

\*\*\*\*\*

## MONDAY, AUGUST 21, 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

[9:12:28 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Jim Atkinson

Discussion was held relative to the condition of the Eagle Transit buses. Jim Atkinson stated that they had three rental buses now. He then spoke in regards to the reason for the delay in the bus replacement due to the relocation of the company that supplies the buses. He then spoke on the Going To the Sun Road Construction and how that will affect the deal with Glacier National Park in the purchase of buses. He stated that they have to keep in mind that they have to replace two buses every two years. In regards to the fair he stated that they sold over four hundred rodeo tickets. He then stated that the update on the Armory looks good but it is just a time consuming process. Jim stated that they had some concerns with the heat in the rear of the AOA building and that they are looking at putting in some air conditioning. Discussion was held relative to the different option of cooling the area that they could bring with them when they leave the building.

### PRELIMINARY PLAT: OLD STONE SUBDIVISION, AMENDED PLAT OF LOT 3

[9:31:50 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Joe Kauffman, Mike Wymer, Sharon Wymer

Shaw reviewed the application submitted by Mike & Sharon Wymer for preliminary plat approval of the Amended Plat of Lot 3 for the Old Stone Subdivision, a proposal that will create two residential lots, northwest of Whitefish. The subdivision is proposed on 7.35 acres and is unzoned.

The Flathead County Planning Board reviewed the application on July 19, 2006. The Board made a motion to add a Condition #12 that a statement shall be placed on the face of the final plat that states that there will be no further subdivision of lots. The motion passed unanimously. A motion was made to accept the findings of fact and recommend approval. The motion was split 3-3. A motion was then made to recommend denial. The motion was split 3-3. The application is therefore forwarded with no recommendation with 12 attached conditions.

Joe Kauffman stated that the applicants did not realize they were doing anything wrong by building another home on the lot. He stated that they did get the DEQ approval for the additional residence and DEQ should have caught at that time that there had not been a subdivision approval done on it before approving the additional septic.

Mike Wymer spoke in regards to the maintenance of the road. Discussion was then held relative to the forest service road usage.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP-06-30 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat of the amended Lot 3 of Old Stone Subdivision subject to 12 conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

### **CONDITIONS**

1. A road identification sign and stop sign shall be installed at the intersection of Evers Creek Connection Road and Old Stone Road. A road identification sign and stop sign shall be installed at the intersection of Evers Creek Connection Road and Star Meadows Road. [Section 3.9(I)(8), FCSR]
2. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator." [Section 3.9(I)(7), FCSR]
3. The applicant will comply with reasonable fire suppression and access requirements of the Flathead Fire Services Area. A letter from the Director stating requirements have been met shall be submitted with the application for Final Plat.[Section 3.20, FCSR]
4. Lot owners within the subdivision shall participate in a Road User's Agreement or Property Owners Association for the internal subdivision road, which shall require each property owner to bear his or her pro-rata share for maintenance of the private road. [Section 3.9(J)(3), FCSR]
5. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Sections 3.17 & 3.18, FCSR]
6. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA and Section 3.12(J), FCSR]
7. The applicant shall furnish proof of a common mail delivery location approved by the local postmaster. [Section 3.22, FCSR]

8. The following statements shall be placed on the face of the final plat applicable to all lots:
- a. All addresses shall be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities shall be placed underground.
  - c. Lot owners should be aware they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
  - d. The property owners association or road users' agreement shall govern maintenance of the internal subdivision road. The road shall be maintained, including necessary repairs, snow removal, and dust mitigation, to ensure safe all-weather travel for two-way traffic and to reduce negative impacts on air quality.
  - e. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - f. Only Class A or B fire rated roofing materials are allowed. [Section 3.21, FCSR]
  - g. Defensible Space Standards shall be incorporated around all primary structures. [Appendix G, FCSR]
  - h. Lot owners are alerted to the presence of large and potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. 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 impede movement of wildlife.

i. Waiver of Protest

Participation in Special Improvement District

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

9. 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]
10. 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]
11. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

**FINAL PLAT: PIONEER BUSINESS PARK NO. 3**

[9:46:33 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Jeff Harris, Ardis Larsen

