
MONDAY, JULY 7, 2008

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

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

Present for public comment included: Jim Robertson, Brian Joos, Sean Frampton, Sam Cordi, Carol Adams

Sean Frampton, representing Mr. Roberts on behalf of HP Ranch commented that his client wishes to subdivide a 6.4 acre parcel into approximately a 2 ¼ and a 4 acre tract. He then noted that it appears that with the area being unzoned that there was an issue with the Planning Board as to whether it fits in with the general character of the area. Frampton then explained there are approximately 11 of the 21 lots in the area that are less than 4 acres in size. He then asked that this be taken into consideration when a decision is made, if in fact that is what the board relied on when they made their decision. Also noted was clarification was made in regards to an 11 acre tract that was divided.

Carol Adams, 6534 Farm to Market Road, spoke about the history of the parcel that borders her property. She then presented a letter to the commission and stated the neighbors don't want any more traffic on the road. Also noted was she circulated a petition and received 20 signatures in opposition to HP Ranch.

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

PRELIMINARY PLAT: HP RANCH

10:02:06 AM

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Jim Robertson, Brian Joos, Sean Frampton, Sam Cordi, Carol Adams, Clerk Kile

Broadie reviewed Staff Report FPP 08-10. She then reviewed the application submitted by James Robertson with technical assistance from Sam Cordi for preliminary plat approval of HP Ranch; a proposal for a two lot subsequent minor subdivision from a 6.446 acre parcel located on Farm to Market Road approximately half way between the intersection of Twin Bridges Road and Twin Lakes Road. The two lots are designed to access Farm to Market Road with a shared access. The Flathead County Planning Board met on May 21, 2008, and held a public hearing, at which time their recommendation was a denial on a 6-2 vote.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-10. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Discussion was held relative to adding language to final plat that states: No further subdivision or no boundary line adjustments that would reduce the size of either lot is allowed.

Commissioner Brenneman made a **motion** to approve HP Ranch as amended. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses 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 4.7.17(iv), FCSR]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures.
3. The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
4. 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. [Section 4.7.24, FCSR]
5. The proposed water, wastewater treatment and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
6. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
7. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved by the Flathead County Weed Department. [Section 4.7.26, FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
9. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:

- a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27©, FCSR]
- b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
- c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
- d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
- e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities.
- f.

Waiver of Protest

Participation in Special Improvement District

[per County Resolution 503-M]

_____ (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.

- g. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are also encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, and removing food sources.

- 11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]
- 12. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27, FCSR]
- 13. The final plat shall be in substantial compliance with the plat and plans submitted for review, except as modified by these conditions. [Section 4.4.23, FCSR]
- 14. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

SITE SPECIFIC CONDITIONS

- 15. A 15 foot wide bike/pedestrian easement shall be shown on the face of the plat along Farm to Market Road.
- 16. The access easement shall be constructed to the standards shown in the attached Joint Access diagram.
- 17. The current driveway access through the site serving the adjoining southern lot shall be abandoned.
- 18. A note shall be placed on the final plat stating no further subdivision or no boundary line adjustment that would reduce the size of either lot is allowed.
- 19. A variance from Section 4.7.7(c), FCSR for a shared driveway access shall be approved prior to final plat.

AUTHORIZATION TO PUBLISH: CALL FOR BIDS/ EAGLE TRANSIT 23 PASSENGER BUS

10:30:50 AM

Members present:

- Chairman Gary D. Hall
- Commissioner Joseph D. Brenneman
- Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to authorize publication of Call for Bids for an Eagle Transit Bus. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CALL FOR BIDS

Notice is hereby given that the Board of County Commissioners of Flathead County, Montana, will receive bids for the purchase of (1) one 23-passenger bus.

The specifications for the 23-passenger bus to be purchased may be obtained from Eagle Transit.

Each bidder must deposit with his bid, a bid security in the amount of ten percent (10%) of the bid to secure the bidder's express covenant that if the bidder is awarded the contract, the bidder will, within ten (10) days, enter into a formal contract for the purchase of a 23-passenger bus. Bid security shall be payable to Flathead County and shall be in the form of lawful money of the United States, a cashier's check, certified check, bank money order, or bank draft issued by a Montana bank, or bid bond executed by a surety corporation authorized to do business in Montana.

The bidder shall include with the bid a contract form to be executed by the parties. Flathead County reserves the right to negotiate the terms of said proposed contract (excluding prices contained therein) and to consider the terms of said proposed contract, including warranty provisions, in determining the award of bid.

No bidder may withdraw a bid after the actual date of the opening thereof.

All sealed bids, plainly marked "**Eagle Transit Bus**" must be in the hands of the County Clerk and Recorder, 800 South Main, Kalispell, Montana 59901, at or before 5:00 o'clock p.m., on July 30, 2008. Bids will be opened and read at 10:00 o'clock a.m., on July 31, 2008, in the Commissioners' Office at the Courthouse, West Annex, 800 South Main, Kalispell, Montana.

