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**MONDAY, MAY 15, 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 Watne opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Watne closed the public comment period.**

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

[9:06:32 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the increase in food costs due to gas prices and the decrease in commodities. Jim reviewed the increase in costs and the decrease in available funds. He then spoke on the change that had been made to the food pyramid. Jim stated that they serve between 60,000 to 70,000 meals a year. He then discussed the deadline day for signing up for Medicare Part D and what they have done to prepare for the deadline. A cooperative agreement should be made with Glacier Park and MDOT with Eagle Transit before the first of June so that they can order the vehicles. He then spoke in regards to the open job positions and the applicants that they had received. Conrad Burns' office has stated that they are following the appreciation for the Armory Building and it sounds as if they are still pushing for the AOA to get that building.

**MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[9:29:17 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Raeann Campbell, Dave Prunty, Laurel Raymond

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Discussion was held relative to how an employee utilizing the early return to work program would be compensated. Mike Pence reviewed the different options including having the department that the employee belongs to pay, the department that receives that work pay, or have one fund that could pay for early return to work employees. Laurel Raymond reviewed the problems with paying from the department that receives the services including that they have not budgeted the money for an additional temporary employee. Commissioner Brenneman stated that no one could argue that having an early return to work program is a bad idea and stated that by having the department that has budgeted for an employee but has not filled it would be relying on coincidence a great deal. He stated that he did not see what the problem would be of having it come out of one budgeted fund. Dave Prunty questioned what would happen if that fund runs out of money. Commissioner Brenneman stated that until they have a track record of how much will be spent you run the chance of running out of money. Mike Pence suggested that they make a policy where the department that receives that services pay the cost if they have budgeted for it and if not it could come from a specific fund. A suggestion was made to use some of the bonus check from the insurance company to fund this. They then discussed that it would only come out of this fund if they can not use them in a light duty position in their own department. Mike suggested that they had another paragraph to the policy that if light duty is available from the department that the employee is employed that that department would pay for the wage, but if it is only available from another department then it would be paid through a specific fund meant for the early return to work policy.

Raeann reviewed the proposed changes to the health benefits.

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

**PRELIMINARY PLAT: MARVIN'S GARDENS, AMENDED PLAT OF LOT 1**

[10:01:41 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Erica Wirtala, Eric Mulcahy, Kerry Marvin, Ginny Coyle

Shaw reviewed the application submitted by Kerry & Marian Marvin for preliminary plat approval of the amended plat of lot 1 Marvin's Gardens. The proposal will create an additional residential lot from Lot 1 of Marvin's Garden on the northeast corner of Farm To market Road and West Reserve Drive. The subdivisions proposed on 22.057 acres. The property is in the West Valley Zoning District. There are two requested variances of the 16' road surface and the hammerhead turnaround. There are 13 attached conditions. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-06-03 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

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

Commissioner Brenneman made a **motion** to approve the preliminary plat of the Amended Plat of Lot 1 of Marvin's Garden subdivision subject to 13 conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**Conditions:**

1. A variance shall be obtained to road width [Table 1, Section 3.9, Road Design Standards for Local Subdivision Streets, FCSR] for the subdivision based on the attached findings of fact in staff report #FPP-06-03.
2. A variance shall be obtained to the cul-de-sac requirement [Table 1, Section 3.9, Road Design Standards for Local Subdivision Streets, FCSR] for the subdivision based on the attached findings of fact in staff report #FPP-06-03.
3. A letter from an engineer licensed in the state of Montana shall certify that all road improvements have been installed to specifications.
4. The applicant will dedicate a 50' right of way easement for the subdivision road beyond the existing cul-de-sac.
5. 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]
6. A deed restriction shall be placed on the title for Lot 1 and on the face of the final plat that ensures that the lot will not be divided in the future for the purpose of maintaining the open space.
7. Each property owner within the subdivision will participate in the original Road User's Agreement or Property Owners Association, which requires each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), 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. [Section 3.12(J), FCSR]
9. A declaration for conveyance and creation of community water well association shall be submitted to include the subdivision.
10. 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. This plat has not been reviewed or approved for individual sewer or water facilities.
  - d. 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.
  - e. The property owners association or road user's 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.

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f. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.

g. Waiver of Protest  
Participation in Special Improvement District

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

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 sub divider 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]

**PRELIMINARY PLAT: WHITEFISH HILLS PHASE I, LOT 7**

[10:07:05 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Eric Mulcahy, Ginny Coyle, Erica Wirtala, Kerry P Marvin

Shaw reviewed the application submitted by Schumacher Development for preliminary plat approval of the Amended plat of lot 7 of Whitefish Hills Phase 1 subdivision. This proposal will create two residential lots, southwest of the city of Whitefish. The subdivision is proposed on 40.129 acres. The property is zoned AG-20 and located west of US Highway 93. There are 10 conditions of approval. Staff recommends approval.

Eric Mulcahy spoke on possible future splits due to zone changes.

Commissioner Hall made a **motion** to adopt Staff Report #FPP-06-01 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the preliminary plat of the Amended Plat of Lot 7 of Whitefish Hills Phase 1 subdivision subject to 10 conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**Conditions:**

1. 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]
2. 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]
3. 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]
4. The proposed water and septic treatment systems for the subdivision will be reviewed by the Flathead City-County Health Department. [3.15(B), FCSR]
5. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. Section 3.12(J), FCSR]
6. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]
7. The following statements shall be placed on the face of the final plat applicable to all lots:
  - h. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - i. All utilities shall be placed underground.
  - j. This plat has not been reviewed or approved for individual sewer or water facilities.
  - k. 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.
  - l. 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.
  - m. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - n. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
  - o. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]

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p. 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. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. 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. Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
- v. Compost piles are prohibited unless secured by electrical fencing.
- vi. Pets should be fed indoors and no pet food shall be left outdoors.
- vii. Fencing must not impeded movement of wildlife.

q. Waiver of Protest

Participation in Special Improvement District

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

8. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the sub-divider prior to final approval by the County Commissioners. [Chapter 8, FCSR]
9. 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]
10. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**PRELIMINARY PLAT: EVERGREEN ACRES, LOT 19**

[10:35:35 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Rebecca Shaw, Traci Sears-Tull, Yurig Khoma, Mariya Khoma, Peter Shelko, Mariya Shelko, Dawn Marquardt, Debbie Shoemaker, Valentina Ragozinski

Shaw reviewed the application submitted by Peter & Mariya Shelko for preliminary plat approval of Evergreen Acres Amended Plat of Lot 19, a minor subdivision that will create two residential lots. The subdivision is proposed on 2.08 acres and will be served by the Evergreen Water & Sewer District. The property is located east of Mountain View Drive, in the Evergreen Zoning District. There are 9 conditions of approval. Staff recommends approval.