Shaw reviewed the application submitted by Michael Blend for final plat approval of Pioneer Business Park No. 3 a commercial subdivision creating eleven residential lots. The subdivision is located off of Pioneer Road, approximately 2.5 miles east on Highway 2. Preliminary plat approval was granted on September 20, 2004, subject to 11 conditions. All conditions have been met. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the final plat of Pioneer Business Park No. 3. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**FINAL PLAT: WHITEFISH HILLS FOREST**

[9:58:24 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Rebecca Shaw, Tom Sands, Jeff Harris, Jonathan Smith

Shaw reviewed the application submitted for final plat approval of Whitefish Hills Forest Phase I submitted by Whitefish Hills Forest, LLC. Whitefish Hills Forest LLC submitted a phasing plan, date June 30, 2006 that renamed lots 19 and 20 to Lots 1 and 2. Whitefish Hills Forest Phase I is a subdivision creating two residential lots, was submitted simultaneously with the phasing plan. The subdivision is located off KM Ranch Road south of Whitefish. Preliminary plat approval was granted on August 6, 2006, subject to 19 conditions. All conditions have been met or otherwise addressed.

Commissioner Brenneman made a **motion** to approve the subdivision improvement agreement and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the final plat of Whitefish Hills Forest Phase I. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**MEETING W/ TOM SANDS RE: COLUMBIA PINES CONDITIONS NO. 19**

10:01:55 AM

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Tom Sands, Jeff Harris

Discussion was held relative to a condition for Columbia Pine that requires a secondary emergency access. Tom Sands explained that the topography is not such to allow to put a road in. Jeff Harris stated that they did not have a problem with removing the condition. Commissioner Brenneman questioned why they would need to remove a condition for an easement that would possibly never be built. Tom Sands replied by stating that it is not something that would ever be put in so why have it conditioned to allow for it.

Commissioner Brenneman made a **motion** to remove condition 19 from the preliminary plat of Columbia Pines. Commissioner **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF RESOLUTION: MOSQUITO LEVY**

10:35:49 AM

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser, Joe Russell, Laurel Raymond

Commissioner Brenneman made a **motion** to adopt Resolution 1925A. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1925A

WHEREAS, Sections 7-22-2401 through 7-22-2448, M.C.A., authorize the Board of Commissioners to establish and maintain mosquito districts;

WHEREAS, the movement into Montana in recent years of the West Nile Virus (a virus carried by mosquitoes) has significantly increased the risk of serious disease in both humans and animals and the Board of Commissioners of Flathead County, Montana, determined that it was necessary to create a county-wide mosquito control district in order to be able to address the growing threat from mosquitoes on a county-wide basis;

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted Resolution No. 1849 B on August 3, 2005, creating the Flathead County Mosquito District;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the need to address the growing threat from mosquitoes and the significantly increased risk of serious disease in both humans and animals requires levying additional funds to be used for that purpose;

WHEREAS, the additional amount to be raised is \$179,564.10 and the number of mills required is one;

WHEREAS, under Section 15-10-425, M.C.A., the Board of Commissioners requires approval of the voters in order to levy additional funds for mosquito control purposes; and

WHEREAS, the election will authorize the County to levy the additional millage in the future to raise the amount set forth above, and as modified by the provisions of Section 15-10-420, M.C.A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Sections 15-10-425 and 7-22-2403, M.C.A., that the following ballot issue shall be placed on the November 7, 2006, General Election ballot:

Shall the Board of Commissioners of Flathead County, Montana, be authorized to levy up to one additional mill per year for county-wide mosquito control purposes:

- FOR authorizing the levy of up to one additional mill per year for mosquito control.
- AGAINST authorizing the levy of up to one additional mill per year for mosquito control.

The impact of levying of one additional mill on a home valued at \$100,000 would be approximately \$3.14 in additional property taxes. The impact of levying of one additional mill on a home valued at \$200,000 would be approximately \$6.28 in additional property taxes.

DATED this 21st day of August, 2006.

