
MONDAY, JANUARY 16, 2005

COUNTY OFFICES CLOSED – MARTIN LUTHER KING, JR DAY

TUESDAY, JANUARY 17, 2005

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

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

Wallace Hall Best congratulated the board on the excellent job they have done in getting the planning department working on the growth policy. He attended the public meeting in Lakeside and was very impressed. He stated that they had forty eight people from Lakeside attend the meeting. He then stated that he was very impressed with BJ Grieve, and he thought it was miraculous that he did as well as he did considering that it was the second complete meeting he had done that day. He also stated that they got a tremendous amount of information from the audience. He stated that Eric Giles and Nicole Lopez-Stickney had put together some excellent informational booths.

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

MONTHLY MEETING W/ JIM ATKINSON, AOA

Discussion was held relative to

OPEN BIDS: CRUSHED GRAVEL, GRAVEL CRUSHING, GASOLINE & DIESEL, EMULSIFIED ASPHALT, PG & SS1 ASPHALT, PROPANE FUEL AND TIRES / ROAD DEPT

9:31:34 AM

Members present:

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

Others present:

- Assistant Michael Pence
- Clerk Kimberly Moser, Kory Haynie, Jeff Claridge, Brad Newcomb, John Bauer, Dell McManus, Kevin Steglich, Kevin Goertzeu

- JTL – 3/8 inch - \$36,000
- Helena Sand and Gravel – ¾ inch - \$294,000
- Helena Sand and Gravel – 3/8 inch - \$28,500
- JTL – ¾ inch minus- \$280,000
- LHC – ¾ inch minus - \$294,000
- LHC – 3/8 inch - \$51,000
- Schellinger – ¾ inch - \$238,000
- Schellinger – 3/8 inch - \$34,500
- Nelcon Inc – 3/8 inch – \$54,000
- Nelcon Inc – ¾ inch - \$258,300

Commissioner Hall made a **motion** to refer the gravel bids to the road department for advisement. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Brenneman exits - 9:42:29 AM

- Liquid Asphalt – Montana Refining – PG 64-22 - \$280.63
- PG-58-22 - \$280.63
- Tack Oil - \$280.63
- Emulsified - \$310.00 ton

- Liquid Asphalt – CHS – PG 64-22 - \$237.00
- PG-58-22 - \$237.00
- Tack Oil – No bid

- Propane – City Service - \$.06 delivery per gallon
- \$1.00 a year tank lease

- Propane – Northern Energy - \$.06 delivery per gallon
- \$1.00 a year tank lease

Commissioner Hall made a **motion** to refer the Liquid Asphalt and Propane bids to the road department for advisement. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

Tires – Tire Rama –

11R24.5 -Highway	\$243.58
11R24.5 – Traction	\$240.29
1400R24 –Non Dir	\$656.00
20.5x25 – L-5	\$1,825.00
23.5X25 – L-5	\$2,606.40
225/60R16 – All Season	\$57.53
225/60R16- Mud/Snow	\$81.17

235/85R16-All Season	\$72.15
235/85R16-Mud/Snow	\$122.89

Tires – Les Schwab -

11R24.5-Highway	\$225.00
11R24.5-Traction	\$258.00
1400R24 – Tubeless	\$610.00
20.5X25-L-5	\$1,660.00
23.5X25-L-5	\$2,250.00
225/60R16-All Season	\$55.00
225/60R16-Mud/Snow	\$75.00
235/85R16-All Season	\$85.00 - Trailcat
235/85R16-All season	\$95.00 – Wildcat
11-24.5 more mile -7 radial wide	\$95.00

Commissioner Hall made a **motion** to refer the Tire bids to the road department for advisement. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

[10:56:49 AM](#)

City Service Valcon – Gasoline – Delivery cost

Martin City -	.179
Columbia Falls	.159
Busch Pit	.209
County Shop	.129
Olney-Mielke	.259
Bigfork – Sullivan	.169
Bigfork – Thoennes	.169
Kila – Widgren	.169
Mixing Plant	.109
Main Courthouse	.129
Solid Waste, Dump	.139

Commissioner Hall made a **motion** to take the Gasoline bid under advisement. Commissioner Brenneman **seconded** the motion. **Aye** – Watne, Brenneman and Hall. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: GOLDEN EAGLE STREET NAMING

[9:52:28 AM](#)

Members present:

Chairman Robert W. Watne
Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

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

NOTICE OF PUBLIC HEARING

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

Road generally running westerly off North Fork Highway and Moose Lane and located in the NE1/4 of the NE1/4 Section 10 in Township 31 North, Range 20 West, P.M.M., Flathead County, Montana.