Shaw discussed the concerns with the flood plain for this area and the lack of clarification of the flood zones.

Dawn Marquardt reviewed the discussions that had been held in regards to the flood plain. She stated that it is pretty evident that the flooding will happen on the east side of the creek and that the west side is higher than the east. She stated that she was very confident that they would not have a flooding problem and was willing to write a letter in that affect.

Condition #2 was changed to state that the surveyor shall provide a signed document stating that based on their professional expertise they do not believe that this property will be inundated by a one hundred year flood event.

Commissioner Hall made a **motion** to adopt Staff Report #FSR-06-08 as findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the preliminary plat of the Amended plat of Lot 19 of Evergreen Acres subdivision subject to 9 amended conditions including amended condition #2. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONDITIONS:**

1. Provide a 15' bike path easement along the east side of Mountain View Drive on Lots 19A and 19B.
2. Elevations must be obtained by a surveyor to determine exact floodplain and placed on the face of the final plat.
3. The following statements shall be placed on the face of the final plat applicable to all lots:
  - A) All house or business addresses will be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR].
  - B) All utilities shall be placed underground. [3.17, FCSR].
  - C) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]

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D) Waiver of Protest  
Participation in Special Improvement District (resolution 503M)

\_\_\_\_\_ (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.

4. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with [Section 3.17 and 3.18 of the Flathead County Subdivision Regulations].
5. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Appendix C (I) (A), FCSR].
6. The final plat shall comply with the requirements of Section 2.7 (final plat process) of the Flathead County Subdivision Regulations. [2.7, FCSR].
7. The developer shall obtain and/or show proof of one approach permit from the Flathead County Road & Bridge Department for the accesses from Mountain View Drive. Said permit shall indicate the site has been inspected following construction by signature on line reading "Approve-post inspection date." [3.8, FCSR].
8. If required by the postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [3.22, FCSR].
9. Preliminary plat approval is valid for three years. . [Section 2.5(D)#6, FCSR].

**PRELIMINARY PLAT: TRI-LAKE SUBDIVISION, AMENDED LOTS 35 & 36, BLOCK 1**

[10:45:45 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Kirsten Holland, Traci Sears-Tull, Dawn Marquardt, Jeanette Houghtelling, Rady Houghtelling, Rich DeJana, Debbie Shoemaker, Charlie Johnson

Shaw reviewed the application submitted by Randy & Jeanette Houghtelling for preliminary plat approval of Tri-Lake Subdivision Amended Plat 35 & 36 Block 1, a minor subdivision that will create two single-family residential lots. The subdivision is proposed on 5.29 acres and will be served by individual water & sewer. The property is located west of the North Fork Road, north of Columbia Falls. There are 10 attached conditions.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-0605 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Dawn Marquardt questioned the condition requiring a bike path easement.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the Amended Lots 35 & 36, Block 1 of the Tri-Lake Subdivision subject to 10 conditions. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONDITIONS**

1. Provide copy of easement instrument for the 30' pre-existing easement and limit access on the easement to Lot 42 Tri-Lake Subdivision only.
2. Provide a 15' bike path easement along the east side of Lake Drive on Lots 35AA and 35AB.
3. The lots within the subdivision shall be reviewed and approved for water, sewer systems and storm water by the Flathead City-County Health Department at the time of development. [3.15(B), FCSR].
4. The following statements shall be placed on the face of the final plat applicable to all lots:
  - A) All house or business addresses will be visible from the road, either at the driveway entrance or on the house. [3.20(D), FCSR].
  - B) All utilities shall be placed underground. [3.17, FCSR].
  - C) Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed. [3.12(J), FCSR]

D) Waiver of Protest  
Participation in Special Improvement District (resolution 503M)

\_\_\_\_\_ (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.

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- E) 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. These include, but are not limited to grizzly and black bears, mountain lions, moose, elk and deer. 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) Birdfeeders must be over 10 feet off the ground and out of the reach of deer and other big game.
  - (v) Compost piles are prohibited unless secured by electrical fencing.
  - (vi) Pets should be fed indoors and no pet food shall be left outdoors.
  - (vii) Fencing must not impeded movement of wildlife.
5. Electrical and telephone utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with [Section 3.17 and 3.18 of the Flathead County Subdivision Regulations].
6. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Appendix C (I) (A), FCSR].
7. The final plat shall comply with the requirements of Section 2.7 (final plat process) of the Flathead County Subdivision Regulations. [2.7, FCSR].
8. The developer shall obtain and show proof of one approach permit from the Flathead County Road & Bridge Department for the accesses onto Lake Drive. Said permit shall indicate the site has been inspected following construction by signature on line reading "Approve-post inspection date." [3.8, FCSR].
9. If required by the postmaster, the developer shall provide a common mailbox facility in accordance with Flathead County Subdivision Regulations. [3.22, FCSR].
10. Preliminary plat approval is valid for three years. . [Section 2.5(D)#6, FCSR].