Flathead County reserves the right to accept or reject any bid and to waive any irregularities which are deemed to be in the best interest of the County.

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

Dated this 7th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

ATTEST:

Paula Robinson, Clerk

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

By/s/Diana Kile
Diana Kile, Deputy

Publish July 10 and July 17, 2008.

DOCUMENT FOR SIGNATURE: EMPG APPLICATION FOR SFY 2009/OES

[10:31:23 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Public Works Director David Prunty, Interim OES Director Cindy Mullaney, Clerk Kile

Commissioner Lauman made a **motion** to approve the EMPG application document for signature for OES. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: PECCIA & ASSOCIATES CONTRACT FOR ROAD STUDY

[10:34:10 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Deputy County Attorney Jonathan Smith, Public Works Director David Prunty, Clerk Kile

Prunty reported the study is for a road management plan that will help to categorize both gravel and paved roads into a ranking system.

Commissioner Lauman made a **motion** to approve the contract for engineering services. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/DAVID PRUNTY & GUY FOY, ROAD DEPT

[11:08:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Public Works Director David Prunty, Operations Manager Road & Bridge Department Guy Foy, Weed & Parks Director Jed Fisher

Prunty reported they are looking for direction from the Commission in regards to maintaining the public dock on Lake Avenue.

Jed Fisher stated the area has never been dedicated a park and it either needs to be a right-of-way or a park.

Prunty then presented a history of right-of-ways report to the Commission in regards to 88 county roads crossing state lands with their approximate acreage and the cost from DNRC's appraiser for the county to purchase legal right of way accesses. Also noted was the Swan River Road overlay has been completed and the Belton Stage road paving job is finished. Discussion also included loss of PILT funding and dust abatement.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 8, 2008.

TUESDAY, JULY 8, 2008

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

Chairman Hall opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

MONTHLY MEETING W/LAURIE REBUCK, JUVENILE DETENTION CENTER

This meeting was not held.

OPEN RFQ: SAM BIBLER MEMORIAL TRAIL

[10:07:33 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Alex Hogle, Terry Welder, Allen Sieler, Clerk Kile

RFQ's were received from: NCI Engineering, Robert Peccia & Associates, TD& H and Morrison and Maierle.

Commissioner Brenneman made a **motion** to take the Sam Bibler Memorial Trail RFQ's under advisement. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: MSU NUTRITION EDUCATIONAL SUPPORT AGREEMENT/ EXTENSION OFFICE

[10:13:35 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the document for signature for the MSU Nutrition Educational Support Agreement and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE

[10:16:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, HR Director Raeann Campbell, Clerk Kile

Campbell reported the personnel transactions for the month of June.

Commissioner Lauman made a **motion** to approve the personnel transactions for June 2008. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Campbell then reported there have been 14 recordable injuries this year vs 18 so far last year and that the health insurance trust fund balance is at 1.8 million. She then noted Kirk Smith with the Montana State Safety Bureau met with Courthouse employees' to report on plaster samples that were taken in May. The informational report results tested 19% silica. Campbell stated Johnson Controls will now work after hours or on weekends when plaster or drilling is involved. Also noted was a meeting was held with Allegiance in regards to the Health Plan where they are looking at asking employees and spouses on the Health Plan to take part in a health risk assessment that would help in keeping their deductible down.

Discussion was then held relative to the Central Pension agreement with the Road & Bridge and Solid Waste Operators back in the mid 90's. That agreement was set up as both a wage and a benefit. A similar agreement was set up with the Teamsters in January, 2007 that is set up as a benefit. It was explained that both agreements read identical except for one document referring to Teamsters and the other to Operating Engineers. The issue now is whether it is a wage or a benefit, in which an attorney's determination is a wage is a wage and a benefit is a benefit.

MONTHLY MEETING W/ CINDY MULLANEY, OES

[10:39:10 AM](#)

Members present:

Chairman Gary D. Hall

Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Assistant Mike Pence, Acting OES Director Cindy Mullaney, Clerk Kile

Mullaney reported the notice of public comment for the Pre-Disaster Mitigation Plan review period has been published in the newspaper and once the final review period ends, a resolution from the county adopting the plan will then be submitted for State approval. She then noted the Type III team is continuing to meet monthly and she is also working with Lincoln Chute in obtaining personnel rosters and inventory lists from local fire departments. Discussion also included work being done on an emergency operation plan that would involve the cities.

FINAL PLAT: PANORAMIC VIEWS

[11:00:27 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Planner Dianna Broadie, Planner Bailey Iott, Debbie Shoemaker, Clerk Kile

Broadie reviewed the application submitted by Ken and Pam Kloeckl with technical assistance from Marquardt & Marquardt Surveying and Enviro-Tech Consulting, Inc. for final plat approval of Panoramic View; a subdivision creating three residential lots located off Jacquette Road and east of Montford Road. It was noted a condition was changed after an update was made of the 100 year floodplain map and the parcel is no longer considered in the floodplain. Preliminary plat approval was granted on July 1, 2004, subject to 11 conditions.