The public hearing will be held on the **1st day of February, 2006, at 9:30 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **GOLDEN EAGLE STREET**.

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

Dated this 17th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

Publish on January 21 and January 28, 2006.

MEETING W/ JIM DUPONT, SHERIFF

This meeting was not held

TAX REFUND: PAWNEE LEASING

[10:10:00 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the tax refund for Pawnee Leasing. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE

[9:53:32 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Karole Sommerfeld

Discussion was held relative to the new MSU logo, the 4-H association with Murdoch's, a student exchange with Texas, a foods fair at the Whitefish Mountain Mall, and recent travels and presentations. Discussion was also held relative to the vacant Ag agent position.

COS REVIEW: NASH

[10:52:55 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Kirsten Holland, Dawn Marquardt, Debbie Shoemaker, Nicole Lopez-Stickney, Jim Nash, Elaine Nash

Holland reviewed the Nash family transfer request.

Elaine Nash explained her reasons for the request.

Commissioner Hall made a **motion** to approve the Nash COS. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

MEETING W/ BIGFORK LAND USE ADVISORY COMMITTEE

[10:59:11 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall

Commissioner Joseph D. Brenneman

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Florence Wight, Lee Wight, Sue Hanson, Denise Lang, John Bourquin, Phil Hanson, Don Loranger, Clarice Ryan, Bob Keenan, Dia Holinger, Craig Wagner, Pat Wagner, Perry McCahill, Carol Venable, Doug Averill, Mike Peterson, Gary Ridderhoff, Charles Gough, Jeff Harris, Kirsten Holland, Nicole Lopez-Stickney, Mary Sevier, Tony sagami, Doris Gorouch, Tony Sagami, Jonathan Smith

Discussion was held relative to the policy and procedures of the Bigfork Land Use Advisory Committee, the policy for absences of board members, and the purpose of the steering committee.

Commissioner Brenneman made a **motion** to send a letter thanking Callaway and Hollinger for their service and notify them that their positions are vacant as of December 29 and that they can apply to be appointed to the vacant position. Commissioner Hall **seconded** the motion. **Aye** – Brenneman and Hall. **Opposed** – Watne. Motion carried by quorum.

DISCUSSION W/ JED FISHER RE: HERRON PARK

[11:55:02 AM](#)

Members present:

Chairman Robert W. Watne

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman
Others present:
Assistant Michael Pence
Clerk Kimberly Moser, Jed Fisher

Discussion was held relative to requests that have been made in regards to Herron Park and a request made by Jed Fisher to reaffirm the previous decision that Herron Park remains a public park at its current boundaries.

Commissioner Brenneman made a **motion** to reaffirm the decision to keep Herron Park as it is with its current boundaries and to proceed with the creation of the gazebo family picnic area. Commissioner Hall **seconded** the motion. **Aye** – Watne, Brenneman and Hall. Motion carried unanimously.

7:30 a.m. Commissioner Brenneman to attend Montana Economic Development Flathead Forecast at WestCoast Hotel

4:00 p.m. Roadless Rule Task Force meeting at the Earl Bennett Building (till 6)

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 18, 2006.

WEDNESDAY, JANUARY 18, 2006

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

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

10:00 a.m. Commissioner Hall RC&D Conference Call

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 the 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 January 19, 2006.

