
MONDAY, DECEMBER 19, 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/ JIM ATKINSON, AOA

[9:03:45 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the Glacier National Park cooperative project, home repair projects, information and assistance program, the meals program, the commodities program, and the N4A questionnaire.

BOARD APPOINTMENTS: MISCELLANEOUS

[9:33:49 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Rick Breckenridge, Jeff Harris, Jeff Larsen, Gina Klempel, Kathleen Sudan

Commissioner Watne made a **motion** to appoint Brian (Tim) Grattan to the Airport Authority Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint Shelly Gonzales and Mary Danford to the Bigfork Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Susan Haverfied, Russ Vokonich to the Columbia Falls City County Planning Board. Commissioner **Watne seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to Myron Mast to the Egan Slough Planning and Zoning Commission. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Lynn Tripp, Butch Woolard, and Terry Fosberry to the Flathead County Fair Board. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Clyde Fisher, and Richard Kuhl to the Flathead County Weed and Parks Board. Failed for lack of a second

Commissioner Watne made a **motion** to appoint Clyde Fisher and Jim Watson to the Flathead County Weed and Parks Board. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Shirley Anderson, Ray Young, Jan Stevens, Michael Golembeski, Helen Gray, Loren Vranish, Peter Burkett to the Helena Flats Land Use Advisory Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Jerry Sorenson and John Owens to the Little Bitterroot Land Use Advisory Committee. Commissioner Hall **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to appoint Charles E Logan to the Middle Canyon Land Use Advisory Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint Linda Winnie, and Frank E Hanson to the Rogers Lake Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint William Johnston to the Swan Hill TV District. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to appoint David Tutvedt, Mark Schwager and Rod Dresbach to the West Valley Land Use Advisory Committee. Failed for lack of a second.

Commissioner Hall made a **motion** to appoint Ben Donahue, Fred Jim Bailey and David Tutvedt to the West Valley Land Use Advisory Committee. Failed for lack of a second.

Commissioner Hall made a **motion** to appoint David Tutvedt to the West Valley Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

**MONDAY, DECEMBER 19, 2005
(Continued)**

Commissioner Brenneman made a **motion** to appoint Marshall Corbett to the West Valley Land Use Advisory Committee. Failed for lack of a second.

Commissioner Brenneman made a **motion** to appoint Philip Lo Presty to the West Valley Land Use Advisory Committee. Failed for lack of a second.

Commissioner Watne made a **motion** to appoint Mark Schwager to the West Valley Land Use Advisory Committee. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, and Brenneman. **Opposed** – Hall. Motion carried by quorum.

Commissioner Brenneman made a **motion** to appoint Ben Donahue to the West Valley Land Use Advisory Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Kerry Crittenden and John Quatman to the Whitefish City County Planning Board. Commissioner Watne **seconded** the motion. **Aye** - Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint Marion Kibbe to the Whitefish Lakeshore Protection Committee. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to reappoint the incumbents Tony Sagami, Scott Hollinger, and Gina Klempel to the Flathead Board of Adjustments. Commissioner Hall **seconded** the motion. **Aye** – Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Watne made a **motion** to appoint Jeff Larsen, Kim Calaway, Don Hines, and Jim Sappington to the Flathead County Planning Board. Motion fails for lack of a second.

Commissioner Brenneman made a **motion** to appoint Kathy Robertson and Don Hines to the Flathead County Planning Board. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Randy Toavs to the Flathead County Planning Board. Commissioner Watne **seconded** the motion. **Aye** – Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint Joe Carbonari to the Flathead County Planning Board. Commissioner Brenneman **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

Commissioner Hall made a **motion** to appoint Jeff Larsen to replace Cal Scott on the Flathead County Planning Board. Commissioner Watne **seconded** the motion. **Aye** – Hall and Watne. **Opposed** – Brenneman. Motion carried by quorum.

[11:01:36 AM](#)

Commissioner Brenneman made a **motion** to Gary Hall to the port Authority Board. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

PUBLIC HEARING: NORTHERN PINES ROAD, BIERNEY CREEK TRAIL, SWAN VIEW TRAIL & LAKOTA TRAIL ROAD NAMING

[9:59:21 AM - 10:05:57 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Rick Breckenridge, Cal Scott, Christine Atkinson, James Atkinson, Bill Baum

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

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

Commissioner Watne made a **motion** to adopt Resolution 1908, 1909, 1910, 1911. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1908

WHEREAS, Flathead County has proposed to name a private road generally running northerly off an unnamed road projecting easterly off West Valley Drive and located in the NE1/4NW1/4 and the NW1/4NE1/4 of Section 3 in Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 19, 2005, concerning the proposal, after publication and mailing of notice thereof on December 5, 2005 and December 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road should be named **North Pines Road**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running northerly off an unnamed road projecting easterly off West Valley Drive and located in the NE1/4NW1/4 and the NW1/4NE1/4 of Section 3 in Township 29 North, Range 22 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **North Pines Road**.

BE IT FURTHER RESOLVED that the naming of **North Pines Road** shall be effective on December 19, 2005.

Dated this 19th day of December, 2005.

**MONDAY, DECEMBER 19, 2005
(Continued)**

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman
By /s/Robert W. Watne
Robert W. Watne, Member
By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1909

WHEREAS, Flathead County has proposed to re-name a private road (Fairchild Lane) generally running southerly off Bierney Creek Road and located in the NE1/4NW1/4 of Section 11 in Township 26 North, Range 21 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 19, 2005, concerning the proposal, after publication and mailing of notice thereof on December 5, 2005 and December 12, 2005; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the road (Fairchild Lane) should be re-named **Bierney Creek Trail**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running southerly off Bierney Creek Road and located in the NE1/4NW1/4 of Section 11 in Township 26 North, Range 21 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Bierney Creek Trail**.

BE IT FURTHER RESOLVED that the naming of **Bierney Creek Trail** shall be effective on December 19, 2005.

Dated this 19th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

RESOLUTION NO. 1911

WHEREAS, Flathead County has proposed to name a private road generally running westerly & northerly off Crosscut Road and located in the SE1/4 of Section 35 in Township 28 North, Range 23 West, P.M.M., Flathead County, Montana.

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on December 19, 2005, concerning the proposal, after publication and mailing of notice thereof on December 5, 2005 and December 12, 2005; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the private road generally running westerly and northerly off Crosscut Road and located in the SE1/4 of Section 35 in Township 28 North, Range 23 West, P.M.M., Flathead County, Montana, should be, and it hereby is, named **Lakota Trail**.