Commissioner Brenneman made a **motion** to approve final plat of Panoramic View. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

COS REVIEW: TOPEL

[11:15:16 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Planner Dianna Broadie, Jamie Reed, Clerk Kile

Broadie reviewed the chain of title for the Topel family transfer. The subject property is located on the west side of Foothill Road north of the Bachelor Grade intersection. The proposal is to split a 10.57 acre parcel into the following:

- 2.166 acres to be transferred to Aaron Posthumus, Son
- 2.322 acres to be transferred to Michelle Novak, Daughter
- 2.537 acres to be transferred to Ryan Topel, Son
- 3.572 acres to be retained by Thomas and Pamela Topel

Commissioner Brenneman explained Resolution 509D to the applicant.

Discussion was held relative to the 60' private road easement that Jamie Reed stated will be recorded.

Commissioner Lauman made a **motion** to approve the Topel family transfer. Chairman Hall **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

MEETING W/ TREVOR SCHAEFFER RE: EAGLE'S CREST HEIGHTS & EAGLE'S CREST, PH 5-9 CONDITIONS

[11:30:41 AM](#)

Members present:
Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman
Others present:
Planning & Zoning Director Jeff Harris, Trevor Schaeffer, Dave DeGrandpre, Clerk Kile

Discussion was held relative to conditions of approval for Eagle's Crest Heights and Eagle's Crest Phases 5-9 Subdivision in regards to wildlife concerns.

Dave DeGrandpre noted they would like to have a consistent approach that would address wildlife issues in a consistent manner throughout the subdivision phases.

General discussion was then held relative to the conditions which will stay as approved.

1:15 p.m. 911 meeting @ Justice Center

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 9, 2008.

WEDNESDAY, JULY 9, 2008

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

- 11:00 a.m. County Attorney meeting @ Co. Atty's Office**
- 5:00 p.m. Commissioner Lauman: North Fork Landowners Association Potluck Dinner @ Sondreson Hall**
- 6:00 p.m. Commissioner Lauman: North Fork Landowners Association Interlocal Agreement meeting @ Sondreson Hall**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 10, 2008.

THURSDAY, JULY 10, 2008

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

Chairman Hall opened public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.

MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE

[9:08:48 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Joseph D. Brenneman
- Commissioner Dale W. Lauman

Others present:

- Assistant Mike Pence, Planning & Zoning Director Jeff Harris, Clerk Kile

Harris presented a Yearly Comparison Activity Report comparing FY07 to FY08 in regards to applications received, as well as the following fiscal year 2008 report.

FISCAL YEAR 2008

PRELIMINARY PLATS

Type of Subdivision	# of Lots	Total Acreage in Subdivision	Remainder Acreage
Major	1624	3464.535	16.33
Minor	82	464.997	96.17
TOTAL	1706	3929.532	105.5

FINAL PLATS

Type of Subdivision	# of Lots	Total Acreage in Subdivision	Remainder Acreage
Major	603	1900.265	0
Minor	122	972.03	85.526
TOTAL	725	2872.295	85.526

DENIED PLATS

Type of Subdivision	# of Lots	Total Acreage in Subdivision	Remainder Acreage
Minor	2	5.02	0

PULLED PLATS

Type of Subdivision	# of Lots	Total Acreage in Subdivision	Remainder Acreage
Major	99	0	0
Minor	6	60.87	0
TOTAL	105	60.87	0

Discussion also included continued work being done on the Subdivision Regulations in which a public meeting will be held at FVCC.

PUBLIC HEARING: ROAD ABANDONMENT #471 (PORTION OF PARK STREET)

[9:41:39 AM](#)

Members present:

- Chairman Gary D. Hall
- Commissioner Joseph D. Brenneman
- Commissioner Dale W. Lauman

Others present:

- Assistant Mike Pence, Clerk Kile

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

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

Commissioner Brenneman made a **motion** to approve Road Abandonment #471 as recommended by the Viewer's Report. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

FINAL PLAT: ANGEL POINT MEADOWS SUBDIVISION

[9:45:06 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Planner Dianna Broadie, Planner Bailey Iott, Planner Allison Mouch, Brooke Howard, Clerk Kile

Broadie reviewed the application submitted by Calvin and Donna Murphy with technical assistance from Montana Mapping for final plat approval of Angel Point Meadows Subdivision; a subdivision creating 3 residential lots located off Hwy 93 on Angel Point Road. Preliminary plat approval was granted on September 11, 2007, subject to 17 conditions. All conditions have been met and staff recommends approval.