**CONTINUATION OF PRELIMINARY PLAT: MOUNTAIN VIEW TIMBERS**

[10:51:59 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Rebecca Shaw, Charlie Johnson, Dawn Marquardt, Debbie Shoemaker, John Ottman, Don Nelson, Michelle Siderius, Dan Siderius

Holland reviewed the application submitted by Highlander Development, LLP for preliminary plat approval of Mountain View Timbers Subdivision, a major subdivision that will create 23 single-family residential lots off Mooring road east of county Highway 206, south of Columbia Falls. On March 15, 2006 the Planning Board recommended denial based on traffic and dust concerns on Moring Road and Tavern lane, precedence for small lots, and the lack of public safety. On April 17, 2006 the Flathead County Board of Commissioners voted to continue the item pending an agreement between the County Road Department, planning Staff, and the developer to draft a condition addressing road impact on Mooring road and Tavern Lane. The language has been agreed upon and is included as condition 16 of the staff report.

Jeff Harris reviewed the conditions that they were proposing to change including substituting condition sixteen and adding a condition seventeen. For condition sixteen they want to change it so that it states that Tavern Lane shall be paved to county standards from the junction of State Highway 206 to Mooring road and that the owner of tract 4 shall dedicate ten feet for a roadway easement. Discussion was held relative to the possibility of a construction easement being granted to the county for the road. Condition seventeen will read that Mooring road shall be paved to county standards from the intersection of Tavern road to the northern most entrance to the subdivision.

Rich Dejana stated that this is important because of Mr. Ottman agreeing to participate in the paving and just wanted the commissioner to know that work that has been done.

Charlie Johnson agreed that they have been great to work with and have all done a lot to work on this.

Commissioner Hall thanked them for the work they had done.

Rich Dejana then spoke on adding an impact finding that the developer acknowledges the need.

Commissioner Hall made a **motion** to approve the preliminary plat of Mountain View Timbers subdivision subject to 17 amended conditions. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**Conditions**

1. The private, internal subdivision road will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and minimum 55-foot radius cul-de-sac and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations.]
2. The applicant will obtain and show proof of completed approach permits from the Flathead County Road Department for two accesses onto Mooring Road, indicating the approach has been built and received final inspection. [Section 3.8(A), FCSR]
3. The applicant shall dedicate a 15-foot bicycle/pedestrian easement along Mooring Road on the face of the final plat. [Section 3.18, FCSR]
4. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. Addresses and road names shall appear on the final plat. [Section 3.9(I)(7), 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]

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6. All water, septic, and storm water drainage systems will be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 3.14(A) and 3.15(A), FCSR]
  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. The applicant will dedicate a minimum of 1.44 acres in fulfillment of the parkland dedication requirement. [Section 3.19, FCSR]
  9. 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, Section 3.12(J), FCSR]
  10. The applicant shall provide and install a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements. [Section 3.22, FCSR]
  11. Solid waste disposal shall be accomplished via contract haul per Policy 4.16 of the Flathead County Master Plan.
  12. The following statements shall be placed on the face of the final plat applicable to all lots:
    - r. All addresses will be visible from the road, and at the driveway entrance or on the house.
    - s. All utilities will be extended underground.
    - t. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
    - u. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game such as deer and bear is illegal in Montana. Lot owners are therefore strongly encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on methods for safely living near wildlife and minimizing habitat impact. The following are required:
      - Dogs must be kept under owner control at all times, either leashed or confined.
      - Bear-proof containers are required for refuse and feed for pets or livestock.
      - Compost piles are prohibited unless secured by electrical fencing or otherwise enclosed.
      - Pets must be fed indoors or food dishes must be brought in at night.
      - Bird feeders must be placed out of reach of deer, bear, and other large game.
    - v. 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.
13. 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]
  14. 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]
  15. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]
  16. Tavern Lane shall be paved to County standards from Highway 206 to Mooring Road. The owner of Tract 4 in Section 9, Township 29 North, Range 20 West shall dedicate 10 feet for a roadway easement.
  17. Mooring Road shall be paved to County standards from the intersection of Tavern Lane and Mooring Road to the northernmost entrance to the subdivision.

**DOCUMENT FOR SIGNATURE: EAP RENEWAL CONTRACT**

[11:06:03 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser, Raeann Campbell

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

**CONSIDERATION OF PROCLAMATION: NATIONAL SAFE BOATING WEEK**

[10:21:03 AM](#)

Members present:

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

Others present:

Clerk Kimberly Moser

Commissioner Hall made a **motion** to sign the National Safe Boating Week proclamation. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONDAY, MAY 15, 2006  
(Continued)

**TAKE ACTION: AENEAS VIEW SUBDIVISION**

[11:08:55 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser

The commissioners read into the minutes that the Aeneas View Subdivision has died for lack of action.

**APPOINTMENT OF ELECTION JUDGES**

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Others present:  
Clerk Kimberly Moser

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

**COS REVIEW: TORGERSON**

[11:09:46 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser, Jim Burton, Ken Torgerson, Linda Torgerson

Holland reviewed the Torgerson family transfer request.

Ken Torgerson stated that he was thinking of this for retirement purposes and that his wife was out of town when he purchased the property and he would like to have at least some of it in her name. The applicants stated that there were no plans to sell.

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

**DOCUMENT FOR SIGNATURE: FARMER'S MARKET CONTRACT /AOA**

[10:31:13 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Members absent:  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the Farmer's Market Contract for AOA and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** – Watne and Hall. Motion carried by quorum.

**BOARD APPOINTMENTS: BIGFORK FIRE DISTRICT, MARION FIRE DEPARTMENT**

[10:32:34 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to appoint Leland Leivo to the Bigfork Fire District. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Commissioner Hall made a **motion** to Andy Cutwell to the Marion Fire District. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONDAY, MAY 15, 2006  
(Continued)

**BUDGET AMENDMENT: LIBRARY**

[11:16:17 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Mike Pence reviewed the purpose of the amendment to purchase self check out machines.