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

**DOCUMENT FOR SIGNATURE: AIMS CONTRACT / AOA**

9:23:00 AM

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

Commissioner Brenneman made a **motion** to approve the AIMS contract for AOA and authorize the chairman to sign. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**CONSIDERATION OF HR TRANSMITTAL: RECORDING MANAGER / CLERK & RECORDER'S OFFICE**

9:55:04 AM

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

Commissioner Brenneman made a **motion** to approve the HR Transmittal form for the Clerk & Recorder's Office. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENTS**

10:49:05 AM

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

Commissioner Brenneman made a **motion** to adopt Resolutions 1944A and 1962 & 1963. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1944A**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 21<sup>st</sup> day of August, 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  
Kimberly Moser, Deputy

COUNTY OF  
FLATHEAD

COUNTY OF FLATHEAD  
GENERAL JOURNAL VOUCHER  
**BUDGET AMENDMENT - FY2006**

DATE ISSUED: Resolution # 1944-A VOUCHER NO.: 0606-193

DATE OF RECORD: 6/30/2006				Entered by: Gary	
MCA 7-6-4006		ACCOUNTING COPY	"B" Entry		
Account Number	Object	Description	Line	Debit	Credit
2859-0206-341046		GIS-MT Land Information Act		\$ 806.00	
2859-172000		Revenue Control			\$ 806.00
2859-0206-411410	110	Salaries			\$ 541.00
2859-0206-411410	120	Overtime			\$ 82.00
2859-0206-411410	141	Unemployment			\$ 13.00
2859-0206-411410	142	Work-Comp			\$ 19.00
2859-0206-411410	143	Health Insurance			\$ 61.00
2859-0206-411410	144	FICA			\$ 39.00
2859-0206-411410	145	PERS			\$ 42.00
2859-0206-411410	147	Medicare			\$ 9.00
2859-242000		Expense Control		\$ 806.00	
	<b>Explanation</b>		<b>Total</b>	<b>\$ 1,612.00</b>	<b>\$ 1,612.00</b>
<p>To establish additional budget for FY2006 revenues received and additional spending authority for payroll accrual wages &amp; benefits in pay period 14 - This should be considered a supplement to budget amendment/resolution #1944</p>				<p>Approved by: _____ Date: _____</p>	

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1962**

WHEREAS, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

WHEREAS, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.





To establish budget for revenues received and establish spending authority

Approved by: \_\_\_\_\_  
Date: \_\_\_\_\_

**BUDGET AMENDMENT RESOLUTION  
RESOLUTION NO. 1963**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 21<sup>st</sup> day of August, 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  
Kimberly Moser, Deputy

**COUNTY OF  
FLATHEAD**

**COUNTY OF FLATHEAD  
GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT - FY2006**

<b>DATE ISSUED:</b>	<b>Resolution # 1963</b>			<b>VOUCHER NO.:</b>	0606-188
<b>DATE OF RECORD:</b>	6/30/2006			<b>Entered by:</b>	Gary
<b>MCA 7-6-4006</b>		<b>ACCOUNTING COPY</b>	<b>"B" Entry</b>		
<b>Account Number</b>	<b>Object</b>	<b>Description</b>	<b>Line</b>	<b>Debit</b>	<b>Credit</b>
2971-0191-331141		WIC Revenue		\$ 80,965.00	
2971-172000		Revenue Control			\$ 80,965.00
2971-0191-440171	110	Salaries			\$ 57,683.00
2971-0191-440171	112	Temporary Salaries			\$ 415.00
2971-0191-440171	130	Accum Sick/Vacation			\$ 1,560.00
2971-0191-440171	141	Unemployment			\$ 169.00
2971-0191-440171	142	Work-Comp			\$ 2,000.00
2971-0191-440171	143	Health Insurance			\$ 4,727.00
2971-0191-440171	144	FICA			\$ 2,000.00
2971-0191-440171	145	PERS			\$ 3,000.00
2971-0191-440171	147	MediCare			\$ 50.00
2971-0191-440171	210	Office Supplies			\$ 498.00
2971-0191-440171	228	Educational Supplies			\$ 250.00
2971-0191-440171	311	Postage			\$ 375.00
2971-0191-440171	335	Membership/Registration			\$ 25.00

2971-0191-440171	345	Telephone			\$ 625.00
2971-0191-440171	363	Machine Repair			\$ 125.00
2971-0191-440171	380	Training Services			\$ 2,152.00
2971-0191-440171	398	Contracted Services			\$ 75.00
2971-0191-521000	820	Transfer-Out			\$ 5,236.00
2971-242000		Expense Control		\$ 80,965.00	
<u>Explanation</u>			Total	\$ 161,930.00	\$ 161,930.00
To establish budget for additional revenues received and establish additional spending authority					
				Approved by: _____	
				Date: _____	

