperability Consortium. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-5-21-008-0**

[9:47:43 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the DPHHS Contract #06-07-5-21-008-0 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

#### **AUTHORIZATION TO PUBLISH CALL FOR BIDS: GRADER / ROAD DEPT**

[9:49:07 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

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

#### **CALL FOR BIDS ROAD DEPARTMENT**

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on one (1) new all wheel drive articulated motor grader for purchase.

The specifications for said all wheel drive articulated motor grader may be obtained at the County Clerk and Records Office, 800 South Main, Kalispell, MT 59901.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of his bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase and sale of said unit. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States; a cashier's check, certified check, bank money order or bank draft issued by a Montana bank, or a bid bond executed by a surety corporation authorized to do business in Montana.

Each bidder shall include with the bid, the form of contract to be signed. Flathead County reserves the right to negotiate the terms of said proposed contract (excluding prices contained therein). The provisions of the contract will be considered in determining the bid which is in the best interest of the County.

All sealed bids, plainly marked as such, must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, on or before 5:00 p.m. on December 14, 2005. Bids will be opened and read at 9:30 a.m. on December 15, 2005 in the Commissioners' Office in the West Annex of the Courthouse.

The Board of County Commissioners reserves the right to reject any and all bids and to accept the bid deemed to be in the best interest of Flathead County.

The award of a bid will be made solely by the issuance of a letter of award to the successful bidder by the Office of the Flathead County Clerk and Recorder.

Dated this 28 day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall

Gary D. Hall, Chairman

ATTEST:

By/s/Kimberly Moser  
Paula Robinson, Clerk and Recorder

PLEASE PUBLISH IN YOUR ISSUES OF:  
December 2<sup>nd</sup>, and December 9<sup>th</sup>, 2005.

**MEETING W/ LIZ MARCHI / WESTERN MONTANA ECONOMIC DEVELOPMENT RE: UPDATE**

10:05:15 AM

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Liz Marchi, Gary Winship, Erica Wirtala

Discussion was held relative to Liz Marchi presenting the commissioners with her yearly update of the Western Montana Economic Development. She spoke on their theme for the year, Strategic Work Focus for 2004 to 2009, where their funds come from, Marketing and Recruiting, the new internet site, clients, port authority, Columbia Falls Industrial Park, access to capital, Loan Portfolio, Angel Investing, current collaborations, Historical funding, cost allocations and investors.

Gary Winship presented the commissioners with an update the CDBG ED statement of activity, statement of financial conditions and the Statement of the Revolving Loan Fund Activity.

**FINAL PLAT: SUBDIVISION NO. 254**

10:32:51 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Nicole Lopez-Stickney, Erica Wirtala, Douglas Knutson

Holland reviewed the application submitted by Doug Knutson and Sands Surveying for final plat approval of Subdivision #254, a subdivision creating 4 residential lots from the parent tract. The subdivision is located on Rockwood Drive off Foothills Road, 3 miles northeast of Bigfork. Preliminary plat approval was granted on November 29, 2004 subject to 9 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Subdivision No. 254. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**FINAL PLAT: CHERRY CREEK VILLAGE**

10:38:03 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Kirsten Holland, Rick Breckenridge, Peggy Mathiason, Robert Erickson

Lopez-Stickney reviewed the application submitted Peak Development and Jackola Engineering for final plat approval of Cherry Creek Village, a subdivision creating four commercial lots. The subdivision is located north of East Cottonwood Drive on Highway 2, northeast of Kalispell. Preliminary plat approval was granted on March 28, 2005 subject to 12 conditions. All conditions have been met or otherwise addressed. Staff recommends approval.

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

Commissioner Watne made a **motion** to approve the final plat of Cherry Creek Village. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**FINAL PLAT: SLACK SUBDIVISION**

10:40:48 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Rick Breckenridge, Peggy Mathiason, Robert Erickson

Lopez-Stickney reviewed the application submitted by John & Sharon Slack and Jackola Engineering for final plat approval of Slack Subdivision, a subdivision creating four residential lots. The subdivision is located off Helena Flats Road, on Aspen Lane.

Preliminary plat approval was granted on December 18, 2002 subject to 13 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Slack Subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**FINAL PLAT: GOOSE MEADOWS, RESUBDIVISION OF LOTS 4&5**

10:47:16 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Rick Breckenridge, Peggy Mathiason, Jeff Harris

Lopez-Stickney reviewed the application submitted by Montana Mapping for final plat approval of the Resubdivision of Lots 4 and 5 of Goose Meadows, a subdivision creating eight single-family residential lots. The subdivision is located at the intersection of Farm Road and Goose Lane. Preliminary plat approval was granted on August 9, 2005 subject to 12 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of the Resubdivision of lot 4&5 of Goose Meadows. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

**FINAL PLAT: ASPEN BLUFFS**

10:55:11 AM

Members present:

Chairman Gary D. Hall  
Commissioner Robert W. Watne

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris

Lopez-Stickney reviewed the application submitted by F.H. Stoltze Land and Lumber and Eby and Associates for final plat approval of Aspen Bluff, a subdivision creating five residential lots. The subdivision abuts US Highway 93. Preliminary plat approval was granted on January 21, 2004 subject to 14 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to approve the final plat of Aspen Bluffs subdivision. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 22, 2005.

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**TUESDAY, NOVEMBER 22, 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.

**9:00 a.m. Commissioner Brenneman to attend KOFI Talk**

**5:00 p.m. Commissioner Watne to attend Refuse Board meeting at the Solid Waste District Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 23, 2005.