Commissioner Brenneman made a **motion** to adopt Resolution 1935. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**DOCUMENT FOR SIGNATURE: OES COORDINATOR CONTRACT**

[11:18:44 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the OES Coordinator contract effective May 30, 2006. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONSIDERATION OF CAPITAL OUTLAY: MOWER DECK / WEED DEPT**

[11:20:44 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the capital outlay purchase of a mower deck for the weed department. Commissioner Hall **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

**CONSIDERATION OF ABATEMENT OF TAXES: ASSESSOR #0398851**

[11:22:47 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the tax abatement for assessor #0398851. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF MILL LEVY: PORT AUTHORITY**

[11:24:14 AM](#)

Members present:  
Chairman Robert W. Watne  
Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Others present:  
Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Hall made a **motion** to acknowledge receipt of the request and to approve putting in the budget the mill levy of two mills for the Port Authority Board. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

MONDAY, MAY 15, 2006  
(Continued)

**DOCUMENT FOR SIGNATURE: EMERGENCY MANAGEMENT ASSISTANCE AGREEMENT**

[11:25:36 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Commissioner Hall made a **motion** to approve the Emergency Management Assistance Agreement with neighbor counties. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall 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 May 16, 2006.

\*\*\*\*\*

**TUESDAY, MAY 16, 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.

**4:00 p.m. RAC meeting at the Commissioners' Meeting Room**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 17, 2006.

\*\*\*\*\*

**WEDNESDAY, MAY 17, 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 Watne opened the public comment on matters within the Commissions' Jurisdiction,**

Mike Fraser stated that the commissioners should have the minutes and the staff report. He stated that this is a continuation of a subdivision from about a year ago. He stated that the applicants are really not developers. He stated that they tried to sell the land but it is really not the most productive land. He then stated that this was estate planning. He asked the commissioners to approve the subdivision. He then spoke on comments he had on the conditions. He spoke on the bike path easement condition. He also spoke on the parkland and cash in lieu of parkland requirements. He suggested new language for conditions 11, 17, and 18 which address the paving of Montford Road, parkland requirement, and improvements.

Lil Dupree asked the commissioners for support of a USDA grant that they are applying for. She spoke on the water problems that happened in the Tiebucker subdivision. She stated that the home are inundated with mold and are uninhabitable. She presented the commissioners with a copy of a resolution that she would like to be approved. She stated that there are no other applicants and asked that they pass the resolution today.

Commissioner Brenneman made a **motion** to adopt Resolution 1937. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO.1937

A RESOLUTION TO AUTHORIZE SUBMISSION OF APPLICATION  
for  
A USDA RURAL DEVELOPMENT GRANT FOR USE IN FLATHEAD COUNTY

WHEREAS, Northwest Montana Human Resources certifies that it has disclosed all forms of governmental assistance requested for this project in the Sources of Funds Statement, and, if additional governmental assistance is sought in the future, that USDA Rural Development shall be notified promptly;

WHEREAS, if selected for funding, Northwest Montana Human Resources agrees to comply with the USDA Rural Development requirements, regulations, statutes, terms and conditions described in the USDA instructions in PART 1944 subpart N "Housing Preservation Grants;"

WHEREAS, the Flathead County Commissioners are authorized to welcome Northwest Montana Human Resources with the USDA Rural Development Housing Preservation Grant into Flathead County; and

WHEREAS, the Flathead County Commissioners certify that the Housing Preservation Grant program will be beneficial and will not duplicate any programs currently in existence in Flathead County.

NOW, THEREFORE, the Board of Commissioners hereby resolves to authorize and welcome Northwest Montana Human Resources and USDA Rural Development Housing Preservation Grant into Flathead County for the purpose of rehabilitating existing housing that is owned by lower income residents in Flathead County.

Dated this 17<sup>th</sup> day of May, 2006

**WEDNESDAY, MAY 17, 2006  
(Continued)**

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Robert W. Watne

Robert W. Watne - Chairman

By:/s/Joseph D. Brenneman

Joseph D. Brenneman, Member

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

Gary D. Hall - Member

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Deputy

Dave Heine spoke on the East Valley Estates Subdivision. He stated that the first subdivision was a nice product. He stated that they have done some things that other developers are modeling. He stated that there would not be a huge amount of traffic on gravel roads and that they were proposing a buffer strip. He stated that he thought this would be a positive development of the community.

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

**OPEN BIDS: CHEMICALS / WEED DEPT**

9:37:59 AM

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

Cenex Harvest States –  
Torgon \$16,400  
Transline – \$12,040  
Curtail - \$10,710  
Aquatic - \$895.00  
Milestone - \$28,175  
Total - \$68,220

Commissioner Brenneman made a **motion** to take the bids under advisement. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #379 (PORTION E LAKESHORE DRIVE)**

9:41:03 AM

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser

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

**WEDNESDAY, MAY 17, 2006  
(Continued)**

**NOTICE OF CONTINUATION OF  
PUBLIC HEARING  
FROM April 17, 2001  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 379**

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

See attached legal description

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

The hearing on this petition for abandonment is set for **June 5, 2006 at 10:00 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 17<sup>th</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

PAULA ROBINSON,  
CLERK AND RECORDER

By /s/Kimberly Moser  
Deputy

Publish on May 22 and May 30, 2006.

**Road Abandonment  
60' Road Easement  
Book 223,Ptge 491**

A strip of land 60 feet wide, 30 feet on each side of a centerline beginning at a point on the south boundary line of Lot 6, Section 4, Township 31 North, Range 22West, P.M.M., Flathead County, Montana, 685'West of the Quarter Section Corner between Sections 3 and 4; thence

North 41o40'West 80 feet; thence  
North 56o00'West 200 feet; thence  
North 55o30'West 100 feet; thence  
North 55o00'West 600 feet; thence  
North 44o00'West 200 feet; thence  
North 45o00'West 200 feet; thence  
North 48o00'West 100 feet; thence  
North 40o00'West 400 feet; thence  
North 66o00'West 100 feet; thence  
North 52o West 100 feet; thence  
North 52o West 100 feet; thence  
North 44'West 100 feet; thence  
North 50"30'West 100 feet; thence  
North 55o West 800 feet; thence  
North 42o30'West 200 feet; thence  
North 57o West 100 feet; thence  
North 39o40'West 100 feet; thence  
North 9o West 100 feet; thence  
North 29"45'West 100 feet; thence  
North 15'30 West 100 feet; thence  
North 12o West 100 feet; thence  
North 34o30'West 50 feet to the North boundary of Lot 3, Section 4, Township 31 North, Range 22West, P.M.M., Flathead County, Montana.