**AUTHORIZATION TO PUBLISH NOTICE OF INTENT TO RELEASE FUNDS: RANCH WATER & SEWER DISTRICT CDBG**

[9:56:54 AM](#)  
 Members present:  
 Chairman Robert W. Watne  
 Commissioner Joseph D. Brenneman  
 Members absent:  
 Commissioner Gary D. Hall  
 Others present:  
 Clerk Kimberly Moser, Jonathan Smith

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

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)**

August 24, 2006

Name of Grantee: Flathead County  
 Mailing Address 800 S. Main  
 Kalispell MT 59901

Phone: 406-758-5503

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

On or about September 5, 2006, the above-named, Flathead County, will request the Montana Department of Commerce to release funds under Title I of the Housing and Community Development Act of 1974, as amended, (PL93-383) for the following project:

PROJECT, TITLE OR NAME: Ranch Water District Improvements

PURPOSE OR NATURE OF PROJECT: The Ranch Water District, located outside of the city limits of Bigfork, Montana needs to replace their entire 30 year old system with a new well, 150,000 gallon storage tank to accommodate domestic use and fire flow, a new pump house/chlorination facility, a new distribution network, fire hydrants, and meters.

LOCATION : Ranch Water District, Bigfork, Flathead County, Montana. Ranch County Water/Sewer District is located a half mile east of Highway 35, one mile south of Bigfork in Flathead County at latitude 48°03'00" and longitude 114°03'30". The homes are located in the foothills alongside the lake.

ESTIMATED COST OF PROJECT: \$1,334,500.

An Environmental Review Record documenting review of all project activities with respect to impacts on the environment has been made by the above-named Flathead County. This Environmental Review Record is on file at the above address and is available for public examination or copying, upon request.

Flathead County will undertake the project described above with Community Development Block Grant funds provided by the Montana Department of Commerce, under Title I of the Housing and Community Development Act of 1974, as amended. Flathead County is certifying to the Department of Commerce that Flathead County and \_\_\_\_\_ and Commissioner Robert Watne, in his official capacity as



Chairperson of the County Commission, consent to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied. The legal effect on the certification is that upon its approval, Flathead County may use the CDBG funds, and the Department of Commerce will have satisfied its responsibilities under the National Environmental Policy Act of 1969 as delegated to the State of Montana through the 1981 Amendments to the Housing and Community Development Act.

The Department of Commerce will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following basis:

- (a) that the certification was not in fact executed by the chief executive officer or other officer approved by the Department of Commerce;
- (b) that the applicant's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process;
- (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by DOC; or
- (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental design.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and may be addressed to the CDBG Program, Department of Commerce, Community Development Division, P.O. Box 200523, 301 S. Park Avenue, Helena, Montana 59620.

Objections to the release of funds on basis other than those stated above will not be considered by the Department of Commerce. No objection received after September 24, 2006 will be considered by the Department of Commerce.

By/s/Robert W. Watne  
Robert Watne, Chair, Flathead County Commission  
800 South Main  
Kalispell MT 59901

Jeff Harris, Environmental Certifying Officer

Publish on August 24, 2006

#### **CONSIDERATION OF ADOPTION OF RESOLUTION: SOUTH EIGHTY HOMEOWNERS ASSOCIATION / SALE OF PARKLAND**

[9:50:38 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to adopt Resolution 1964. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

#### RESOLUTION NO. 1964

WHEREAS, the Flathead County Commissioners approved the Final Plat of the South Eighty Subdivision in May of 1979;

WHEREAS, six internal areas were set aside for parks within the South Eighty Subdivision;

WHEREAS, the land set aside for a park between lots 41 and 42 and the park area that adjoins lots 8 and 9 have not been utilized by the South Eighty residents for park purposes;

WHEREAS, one well was drilled to supply water to all of the residences within the South Eighty Subdivision;

WHEREAS, the water supply system no longer provides an adequate supply of water to all of the residences with in the South Eighty Subdivision;

WHEREAS, a second well is required to upgrade the water supply system within the South Eighty Subdivision;

WHEREAS, the costs of drilling a second well could be defrayed by the sale of the one of aforementioned unused park land areas as a subdivision lot; and

WHEREAS, the South Eighty Homeowners Association has affirmed the sale of one of the aforementioned unused park land areas as a subdivision lot.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that the South Eighty Homeowners Association may sell one the two unused parkland areas and that the proceeds of the sale shall be applied to the costs of drilling a second water well.