BE IT FURTHER RESOLVED that the naming of **Lakota Trail** shall be effective on December 19, 2005.

Dated this 19th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

**MONDAY, DECEMBER 19, 2005
(Continued)**

Chairman Hall reopened the public hearing to anyone wishing to speak in favor or opposition of the Swan View Trail Road Naming.

James and Christine Atkinson spoke in opposition to the Swan View Trail Road naming. They stated that the boundaries that are on the county plat as well as the boundaries listed on the tax recordings are not what are depicted on there map. They stated that it has Swan View Trail running strictly just east and west. James stated that this was a private road association that accepted this piece of property. He then stated that the lawyer whom represent the drawing of the legalities of the road association said that it was only running east and west, but they now have found out that it not only runs east and west but when you go half down it also runs north and south, which is not part of it. He also stated that there was a developer that came in and that one section that runs north and south was wooded, and he bought some property and punched through to make an easement to the Swan View Trail that they see now, without the road associations approval, took the timber, took the topsoil, and it is still now in dispute with the road association of what is actually going to happen. They stated that they feel that it should not be named until all of the legalities are cleared up. Christine Atkinson then stated that the road association has the road running just east to west not north to south. She then stated that all of the names that are listed are only the ones from the east to the west. He then stated that now there are easements coming up that are twenty five years old or longer that were not depicted on anybody's titles stating that these other people have right of ways and easements, and that it is just one big mass confusion.

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

Commissioner Brenneman made a **motion** to rescind the motion to adopt Resolution 1910 for the Swan View Trail Road Naming. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONSIDERATION OF EXTENSION REQUEST: SUBDIVISION NO. 231

[10:12:20 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jeff Harris

Commissioner Watne made a **motion** to approve the extension request for Subdivision No. 231. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONSIDERATION OF PRINTING BIDS: HEALTH DEPT

[10:14:41 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 bid submitted by Insty Print in the amount of \$44.95 for 500 business cards, and the bid submitted by Northstar Printing in the amount of \$72.00 for 1,000 letterhead, and in the amount of \$35.00 for 100 prescription pads, and the bid submitted by Great Northern Printing in the amount of \$44.95 for 500 business cards. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: FETVEIT ZONE CHANGE / WEST SIDE ZONING DISTRICT

[10:36:11 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Cal Scott, Rick Breckenridge, Johna Morrison

Commissioner Brenneman made a **motion** to adopt Resolution 678AQ. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 678 AQ

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 8th day of November, 2005, concerning a proposal to change the zoning designation in a portion of the West Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural);

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 West Side Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 966N) on November 8, 2005, to change the zoning designation in a portion of the West Side Zoning District from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural); and

**MONDAY, DECEMBER 19, 2005
(Continued)**

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 12 and November 19, 2005, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the West Side Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board, and in accordance with Section 76-2-205(6), M.C.A., hereby amends the West Side Zoning District to change the zoning designation for the area described on Exhibit A attached hereto, from AG-80 (Agricultural) to SAG-5 (Suburban Agricultural), 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 19th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman
By /s/Robert W. Watne
Robert W. Watne, Member
By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser
Deputy Clerk

**EXHIBIT A
FETVEIT ZONE CHANGE FROM AG-80 TO SAG 5
STAFF REPORT FZC-05-21
LEGAL**

Location and Legal Description of Property: The site for the map amendment as located north of Three Mile Drive and accessed from Meadow Lane, a County Road. The area included in the proposal is legally described as Tract 1BF in Section 2, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

CONSIDERATION OF ADOPTION FINAL RESOLUTION: BOWDISH ZONE CHANGE / PRAIRIE VIEW ZONING DISTRICT

10:37:22 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Cal Scott, Johna Morrison

Commissioner Brenneman made a **motion** to adopt Resolution 813C. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 813 C

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 8th day of November, 2005, concerning a proposal 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);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed changes in the Prairie View and Highway 93 North Zoning Districts;

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. 966N) on November 8, 2005, 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); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 12 and November 19, 2005, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within either the Prairie View Zoning District or the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Prairie View and Highway 93 North Zoning Districts to change the zoning designation for the areas described on Exhibit A attached hereto, from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural), 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 19th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman
By /s/Robert W. Watne
Robert W. Watne, Member
By /s/Joseph D. Brenneman
Joseph D. Brenneman, Member

ATTEST:
Paula Robinson, Clerk
By /s/Kimberly Moser
Deputy Clerk

MONDAY, DECEMBER 19, 2005
(Continued)

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.

CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: WACHHOLZ ZONE CHANGE / BLANCHARD LAKE ZONING DISTRICT

[10:38:04 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Cal Scott, Johna Morrison

Commissioner Watne made a **motion** to adopt Resolution 966O. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 966 O

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 8th day of November, 2005, concerning a proposal 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);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed changes in the Blanchard Lake Area and Highway 93 North Zoning Districts;

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. 966N) on November 8, 2005, 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); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on November 12 and November 19, 2005, and the Board of Commissioners did not receive written protests from forty percent (40%) of the freeholders within the either the Blanchard Lake Area Zoning District or the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Blanchard Lake Area and Highway 93 North Zoning Districts to change the zoning designation for the areas described on Exhibit A attached hereto, from AG-20 (Agricultural) and AG-40 (Agricultural) to SAG-5 (Suburban Agricultural), 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 19th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana
By /s/Gary D. Hall
Gary D. Hall, Chairman
By /s/Robert W. Watne
Robert W. Watne, Member

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy Clerk

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.

**MONDAY, DECEMBER 19, 2005
(Continued)**

PRELIMINARY PLAT: FARRIER MINOR SUBDIVISION

[10:43:12 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Nicole Lopez-Stickney, Eric Giles, Kate Cassidy, Rick Breckenridge, Erica Wirtala

Lopez-Stickney reviewed the application submitted by Curt & Donna Farrier for preliminary plat approval of Farrier Subdivision, a minor subdivision that will create one residential lot and a remainder. The subject property consists of 14.50 acres. The lots size proposed in 9.30 acres with a remainder of 5.20 acres. The property is located off Blackhawk Lane, a private road accessed from Helena Flats Road, east of Highway 2, and is unzoned. There are 12 attached conditions. Staff recommends approval.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-66 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Watne made a **motion** to approve the preliminary plat of Farrier Subdivision subject to 12 attached amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONDITIONS

1. The private access road will be upgraded to a minimum of 22-foot gravel surface 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, Flathead County Subdivision Regulations]
2. Roads and driveways will conform to maximum grade standards [Section 3.6(E) and 3.9, Table 2, FCSR]
3. The subdivider shall name the private access road and receive physical addresses from the Plat Room in accordance with Flathead County Resolution #1626. The addresses and road name shall appear on the final plat. [Section 3.9(I)(7), FCSR]
4. The subdivider must provide evidence of permission to utilize the unnamed private access road for access to the subdivision. [Section 3.9(J)(2), FCSR]
5. The owner of parcel A1 will participate in any established road users agreement or property owners' agreement for maintenance of the private access road. [Section 3.9(J)(3), FCSR]
6. New electrical and telephone utilities shall be extended underground to abut and be available to the lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
7. The subdivider will submit proof that all water, septic, and storm water drainage systems will be approved 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]
8. 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]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All house numbers will be visible from the road, either at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Any existing property owners' agreement or road users' agreement will govern maintenance of the private primary access road. The road will be maintained, including necessary repairs and snow removal to ensure safe all-weather travel for two-way traffic.
 - d. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
 - e.

Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.
10. 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]
11. 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]
12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

MONDAY, DECEMBER 19, 2005
(Continued)

FINAL PLAT: DENISE ESTATES

[11:02:06 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Nicole Lopez-Stickney, Erica Wirtala, Eric Giles

Lopez-Stickney reviewed the application submitted by Dennis Murphy Wagar, Brien Surveying and Sands Surveying, for final plat approval of Denise Estates No. 2, a subdivision creating 2 new single-family residential lots from an existing residential tract. The property is located off of Pleasant Valley Road. Preliminary plat approval was waived on March 15, 2004 subject to 7 conditions. All conditions have been met. Staff recommends approval.

Commissioner Watne made a **motion** to adopt staff Report FWP-05-18 as findings of fact and approve the final plat of Denise Estates. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

PRELIMINARY PLAT: BIG TREE VISTAS SUBDIVISION

[11:04:08 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Eric Giles, Erica Wirtala

Giles reviewed the application submitted by Doug Knutson for preliminary plat approval of Big Tree Vista Subdivision, a minor subdivision that will create five single-family residential lots. The property is proposed on 25.78 acres and will be served by individual water and septic systems. The property is located off Elk Park Road, and is unzoned. There are 13 attached conditions.

Erica Wirtala addressed the concerns of Commissioner Hall on subsequent minors.

Commissioner Watne made a **motion** to adopt Staff Report FSR-05-63 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman stated that this is a classical example of what they are doing wrong in Flathead County. He also asked for a statement on the face of the final plat that these lots would not be further subdivided.

Commissioner Hall questioned the paved driving surface.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Big Tree Vistas Subdivision subject to 13 amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Conditions

1. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 24-foot driving surface, and a 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]
2. 250 feet of the internal subdivision road will be paved. [Section 3.9(K), FCSR]
3. 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]
4. The applicant will obtain and show proof of a completed approach permit from the Flathead County Road Department for access onto Elk Park Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
5. 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]
6. All water, septic, and storm water drainage systems will be approved 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]
7. The applicant will comply with reasonable fire suppression and access requirements of the Badrock Fire Department. A letter from the fire chief stating requirements have been met shall be submitted with the application for Final Plat. [Section 3.20, FCSR]
8. 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]
9. 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]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
 - b. All utilities will be extended underground.
 - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.

**MONDAY, DECEMBER 19, 2005
(Continued)**

d. This subdivision is located in an agricultural area and potential nuisances such as noise, dust, odors, and irregular hours of operation are commonplace. As such, the right to farm on adjoining properties shall not be restricted as a result of the development or occupancy of this subdivision.

e. Waiver of Protest
Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. _____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

f. Lots shall not be further divided.

11. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]
13. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

MEETING W/ BONNIE OLSON / DISTRICT COURT RE: CASA VACATED SPACE

[11:29:59 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Bonnie Olson

Discussion was held relative to space that was vacated by CASA and a request that the vacant space be utilized by family court services. The commissioners agreed with the request.

MEETING W/ LARRY VAN RINSUM / FLATHEAD CONSERVATION DISTRICT

[11:45:05 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Larry Van Rinsum, Pete Woll, Angel R Rosario

Discussion was held relative to stabilization work that has been done on the Stillwater River Bank near the Vo-Ag center.

11:15 a.m. Personnel matter

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 20, 2005.

TUESDAY, DECEMBER 20, 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.

12:00 p.m. Commissioner Brenneman to attend CDC meeting at the CDC Office

4:00 p.m. Commissioner Brenneman to attend GPAC meeting at the Kalispell Chamber

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 21, 2005.

WEDNESDAY, DECEMBER 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.

9:15 a.m. RSVP meeting at Windward Place

10:30 a.m. Commissioner Brenneman to attend a meeting w/ leaders of Tomorrow

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

11:30 a.m. Long Range Planning Task Force Education & Outreach Committee meeting at the Earl Bennett Building

12:00 p.m. Commissioner Brenneman to attend DUI Task Force meeting at The Summit

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

THURSDAY, DECEMBER 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.

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

[9:21:49 AM](#)

Wallace Hill Best spoke as a volunteer consultant to the Lakeside town council. He stated that he does all he can to persuade them to take the actions necessary to incorporate as a city, and that he is also in touch with Somers, Bigfork, and Evergreen for the purpose of talking them all into incorporating so that they can share the salary of one real first class city manager. He stated that they could not afford to hire one in any of those cities on their own, except possibly Evergreen. He then stated that the Lakeside Town Council will have its December meeting on the 27, and so he will be able to inform them of what they are up to to wrap up the month of December. He also stated that he was going to call on the phone the day before yesterday and see if they were meeting today and then he read the piece in the legal notices in the paper about the 9:30 hearing and it sounded like it would be something interesting for him to learn about. He stated that he picked up the agenda this morning and he will sit around and listen to most of what they do and become a little more acquainted of just what they see in their jurisdiction.

Commissioner Hall questioned if Mr. Best was planning to apply for the job of the administrator for those three newly incorporated cities.

Wallace Hill Best stated that the one thing that he would do, if they did incorporate, he would be willing to give them a very low cost to make him their acting city manager until, with working with the National City Managers Association in Washington DC, they can come up with three candidates. He stated that he would be willing to take the job as acting City Manager. He then stated that what they need is for them all together to pay for the City Manager, and a City Planner, they do not need four city planners, but they do need a first class City Planner. He went on to say that of course each of them needs a city clerk, that they could not get by with a city clerk.