THURSDAY, JANUARY 19, 2006

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

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

8:31:35 AM

Nick Marshall spoke with the commissioners in regards to the Kestrel Subdivision. He stated there are two planning department staff reports on this, one in October, and one in December. He then stated that it was returned on the commissioners informal advice to the Planning Board, because there was a topographical error in the legal notice, which did not give the public their chance to make comments at the planning board meeting in October. He stated that as the applicants they exceeded to that request and in December they had a rehearing. He then stated that the planning department had taken the opportunity to rewrite the staff report, which they then re presented to the planning board in December, and this time they recommended in the staff report that the application be denied. He stated that the three main grounds for that were, access, road grade, and the third was that the building sites did not meet the specifications. He stated that the facts presented are that the access issue is, if you look at the plat, is that 377a owns half of the road and the whole of the road adjoins South Many Lakes. He stated that there is no problem, and they have checked with the title company and they have no problem with the legal access. He then stated that he further looked at the files in the planning department and there were two other subdivisions that have been taken out of exactly the same area, the certificate of survey ones are 959, Spotted Faun, and Rainbow Rock, and they had no problem using exactly the same road access, East Many Lakes Drive. He also stated that two subdivisions have already been approved right along side there. He continued by speaking on the Road Grade, saying that there are letter, again in the files in the planning department, back in 1995 and 1996, from certified engineering companies saying that East Many Lakes Drive has been constructed to county gravel standard, and that one land surveyor has written to say that it is to grade, and the technical assistance Montana Mapping have done a further grade survey and they have shown again that that road is to grade. He then stated that the third ground was that the building sites do not meet specifications. He stated that Montana Mapping have shown quite clearly that the building sites are to specification on grade, and so do the drain fields, and there is no problem there. He stated that the facts refuted the grounds for refusal, but the problem is that as far as he sees it, in terms of good government, the planning department has refused to go back and change the factual errors in their staff report. He stated that they are forwarding a staff report to the county commissioners to make a decision on something that they know if materially and factually incorrect, which can only lead to a poor decision, or a decision that is obviously eminently challengeable on a number of grounds. He continued by saying that he would urge the commissioners to disregard the December report in its entirety. He stated that it was rejected on a vote six to one by the planning board, who had in October already accepted the staff report, from the same planning department, recommending approval of the subdivision. He stated that in terms of good government he finds it somewhat disturbing that the planning department will deliberately refuse to change significant factual errors in the staff report that they forward to them for a decision. He continued by saying that it certainly calls into question the objectivity of the planning department, and their honesty in doing something like that, and if they are subject to outside influence than it calls into question their independence and their integrity, and he find that disturbing in term of good government.

Commissioner Hall stated that he believes that when they look at the preliminary plat today at 10:30 they would welcome him to be there. He stated that they may have some questions for him, and they can address it at that time. He then stated that he does not think that there is anything going on.

Nick Marshall stated that there is a problem. He stated that if you look at the staff report they actually state under findings of fact that the driveways do not meet specification. He stated that that is putting the cart before the horse, because it is news to him, no driveways have been put in. He then stated that they have actually tried to invent some facts to meet a preconceived conclusion, not getting the fact and the drawing the conclusion.

Commissioner Hall stated that in their preliminary plat process they will discuss that, and they will probably ask him some questions. He stated that was thinking that they could clear it up at that time, so they would welcome him to be there at that time.

Nick Marshall stated that he would be there.

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

QUARTERLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL

[8:39:03 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Richard Stockdale, Heather Blush

Discussion was held relative to the spay and neutering program, using donation monies to create a mobile spay and neutering unit, the availability of grants, and a possible agreement with the Humane Society on spay and neutering.

Commissioner Hall and Brenneman agreed that a mobile spay and neutering unit would be a good idea, and encouraged Richard to research the costs.

PUBLIC HEARING: ROAD ABANDONMENT #441 (PORTION GARLAND)

[9:05:38 AM](#)

Members present:

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

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, Charlie Johnson, Liz Marchi, Donald H. Farris

Jonathan Smith reviewed that the petition does not request to have the whole road abandoned.

Commissioner Hall stated that he attended a meeting yesterday with Charlie Johnson, Peter Steele, Mike Pence, and Donald Farris where they discussed that the applicant would reimburse the county for the paving of the road.