Dated this 21<sup>st</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By /s/Kimberly Moser  
Deputy

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: ROAD ABANDONMENT #455 (PORTION WAGNER LANE)**

[9:51:46 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

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

**NOTICE OF PUBLIC HEARING  
TO CONSIDER  
DISCONTINUANCE  
OF PUBLIC ROADWAY  
NO. 455**

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:

A Strip of land located in a portion of the Northeast ¼ of Section 36, Township 28 North, Range 21 West, Principal Meridian, Montana, said strip being fifteen feet on each side of the following described centerline;

Commencing at the ¼ corner common to Section 36 and 31; thence along the south line of the Northeast ¼ N86°26'36"W 1018.25 feet to the centerline of Wagner Lane and the Point of Beginning. Thence along said centerline the following courses: N01°03'46"W 209.57 feet; N06°13'53"E 229.61 feet; N09°32'53"E 201.75 feet; N27° 48'53"E 97.39 feet; N21°43'53"E 133.69 feet; N14° 56'53"E 178.19 feet; N2°48'53"E 164.46 feet; N19°02'53"E 131.63 feet; N24°38'53"E 226.45 feet; N53°10'53"E 129.43 feet; n43°07'10"E 335.63 feet; N61°23'53"E 193.90 feet; N73°51'53"E 164.93 feet; N61°53'53"E 90.95 feet to the East line of the Northeast ¼;

ALSO

A strip of land located in a portion of the Northeast ¼ of Section 36, Township 28 North, Range 21 West, Principal Meridian, Montana, Flathead County, Montana, said strip being 10 feet on each side of the following described centerline:

Commencing at the Northeast Corner of Section 36; Thence along the North line of the Northeast ¼ N86°19'30"W 10 feet to the Point of Beginning; Thence parallel to the East line of the Northeast ¼ S03°18'23"W 591.125 feet, more or less, to the low water mark of Church Slough; (Note the Basis of Bearing for this deed is North American Datum of 1983 to Montana State Plane coordinate system. Distances are ground based on a scale factor of 1.0005464005 and the convergence is -3°26'36")

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 **September 5, 2006 at 9:30 a.m.** in the County Commissioners' Office, West Annex, Courthouse, Kalispell, Montana.

DATED this 21<sup>st</sup> day of August, 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 August 24 and August 31, 2006.

**CONSIDERATION OF PRINTING BIDS: ELECTION DEPT AND PLANNING & ZONING OFFICE**

[9:52:20 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Joseph D. Brenneman

Members absent:

Commissioner Gary D. Hall

Others present:

Clerk Kimberly Moser

Commissioner Brenneman made a **motion** to approve the bid submitted by Great Northern Printing for Poll books in the amount of \$340.59 for the Election Department. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by the Towne Printer for voter registration cards in the amount of \$363.09 for the Election Department. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid submitted by Insty Prints for business cards in the amount of \$85.00 for the Planning department. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**FINAL PLAT: BARREL HED ACRES**

[10:58:04 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, Judy Hedstrom

Lopez-Stickney reviewed the application submitted by Richard Scot & Judy Hedstrom, with technical assistance from Larsen Engineering and Surveying, for final plat approval of Barrel Hed Acres, a subdivision creating five residential lots. The subdivision is located near the Majestic Arena approximately five road miles northwest of Kalispell. Preliminary plat approval was granted on April 19, 2005, subject to 11 conditions. All conditions have been met.

Commissioner Brenneman made a **motion** to approve the final plat of Barrel Hed Acres. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**10:00 a.m. Commissioner Hall to attend RC&D meeting at Montana West Economic Development**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 22, 2006.

\*\*\*\*\*

**TUESDAY, AUGUST 22, 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.

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

Debbie Hayes asked what can be done with the noise ordinance in the county ordinance. She stated that she lives a half miles from Dell's bar and the noise is very loud. She then stated that she had contacted the sherriff's office three times before they would respond and was informed that she had no rights.

Commissioner Brenneman explained that the commissioners are not allowed by legislation to have a noise ordinance. He advised Mrs. Hayes to contact legislation about allowing county noise ordinances.

Commissioner Hall suggested trying to come up with an agreement with Dell's.