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

PUBLIC HEARING: TAX INCENTIVE / RESOURCE LABEL GROUP

[9:29:04 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, Wallace Best

Discussion was held relative to the employee numbers.

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

Liz Marchi spoke as the president of Montana West Economic Development. She spoke in favor of the tax incentive request. She stated that Resource Label Group is a high tech, high value manufacturing firm, the most sought kind of business sector. She stated that they are a primary sector business with most of their products sold outside of their market area. She then stated that they pay excellent wages and benefits, and that it is a world class operation that has already invested about five and a half to six million dollars of private capital here with plans to expand significantly next year. She also stated that as they all in Montana when they look at themselves on a national or international basis they struggle to be competitive in new business recruitment, and one of the very few things that they do have to offer is this tax credit and she thinks that they always need to be mindful that they had zero before and now they have fifty percent and after five years they will have a hundred percent more than they had at the beginning.

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

Commissioner Watne made a **motion** to adopt Resolution 1912. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

THURSDAY, DECEMBER 22, 2005
(Continued)

RESOLUTION NO. 1912

WHEREAS, the Board of Commissioners of Flathead County, Montana, passed Resolution No. 476 on April 8, 1983, Resolution No. 476A on February 21, 1984, and Resolution 476B on May 4, 2005, allowing tax benefits for new or expanding industry in Flathead County;

WHEREAS, Resource Label Group of Montana, LLC, of Whitefish, Montana, seeking the application of tax reducing benefits to the installation of new equipment, including computers, software, furniture and building improvements, located at its Plant at 500 Resource Lane, Whitefish, Montana, in Section 13, Township 31 North, Range 23 West, P.M.M. If the application is granted, the new expansion will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year;

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing under the provisions of section 15-24-1402, M.C.A., on the 22nd day of December, 2005, concerning the request for tax benefits filed by Resource Label Group of Montana, LLC, of Whitefish, Montana; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, having reviewed the application of Resource Label Group of Montana, LLC, and the testimony presented at the public hearing, has concluded that the application for tax reduction benefits meets the requirements of the applicable statutes and resolutions.

NOW, THEREFORE, BE IT RESOLVED that the installation of new equipment, including computers, software, furniture and building improvements, located at its Plant at 500 Resource Lane, Columbia Falls, Montana, shall be granted the tax benefits for new or expanding industry set forth in Resolution No. 476A and Section 15-24-1402, M.C.A.

DATED this 22nd day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

Discussion was held relative to the intent of the Resolution allowing for tax incentives, and to the concern of businesses on the state taxes.

DOCUMENT FOR SIGNATURE: FUEL REDUCTION PLAN

9:43:34 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith

Commissioner Brenneman made a **motion** to adopt Resolution 1913. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1913

WHEREAS, members of the Community of Flathead County have participated in the development of a document titled the Flathead County Community Wildfire Fuels Reduction/Mitigation Plan;

WHEREAS, the Flathead County Community Wildfire Fuels Reduction/Mitigation Plan was developed in collaboration with the following persons, representing the agencies listed:

Bill Swope, RC&D Forester;
Tom Reynolds, Flathead County GIS Manager;
Steve Beck, Safety Manager, Flathead Electric Cooperative;
Art Vail, Lands and Resource Manager, Plum Creek Timber Company;
Chuck Roady, F.H. Stoltze Land and Lumber Company;
D.C. Haas, Fire Program Manager, Kalispell Unit, Montana Department of Natural Resources;
Carol Daly, President, Flathead Economic Policy Center;
Fred Vanhorn, Protection Specialist, Glacier National Park, National Park Service;
Allen Chrisman, Fire, Aviation and Air Program Leader, Flathead National Forest, U.S. Forest Service;
Lynn Ogle, Flathead County Office of Emergency Services;
Gary Hall, Flathead County Commissioner;
Jack Kovacich, NorthWestern Energy Company;
Gary Mahugh, Fire Chief, Creston Rural Department;
Alan Marble, Flathead County Fire Service Area; and
Jeremy Pris, Fire Prevention Specialist, MT DNRC; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has reviewed the Flathead County Community Wildfire Fuels Reduction/Mitigation Plan and has determined that it should be approved.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the Flathead County Community Wildfire Fuels Reduction/Mitigation Plan should be, and it hereby is, approved.

Dated this 22nd day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser
Deputy

PUBLIC HEARING: BEGG ZONE CHANGE / WILLOW GLEN ZONING DISTRICT

10:06:50 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jeff Harris, Jerry Begg, Jean Johnson

Harris reviewed Staff Report FZC-05-24.

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

Jean Johnson stated that this is a petition for a zone change, and they are aware that if there was a development going in there they know they would be subject to the five hundred foot rule, DEQ for public utilities, which would then intern require annexation. He stated that at this point in time that is not their intention or Jerry's intention. He then stated that within R-5, of which they are contiguous to an R-5, there are provisions in a conditional use permit, and that would be the area that they are going. He stated that in that case they would again be before the commissioners with a presentation of that. He then stated that at this point in time they do not intend to have sewer or water, and it is on a lot so there is no subdivision involved. He then added that the sewer line running down Willow Glen is a twelve inch force main that they can not tap into.

Commissioner Hall asked if the cities R-5 zoning is similar to the counties.

Jeff Harris stated that typically they are similar.

Jean Johnson stated that as he recalled they were pretty similar.

Commissioner Hall asked if they allowed storage units.

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

Commissioner Brenneman made a **motion** to adopt Staff Report FZC-05-04 as finding with the changes under section I regarding utilities and public services. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

A. Utilities and Public Services:

Sewer:	Public sewer
Water:	Public water
Refuse:	Owner/Private haul
Electricity:	Flathead Electric Cooperative
Telephone:	CenturyTel
Schools:	#5 Kalispell (K-12)
Fire:	Evergreen Volunteer Fire Department
Police:	Flathead County Sheriff's Office

Commissioner Watne made a **motion** to adopt Resolution 654BC. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

RESOLUTION NO. 654 BC

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 22nd day of December, 2005, concerning a proposal by the George M. Begg Trust to change the zoning designation in a portion of the Willow Glen Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on December 10 and December 17, 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 Willow Glen Zoning District.

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, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation in a portion of the Willow Glen Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential), 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 Willow Glen 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 Willow Glen 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 Willow Glen Zoning District for a period of thirty (30) days after first publication of notice of that notice, provided that, in order that only valid signatures are counted, the freeholders who file protests are either registered to vote in Flathead County or execute and acknowledge their protests before a notary public.