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

Liz Marchi spoke in favor of the Garland Lane road abandonment. She stated that they find themselves in a very wonderful problem situation. She stated that Don Farris came here and opened Resource Label Group in 2003, and the county commission was foresighted enough to allow the paving of about 1800 feet of road that allowed Mr. Farris to build a new facility at the end of that. She stated that he is in the adhesive label business, and dust was not possible, and there were a number of issues related to the issue of private citizens paving a public road. She then stated that they expedited that through Charlie and his departments good work, and don was able to open his facility. She stated that she believes that most of the commissioners have been out to see the facility, and that it is a high tech clean high value manufacturing facility, and just the kind of business that they would like to have a lot more of in the valley. She also stated that business like Don's are the kind of business that do actually grow the economy. She stated that there are two kind of business tier one and tier two, and that they love them both, but it is the tier one business that sell their goods and services that sell their goods outside of our market place that actually bring new dollars in that support the tier two business that they have here, so his business is a real target business from that stand point, and also for the fact that it does offer career track high wage job opportunities for Flathead County citizens. She also stated that at the time that Mr. Farris opened Resource Label Group she certainly had no idea that he would be looking at an expansion plan in such short order, and that is just the best of all world for them, and that he intends to grow that facility potentially to about one hundred and fifty employees within five years, which is a great size, one hundred and fifty is the size that you still know everybody's name and that really fits with the culture here. She stated that if the county had about ten of those it would be a different place around here. She again stated that she was there to speak in favor of the abandonment. She then stated that she knows that Mr. Farris is not a business man looking for a handout from the county, but looking for a way to grow a business here, and she urged the commissioners to continue to accommodate that.

Donald H. Farris stated that most of the commissioners had heard his story already. He stated that this expansion is something he believes will do a lot for the county as well as for his own back pocket hopefully that is why they are putting all of this money in. He stated that this is a long term payback, but they have been in this business for enough time to know that if you wait and you do it right it will com. He then stated that he is right now at a stand still waiting on this abandonment because he can not make plans without it, and they have pretty much outgrown their facility. He also stated that his preference would be that they go ahead and abandon the part of Garland Lane that is on the petition, and let Charlie and him work out how they are going to deal with it for the next six or eight weeks while they put in a new petition for the balance of it and get that worked out. He asked that if they do abandon the road that they abandon it to Farris Enterprises, which is the company that he has that owns the property.

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

Commissioner Brenneman made a **motion** to approve Road Abandonment #441 upon the condition that Mr. Farris reimburse Flathead County for the expense of paving Garland Lane; and with the understanding that a second petition for the abandonment of the remaining portion of Garland Lane will be filed within thirty days along with the proper easements assuring access to the property owned by Torkleson and Farris. Commissioner Watne **seconded** the motion. **Aye** – Watne, Hall and Brenneman. Motion carried unanimously.

FINAL PLAT: WHITEWATER PROPERTIES

[9:32:55 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Traci Sears-Tull, Jeff Bell, Elliott Kuubits

Sears-Tull reviewed the application submitted by Elliot Kuubits and Megan Foley for final plat approval of Whitewater Properties Subdivision, which will create five residential lots on Whitefish Stage Road southeast of Whitefish. It is described as Lot 1-A & Lot 2 of the Amended Plat of Van Aken Minor Subdivision. Preliminary plat approval was granted on October 21, 2003 subject to eight conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Whitewater Properties. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

FINAL PLAT: MOUNTAIN VIEW SUBDIVISION, BLOCK 2, AMENDED LOTS 23-25

[9:44:46 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Eric Giles, Ardis Larsen

Giles reviewed the application submitted by Robert J Rinke for final plat approval of Mountain View Subdivision Resubdivision of Lots 23-25, a four lot residential subdivision Maple Drive. The subject property is 4.14 acres and unzoned. Preliminary plat approval was waived on August 3, 2004 subject to seven conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FWP-05-21 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of Mountain View Subdivision Block 2, Amended Lot 23-25. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PUBLIC HEARING: SORG ZONE CHANGE / EVERGREEN & VICINITY ZONING DISTRICT

[10:01:49 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Erica Wirtala, Steve Smith, Kelly Sorg

Holland reviewed Staff Report #FZC-05-25.

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

Erica Wirtala spoke in favor of the Sorg Zone Change. She stated that this passed the planning board unanimously with little discussion, and they felt that it was a good fit for the area, being that it is within the boundaries of the Evergreen RSID area. She stated that it is adjacent to an R-5 zone, and it will be a similar type development as what is to the north of it. She then stated that there is some scattered R-5 throughout this quarter mile area, and there is one even further to the south that she missed coloring in on her map. She stated that she believes it is going to be a good fit for the neighborhood.

Commissioner Hall asked if the Sorg's owned all of those all strips.

Erica Wirtala stated that they wished they did, but no. She stated that Kelly lives on one and her folks live on the other. She also stated that one home site would be retained, and they have designed the subdivision preliminary plat around that, and they will probably remove the single wide that is on the second parcel. She then stated that it shows up as three parcels, that nineteen A shows up in there, that is a mortgage survey that was done around the footprint of one of the homes, and that typically mortgage surveys do not show up on a track map so that is why they do not have it designated on there section. She stated that Kelly was in the audience if they had any questions to directly ask the developer.