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

**MEETING W/ MONTY DORR RE: NOXIOUS WEEDS**

[9:23:38 AM](#)

Members present:

Commissioner Gary D. Hall  
Commissioner Joseph D. Brenneman  
Chairman Robert W. Watne - [9:28:00 AM](#) seated

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Monty Dorr, Jed Fisher

Discussion was held relative to a problem with noxious weeds on the property of a neighbor of Mr. Dorr. He stated that he had contacted the Weed department who stated that they would look into it. The weed department then informed him that they give notice to the individual every thirty days. He stated that this is a fire hazard, that the person has trash every where, and that she has violated the set back laws.

Jed Fisher explained the waiting periods that they have to abide by before they can do any weed control on the property. He also stated that they would give the individual a personal phone call.

**COS REVIEW: PITTS**

[9:50:16 AM](#)

Members present:

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

Others present:

Assistant Michael Pence

Clerk Kimberly Moser, Jeff Harris, Kirsten Holland, Annie Thompson, Jim Burton, Jacqueline Pitts, Bill Pitts, Erica Wirtala, Eric Giles

Holland reviewed the Pitts family transfer request. Jim Burton stated that the original request was for a mortgage survey but were told by the bank that would not work for them. He informed them at that time that a family transfer of ten acres would work for them. Bill Pitts stated that they bought the twenty acres six years ago and have slowly built the house on the property since. He then stated that he had to have open heart surgery which accumulated high bills and that is why they have had to get a mortgage to pay off the medical bills and finish the house. They also stated that they had no intention of selling the property.

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

### **PRELIMINARY PLAT: JESSUP MILLS**

[9:58:22 AM](#)

Members present:

Chairman Robert W. Watne  
Commissioner Gary D. Hall - [10:09:45 AM](#) seated  
Commissioner Joseph D. Brenneman

Others present:

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

Giles reviewed the application submitted by Marc & Caroline Guizol for preliminary plat approval of Jessup Mills, a minor subdivision that will create three single family residential lots and a remainder. The property is located at the intersection of Creston Hatchery Road and Kauffman Lane, north of MT Highway 35, and is unzoned. There are 12 attached conditions.

Erica Wirtala stated that they had done the groundwater monitoring. She also stated that there would be a drainfield easement.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-06-16 as findings of fact. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

Commissioner Brenneman asked for a condition that they had on the face of the final plat that the lots would not be further subdivided. The applicant agreed to the adding of the condition and stated that they would have a deed restriction.

Commissioner Brenneman made a **motion** to approve the preliminary plat of Jessup Mills subdivision subject to 12 amended conditions. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

### **CONDITIONS**

1. The applicant shall receive physical addresses and road names in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by the Address Coordinator." [Section 3.9(I)(7), FCSR]
2. The applicant shall obtain and show proof of completed approach permits from the Flathead County Road Department for access onto Creston Hatchery Road, indicating the approaches have been built and received final inspection. [Section 3.8(A), FCSR].
3. 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]
4. 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]
5. The applicant will perform groundwater monitoring in accordance with requirements from the Flathead City-County Health Department.
6. The applicant will comply with reasonable fire suppression and access requirements of the Creston Fire Department. A letter from the chief stating requirements have been met shall be submitted with the application for Final Plat.[Section 3.20, FCSR]
7. All areas disturbed during development of the subdivision will be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [7-22-2116 MCA, Section 3.12(J), FCSR]
8. If required by the local Postmaster, the developer shall provide a common mailbox facility in accordance with the Flathead County Subdivision Regulations. A letter from the Postmaster shall be submitted outlining mail delivery requirements.[Section 3.22, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All addresses will be visible from the road, and at the driveway entrance or on the house.
  - b. All utilities will be extended underground.
  - c. Lot owners are bound by the soil disturbance and weed management plan to which the developer and the Flathead County Weed Department agreed.
  - d. Lot owners are notified this subdivision is located a significant distance from emergency services. Delayed response times may be experienced when requesting assistance from fire, medical or public safety services.

e. Waiver of Protest  
Participation in Special Improvement District

\_\_\_\_\_ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes

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

f. These lots will not be further subdivided.