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

DATED this 22nd day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

**Begg Trust
ZONE CHANGE FROM R-2 TO R-5
STAFF REPORT #FZC-05-24**

Location and Legal Description of Property:

The site proposed for the map amendment is located on Willow Glen Drive. The site is about a ¼ mile southeast from the City of Kalispell. The subject property is legally described as Lot 1 of Block 1, Kalispell School Addition in Section 16, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 654 BC) on December 22, 2005, to change the zoning designation in a portion of the Willow Glen Zoning District from R-2 (One Family Limited Residential) to R-5 (Two Family Residential).

The boundaries of the area proposed to be changed from the R-2 to the R-5 classification are described on Exhibit "A".

The proposed change would generally change the character of the zoning regulations applicable to the property from providing for large tract residential development in suburban areas, beyond sanitary sewer and/or water lines, to providing for a residential district with minimum lot areas, wherein development will require all public utilities and all community facilities, and in which two-family dwellings are permitted. Minimum lot size would decrease from 20,000 square feet in the R-2 zone to 5,400 square feet in the R-5 zone.

The regulations defining R-2 and R-5 Zones are contained in the Flathead County Zoning Regulations on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, Kalispell, Montana, in Permanent File No. 93270 13500.

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

DATED this 22nd day of December, 2005.

THURSDAY, DECEMBER 22, 2005
(Continued)

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 December 27, 2005 and January 3, 2006.

AUTHORIZATION TO PUBLISH CALL FOR BIDS: CRUSHED GRAVEL, GRAVEL CRUSHING, GASOLINE & DIESEL, EMULSIFIED ASPHALT, PG & SS1 ASPHALT, PROPANE FUEL, TIRES / ROAD DEPT

10:24:51 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 call for bids and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that sealed bids for the purchase of gravel will be received by the County Board of Commissioners of Flathead County, Montana.

The specifications are as follows:

Approximately 3,000 tons of 3/8 inch crushed washed gravel for chip sealing. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, section M-701.029 table 701-12 for grade 4A, 3/8 inch minus cover material. **NOTE: Budget restraints could cancel the purchase of any or all chipping materials, thus any or all bids, contracts or proposals would be voided.** Actual amounts to be purchased may be determined, based upon locations of projects, funds available, unit prices and estimated material quantities for projects, to be determined by the Flathead County Road Department. Crushed material to be weighed by scales on a belt conveyor. Gradation testing shall be conducted by the contractor in accordance with MT-202. Chips to be of sufficient moisture content to meet Flathead County satisfaction at time of loading to County trucks. Supplier shall have on hand laboratory analysis of chip materials verifying they meet MDOT specifications and test results shall be available upon request to Flathead County. Material is to be located within a twelve-mile radius of Kalispell. The County will pick up the material at the contractor's pit. Bid price is to include the material and the loading of said material into County trucks. A maximum waiting period for the trucks to be loaded will be five minutes. Contact the Flathead County Road Department if there are any questions.

Flathead County may award more than one bid depending upon locations of projects, funds available, bid prices, stock pile location, etc., to reduce haul time to various locations of the County. Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal security in the amount of one thousand dollars (\$1,000.00) 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 materials. 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.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Contractor shall have bid materials on hand thirty (30) days prior to July 1, of this current year. The County will notify the bidder 24 hours prior to the anticipated delivery time. Materials are to be provided on an as needed basis when requested by the County. County may cancel acceptance of material at any time due to weather conditions, project complications, condition of material, etc. If at any time the County deems the material unacceptable, they reserve the right to purchase said material from the next lowest bidder.

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 on January 13, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioner's 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. This contract will be in effect from the date the contract is signed thru January 31, 2007.

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 22nd day of December, 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:
December 27, 2005, and January 3, 2006.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Emulsified Asphalt - CRS 2 -- 500 tons

Bidding is to be by the ton F.O.B. to Flathead County and the specific site, which will be disclosed at the time the order is placed. Bid price is to also include appropriate placement of materials on County site by successful bidder. Distributor to be mounted with a Bear Cat computerized spray bar with a minimum 4,000 tank or equivalent. Supplier shall have oil sample test results on hand and available upon request of Flathead County. Bidder will be responsible for proper product, temperature, consistency, and application.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery. All orders to be delivered at 7:00 a.m. the next morning. Tanks to be equipped with factory mounted visual thermometers.

Bidder will be responsible to provide County with two (2) oil samples to be taken at the point of delivery, before application begins. Oil samples will be labeled and ready to be tested. Labels and attached documentation are to include date, type of material, temperature, and any other information needed for adequate testing.

Bid to be from February 1, 2006 through January 31, 2007, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder. Bid price is to include on site delivery within Flathead County and for materials to be placed on the road by the vendor.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), 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; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; 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.

All sealed bids must be plainly marked "LIQUID ASPHALT BID" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 on January 13, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

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 22nd day of December, 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:

December 27, 2005 and January 3, 2006.

CALL FOR BIDS

Notice is hereby given that sealed bids for the crushing and stockpiling of gravel at one Flathead County gravel pit will be received by the County Board of Commissioners of Flathead County, Montana.

The work contemplated consists of crushing and stockpiling the following:

Approximately 70,000 tons of 3/4" inch minus crushed gravel at the Old Steel Bridge Pit. Crushed material to meet Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 1995 edition, page 392, Table 701-15, crushed top surfacing Type "B".

Specified asphalt minimum three piles: 1. Course, 2. Crushed Fines, 3. Natural Fines.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

Sieve Size	Job Mix	Job Mix Grade Three
	Tolerance	Target Limits
3/4"		100 %
1/2"	+(-) 7	86-90 %
3/8"	+(-) 7	75-79 %
No. 4	+(-) 7	53-57 %
No. 10	+(-) 6	34-40 %
No. 40	+(-) 5	16-18 %
No. 200	+(-) 1	5-7 %

Change Article 701.03 (A)(3) to read not less than 60% of coarse aggregate particles by weight shall have at least two mechanically fractured faces as determined by MT-217.

Contractor performs sieve analysis every 1,000 tons.

Natural fines shall be 100 % passing 3/4" sieve size.

Actual amounts to be crushed shall be determined based upon unit prices. Crushed material to be weighed by scales on a belt conveyor, and or cross section of stockpile to be done by engineer to verify quantities. Gradation testing shall be conducted by the contractor in accordance with MT-202. All material up to 4 feet shall be crushed, any material over 4 feet will be considered oversize. Location shown on map attached to the Bid Proposal. Material and pit area may be viewed by making an appointment with the Road Department. The exact location of material to crush and of the stockpile will be designated by the Flathead County Road Department at the time of crushing. Contact the Flathead County Road Department if there are any questions or to set up a time to view the crushing site.