EXCEPTING THEREFROM any portion lying within the tract of land described on attached Exhibit "A".

**WEDNESDAY, MAY 17, 2006  
(Continued)**

EXHIBIT "A"

East Lakeshore Drive Road Abandonment

A tract of land located in U. S. Government Lots 2, 3, 5 and 6 of Section 4, Township 31 North, Range 22 West, Principal Meridian, Montana, Flathead County, Montana and more particularly described as follows:

Commencing at the Southeast corner of said U. S. Government Lot 6 and which point is the East Quarter corner of said Section 4; Thence West, on and along the South boundary of Lot 1 of Eagle Creek Subdivision, a recorded subdivision plat on file with the Flathead County Clerk and Recorder's Office, a distance of 350.7 feet to a point and which point lies on the Westerly boundary of said Eagle Creek Subdivision and which point is the True Point of Beginning;

Thence on and along said Westerly boundary of Eagle Creek Subdivision, the following three (3) courses: N52°02'19"W, a distance of 481.52 feet to a point; N52°14'18"W, a distance of 190.45 feet to a point; N51°32'54"W, a distance of 535.30 feet to a point and which point is the Northwest corner of Lot 8 of said Eagle Creek Subdivision; Thence N49°41'13"W, a distance of 1054.22 feet to a point and which point is the South corner of Tract I of Certificate of Survey No. 11193, Records of Flathead County; Thence N38°23'13"W, on and along the West boundary of said Tract 1, a distance of 203.89 feet to a point; Thence N47°45'21"W, continuing on and along said West boundary of Tract 1, a distance of 755.74 feet to a point; Thence N59°27'16"W, a distance of 469.51 feet to a point and which point is the South corner of Lot 2 of Clear Water Subdivision, a recorded subdivision plat on file with the Flathead County Clerk and Recorder's Office; Thence on and along the West boundary of said Clear Water Subdivision, the following two (2) courses: N54°55'03"W, a distance of 312.78 feet to a point; Thence N27°49'42"W, a distance of 646.99 feet to a point and which point lies on the North boundary of said U.S. Government Lot 3; Thence S89°51'44"W, on and along said North boundary, a distance of 102.83 feet to a point and which point is the Northeast corner of that Tract described in Book 623, Page 38, Records of Flathead County; Thence on and along the East boundary of said Tract described in Book 623 Page 38, the following three (3) courses: 534°47'16", a distance of 45.5 feet to a point; S 18°19'16"E, a distance of 393.5 feet to a point; S 45°13'16"E, a distance of 347.7 feet to a point; Thence 532°29'09"W, a distance of 17.59 feet to a point and which point is the Northwest corner of Lot 23 as indicated on Deed Exhibit Number 332, Records of Flathead County; Thence on and along the Northerly boundary of said Deed Exhibit Number 332, the following three (3) courses: 552°11'02"E, a distance of 202.98 feet to a point and which point is the Northeast corner of Lot 22 of said, Deed Exhibit Number 332; 552°28'10"E, a distance of 795.03 feet to a point and which point is the Northeast Corner of Lot 14 of said Deed Exhibit Number 332; 544°44'45"E, a distance of 191.25 feet to a point and which point is the Northeast corner of Lot 12 of said Deed Exhibit 332 and which point is also the Northwest corner of that Tract indicated on Deed Exhibit Recorded in Book 554, Page 675, Records of Flathead County; Thence on and along the Northerly boundary of said Tract indicated in Book 554, Page 675, the following two (2) courses: 552°02'35"E, a distance of 215.30 feet to a point; S45°37'31"E, a distance of 145.61 feet to a point and which point is a North corner of that Tract indicated on Certificate of Survey Number 3272, Records of Flathead County; Thence 549°17'36"E, on and along the North boundary of said Tract, a distance of 560.97 feet to a point and which point is the Northerly corner of that Tract indicated on Deed Exhibit as shown in Book 521, Page 928, Records of Flathead County; Thence 544°23'18", on and along the Northerly boundary of said Tract, a distance of 149.81 feet to a point and which point is the Northerly corner of that Tract indicated on Certificate of Survey Number 2249, Records of Flathead County; Thence 552°19'25"E, on and along the North boundary of said Tract, a distance of 481.34 feet to a point; Thence S52°38'37"E, continuing on and along said Northerly boundary, a distance of 920.00 feet to a point and which point lies on said South boundary of U.S. Government Lot 6; Thence East, on and along said South boundary, a distance of 131.15 feet to the True Point of Beginning.

This Tract contains 11.370 acres and subject to and together with all appurtenant easements of record.

**PRELIMINARY PLAT: EAST VALLEY ESTATES #2 SUBDIVISION**

[9:48:54 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, Erica Wirtala, Mike Fraser, Shari Halloran, Christine Rommereim, D. Buechle, Jim Buechle, Dave Heine, Erica Wirtala

Lopez-Stickney reviewed the application submitted by Logan Ventures, Inc for preliminary plat approval of East Valley Estates #2, a major subdivision that will create 28 lots. The subdivision is proposed on 28.46 acres and will be served by a community public water system and individual sewer. This subdivision is located in the McWenneger Slough area on the southwest side of the intersection of Highway 35 and Montford Road and is unzoned. There are 23 attached conditions. Staff recommends approval.

Commissioner Brenneman stated that his was originally denied due to too much density and then it came back to make the remainder open space so they would have the option to develop in the future. He asked Mr. Fraser if he saw the dilemma that was before the commissioners.

Mike Fraser stated that he was aware of the history and reviewed that history. He stated that this represents the changing nature of the Flathead Valley.

Commissioner Brenneman asked Mr. Fraser to make a case that this would benefit more than just the applicants.