10. All required improvements shall be completed in place or a Subdivision Improvement Agreement, in accordance with Chapter 8 of the Flathead County Subdivision Regulations, shall be provided by the applicant prior to final approval by the County Commissioners. [Chapter 8, FCSR]

11. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 2.7(E), FCSR]

12. Preliminary plat approval is valid for three (3) years. [Section 2.5(D)(6), FCSR]

### **COS REVIEW: REBICH**

[10:17:14 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Kirsten Holland, Annie Thompson, Tony Rebich, Sherry Rebich

Holland reviewed the Rebich family transfer request.

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

### **MONTHLY MEETING W/ RICK TREMBATH, FIRE WARDEN**

[10:25:17 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, Mark Peck, Rick Trembath, Paula Robinson

Discussion was held relative to the condition of the fires in the valley. Rick stated that tonight's meeting is an open meeting and the commissioners and sheriff are invited to attend. He also stated that they have been working on some updated press releases. He then stated that they feel good staying with the stage I fire restrictions. Discussion was then held relative to the wildland mutual aid agreement. Paula Robinson questioned how the Whitefish Fire Service area charges. Rick Trembath then questioned whether the County Fire Warden position should revert to Mark Peck. He then stated that he had been approached by some developers on getting some wildfire input.

### **CONSIDERATION OF LAKESHORE PERMIT: BREDESON**

[10:56:58 AM](#)

Members present:

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

Others present:

Assistant Michael Pence  
Clerk Kimberly Moser, George Smith

Smith Reviewed the Lakeshore permit application submitted by Glenn Bredeson for McGregor Lake, to excavate a portion of a vertical bank the mean high water line to provide a ramped area approximately fourteen feet wide by thirty feet long, to facilitate the annual insertion and removal of an existing portable dock. The minimum material will be removed, and the exposed soil will be stabilized with clean washed gravel to prevent run-off and erosion into the lake. The banks of the ramp will be faced with a rip rap wall using large stones. The ramp will not be used to launch boats. There are 26 attached conditions.

Commissioner Hall made a **motion** to approve Lakeshore Permit #FLP-06-79. Commissioner Brenneman **seconded** the motion. **Aye** - Watne, Hall and Brenneman. Motion carried unanimously.

Discussion was held relative to wakes on county lakes. George Smith stated that they have been having a problem with boats that are designed to create a large wakes.

### **CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: HOGAN ZONE CHANGE / CHERRY HILL ZONING DISTRICT**

[10:56:08 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 adopt Resolution 961C. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 961C

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 11<sup>th</sup> day of July, 2006, to consider a proposal to change the zoning designation on property in the Cherry Hill Zoning District from R-2 (One-Family Limited Residential) to R-4 (Two-Family Residential);

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

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Cherry Hill Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 961 B, dated July 11, 2006) to change the zoning designation from R-2 (One-Family Limited Residential) to R-4 (Two-Family Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 14 and July 31, 2006, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Cherry Hill Zoning District to change the zoning designation, for the area described on Exhibit "A" hereto, from R-2 (One-Family Limited Residential) to R-4 (Two-Family Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 22<sup>nd</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Kimberly Moser

Deputy

**DAN HOGAN**  
**ZONE CHANGE FROM R-2 to R-4**  
**STAFF REPORT #FZC 06-06**  
**May 17, 2006**

**Location and Legal Description of Property:**

Two tracts of land situated, lying and being in Government Lot 3, and the NE ¼ SW ¼ of Section Six (6), Township Twenty-six (26) North, Range Twenty (20) West, P.M.M., Flathead County, Montana, and more particularly described as follows to wit:

**Tract 1:**

Commencing at the SW Corner of said Section 6, which is an iron pin; thence North 89°45'44" East, along the South boundary of said Section 6, a distance of 2,626.26 feet; thence North, leaving said South boundary, a distance of 1,363.87 feet to a found 2" pipe on the West boundary of Gov't. Lot 3, which is the True Point of Beginning of the tract of land herein described; thence North 89°57'07" West, a distance of 233.51 feet to a found ½" Rebar; thence North 00°00'19" West, a distance of 114.71 feet to a found ½" Rebar; thence North 89°58'28" West, a distance of 254.73 feet to the Easterly R/W of US Hwy. No. 93, which point is on a 2,934.87 foot radius curve concave Westerly, having a radial bearing of North 89°30'43" West; thence Northerly, along said R/W curve, thru a central angle of 4°56'39", an arc length of 253.25 feet to a found concrete R/W monument and the P.T. of said curve; thence continuing along said R/W North 04°27'22" West, a distance of 278.97 feet; thence South 89°58'18" East, leaving said R/W, a distance of 518.69 feet to a found 2" pipe on the West boundary of said Gov't. Lot 3; thence South a distance of 646.07 feet to the Place of Beginning.