Bid proposals must be submitted on a form to be provided for the purpose, addressed to the Board of County Commissioners, Flathead County Clerk and Recorder, 800 South Main, Kalispell, MT 59901, and enclosed in an envelope marked, "Proposal for Crushing and Stockpiling Gravel."

No proposal will be considered unless accompanied by a proposal 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 materials. 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.

A performance bond will be required for the faithful performance of the successful contractor in the full amount of the bid.

Plans and specifications, forms of contract, proposal blanks, and full instructions are on file and may be obtained at the Clerk and Recorder's office in the Courthouse at 800 South Main, Kalispell, MT 59901.

Flathead County shall assess a penalty of \$100. per day for failure of the contractor to complete the contract in sixty (60) days. This allows thirty (30) days for the contractor to file a public notice of moving and the State change of location notice. Extenuating circumstances will be considered by the County Commissioners for extension of the contract without penalty.

The successful bidder must contract to pay prevailing wage rates set by the Montana Department of Labor and will be subject to withholding of 1% of all payments for transmittal to the Department of Revenue to pay the public contract tax. The Contractor and all subcontractors will be required to have a certificate of registration from the Employment Relations Division of the Montana Department of Labor and Industry in the proper classification. The successful bidder must contract to give preference to the employment of bona fide residents of Montana in the performance of the work. A resident bidder will be allowed a preference against the bid of any nonresident bidder from any state or county that enforces a preference for resident bidders equal to the preference given in the other state or 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 on January 13, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioner's 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 22nd day of December, 2006.

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

PLEASE PUBLISH IN YOUR ISSUES OF:
December 27, 2005, and January 3, 2006.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

GASOLINE AND DIESEL

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (gasoline and diesel) that Flathead County will use in the next year, February 1, 2006 through January 31, 2007.

DIESEL - estimated usage - 325,000 gallons
REGULAR NO LEAD - estimated usage - 100,000 gallons

Bidder must be able to deliver materials to the following delivery points on a keep full basis.

Bid prices for all materials must be listed for each delivery point listed below, on the bid form.

Delivery/Shipping will be F.O.B. to the following destinations.

Delivery Points:

Martin City	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Columbia Falls	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Busch Pit	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Olney - Mielke	Red Dyed Low Sulfur Diesel
Kila - Widgren	Red Dyed Low Sulfur Diesel
Bigfork - Sullivan	Red Dyed Low Sulfur Diesel
Bigfork - Thoennes	Red Dyed Low Sulfur Diesel
County Shop, Road	Regular No Lead Gas and Red Dyed Low Sulfur Diesel
Mixing Plant	Red Dyed Low Sulfur Diesel Fuel
Main Courthouse	Regular No Lead Gasoline and Red Dyed Low Sulfur Diesel
Solid Waste, Dump	Regular No Lead Gasoline and Red Dyed Low Sulfur Diesel

Diesel fuel to be blended a minimum of 30% in winter months, approximately from November 1 through March 31, at the discretion of the Flathead County Road Department, depending upon winter weather.

Bidder to furnish net state prices. At the time a price fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on his "Base Price".

For fuel provided under the term contract, prices and meter readings or "stick" measurements must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of gasoline and/or diesel fuel being on the bid form.

Bidder to include the following taxes with their price breakdown per gallon per delivery point on the attached form:

Gasoline include state tax no federal tax
Diesel include no state tax no federal tax

Award of bid will be made only to a single vendor who can supply both gasoline and diesel fuel. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered under the terms of this contract shall meet or exceed Federal Fuel Commodity Specifications as referenced below:

Fuel Quality Requirements:

Gasoline - All gasoline provided shall meet or exceed
Federal Specifications, VV-G-1690B.

Diesel Fuel - All diesel fuels provided shall meet
or exceed Federal Specifications, VV-F-800B
with reference to grades DF-#1 and DF-#2.

NOTE - If quality of fuels is questioned, the County
reserves the right to have fuels tested and if
found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), 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 supply, purchase, and sale of said gasoline and diesel fuels. 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.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before 5:00 on January 13, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioners' Office at 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 interests 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 22nd day of December, 2005.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

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:
December 27, 2005 and January 3, 2006.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following grades of LIQUID ASPHALT:

Estimated Usage

Asphalt -	PG64-22 & PG58-22	-- 2,000 tons
Asphalt -	SS 1 Tack Oil	-- 30 tons

The award of bid will be made to a single vendor who will supply both types of liquid asphalt. The award of bid will be made on the basis of an overall low bid determined by use of the County's estimated usage for each type of liquid asphalt and the bidders' price for each type of liquid asphalt. The estimated usage figures are to be used only for the purpose of determining an overall low bid; actual usage of each type of asphalt for 2006 asphalt season may vary from those estimates.

All pricing is to be by the ton F.O.B. to the Flathead County Asphalt Plant in Kalispell and/or to the Flathead County Shop in Kalispell.

All orders will be placed with the successful bidder by 4:00 p.m. on the day prior to delivery, at which time the contractor will be told the type of oil to deliver. All orders to be delivered at 7:00 a.m. the next morning. All trucks shall have pumps to unload in overhead tanks. Asphalt will be 290 degrees Fahrenheit at time of delivery. Emulsified asphalt will be 140 degrees Fahrenheit when delivered. Tanks to be equipped with factory mounted visual thermometers. Supplier shall have oil sample test results on hand and available upon request to Flathead County.

Bid to be from February 1, 2006 through January 31, 2007, or until the County Commissioners call for new bids, with the right to go to the next supplier if asphalt is not available or if the asphalt does not meet MDOT specifications from the successful bidder.

Each bidder must deposit with his bid, a bid security in the amount of three-thousand dollars (\$3,000.00), 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; or otherwise the bidder will pay to Flathead County the difference between the amount of his bid and the amount for which Flathead County contracts with another party to complete the contract; 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.

All sealed bids must be plainly marked "LIQUID ASPHALT BID" and must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana, 59901, on or before 5:00 on January 13, 2005. Bids will be opened and read at 9:30 a.m. on January 17, 2005 in the Commissioners' Office in the West Annex of the Courthouse.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

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 22nd day of December, 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:
December 27, 2005 and January 3, 2006.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

Propane Fuel

Bidder will furnish in writing an affidavit that the bidder will be able to furnish all the materials (propane) that Flathead County will use in the next year, February 1, 2006 through January 31, 2007.