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

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

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 19th day of January, 2006, to consider a request by Kelly Sorg to change the zoning designation on property located in the Evergreen and Vicinity 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 January 7 and January 14, 2006;

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, hereby adopts the findings of fact as to the statutory criteria as adopted by the Flathead County Planning Board and, in accordance with Section 76-2-205(4), M.C.A., hereby adopts this resolution of intention to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-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 Evergreen and Vicinity Zoning District to be changed, the general character of the proposed designation for the area to be changed, that the regulations for said district are on file in the Clerk and Recorder's Office, and that for thirty (30) days after the first publication thereof, the Board will receive written protests to the change to the Evergreen and Vicinity Zoning District, shall be published once a week for two weeks.

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

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

DATED this 19th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Robert W. Watne, Chairman

By/s/Gary D. Hall PT
Gary D. Hall, Member

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

ATTEST:
Paula Robinson, Clerk

By/s/Kimberly Moser
Deputy

SORG
ZONE CHANGE FROM R-2 TO R-5
STAFF REPORT #FZC-05-25

Location and Legal Description of Property:

The property is located at 316 Harmony Road and contains 4.87 acres. The property can further be described as follows:

- Tract 1:
Lot 18 of Hoiland Day Acres, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.
- Tract 2:
Lot 19 and 19A of Hoiland Day Acres, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Commissioner Brenneman made a **motion** to approve the notice of passage and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall 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. 797DT) on January 19, 2006 to change the zoning designation on property in the Evergreen and Vicinity 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 R-2 to R-5 are set forth 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 the 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, 800 South Main, Kalispell, Montana, in Permanent File No. 9327013500.

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

DATED this 19th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:
Paula Robinson, Clerk

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

By/s/Kimberly Moser
Deputy

Publish on January 24 and January 31, 2006.

SORG
ZONE CHANGE FROM R-2 TO R-5
STAFF REPORT #FZC-05-25

Location and Legal Description of Property:

The property is located at 316 Harmony Road and contains 4.87 acres. The property can further be described as follows:

Tract 1:

Lot 18 of Hoiland Day Acres, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Tract 2:

Lot 19 and 19A of Hoiland Day Acres, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

CONSIDERATION OF EDUCATIONAL ASSISTANCE FORM: S. MCKEEN

10:14:40 AM

Members present:

Commissioner Gary D. Hall
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the educational assistance for S. Mckeen. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

PRELIMINARY PLAT: KESTREL SUBDIVISION

10:30:56 AM

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Kirsten Holland, Paul D. Wachholz, Andy Miller, Tom Tucker, Nick Marshall, Eric Giles, Stan Freeman, Sandra Penrod

Holland reviewed the application submitted by Wendy Marshall for preliminary plat approval of Kestrel Subdivision, a major subdivision that will create four single-family residential lots. The subdivision is proposed on 6.63 acres and will be served by individual water & sewer systems. The subdivision is located off of South Many lakes Drive and East Many Lakes Drive, east of MT Highway 35, and is unzoned. There are 17 attached conditions. The Planning Board forwards no recommendation.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-05-54 as finding of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman stated that as they have adopted the staff report as findings of fact there is only one conclusion that is possible from the findings as they are represented, and that he is in agreement with those findings. He stated that it appears as if the proposed plat is too intensive for the topography and site, and that Many Lakes has been problematic and a problem for the county, and fire response, and numerous other public service agencies. He stated that this looks to be a continuation of this, and that this land could probably be developed, but not at this intensity.

Commissioner Brenneman made a **motion** to deny the preliminary plat of Kestrel Subdivision based. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

QUARTERLY MEETING W/ LAUREL RAYMOND, FINANCE DEPT.

11:05:09 AM

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Laurel Raymond

Discussion was held relative to prioritizing the workload, the annual report progress, new projects, copier bids, the change in workers comp, work with the different department heads on the next budget, staffing, and software.

MEETING W/ DAVID ORTLEY

[11:40:34 AM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, David Ortley, Justin Breck, Jonathan Smith, Stan Freeman, Sandra Penrod

Discussion was held relative to the possibility of making Justice Court a Court of Record. Judge Ortley reviewed his concerns that brought about his request to make the Flathead County Justice Court a Court of Record. He also reviewed the changes that would have to be made in order for the change to a Court of Record to go forward. Discussion also went into the filling of the Judge positions.