Commissioner Lauman made a **motion** to approve final plat of Angel Point Meadows Subdivision. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: AMEND FLATHEAD COUNTY PLANNING BOARD'S JURISDICTIONAL AREA TO INCLUDE AREA WITHIN TWO MILES OF WHITEFISH

[10:01:24 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Planner Dianna Broadie, Planner Allison Mouch, Ole Netteberg, Clerk Kile

Chairman Hall noted a courtesy letter was sent to Whitefish on June 26, 2008, in regards to today's meeting for consideration of adoption of resolution to amend Flathead County Planning Board's jurisdictional area to include the area within two miles of Whitefish. Also noted was the meeting has been posted on the Commissioners Agenda since July 1, 2008.

Commissioner Lauman thanked the Planning & Zoning Office and County Attorney's Office for their work.

Commissioner Lauman made a **motion** to approve Resolution #2027A to amend Flathead County Planning Board's jurisdictional area to include the area within two miles of Whitefish. Chairman Hall **seconded** the motion.

Commissioner Brenneman stated that he feels this is another step in the wrong direction with the City of Whitefish indicating that they were very willing to negotiate the terms which the county is concerned about in regards to representation. He then stated a proposal had been made to give the citizens in the area virtual veto power over anything that goes on in the area having to do with land use, and there is nothing that we have proposed now that can come close to that. We choose not to pursue that course of action and are at this point finding it necessary to probably commit an excess of \$100 thousand to planning with two FTE's, if we take over the lakeshore permitting process that Whitefish had planned on committing an attorney too. If we are going to have to do that we are currently into the taxpayers pocket for \$15 thousand in attorney's fees to fight this, which computes to 20 to 25 miles of dust abatement on roads that could have been done. Brenneman further added we could have addressed the issue through negotiations and come up with an interlocal agreement that would have worked for all of us. He then stated that he is strenuously opposed to allocation of taxpayer dollars in this manner.

Chairman Hall said that he disagrees in some aspects in that we tried to work things out with Whitefish and they did not work out. He further said it is in litigation and we will leave it there for now, and that the money the Whitefish donut residents and our county constituents will save while doing business with the county through this action is hard to quantify.

Jonathan Smith noted this technically won't change anything today.

Commissioner Brenneman noted that it commits the Planning Office to considerable work and also put developers and land owners in an uncertainty of how the zoning they understood exists with Whitefish translates into county, which might very well mean that some of the developers/ landowners who had anticipated a certain density with Whitefish will no longer have that option.

Aye - Hall and Lauman. **Opposed** - Brenneman. Motion carried by quorum.

RESOLUTION NO. 2027 A

WHEREAS, Flathead County is authorized and directed by Section 76-1-501., M.C.A., to establish the jurisdictional area of the Flathead County Planning Board;

WHEREAS, the Board of Commissioners of Flathead County, Montana, established the jurisdictional area of the Flathead County Planning Board as all of Flathead County outside of the City of Kalispell and outside of the jurisdictional areas of the Columbia Falls City-County Planning Board and the Whitefish City-County Planning Board, by the adoption of Resolution No. 2027 on March 15, 2005;

WHEREAS, the Board of Commissioners of Flathead County, Montana, rescinded the Interlocal Agreement by which the jurisdictional area of the Whitefish City-County Planning Board was established by adoption of Resolution No. 1783 B on March 13, 2008; and

WHEREAS, the Board of Commissioners of Flathead County, Montana, has determined that the jurisdictional area of the Flathead County Planning Board should be redefined in order that Flathead County may include the County area around of the City of Whitefish in that jurisdictional area and amend the Flathead County Growth Policy to apply in that area.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, pursuant to Section 76-1-501, M.C.A., that the jurisdictional area boundaries for the Flathead County Planning Board shall be all of that area within the boundaries of Flathead County, Montana, with the exception of the Columbia Falls City-County Planning Board's jurisdictional area and the Cities of Kalispell and Whitefish.

BE IT FURTHER RESOLVED that the maps attached hereto as Exhibits A, B and C are the official maps showing the boundaries of the jurisdictional area of the Flathead County Planning Board.