PROPANE - estimated usage - 200,000 gallons

Vendor to provide the 11,000 gallon minimum porta-pac/tank, the pump and motors, all piping and pressure regulating valves and gauges and related equipment to the liquid propane manifold which will meet the burner specifications on both volume and pressure down to a temperature of 32 degrees Fahrenheit, see attached diagram with specifications. If rental agreements are applicable, pertinent information maybe listed at the appropriate space provided. This should include the delivery and removal of the tank and equipment upon job completion and or the termination of said contract, including any man-hours required for set up or removal.

Bidder will provide the equipment necessary for the hookup between the porta-pac and the liquid propane manifold. Flathead County agrees to purchase any items needed for the hookup that are specific to our particular plant.

Once the porta-pac has been moved to the site Flathead County will bear the costs of any further relocating.

Bidder must be able to deliver materials to the Old Steel Bridge Pit, 1333 Holt Stage Road, Kalispell, MT. 59901, or to another predetermined location within Flathead County, on a keep full basis. Alternate delivery locations will be given to the vendor one-week prior to the effective date of change.

Delivery/Shipping will be F.O.B. to the specified plant location.

Bidder to furnish propane at net state prices (laid in price, rack price). At the time a net state prices (laid in price, rack price) fluctuation occurs the term contract holding vendor shall be required to supply a written, dated notice, detailing the effect the price fluctuation will have on net state prices (laid in price, rack price) and the total cost per gallon delivered.

For fuel provided under the term contract, net state prices (laid in price, rack price), delivery prices, totals per gallon, invoice total and meter reading measurements before and after delivery must be on all invoices. Invoices must be signed at the delivery point or signed at the County Shop Office after each delivery.

Bidder to state brand of propane fuel on the bid form.

Bidder is to bid only the delivery cost per gallon over the net state prices (laid in price, rack price) on the attached bid form.

Award of bid will be made only to a single vendor who can supply propane fuel, porta-pac unit, and related items needed to hook up to the liquid propane manifold. If delivery points are not kept full Flathead County reserves the right to order fuel from another supplier to maintain operations.

All fuels provided and delivered shall meet or exceed Federal Fuel Commodity Specifications.

NOTE - If quality of fuel is questioned, the County reserves the right to have fuel tested and if found unsatisfactory to refuse delivery.

Each bidder must deposit with his bid, a bid security in the amount of two-thousand dollars (\$2,000.00), 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 supply, purchase, and sale of said propane fuels. 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.

The form of contract and the bid form to be signed are on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, Montana.

All sealed bids, plainly marked as such, must be in the hands of the Clerk and Recorder on or before 5:00 on January 13, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioners' Office at 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 interests 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 22nd day of December, 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:
December 27, 2005 and January 3, 2006.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids on the following:

TIRES

Tires for Flathead County Road and Bridge Departments.

Bids for new tires, tubes, recaps, and recapping.

Bidder will deliver and pick up tires at the Flathead County Shop Compound, 1249 Willow Glen Drive, Kalispell, MT.

There may be one bid for new tires and tubes and one bid for recaps and recapping.

Bid to be "firm" throughout contract period of February 1, 2006 through January 31, 2007 or until the County Commissioners call for new bids.

Bidder to furnish Net State Prices.

Tire Sizes: New Tires

11R24.5 12 ply (minimum) Highway

11R24.5 12 ply (minimum) Summer Traction

1400R24 12 ply (minimum) Non Directional Grader Tires

20.5X25 L5 Loader Tires

23.5X25 L5 Loader Tires

225/60R16 Speed Rated All Season

225/60R16 Speed Rated Mud and Snow

235/85R16 10 ply All Season

235/85R16 10 ply Mud and Snow

Tire Sizes: Recap Tires

11R24.5 Gripper Caps (Using County Casings)

Any other specialty tires needed will be purchased at Net State Prices.

Bidder to attach a typed copy of the above tire sizes listing the brand, size, tread style, grade or quality, and prices for bid comparison and to be attached to the contract if awarded the bid. Bidder is requested to include a catalog of their bid products that would include photos of tires and treads.

Delivery: Pickup and/or delivery/shipping will be F.O.B. to the Flathead County Shop at 1249 Willow Glen Dr. Kalispell, MT 59901.

Each bidder must deposit with his bid, a bid security in the amount of one thousand dollars (\$1,000.000) 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 period of February 1, 2006, through January 31, 2007. 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.

The successful bidder must be able to deliver materials within ten (10) days of their being ordered by the County.

Should continued problems arise with the materials being supplied by the bidder or if the bidder cannot supply the materials needed, Flathead County reserves the right to purchase the bid items from another supplier in order to maintain operations and safety standards.

The form of contract to be signed is on file and may be obtained at the Clerk and Recorder's Office in the Courthouse at Kalispell, MT.

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 on January 13th, 2006. Bids will be opened and read at 9:30 a.m. on January 17, 2006 in the Commissioner's 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 22nd day of December, 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:
December 27, 2005, and January 3, 2006.

THURSDAY, DECEMBER 22, 2005
(Continued)

DOCUMENT FOR SIGNATURE: HOSPITAL PROVIDER AGREEMENT

[10:26:23 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 hospital provider agreement and authorize the chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

PUBLIC HEARING: TIMBERS AT WHITEFISH PUD

[10:31:59 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Jay Sandlin, Jon Krack, Johna Morrison, Paul Wachholz, Dan Buffkin

Holland reviewed Staff Report FPUD-05-08.

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

Johna Morrison stated that they are working with the MDOT on the approach, but MDOT is still not clear as to what they are going to do, and they are going to start this road in April. She stated that she has been working Dan Walls and Clay Colby on how this access will be, and if they can only get a right in right out situation that it fine, because they are working with the neighbor Jerry Kempf, and Dana Bowdish in order to create a road system that will go all of the way down and over to KM Ranch Road. She then stated that one of the things that was brought up was the interconnectivity between other subdivisions in the area. She stated that Mr. Kempf is in the planning development at this point, although it may be that he does develop in the next ten years, and that he has an easement over on his one hundred and twenty acres, and that he said they would give them an easement to the easement that goes to Dana Bowdish's property, and they are in the process of working on Dana's subdivision now and have provided an easement that will go all the way down to KM Ranch Road. She again stated that if they only get a right in right out situation they will still have this other access where they can travel down KM Ranch Road and that is supposed to be a completely open crossroad there to go left or right. She then stated that on the septic drain field's they have received a letter from Mischke and Glen Gray, and that they have been ground water monitoring since May of this year so they have some pretty good results, and that they will continue to ground water monitor. She showed the commissioners where the wet piece of this property is around the pond. She stated that they did do test pits and through the ground water monitoring these sites (referring to a map) have no ground water. She finished by stating that they will have 29 acres of space and that all of these lots are a half to one acre so that someone can actually manage and keep them nice. She also stated that the homeowners association would maintain the open space, and it has community water.