**Tract 2:**

Commencing at the SW Corner of said Section 6, which is an iron pin; thence North 89°45'44" East, along the South boundary of said Section 6, a distance of 2,626.26 feet; thence North, leaving said South boundary, a distance of 1,333.31 feet to ½" Rebar at the SE Corner of the NE ¼ SW ¼ of said Section 6, which is the True Point of Beginning of the tract of land herein described; thence South 89°57'41" West, a distance of 493.13 feet to the Easterly R/W of U.S. Hwy. No. 93, which point is on a 2,934.87 foot radius curve concave Westerly, having a radial bearing of North 86°39'41" West; thence Northeasterly, along said R/W curve, through a central angle of 00°36'03", an arc length of 30.78 feet; thence North 89°55'13" East, leaving said R/W, a distance of 257.98 feet to a found ½" Rebar; thence South 89°57'07" East, a distance of 233.51 feet to a found 2" pipe on the East boundary of said NW ¼ SW ¼; thence South, a distance of 30.56 feet to the Place of Beginning.



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

[11:06:07 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 adopt Resolution 797DY. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 DY

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 11<sup>th</sup> day of July, 2006, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to B-2 (General Business);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 DX, dated July 11, 2006) to change the zoning designation from R-1 (Suburban Residential) to B-2 (General Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 14 and July 21, 2006, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described on Exhibit "A" hereto, from R-1 (Suburban Residential) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 22<sup>nd</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Kimberly Moser  
Deputy

**TREWEEK PTNSP  
ZONE CHANGE FROM R-1 TO B-2  
STAFF REPORT #FZC-06-03**

**Location and Legal Description of Property:**

The property can further be described as Tract 1H in the Southeast Quarter Northwest Quarter (SE ¼ NW ¼) of Section 4, township 28 North, Range 21 West, P.M.M., Flathead County, Montana. Shown as "Remainder" on certificate of Survey No. 7145.

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

[11:06:20 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 adopt Resolution 797EA. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

RESOLUTION NO. 797 EA

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 13<sup>th</sup> day of July, 2006, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential);

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

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

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 797 DZ, dated July 13, 2006) to change the zoning designation from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on July 18 and July 25, 2006, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Evergreen and Vicinity Zoning District to change the zoning designation, for the area described on Exhibit "A" hereto, from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 22<sup>nd</sup> day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

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

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

ATTEST:  
Paula Robinson, Clerk

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

By/s/Kimberly Moser  
Deputy

**DALE HALL  
ZONE CHANGE FROM R-1 TO R-2  
STAFF REPORT #FZC-06-05**

**Location and Legal Description of Property:**

The property is located on the east side of Maple Drive, along Spring creek. The property is legally described as Lot 13 of the AMENDED PLAT OF LOT 13, BLOCK 1, MOUNTAIN VIEW, in Section 33, Township 29 North, Range 21 West, P.M.M., according to the map or plat on file and of record in the office of the Clark and Recorder of Flathead County, Montana.

**CONSIDERATION OF RELEASE OF COLLATERAL: EAST VALLEY ESTATES**

10:55:25 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 release of collateral for East Valley Estates. Commissioner Watne **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

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

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

\*\*\*\*\*

**WEDNESDAY, AUGUST 23, 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 Flathead Basin Commission meeting at Yellow Bay (till 3)**

**10:30 a.m. Commissioner Hall to attend MDOT meeting at the Kalispell Office**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 24, 2006.

\*\*\*\*\*

**THURSDAY, AUGUST 24, 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.

**Commissioner Hall to attend Montana wood Products Association 34<sup>th</sup> Annual Convention in Missoula**  
**10:00 a.m. Commissioner Brenneman to attend meeting with Ray Thompson @ Semitool**  
**10:00 a.m. District 10 & 11 meeting in Hamilton**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 25, 2006

### **FRIDAY, AUGUST 25, 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.

**Commissioner Hall to Montana Wood Products Association 34<sup>th</sup> Annual Convention in Missoula**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on August 28, 2006