Dated this 10th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

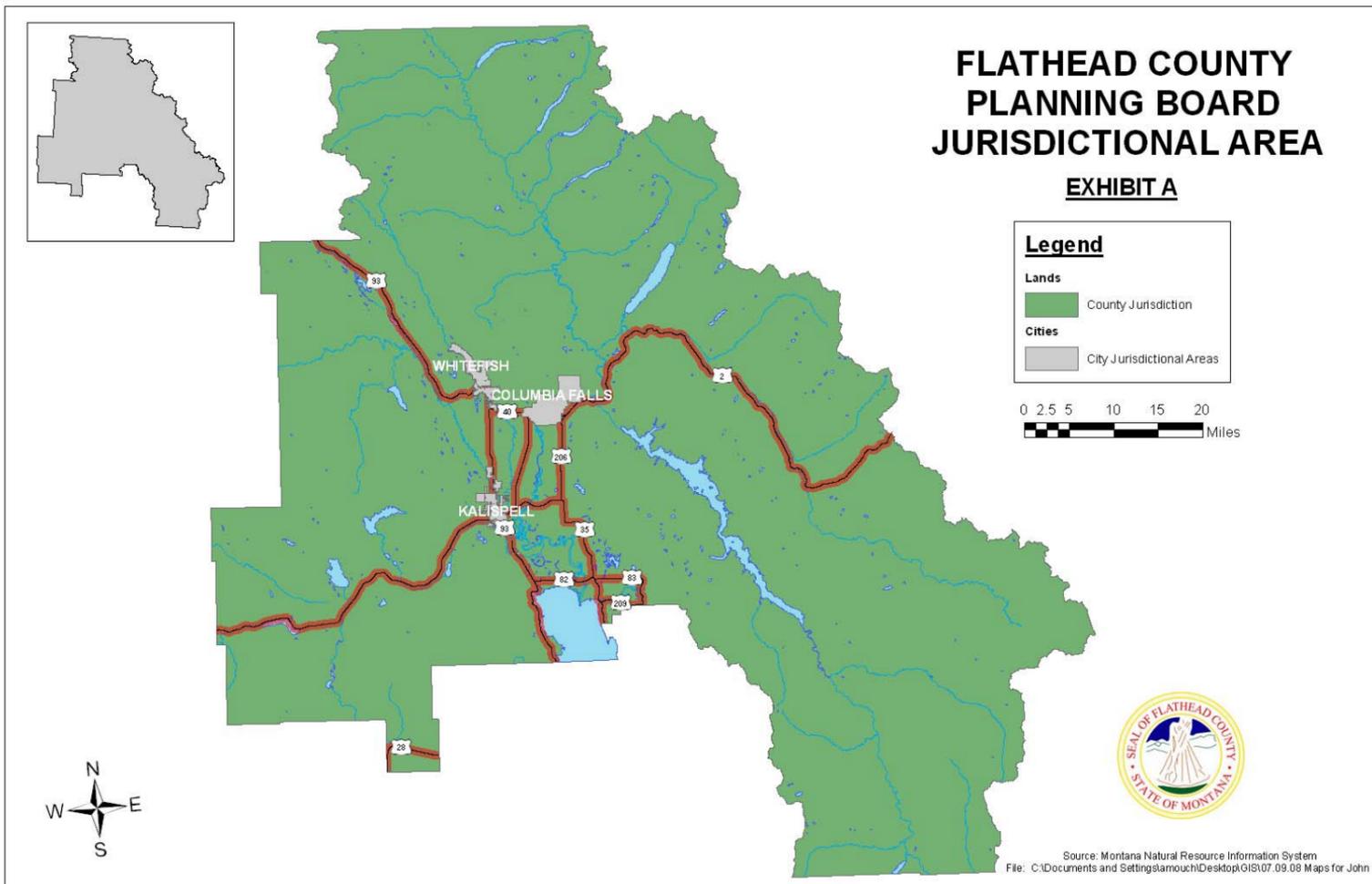
By/s/Gary D. Hall
Gary D. Hall, Chairman