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**WEDNESDAY, NOVEMBER 23, 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/ DAVE PRUNTY, SOLID WASTE DISTRICT**

9:21:46 AM

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Diana Kile and Dave Prunty

Discussion was held relative to a new refuse truck and a boom truck that they want to purchase. The Columbia Falls and Coram landfills will be closed on December 25. The goal next year will be to close five sites. The December 27<sup>th</sup> Board meeting for the month is cancelled. The landfill expansion project is proceeding, but the liner excavating procedure probably will not be finished until next year. He spoke in regards to board appointments and the confusion he went thru there. The garbage operations were busy in October and exceeded the 2004 record. They were ten percent above last year's volume. The



neighbors in the South West corner of the expansion area would like a tree buffer installed for their protection. The Board agreed to go ahead and research the cost for the upcoming budget year next spring. Their financials are on track and in good shape for the budget dollars this year. Discussion was also held relative to the Law Enforcement Training Facility they would like to build.

#### **FINAL PLAT: LENZ RANCH**

[10:05:05 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Diana Kile, Jane Eby, Jeff Harris, Eric Giles

Giles reviewed the application submitted by Eby & Associates for final plat approval of Lenz Ranch Subdivision, which will create three residential lots. Preliminary plat approval was granted on August 8, 2005 subject to 13 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Lenz Ranch Subdivision. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: VIELE**

[10:24:37 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Diana Kile, Traci Sears-Tull, Jeff Harris, Eric Giles

Sears-Tull reviewed the Lakeshore Permit application submitted by James & Kathleen Viele for Flathead Lake to construct a 60-foot long by 8-foot wide steel piling/wood frame F dock with a wood deck. The breakwater wing will be 32 feet by 8 feet, and will have batter boards on the entire front length. The applicant is requesting a minor variance in slip length to accommodate a 30-foot vessel. The lakeward slip is to be covered with a 20-foot by 30-foot fixed wood boat shelter with an architectural grade shingled roof, attached to the dock. The over-water coverage area of the boat shelter will be 12 feet (slip width) by 30 feet; the remaining roof area extends over the proposed dock. The boat shelter will incorporate a storage locker/shear wall in one corner, with a total of 10 feet of wall length, within the 10% regulated wall allowance. The impervious cover (dock and boat shelter) comprises a total area of 1,140 square feet. The dock will be located 172 feet from the south riparian boundary, and 115 feet from the north riparian boundary. Construction will be done using a barge/pile driver. A gravel and dryset stone pathway, and a ground level terrace will partially encroach on the Lakeshore Protection zone, for a total of 247 square feet of impervious cover. A dryset native stone stairway not to exceed 4 feet wide, will connect the terrace to the proposed dock, impervious cover will be 51 square feet. Over-water impervious cover total 1,872 square feet. Lakeshore Protection Zone impervious cover totals 298 square feet. Total impervious cover is 2,170 square feet, with a property allowance of 3,872 square feet. Applicant has requested that the pathway be mulched bark, which is denied within the Lakeshore Protection zone. All rubble and debris will be removed from the Lake and Lakeshore Protection Zone. There are 24 attached conditions.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-05-116 and authorize the chairman to sign with additional condition number 25. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**25. All paths located in the Lakeshore Protection Zone will be gravel and limited to a maximum of four (4) feet in width.**

#### **CONSIDERATION OF LAKESHORE PERMIT: SWANBERG**

[10:29:23 AM](#)

Members present:

Commissioner Robert W. Watne PT  
Commissioner Joseph D. Brenneman

Members absent:

Chairman Gary D. Hall

Others present:

Clerk Diana Kile, Traci Sears-Tull, Jeff Harris, Eric Giles

Sears-Tull reviewed the Lakeshore Permit application submitted by Ted & Pat Swanberg for Flathead Lake to remove two large dead or diseased trees within the Lakeshore Protection Zone. One dead tree is threatening a building on the property. The other still live tree is falling into the lake because of undercut roots. Removal will keep a large section of dirt bank from collapsing and taking several smaller trees, as well as causing an eroded area of lakeshore. The tree will be cut off at a grade so it won't pull the bank out. All debris will be removed from the Lakeshore Protection Zone. After an on-site inspection, an emergency permit was issued on the day of application (10/21/2005).

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-05-122 and authorize the chairman to sign. Commissioner Watne seconded the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: BETTS**

[10:30:08 AM](#)

Members present:  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman  
Members absent:  
Chairman Gary D. Hall  
Others present:  
Clerk Diana Kile, Traci Sears-Tull, Jeff Harris, Eric Giles

Sears-Tull reviewed the Lakeshore Permit application submitted by Robert & Tuula Betts for Flathead Lake to remove two standing dead trees within the Lakeshore Protection Zone. Applicant has presented an approved State of Montana Firewood Permit for the removal of dead or down trees from state lands. All debris will be removed from the lake and Lakeshore Protection Zone. There are 15 attached conditions.

Commissioner Brenneman made a **motion** to approve lakeshore permit #FLP-05-124 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**FINAL PLAT: GENTRY ESTATES**

[10:38:40 AM](#)  
Members present:  
Commissioner Robert W. Watne  
Commissioner Joseph D. Brenneman  
Members absent:  
Chairman Gary D. Hall  
Others present:  
Clerk Diana Kile, Kristen Holland, Dawn Marquardt  
Others absent:  
Assistant Michael Pence

Holland reviewed the application submitted by Kirk Gentry for final plat approval of Gentry Estates Subdivision, which will create four residential lots. The site is located off Lewis Lane, just west of Columbia Falls State Road and its intersection with Badrock Drive. Preliminary plat approval was granted on August 25, 2004, subject to nine conditions. All conditions have been met.

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

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on November 24, 2005.

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**THURSDAY, NOVEMBER 24, 2005**

COUNTY OFFICES CLOSED – THANKSGIVING DAY

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**FRIDAY, NOVEMBER 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.

**No meetings scheduled**

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