Mike Fraser stated that there is a residential trend in the area and there is a demand for residential housing. He stated that development is going to go in somewhere and they could have it be a good subdivision or one with no amenities. He stated that they need to acknowledge that conditions change over time. He also stated that this is non productive land.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-06-08 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**WEDNESDAY, MAY 17, 2006**  
**(Continued)**

Commissioner Brenneman questioned the changes that Mr. Fraser is suggesting.

Mike Fraser stated that they are agreeing with all of the conditions except for the sequence that they are done.

Commissioner Brenneman stated that he wanted all of Montford Road paved all at once.

Mike Fraser then explained the request regarding parkland dedication. He stated that he wanted to use the dedicated open space along the Highway as part of the parkland dedication and to use the difference to improve the park dedicated in East Valley Estates

Commissioner Brenneman stated that they would like to have the cash in lieu so they do not have another unmaintained park.

Jeff Harris stated that his office would not support having the Highway frontage as parkland.

Nicole Lopez-Stickney reviewed the calculation used for parkland dedication.

Commissioner Brenneman stated that he did agree with the proposed condition 18 to develop improvements in phases.

Jeff Harris stated that there two issues is that the phases is so tight that there is almost no phasing. He also stated that because of the timeline there is no reason that they could not lay all of the lines at the same time and so the planning board felt that they should all be done at the same time.

Commissioner Brenneman stated that if he was to go along with the proposed condition 18 he would require dust abatement at all times.

Mike Fraser stated that they do have that flexibility.

Jeff Harris stated that they should do it right and put all of the infrastructure in at the same time.

Commissioner Brenneman asked what enforcement they would have if they required dust abatement.

Jeff Harris stated that the only agency would be the health district.

Commissioner Brenneman stated that they should do it all and leave condition 18 as is.

Discussion was held relative to clarifying that condition 11 would state that Montford road would be paved from Holt Stage to Montana Highway 35.

Commissioner Brenneman made a **motion** to approve the preliminary plat of East Valley Estates #2 Subdivision subject to 23 amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**Conditions:**

1. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [Section 3.12(J) FCSR]
2. The internal subdivision roads shall be certified by a licensed engineer and constructed with a minimum 60-foot right-of-way, 24-foot travel surface, and 55-foot radius cul-de-sac, in accordance with Section 3.9 of the Flathead County Subdivision Regulations.
3. All internal subdivision roads shall be paved. [Section 3.9(K)(2)(b) FCSR]
4. The subdivider shall receive physical addresses and name all roads in accordance with Flathead County Resolution #1626. The addresses and road names shall appear on the final plat. [Section 3.9(I)(7) FCSR]
5. A letter from an engineer licensed in the state of Montana shall certify that all improvements have been installed to specifications. [Appendix C (III)(F) FCSR]
6. The subdivider shall obtain and show proof of approved approach permits. [Appendix C (III)(G) FCSR].
7. A Road Maintenance Agreement shall be formed which will require each property owner to bear his/her pro-rata share for road maintenance of the internal subdivision roads. [Section 3.9(J)(3) FCSR]
8. The developer shall dedicate a fifteen (15)-foot bike/walk easement along Montford Road and shall dedicate a fifteen (15) foot bike/walk easement within the common area along MT Highway 35. [Section 3.11(A)]
9. The developer shall install street signs and traffic control devices, of the size, shape and height as approved by Flathead County, at all intersections. [Section 3.9(I)(8) FCSR]
10. A one-foot no-access strip shall be placed on all lots abutting Montford Road. [Section 3.9(C)]
11. The developer shall pave 1,400 feet of Montford Road, starting at the intersection of Montford Road and MT Highway 35. [Section 3.9(K)(3)(b)(2)(a) FCSR]
12. All storm water drainage, water supply systems, and sewer treatment systems plans shall be approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality. [Section 3.14(A) FCSR; Section 3.15(A) FCSR; Section 3.12(A) FCSR]
13. The developer shall contact the Child Transportation Committee and, if required, provide and improve a location for the safe loading and unloading of students.
14. All utilities shall be placed underground to abut and be available to each lot, in accordance with a plan approved by the utility companies. Utilities and easements shall comply with Section 3.17 and 3.18 of the Flathead County Subdivision Regulations.

**WEDNESDAY, MAY 17, 2006**  
**(Continued)**

15. A letter shall be obtained from the Creston Fire District stating that the fire access and suppression system has been reviewed, approved and installed in accordance with its requirements. [Section 3.14(B) FCSR]
16. If required by the local postmaster, the subdivider shall provide a common off-street mail pick-up facility and vehicular pull-off in compliance with Section 3.22 of the Flathead County Subdivision Regulations.
17. The developer shall dedicate open space along MT Highway 35 as shown on the preliminary plat and shall pay a parkland fee equivalent to the value of 1.679 acres of the unimproved, undivided land. The subdivider shall provide a current appraisal from a certified MAI appraiser no sooner than six months prior to the final plat application to set the baseline value of the parkland cash donation. [Section 3.19(C)(2)(a); Section 3.19 (D)(1)]
18. The following statements shall be placed on the face of the final plat:
  - a. All address numbers shall be visible from the road, either at the driveway entrance or on the house.
  - b. The Road Maintenance Agreement shall be responsible for maintenance of the private roadways and Common Areas. Roads shall be maintained, including necessary repairs and snow removal, to ensure safe all-weather travel for two-way traffic.
  - c. All utilities shall be installed underground.
  - d. Lot owners are bound by the soil disturbance and weed management plan to which the subdivider and the Flathead County Weed Department agreed.
  - e. 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.
  - f. The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement"
  - g. 

Waiver of Protest

Participation in Special Improvement District  
\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes \_\_\_\_\_ Subdivision, shown on the plat therefore, for any of the purposes related to roads, water facilities and systems, and sewer facilities and systems, set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that \_\_\_\_\_ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District, including the right to object on the basis that the property is not benefited by the Special Improvement District. \_\_\_\_\_ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for \_\_\_\_\_ Subdivision.
19. All public improvements, including parkland requirements and road improvements, shall be completed in Phase I.
20. 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]
21. 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]
22. The preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6) FCSR]
23. Final plat approval of Phase II must be filed within two (2) years of final plat approval of Phase I. [Section 2.7(3)(b) FCSR]

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

10:28:11 AM

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Nicole Lopez-Stickney, Jeff Harris, David Filler, Karie Filler, Erica Wirtala,

Nicole Lopez-Stickney reviewed Staff Report #FZC-06-01.