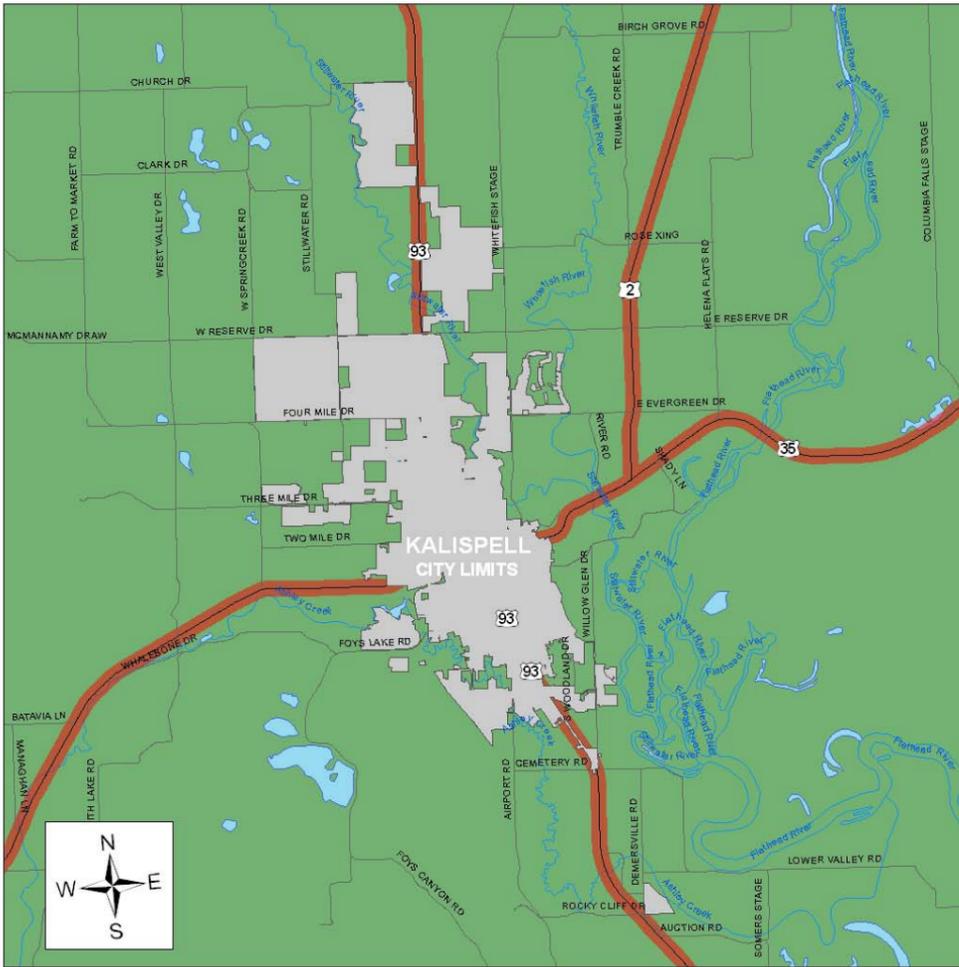
By _____
Joseph D. Brenneman, Member

By/s/Dale W. Lauman
Dale W. Lauman, Member

ATTEST:
Paula Robinson, Clerk

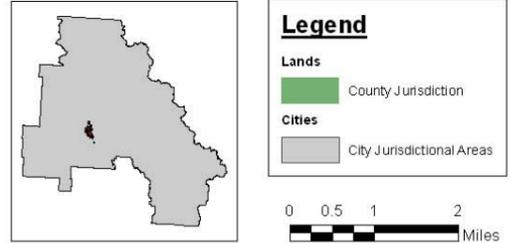
By/s/Diana Kile
Diana Kile, Deputy





FLATHEAD COUNTY PLANNING BOARD JURISDICTIONAL AREA

EXHIBIT B

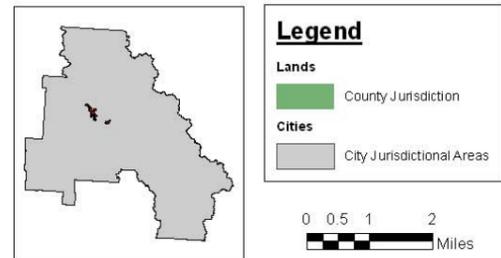


Source: Montana Natural Resource Information System
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FLATHEAD COUNTY PLANNING BOARD JURISDICTIONAL AREA

EXHIBIT C



Source: Montana Natural Resource Information System
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CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: PINNACLE ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT

[10:08:25 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Clerk Kile

Commissioner Brenneman made a **motion** to adopt Resolution # 797EU. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

RESOLUTION NO. 797 EU

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the on the 21st day of May, 2008, to consider a proposal to change the zoning designation on property in the Evergreen and Vicinity Zoning District from R-2 (One Family Limited 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 ET, dated May 21, 2008) to change the zoning designation from R-2 (One Family Limited Residential) to B-2 (General Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on May 26 and June 2, 2008, 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 as the boundaries of Lot 16B, Resubdivision Lot 16, Block 2, Bernards Park, in Section 3, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana located at 132 Barnard Road, Kalispell, containing 2.469 acres, from R-2 (One Family Limited Residential) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations.

DATED this 10th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

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

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

ATTEST:
Paula Robinson, Clerk

By/s/Dale W. Lauman
Dale W. Lauman, Member

By/s/Diana Kile
Diana Kile, Deputy

TAKE ACTION: KLONDYKE ACRES

[10:12:27 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman stated as a matter of record preliminary plat for Klondyke Acres expires on July 11, 2008, and is now a dead file; it will not go to final plat.

DOCUMENT FOR SIGNATURE: ALPINE AUCTION LEASE/ AOA

[10:27:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Deputy County Attorney Jonathan Smith, Clerk Kile

Commissioner Lauman made a **motion** to continue indefinitely the Alpine Auction lease. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

DOCUMENT FOR SIGNATURE: FLEX HIPPA FORM/ HUMAN RESOURCE OFFICE

[10:29:16 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Dale W. Lauman

Members absent:

Commissioner Joseph D. Brenneman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Lauman made a **motion** to approve the document for HIPPA and authorized the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

PRELIMINARY PLAT: REIMER FARMS

[10:30:38 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Dianna Broadie, Allison Mouch, Erica Wirtala, Richard Balas, Clerk Kile

Broadie entered into record Staff Report FSR 08-05. She then reviewed the application submitted by Jeff Glazier and Richard Balas with technical assistance from Sands Surveying for preliminary plat approval of Reimer Farms; a four lot minor subdivision on 41 acres located south of Lake Blaine Road. The lots range in size from 7.4 acres to 12.5 acres. Planning Staff recommends approval as conditioned.

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

Erica Wirtala questioned condition 16 (g) in regards to building elevations that will be changed to 2,982.