Discussion continued into the staffing problems in the Flathead County Justice Court. Judge Ortley requested that they add another one and half full time FTE's. He also explained the workload that Justice Court must handle. He then reviewed different options they might have for extra staffing. He concluded by speaking on the compensation issues for the Justice Court Judges.

Commissioner Hall stated his concern with being rushed into a decision due to election deadlines.

2:00 p.m. Commissioner Watne to attend Health Board Meeting at the Earl Bennett Building
7:00 p.m. Fair Board meeting at the Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 20, 2006.

FRIDAY, JANUARY 20, 2006

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Watne, Commissioners Hall 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.

CONSIDERATION OF ADOPTION OF RESOLUTION: ESTABLISH FLATHEAD COUNTY JUSTICE COURT AS COURT OF RECORD

[1:37:29 PM](#)

Members present:

Commissioner Gary D. Hall PT
Commissioner Joseph D. Brenneman

Members absent:

Chairman Robert W. Watne

Others present:

Assistant Michael Pence
Clerk Kimberly Moser, Jonathan Smith, David Ortley, Raeann Campbell

Discussion was held relative to the different options available to the commissioners today. Commissioners Hall and Brenneman spoke on there opinions.

Commissioner Brenneman stated that he would be in favor of going with the resolution that changes Justice Court to a court of Record and change the layout to two full time judges at \$65,000

Commissioner Hall stated that he would be in favor of two full time judges, but is not sure about setting the wage at \$65,000.00, and questioned how they could pay for the additional wage expense.

Discussion was held relative to the base wage for the Justice Court Judge.

Commissioner Brenneman made a **motion** to adopt Resolution 432D as amended. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 432D

WHEREAS, the Board of Commissioners of Flathead County, Montana, created a second Justice of the Peace Court in Flathead County, located in Columbia Falls, Montana, by its passage of resolution No. 171 on April 17, 1974, pursuant to Section 3-10-101, M.C.A.;

WHEREAS, the offices of the two Justices of the Peace were combined in the Flathead County Justice Center, which opened in September 1987, and the Board of Commissioners permanently rescinded the operation of the second Justice of the Peace Court on June 5, 1989;

WHEREAS the on-going growth in Flathead County has resulted in one Justice of the Peace no longer being able to complete all of the duties of the position in a timely manner and the Board of Commissioners approved a second Justice of the Peace position designated to sit in Kalispell, Montana, and to be a half-time position, on November 1, 2004; and

WHEREAS the Montana Legislature authorized the boards of commissioners in Montana counties to designate Justice Courts as Justice Courts of Record by enacting Section 3-10-101(5), M.C.A., in 2003, and the Commissioners agree with the recommendation of the current full-time Justice of the Peace that the Flathead County Justice Court should become a court of record.

NOW, THEREFORE, BE IT RESOLVED that the Flathead County Justice Court shall, commencing on January 1, 2007, be established as a justice's court of record, and shall thereafter be known as a "justice's court of record."

BE IT FURTHER RESOLVED that the justices of the justice's court of record shall have the same qualifications required of a municipal court judge, set forth in Section 3-6-202, M.C.A., and Article VII, Section 9 of the Montana Constitution, *i.e.*, a citizen of the United States who has resided in the State of Montana two years immediately before taking office and has been admitted to the practice of law in Montana for at least 3 years prior to the date of appointment or election.

BE IT FURTHER RESOLVED that the positions of the two justices of the justice's court of record shall be full time positions commencing on January 1, 2007.

BE IT FURTHER RESOLVED that the salaries of the justices of the justice's court of record may not exceed 90% of the salary of a district court judge determined as provided in Section 3-5-211, M.C.A. and are hereby set at \$65,000 plus one percent for each year served as a Flathead County Justice Court Judge not to exceed ten percent, calculated in the same manner as longevity is calculated for other county employees not under collective bargaining agreements, commencing on January 1, 2007.

DATED this 20th day of January, 2006.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By _____
Robert W. Watne, Chairman

ATTEST:
Paula Robinson, Clerk

By /s/Gary D. Hall PT
Gary D. Hall, Member

By /s/Kimberly Moser
Deputy

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

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 23, 2006.