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

Erica Wirtala stated that they would not have proceeded without having checked with legal council in regards to the Two Rivers lawsuit. She stated that this property is located in the Two Rivers Master plan amendment area. She stated that the use and the master plan amendment agree with commercial use and now they just wish to have the zoning match. She then reviewed the zoning changes recently passed by the city on adjacent properties. She also stated that this property did have a conditional use permit but they occasionally have a number of cars parked there which does not meet the permit requirements and he would like to comply. She again stated that this is in the Highway 93 zoning district and not the Evergreen & Vicinity district.

**WEDNESDAY, MAY 17, 2006**  
**(Continued)**

Dave Filler stated that they have a professional photography studio and four years ago they found out early on that people drive separately to the studio. He stated that they have overgrown a home business and would like to operate in the right way.

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

Commissioner Brenneman asked why B-2 was chosen.

Erica Wirtala stated that she was worried about spot zoning.

David Filler stated that he received notice that the city was going to annex and rezone the neighboring properties to an equivalent zoning.

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

RESOLUTION NO. 797 DV

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing on the 17<sup>th</sup> day of May, 2006, to consider a request by David and Karie Filler to change the zoning designation on property located in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business);

WHEREAS, notice of that hearing was published pursuant to Section 76-2-205(1), M.C.A., on May 6 and May 13, 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-1 (Suburban Residential) to B-2 (General Business), 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 17<sup>th</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Deputy

**David & Karie Filler**  
**ZONE CHANGE FROM R-1 to B-2**  
**STAFF REPORT #FZC-06-01**  
**APRIL 12, 2006**

**Location and Legal Description of Property:**

Tract 1:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at a point on the Easterly boundary of old US Highway No. 93, which point is East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of the aforesaid Section 30; thence South 89°50' East, a distance of 156.90 feet to the SW corner of that certain tract of land described in deed to Richard E. Barber and Georgette J. Barber, husband and wife, recorded March 5, 1965 under Recorder's Fee #1716 in Book 469, page 626, records of Flathead County, Montana; thence North 36°04' East along the Northwesterly boundary of said Barber land, a distance of 469.00 feet to the centerline of the Stillwater River; thence Northwesterly along the centerline of said Stillwater River to the intersection of the East boundary of said US Highway No. 93; thence South 00°09' West along the East boundary of said US Highway No. 93, a distance of 570.00 feet to the Place of Beginning.

**WEDNESDAY, MAY 17, 2006  
(Continued)**

EXCEPTING THEREFROM that portion conveyed to the State of Montana for highway purposes, by instruments recorded March 21, 1956 under Recorder's Fee #1784, in Book 385, page 505 and January 8, 1992 as Document #9200809490, records of Flathead County, Montana.

Tract 2:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at a point on the old Easterly boundary of US Highway No. 93, which point was East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of said Section 30; thence  
South 89°50' East, a distance of 156.90 feet to the True Point of Beginning of the tract to be described; thence  
South 89°50' East, a distance of 703.10 feet to the centerline of Stillwater River; thence  
Northwesterly upon the centerline of the Stillwater River to a point  
North 36°04' East, a distance of 496.00 feet from the Point of Beginning; thence  
South 36°04' West and upon the existing fence line a distance of 496.00 feet to the Point of Beginning.

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

NOTICE OF PASSAGE OF RESOLUTION OF INTENTION

The Board of Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-205(5), M.C.A., that it passed a resolution of intention (Resolution No. 797DV) on May 17, 2006 to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business).

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

The proposed change would change the general character of the zoning regulations applicable to the property from an area intended to provide estate type development normally located in rural areas away from concentrated urban development, or in areas where it is desirable to permit only low density development, e.g., extreme topography, areas adjacent to flood plains, airport runway alignment extension, etc., to an area intended to provide for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities and by businesses serving the general needs of the tourist and traveler.

The regulations defining the R-1 and B-2 Zones are contained in the Flathead County Zoning Regulations, on file for public inspection at the Office of the County Clerk and Recorder, Courthouse, 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 17<sup>th</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

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

By: /s/Kimberly Moser  
Deputy

Publish on May 22 and May 30, 2006.

**David & Karie Filler**  
**ZONE CHANGE FROM R-1 to B-2**  
**STAFF REPORT #FZC-06-01**  
**APRIL 12, 2006**

**Location and Legal Description of Property:**

Tract 1:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

Beginning at a point on the Easterly boundary of old US Highway No. 93, which point is East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of the aforesaid Section 30; thence  
South 89°50' East, a distance of 156.90 feet to the SW corner of that certain tract of land described in deed to Richard E. Barber and Georgette J. Barber, husband and wife, recorded March 5, 1965 under Recorder's Fee #1716 in Book 469, page 626, records of Flathead County, Montana; thence  
North 36°04' East along the Northwesterly boundary of said Barber land, a distance of 469.00 feet to the centerline of the Stillwater River; thence  
Northwesterly along the centerline of said Stillwater River to the intersection of the East boundary of said US Highway No. 93; thence  
South 00°09' West along the East boundary of said US Highway No. 93, a distance of 570.00 feet to the Place of Beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Montana for highway purposes, by instruments recorded March 21, 1956 under Recorder's Fee #1784, in Book 385, page 505 and January 8, 1992 as Document #9200809490, records of Flathead County, Montana.