Commissioner Lauman made a **motion** to approve preliminary plat of Reimer Farms with the amendment to condition 16 (g). Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses 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 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department or the Montana Department of Transportation indicating the approach has been built and received final inspection and final approval. [Section 4.7.17, FCSR]
3. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
4. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
5. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
6. All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.17, FCSR]
7. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), FCSR]
8. 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. [Section 4.7.24, FCSR]
9. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
10. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]

- c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
- d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
- e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]

- f.

Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

_____ (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

- 12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
- 13. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
- 14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), FCSR]
- 15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 (for major subdivisions) or Section 4.2.13 (for minor subdivisions), FCSR]

PROJECT-SPECIFIC CONDITIONS

- 16. The following statements shall be placed on the face of the final plat applicable to all lots:
 - g. All drainfields shall be place above the 2990 building elevation as shown on the preliminary plat and all building pads shall be at 2982 building elevation as shown on preliminary plat.
- 17. A no build zone shall be shown on the first 10 feet from the south boundary of the southwest corner extending to the point of the interior fence line shown on the face of the preliminary plat.
- 18. A 10 foot bike/pedestrian easement shall be shown along Lake Blaine Road.

MEETING W/ FRED HODGEBOOM

[10:52:46 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Fred Hodgeboom, Clerk Kile

Fred Hodgeboom, 1125 Whispering Pines stated that he came to talk about Federal/ County coordination. He then presented a map that showed the recent fires that have started on national forest land with the result being 700,000 acres burned; approximately three times the regeneration timber harvest for the past 60 years. Hodgeboom then said Flathead County is a stakeholder in forest management and questions if the county is consulted in regards to any action taken by federal agencies. It was then stated coordination needs to be implemented between the county and federal agencies and asked that the Commission consider re-activating the Natural Resource Advisory Committee to implement County/Federal coordination.

Chairman Hall stated he would be very much in support of re-activating the committee.

MEETING W/ CLINT WHITNEY, FLATHEAD BASIN COMMISSION

[11:04:30 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clint Whitney, Clerk Kile

Clint Whitney, Chairman of Flathead Basin Commission gave a brief history of the Flathead Basin Commission which was established in 1983 to lead the effort to stop coalmine development in the Flathead River headwaters of British Columbia. Its authorizing state statute also directs the Commission among other duties to encourage economic development in the Basin consistent with protecting water quality and natural resources. Flathead County is among the Commissions' 23 members. Whitney then pointed out examples of work that directly benefit Flathead County and stated they believe it is in the County's interest to provide financial support to their work and asked that an annual appropriation of \$10,000.00 be made by the county.

PRELIMINARY PLAT: SOLBERG ACRES, RESUBDIVISION LOT 9, BLOCK 1

[11:19:42 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Alex Hogle, Brian Wood, Bob Morton, Clerk Kile

Hogle entered into record Staff Report FPP 08-05. Hogle then reviewed the application submitted by Robert Morton with technical assistance from Cache Creek Consulting and Goacher and Associates Surveying for preliminary plat approval of Solberg Acres, Resubdivision Lot 9, Block 1; a major subdivision that would create two residential lots from an existing developed lot in Solberg Acres, a previously platted subdivision. The property is located approximately three miles northeast of Kalispell on Helena Flats Road. Access to Lot 9A would be from Pheasant Drive and access to Lot 9B is from Helena Flats Road.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 08-05 as amended by the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Brian Wood questioned condition 4 that states: The proposed water, sewage treatment system and stormwater drainage system shall be reviewed as applicable by the County Health Department and approved by DEQ. He then said that because this is an existing subdivision they would be exempt from any stormwater drainage system review on their part, and asked that the condition be removed.

Hogle noted that there is a difference from state requirements and the subdivision regulations and his recommendation is to keep it in.

Commissioner Brenneman made a **motion** to approve preliminary plat of Solberg Acres, Resubdivision Lot 9, Block 1. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses 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 4.7.17(iv), FCSR]
2. The applicant shall show proof of an approved and completed approach permit from the Flathead County Road Department for the approach of Lot 9A onto Pheasant Drive, indicating the approach has been built and received final inspection. [Section 4.7.17, FCSR]
3. Utility easements shall be 10 feet wide unless otherwise specified by the utility company. These easements shall be shown on the face of the final plat. [Section 4.7.24(c), FCSR]
4. The proposed water and sewage treatment systems and storm drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Sections 4.7.21 and 4.7.22, FCSR]
5. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
6. The applicant shall provide an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved and implemented. The Weed Control Plan shall be implemented prior to final plat application. The County Weed Supervisor may charge a fee to inspect the subdivision and approve the implementation. [Section 4.7.26, FCSR]
7. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
8. The developer shall contact the Superintendent of Schools and, if required, provide and improve a location for the safe loading and unloading of students. [Section 4.7.30, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Lot owners are notified they are living in a rural area of Flathead County and delayed response times may be experienced from emergency service providers.
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler.
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
 - f.

Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

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

10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), MCA]

11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the

- subdivider prior to final approval by the County Commissioners. [Section 4.4.27, 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 4.4.23, FCSR]
 13. Preliminary plat approval is valid for three years. [Section 4.4.20, FCSR]

UNIQUE CONDITIONS

14. The following statement shall appear on the face of the final plat:

The owners of Lot 9A shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities.
15. The applicant shall delineate a 15 foot wide bicycle/pedestrian easement along Helena Flats Road (east edge of Lot 9B) on the face of the final plat.

PRELIMINARY PLAT: ROBBIN EAST SUBDIVISION

[11:35:35 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Planner Alex Hogle, Linda Robbin, Randolph Robbin, Mike Cochran, Dick Smith, Clerk Kile

Hogle entered into record Staff Report FSR 08-04. Hogle then reviewed the application submitted by Randolph and Linda Robbin with technical assistance from Smith Surveying for preliminary plat approval of Robbin East Subdivision; a two lot minor subdivision on 25.015 acres located one mile west of Hwy 35 in Bigfork. Lot 1 would be accessed from Bjork Drive and Lot 2 would have legal and physical access to Bjork Drive and Holt Drive. Both lots are proposed for single family residential use with water and sanitation services provided by Bigfork Water and Sewer District. Hogle then noted a barn that was on the property has been removed because of structural concerns and finding of fact 4 and condition 14 should be deleted.

Commissioner Lauman made a **motion** to adopt findings of fact. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to approve the variance and preliminary plat of Robbin East Subdivision as amended. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

STANDARD CONDITIONS

1. The applicant shall receive physical addresses 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 4.7.17(iv), Flathead County Subdivision Regulations (FCSR)]
2. A dust control plan shall be submitted that addresses measures to minimize construction dust and includes post-construction dust mitigation measures. [Section 4.7.14, FCSR]
3. The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. A letter from the fire chief stating that the plat meets the requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.27, FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.26, FCSR]
5. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.16(e), FCSR]
6. 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. [Section 4.7.24, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
9. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. Address numbers shall be posted at the commencement of construction and be clearly visible at all times thereafter. Numbers shall be placed in the driveway entrance and at any subsequent divergent points of access for shared driveways. All address numbers shall be displayed on a contrasting background using a minimum four-inch numeral height. [Section 4.7.27.c, FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.24, FCSR]
 - c. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.23, FCSR]
 - d. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.26, FCSR]
 - e. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - f. Waiver of Protest
Participation in Special Improvement District
[per County Resolution 503-M]

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

10. The final plat shall comply with state surveying requirements. [Section 76-3-608(b) (i), M.C.A.]
11. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27 (for major subdivisions) or Section 4.2.19 (for minor subdivisions), FCSR]
12. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), except as modified by these conditions. [Section 4.4.22 (for major subdivisions) or Section 4.2.15 (for minor subdivisions), FCSR]
13. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20 (for major subdivisions) or Section 4.2.13 (for minor subdivisions), FCSR]

CONSIDERATION OF HR TRANSMITTAL: LPN, HEALTH PROGRAM ASSISTANT AND NURSE PRACTITIONER/ HEALTH DEPT.

[11:49:29 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the HR Transmittals. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: CONTRACT AMENDMENT #08-145-0600/ EAGLE TRANSIT

[11:51:39 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, AOA Director Jim Atkinson, Clerk Kile

Commissioner Lauman made a **motion** to approve the contract amendment for Eagle Transit and authorized the Chairman to sign. Commissioner Brenneman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

DOCUMENT FOR SIGNATURE: APPLICATION FOR APPROVAL OF FIRING RANGE/ MEEHAN

[11:53:12 AM](#)

Members present:

Chairman Gary D. Hall
Commissioner Joseph D. Brenneman
Commissioner Dale W. Lauman

Others present:

Assistant Mike Pence, Clerk Kile

Commissioner Brenneman made a **motion** to approve the firing range application. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

- 12:00 p.m. Bigfork Steering Committee Public Forum @ Bethany Lutheran
- 12:00 p.m. Commissioner Brenneman: Rotary @ Hilton Garden Inn
- 1:15 p.m. Commissioner Brenneman: Meeting w/Julie Spencer/ Bigfork Water & Sewer at Lake Avenue
- 2:00 p.m. Commissioner Lauman: AOA Board meeting @ Kalispell Sr. Center
- 6:30 p.m. Commissioner Brenneman: Montana Legacy Project meeting @ Missoula County Courthouse
- 7:00 p.m. Road Advisory Committee meeting @ Solid Waste Conference Room
- 7:30 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 11, 2008.

FRIDAY, JULY 11, 2008

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

3:00 p.m. Commissioner Brenneman: Meeting w/ International Fellows @ Sliter's Park, Bigfork
6:00 p.m. Commissioner Lauman: Reception w/ International Fellows @ Flathead Lake Lodge

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on July 14, 2008.