Paul Wachholz stated that he is the landowner. He stated that early in the meeting two of the people who dissented wanted more density, and then in the second meeting they thought there was too much density, and he just wanted to clarify that, and it was kind of puzzling to him because the way they voted in the previous meeting was the exact opposite of the way they voted in the second meeting. He stated that they are working with MDOT, and all of the adjoining neighbors are in line with this. As far as density he stated that there is a mobile home park to the north and Happy Valley to the east. He stated that he believes this will be a nice development, and that there are a lot of people that want to be between Whitefish and Kalispell while still using the Whitefish school system and this will fill that need. He stated that there should be a high demand for this project.

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

Commissioner Watne made a **motion** to adopt Staff Report FPUD-05-08 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Commissioner Brenneman made a **motion** to adopt Resolution 1914. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

RESOLUTION NO. 1914

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following the publication of legal notice, on the 22nd day of December, 2005, to consider a proposal to approve a Planned Unit Development (PUD) in the Blanchard Lake Zoning District on property zoned SAG-5 (Suburban Residential);

WHEREAS, the Board of Commissioners did hear public comment on the proposed Planned Unit Development at that hearing;

WHEREAS, the Board of Commissioners has reviewed the recommendation of the Flathead County Planning Board regarding the proposed Planned Unit Development;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 3.31.020.4, Flathead County Zoning Regulations, hereby conditionally approves the proposed Planned Unit Development (PUD) in the Blanchard Lake Zoning District allowing overlay of approximately 53.4 acres to be developed into 21 single-family residential lots. No deviations from the SAG-5 requirements are being requested. The PUD use regulations allow density of 2 units per five acres in SAG-5 districts.

**THURSDAY, DECEMBER 22, 2005
(Continued)**

BE IT FURTHER RESOLVED that the property to be overlaid is described as Assessor's Tracts 1AA, 1AB, and 1ADB in Section 25 of Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. The property is located on U.S. Highway 93 directly across from Primrose Lane, approximately four miles south of Whitefish, Montana.

BE IT FURTHER RESOLVED that the applicant shall submit a final plan or plat showing compliance with the proposed overlay prior to redesignation of the property as a Planned Unit Development.

DATED this 22nd day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

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

ATTEST:
Paula Robinson, Clerk

By /s/Kimberly Moser

Deputy

PRELIMINARY PLAT: TIMBERS AT WHITEFISH

10:46:14 AM

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Jeff Harris, Paul Wachholz, Johna Morrison, Jay Sandlin, John Krack, Dan Buffkin

Holland reviewed the application submitted by Ascension Development, LLC for preliminary plat approval of Timbers at Whitefish Subdivision, a major subdivision that will create 21 residential lots, south of Whitefish. The subdivision is proposed on 53.4 acres. The property is zoned at SAG-5 and located west of US Highway 93. The property is located on the west side of Highway 93, south of the city of Whitefish. There are 19 attached conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-05-08a as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

Discussion was held relative to a perpetual deed restriction.

Commissioner Brenneman made a **motion** to change condition 19 to make the deed restriction perpetual. No second motion fails.

Commissioner Watne made a **motion** to approve the preliminary plat of Timbers at Whitefish subject to 19 attached conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

CONDITIONS

1. The applicant shall obtain a variance to Table 3 of Section 3.9 of the Flathead County Subdivision Regulations. [Section 7.1, Flathead County Subdivision Regulations]
2. The private, internal subdivision road system will consist of a 60-foot right-of-way, 20-foot paved driving surface, and 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, FCSR]
3. 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), Flathead County Subdivision Regulations]
4. Road identification signs and stop signs will be installed at all intersections. [Section 3.9(I)(8), FCSR]
5. The applicant will obtain and show proof of a completed public access approach permit from the Montana Department of Transportation for access onto U.S. Highway 93, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
6. 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]
7. New electrical and telephone utilities will 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]
8. 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 at the time of development. [3.15(B), FCSR]
9. The applicant will comply with reasonable fire suppression and access requirements of the Whitefish Fire District. A letter from the fire chief stating that an agreement has been made will be submitted with the application for Final Plat. [Section 3.20, FCSR]

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(Continued)

10. 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]
 11. The applicant will provide and maintain a natural vegetative buffer to screen the development from the highway corridor. [3.2, FCSR]
 12. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, 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. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
 - g. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
 - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. They are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including:
 - i. Dogs must be kept under owner control at all times.
 - ii. Residents must use bear-proof garbage containers.
 - iii. Remove obvious sources of food.
 - iv. Compost piles are prohibited unless secured by electrical fencing.
 - v. Pets should be fed indoors or food dishes brought in at night.
 - vi. Place bird feeders out of the reach of deer and other big game.
 - i. 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. The subdivider will dedicate a 15-foot bicycle/pedestrian easement in the open space along the highway frontage. [Section 3.18, FCSR]
18. Driveway grades will meet the requirements of Section 3.9 of the Flathead County Subdivision Regulations, with particular attention paid to Lots 17, 18 and 19. [Section 3.9, FCSR]
19. The subdivider will place a deed restriction on all area defined as "open space" in the preliminary plat application, preventing further subdivision and for preservation as undeveloped land for a period of 25 years. [Section 3.19)B)(1)(f), FCSR]

CONSIDERATION OF RELEASE OF COLLATERAL: MEADOW LAKE NORTH AT MEADOW LAKE RESORT

[11:20:56 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 release of collateral for Meadow Lake North at Meadow Lake Resort. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

THURSDAY, DECEMBER 22, 2005
(Continued)

DOCUMENT FOR SIGNATURE: DPHHS MENTAL HEALTH MEDICAID MATCH

[11:21:21 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 DPHHS Mental Health Medicaid Match. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: EMPLOYMENT AGREEMENT / L. DURAND

[11:22:12 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Fred Leistiko

Commissioner Watne made a **motion** to approve the employment agreement with Lisa Durand. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Watne, and Brenneman. Motion carried unanimously.

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

FRIDAY, DECEMBER 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.

No meetings scheduled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on December 26, 2005.