Tract 2:

A tract of land in Government Lots 3 and 4 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, and more particularly described as follows:

**WEDNESDAY, MAY 17, 2006  
(Continued)**

Beginning at a point on the old Easterly boundary of US Highway No. 93, which point was East a distance of 30.00 feet and North 00°09' East, a distance of 1094.00 feet from the SW corner of said Section 30; thence South 89°50' East, a distance of 156.90 feet to the True Point of Beginning of the tract to be described; thence South 89°50' East, a distance of 703.10 feet to the centerline of Stillwater River; thence Northwesterly upon the centerline of the Stillwater River to a point North 36°04' East, a distance of 496.00 feet from the Point of Beginning; thence South 36°04' West and upon the existing fence line a distance of 496.00 feet to the Point of Beginning.

**CONSIDERATION OF LAKESHORE PERMIT: RUPP**

[10:48:42 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, George Smith

Smith reviewed the lakeshore permit application submitted by Rex & Jana Rupp for McGregor Lake to remove two large Standing trees within the Lakeshore protection zone. The trees are leaning due to lakeshore soil subsidence, and will eventually fall into the lake in close proximity to the property recreational area. All debris will be removed from the Lakeshore Protection Zone. There are 17 attached conditions.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit #FLP-06-39 and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**PUBLIC HEARING: CREATION OF GREEN ACRES WATER & SEWER DISTRICT**

[10:52:02 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Timber Stevens, Nils Swanson, Debbie Dominick

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

Timber Stevens stated that he is in favor of the formation of the district. He stated that the infrastructure is pretty old and not put in as best as it could have been. He stated that the best way to come up with the money is to upgrade the system was to form a new district. He stated that they are trying to be proactive if they have to replace the system.

Discussion was held relative to the surrounding properties and there relationship to the city limits.

Debbie Dominick stated that she has put in a lot of time on this issue. She stated that their system is in need of a lot of repair and they need to be proactive on this. She stated that she was informed by the city that even if they are annexed they might be able to keep their own water.

Nils Swanson stated that he was in agreement with this and it seems to be their only recourse they have left. He stated that they will be better off maintaining this system on their own.

No one else rising to speak chairman Watne closed the public hearing.

Commissioner Brenneman made a **motion** to adopt Resolution 1936. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1936

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition, pursuant to Section 7-13-2204, M.C.A., signed by 25 % of the owners of all property within the proposed district, requesting the creation of a county water and/or sewer district to be known as the Greenacres County Water and/or Sewer District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, published notice, on May 6 and May 13, 2006, of a public hearing on the petition to create a county water and/or sewer district to be known as the Greenacres County Water and/or Sewer District;

WHEREAS, after publication of said legal notice, the Board of Commissioners conducted the public hearing, on May 17, 2006, considered the petition and those appearing thereon, and considered the written protests that were filed with the county clerk and recorder prior to said hearing, by or on behalf of owners of taxable property situated within the boundaries of the proposed district.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of Flathead County that the petition complies with the requirements of the provisions of parts 22 and 23 of Chapter 13, Title 7, M.C.A., and that the boundaries of said proposed Greenacres County Water and/or Sewer District are those set forth in said Petition and on Exhibit A hereto.

BE IT FURTHER RESOLVED, that the Flathead County election administrator is hereby requested to conduct a mail ballot election to determine whether the Greenacres County Water and/or Sewer District shall be incorporated, under the provisions of Chapter 19, Title 13, M.C.A., and to notify the Board of Commissioners, as required by Section 13-19-202, M.C.A., within five days of the date hereof, as to whether a mail ballot election will be held

**WEDNESDAY, MAY 17, 2006  
(Continued)**

BE IT FURTHER RESOLVED, that the election of five directors for the proposed district shall be held at the same time and that candidates for the office of director shall be nominated in the manner required by Sections 7-13-2241 and 7-13-2246, M.C.A.

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

BE IT FURTHER RESOLVED that of the five members of the board of directors elected in 2006, two of said directors shall serve terms ending on December 31, 2007, and three shall serve terms ending on December 31, 2009; at their first meeting after said election, the directors shall determine by lot which of them shall serve the terms of two years. Members of the board of directors elected in November 2007, and thereafter, will serve terms of four years commencing on January 1 following each election.

Dated this 17<sup>th</sup> day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

By: \_\_\_\_\_  
Gary D. Hall, Member

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

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser, Deputy

**GREENACRES COUNTY WATER AND/OR SEWER DISTRICT  
EXHIBIT A**

**Boundaries of the proposed district are described below:**

All those lands included Greenacres West Unit #1 (Lots 1-35, including well site), Greenacres West Unit #2 (Lots 36-60), Greenacres West Unit #3 (Lots 61-125, including wells sites, and homeowners park), Greenacres West Unit #4 (Lots 126-131, Lots 137-141, Lots 161-164 and Lots 132A, 133A, 134A, 135A, & 136A of the Amended Plat of Lots 132-136 Greenacres West Unit #4), and Tower Addition (Lots 1-2) in Section 20, Township 28 North, Range 21 West, Flathead County Montana.

**TAX REFUND: DESERT MOUNTAIN T.V. DISTRICT**

9:42:09 AM

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

Commissioner Brenneman made a **motion** to approve the tax refund request for the Desert Mountain T.V. District. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: MDOT SECTION 5311 CONTRACT / EAGLE TRANSIT**

9:43:18 AM

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

Commissioner Brenneman made a **motion** to approve the MDOT Section 5311 Contract for Eagle Transit. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**11:00 a.m. County Attorney meeting at the County Attorney's Office**  
**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**  
**1:00 p.m. Commissioner Hall to attend Glacier Regional Tourism Commission at Grouse Mountain Lodge**  
**1:15 p.m. 911 Special meeting at the Justice Center**  
**4:00 p.m. Roadless Rule Task Force meeting at the Commissioners' Meeting Room**

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

\*\*\*\*\*  
**THURSDAY, MAY 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.

**10:00 a.m. Commissioner Hall and Assistant Pence to attend District 10 & 11 meeting in Polson**  
**2:00 p.m. Commissioner Watne to attend Health Board meeting at the Earl Bennet Building**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 19, 2006.

\*\*\*\*\*  
**FRIDAY, MAY 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.

**10:00 a.m. Commissioner Brenneman to attend Mental Health Council & CDC meeting in Hamilton**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on May 21, 2006.